

24/00476/FUL

Applicant Mr Joseph Rafter

Location 14 Barry Close Radcliffe On Trent Nottinghamshire NG12 1DY

Proposal Proposed Change of use from C3 dwelling to C2 childrens residential care home

Ward Radcliffe On Trent

THE SITE AND SURROUNDINGS

Details of the application can be found [here](#).

1. This application relates to a modern two storey detached four bedroom dwelling located on the eastern side of Barry Close, a cul de sac, close to its junction with Flower Avenue and within the Princes Place residential development off Shelford Road Radcliffe on Trent.
2. The site is currently served by 2 no. off street parking spaces and a detached garage (part converted to playroom) and an enclosed rear garden. The site is adjoined by the side and rear gardens of the immediately adjoining detached properties on Barry Close, Flower Avenue and Hallam Drive.

DETAILS OF THE PROPOSAL

3. The Full planning permission is sought for the change of use of the existing dwelling from Use Class C3 to a children's home (Use Class C2).
4. The application has been accompanied by the following management plan details:-
 - The proposed children's home would be Ofsted registered providing 1:1 care for up to 2 no. children with emotional and behavioural difficulties aged between 8 and 17 years old. All referrals would be from Local Authorities
 - Additional information has been deposited which outlines that there would be 2 no. staff carers working a 24 hour shift; 16 hours awake and 8 hours sleeping from 11pm to 7am. The total shift times will be 10 am to 10am. Therefore, change over times will occur between 10am to 10.30am
 - An off site manager would be present between 09.00 and 16.00 up to two times a week
 - Professional visitors would need to book their visits in advance: Social

workers would visit the children once every six weeks. Meetings with other stakeholders and case reviews would be carried out remotely using Teams etc – face to face meetings would likely to be carried out at the head office premises

- The organisation would generally focus' on children who are taken into care as a result of neglect/abuse, mental health, ASD and/or children who can't live within larger groups
 - Internal/external doors would have locks on and bedroom doors have alarms so that staff are aware if a child has left their room. The applicant has also confirmed that dusk to dawn external lighting and CCTV would be installed and a secure bicycle shelter would be provided
 - The manager would communicate with local residents prior to the home being brought into use and provide their contact details and would be responsible for integrating into the local community which includes building relationships, contributing to neighbourhood groups/meetings and liaising with the local parish council.
5. No external alterations to the building are proposed.
6. A block plan has been deposited which shows 2 no. off street parking spaces plus a garage to be provided at the site.

SITE HISTORY

7. 23/02278/CLUPRD – A Certificate of Lawfulness was refused in February 2024 for the change of use of the residential dwelling to care for children by care workers as the proposal would result in a material change of use.

REPRESENTATIONS

Ward Councillor(s)

8. One Ward Councillor (Cllr Brennan) – whilst not objecting in principle, concerns are raised with regards to the location of dwelling in a fairly narrow cul de sac, on a bend and with limited off street parking and the impact of increased traffic and limited parking arrangements. Assurances would be required that the proposal will not generate parking issues that would adversely affect safety and access for neighbouring properties.
9. One Ward Councillor (Cllr Upton) – the general principle of children's homes in the community is supported. However, they should be carefully planned and in the right location. Concerns are raised with regards to the proposed change of use from residential to business use – there appears to be an agreement that purchasers of properties on this estate not to operate a business from their properties. If granted this could set a precedent for other business changes of use proposals.

Highway safety and impact on the community concerns are raised given that Barry Close is a relatively narrow cul de sac with limited on street parking. The application site is on a bend and only has 2 no. tandem parking spaces

on the drive. Concerns are raised with shift working, impact of visitor parking and increased traffic. Objections are therefore raised.

Town/Parish Council

10. Radcliffe on Trent Parish Council – no objections.

Statutory and Other Consultees

11. The Highway Authority (Nottinghamshire County Council) Barry Close is a private road and not an adopted highway. The number of trips to be generated by the change of use is not going to be significantly different from the current use. The residential care home proposes 2 number of staff and 2 number of children at any one time. It is therefore not anticipated there will be significant highway implication to the change of use. Based on the information submitted, no objections are raised to the proposal.
12. The Borough Council's Environmental Health Officer raises no objections on environmental health grounds.
13. Nottinghamshire Police: Designing Out Crime Officer – initial comments requested a management plan outlining mitigation measures to prevent risk to children to include details of how the premises will be operated, managed and what conflict resolution procedures are in place for issue that may affect the local neighbourhood. The application should also achieve the Secured by Design accreditation to ensure it meets the required security standards for a property of this type and intended use.
14. Following a review of the management details and the additional management statement confirmation has been received that these are very comprehensive and cover the points previously raised.

Local Residents and the General Public

15. Representations have been received from 31 properties with some properties expressing concerns on several occasions throughout the application process. Three letters have been received without addresses. Comments have been summarised as follows:
 - a. It is accepted that the applicants have great intentions and do good work
 - b. This is a 100% residential area which has a lot of young children, is not suitable for this type of residential accommodation for young people with behavioural problems and raises community safety issues. Homeowners have chosen the area due to the calm and quiet nature of the village and estate
 - c. The proposed use would be out of character with the area
 - d. The site is adjoined by 6 other dwellings Impact on amenity and quality of life by virtue of loss of privacy, increased noise, smell, waste, levels and types of activity and anti-social behaviour
 - e. The supporting statement states that children will have restriction on their liberties which raises concern with anti-social behaviour
 - f. The property would be occupied by older children due to the failed care system
 - g. The use would exacerbate existing issues with anti-social behaviour from

- social houses
- h. The plot and garden are not large and not suitable for a children's home for vulnerable people
 - i. The proposal would result in increased traffic and on street parking raising highway and pedestrian safety issues - There are only 2 no. parking spaces and with 4 staff cars will have to park on the street impacting on local residents particularly at peak times for staff change overs - the applicant has done nothing to reduce the need for on street parking
 - j. The proposal would change the use from a family dwelling to a commercial business property - There is a clause in the deeds of the estate stating that properties can only be used for residential purposes the proposed use is as a business
 - k. The submitted statement states that property will house 2 no. children but the plans show three bedrooms leading to confusion as to the intention of future use /expansion and will more staff be needed
 - l. Lack of CCTV provision raises security issues
 - m. 1:1 staff ratio is insufficient to support vulnerable young people – this could lead increased potential for anti social behaviour at night and during staff breaks
 - n. Has a risk assessment been undertaken – local amenities are circa 1 mile and 25 min walk away and the bus service only runs hourly from the estate. There is still heavy construction traffic through the estate. There are no facilities on the estate
 - o. It is unclear what the converted garage will be used for – there is no therapy space or on-site education space provided
 - p. The business plan submitted with the application refers to failures at other sites but there are specifics of what these were
 - q. It is unclear who will be responsible for the property or if there are issues with local residents
 - r. The proposed use would impact on the housing market and lead to the devaluation of properties
 - s. The opening times have not been specified
 - t. There has been a lack openness, consultation and communication
 - u. One representation has been received which did not object subject to there being no additional allocated parking spaces, the proposal is in keeping with the character of the area, there is no risk of flood risk and the development is not extended to provide additional facilities.

Full comments can be found [here](#)

PLANNING POLICY

16. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2) and the Radcliffe on Trent Neighbourhood Plan. Other material considerations include the National Planning Policy Framework (NPPF)(December 2023) and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

17. The relevant policy considerations in the NPPF are:
 - Chapter 2 (Achieving sustainable development)

- Chapter 8 (Promoting healthy and safe communities)
- Chapter 9 (Promoting Sustainable transport)
- Chapter 12 (Achieving well designed and beautiful places).

Full details of the NPPF can be found [here](#).

18. On the 23rd May 2023 the Housing Minister issued a written statement on planning for accommodation for looked after children. This statement sets out that the planning system should not be a barrier to providing homes for the most vulnerable children in society. The purpose is to remind local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area. The full statement can be found [here](#).

Relevant Local Planning Policies and Guidance

19. The relevant policies in the Local Plan Part 1: Core Strategy:-

- Policy 1 (Presumption in Favour of Sustainable Development)
- Policy 10 (Design and Enhancing Local Identity)
- Policy 12 (Local Services and Healthy Lifestyles).

20. Policies in the Local Plan Part 2: Land and Planning Policies:-

- Policy 1 (Development Requirements)
- Policy 14 (Specialist Residential Accommodation).

21. The full text of the policies in the LPP1 and LPP2, together with the supporting text, and the Residential Design Guide can be found in the Local Plan documents on the Council's website at: [Planning Policy - Rushcliffe Borough Council](#). There are no directly relevant policies within the Radcliffe on Trent Neighbourhood Plan.

Other Legislation

22. Children's Homes (England) regulations 2015. These regulations include Quality Standards which set out the aspirational and positive outcomes that they are expected to achieve. They also set out the underpinning requirements that homes must meet in order to achieve those overarching outcomes. Ofsted is the registration authority of children homes and as registration authority regulates and inspects childrens homes.

APPRAISAL

23. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

24. The main issues in the consideration of the application are the principle of development, impact on the character and appearance of the area; residential amenity and living conditions and highway safety and parking.

Principle of development

25. The overarching Policy 1 in the Local Plan Part 1: Core Strategy reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF. Policy 12 of LPP1 sub paragraph e) sets out that new community facilities should be in locations accessible by a range of sustainable transport modes.
26. Paragraph 92 of the NPPF (2023) states: "*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which a) promote social interaction....and b) are safe and accessible...and c) enable and support healthy lifestyles...*".
27. Policy 14 (Specialist Residential Accommodation) of the Local Plan Part 2: Land and Planning Policies sets out that planning permission will be granted for specialist accommodation that falls within use class C2 (Residential Institutions) of the Use Class Order. Of relevance to the principle of this application this is provided that:
- a) the proposal is located in an existing residential area, close to good public transport routes, shops, community facilities and open space appropriate to the needs of the occupiers;*
- b) the proposal does not result in an overconcentration of similar uses in any one area leading to a significant adverse impact on the character of the area.....*
28. The application site falls within Princes Place a modern residential development located to the eastern side of Shelford Road which is still be built out. At present there are no specific services or facilities within the development however the site is within a reasonable distance of a bus stop on Shelford Road with an hourly service to main town centres and the railway station. There are wide range of services and facilities within Radcliffe on Trent Centre circa 1.6km to the southwest. The proposal would also not result in an over concentration of similar uses in the area.
29. Taking the above into account, it is considered that the site is in a sustainable location and as such the principle of the proposal meets the criteria set out in the Chapter 12 of the NPPF (2023) and Policy 12 of LPP1 and Policy 14 of the Local Plan Part 2: Land and Planning Policies.

Impact on the character and appearance of the area

30. Policy 10 of the LPP1 requires development to reinforce local characteristics. Policy 1 of LPP2 provides that development should be sympathetic to the character and appearance of the neighbouring buildings and surrounding area, and not result in an overintensive form of development. Chapter 12 of the NPPF reflects this.

31. No internal or external alterations are proposed to the existing dwelling which would remain as a residential dwelling in terms of its appearance. There is a driveway to the front/side of the dwelling served by a dropped kerb which provides off street parking provision and leads to a detached garage building.
32. Given the number of children and staff present at the site on a daily basis it is not considered that the level of activity and comings and goings to the site would be significantly different to that which would be expected from a typical family residing at the property.
33. Taking the above into account it is therefore considered that the proposed use would not result in harm to the character of the area or visual harm to the character and appearance of the existing property, the immediate streetscene or the wider setting and is in accordance with Policy 10 of the Local Plan Part 1 Core Strategy and Policy 1 of the Local Plan Part 2, Land and Planning Policies documents and Chapter 12 of the NPPF (2023).

Residential amenity and living conditions

34. Policy 10 of LPP1 and Policy 1 of LPP2 requires that new development proposals be assessed in terms of their impact on the amenity of occupiers of proposed development and nearby residents. Policy 14 of LPP2 requires new residential institutions to provide a satisfactory residential environment for the benefit of the intended occupants without detriment to the amenity of nearby dwellings.
35. Third party comments have been received with regards to impact on residential amenity and anti-social behaviour.
36. The property would accommodate up to two children with two trained staff providing 1:1 care working a 24-hour shift. In terms of required staff breaks this would not fall within the remit of planning legislation. Shift changes would take place once a day between 10am and 10.30am. It has been confirmed that there would be a manager on site up to twice a week and visits every six weeks from social workers. The property would be Ofsted regulated and subject to Children's Home regulations.
37. Given the number of children and staff resident at the property the level of activity and shift changes would again not be considered to be such that it would be significantly different to that which would be expected from a typical family residing at the property and would not result in significant adverse impact on neighbouring amenity. Environmental Health officers as technical advisors have assessed the details of the proposal and have raised no concerns.
38. Furthermore, there are no extensions or alterations to the appearance of the building proposed. Overall, it is considered that no significant loss of amenity through overlooking, or loss of privacy would result above and beyond the existing relationship and the site's established use as a residential property. Waste disposal would be as existing for the residential property given the number of residents.
39. The property is a four-bedroom family dwelling and as such it is considered that there is appropriate levels of amenity space to accommodate two

children and their carers. Similarly, there are four bedrooms to provide each child and the two carers with accommodation as confirmed by the updated floor plans dated 21st June 2024 together with the shared communal facilities.

40. Comments have been received raising concern with regards to potential anti-social behaviour including when staff are taking breaks and at night that could impact on the amenity of neighbouring properties and the area. The applicant has confirmed that the carers would take breaks - when the children are at school, when the manager is on site or when it has been risk assessed that it is appropriate to leave the two children with one staff member for a short period of time. The owner of the children's home would also carry out and keep updated location and child risk assessments.
41. The Police Authority have been consulted and reviewed the application documents. The applicant has confirmed that Secure by Design Principles would be followed and that CCTV and dusk until dawn security lighting will be provided at the site. From the submitted details of the management and policies documents which the Police Authority consider to be comprehensive the Police Authority have raised no concerns or objections to the proposal. The manager of care home would establish a proactive working relationship with the Police Authority.
42. Notwithstanding this it is not the role of the planning system to dictate how the property would be managed. The property would be Ofsted registered. It is considered that the operation and management of the proposed children home is controlled through other legalisation. It is a matter for the owner and the appropriate authority to regulate care facilities. The control of the planning system in this scenario is to consider whether the potential impact on amenity would be harmful.
43. Third party representations have also raised concern with regards to the children to be placed in the property. There is nothing in local or national planning policy that indicates the proposal, based solely on the demographic of the children who would occupy the property is unacceptable and as such a refusal on these grounds would be unlikely to be sustained at appeal.
44. For the reasons set out above it is not considered that the proposal would result in significant harm to the amenity of neighbouring properties or the wider area. The proposal therefore accords with and Policy 10 of the Local Plan Part 1 Core Strategy and Policy 1 and Policy 14 of the Local Plan Part 2, Land and Planning Policies documents and Chapter 12 of the NPPF (2023).

Highway safety and parking

45. Policy 1 of LPP2 sets out that planning permission for changes of use will be granted where a suitable means of access can be provided without detriment to the amenity of adjacent properties or highway safety. Sub paragraph e) of Policy 14 of LPP2 requires that specialist residential accommodation development should not have no significant adverse impact on highway safety and adequate provision for access and parking is made.
46. Chapter 9 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.

47. A number of concerns have been raised with regards to increased traffic, insufficient off street parking provision and highway and pedestrian safety issues.
48. The Highway Authority as the LPA's qualified technical advisors on highway safety and parking matters have been consulted and have reviewed the submitted documents and plans. It is considered that the number of trips to be generated by the change of use is not going to be significantly different from the current use. The application proposes 2 members of staff and 2 children at any one time. It is therefore not anticipated there will be significant highway implications to the change of use. As such the Highway Authority has raised no objections to the proposal have raised no objections in terms of highway or pedestrian safety.
49. Whilst the proposal may increase some journeys to and from the site it is not considered that this would be so significant or so different to vehicles accessing and leaving a conventional family dwelling or be of a level so as to justify a refusal of planning permission.
50. As a four-bedroom dwelling there would be a requirement for 3 no. off street parking spaces. The existing garage has been partly converted to a playroom. This would decrease the number of available off street parking spaces to two. The applicant has confirmed that the garage would be converted back to a garage to provide a third parking space. To meet these requirements. From my site visit there are no on street parking restrictions in the vicinity of the site.
51. The proposal therefore raises no highway safety or parking issues and is in accordance with Policy 1 and Policy 14 of the Local Plan Part 2, Land and Planning Policies document and Chapter 9 of the NPPF (2023).

Other Matters

52. Comments have been received with regards to the use of the garage and lack of education or therapy rooms – as noted above the garage would revert back to a garage space to provide an off street parking space. The agent has confirmed that therapy sessions are carried out off site and the local authority will identify a suitable off site education provision for them to attend during normal school hours.
53. Concerns have been raised with regards to the management of the property itself and communication with local residents. This would be the responsibility of the management company.
54. Concern raised with regards to devaluation of properties is not a material planning consideration.
55. No opening times have been specified in the application. This would not be required as this would be a residence for children with 24 hour care.

56. Comments have been received that there is a clause in deeds and covenants of properties within the residential estate that prevents any commercial or business being operated from the dwellings. This would not be a material planning consideration but would be a separate legal matter and any grant of planning permission would not override any private covenants that may affect the use.
57. Comments have also been raised that the business plan submitted with the application refers to failures at other sites but there are no specifics of what these were. The business plan refers to the wider portfolio of children's homes. This application has to be assessed on the sites individual circumstances, the submitted documents and the outcome of consultation. Any such issues would be covered by the management plan procedures.
58. Objections have also claimed that members of the public were not properly consulted. Letters were sent to the residents of directly adjoining neighbours, as required by The Town and Country Planning (Development Management Procedure) Order 2015. A site notice was also displayed close to the site for 21 days to publicise the application more widely. In terms of additional information that has been deposited this has been sought solely for clarification of details.

Conclusion

59. For the reasons set out above it is considered that the principle of the change of use of this existing residential property to a care home for up to two children is acceptable in line with local and national policy. There are no external alterations proposed. The proposal would not adversely impact upon the amenity of neighbouring properties and Highway safety would be maintained. Overall, the proposal would comply with the relevant local and national policy and guidance and on that basis a favourable recommendation is put forward.
60. The application was not subject to pre application advice. Matters that required clarification and additional information have been sought through the consideration of the application which has resulted in the recommendation to the Planning Committee.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. **The development must be begun not later than the expiration of three years beginning with the date of this permission.**

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004]

2. **The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:**

Deposited on the 22nd March 202
Site Location Plan; and

Proposed Floor Plans deposited on the 21st June 2024.

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

- 3. The children's home hereby approved shall not be occupied at any one time by more than two resident young people between the ages of 8 years -17 years of age and shall be operated in accordance with management plan details deposited on the 22nd March 2024 and the details set out in additional correspondence dated 16th May 2024, 17th June 2024 and 21st June 2024.**

[For the avoidance of doubt. This permission has been granted solely on the basis of the management details submitted with the application.]

- 4. The development hereby permitted must not be occupied or first brought into use until the existing garage has been reinstated to a garage to provide an off street parking space to serve the property. The garage shall thereafter be retained as such in perpetuity unless specifically otherwise agreed in writing by the Local Planning Authority.**

[In the interests of highway safety and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Section 9 of the NPPF (2023)].

- 5. Prior to the children's home hereby approved being first brought into use or occupied precise details of external lighting and CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. These shall be installed in complete accordance with the approved details and shall be retained and maintained for the lifetime of the development.**

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

- 6. Prior to the children's home hereby approved being first brought into use or occupied precise details of a bicycle store shall be submitted to and approved in writing by the Local Planning Authority. This shall be retained for the lifetime of the development.**

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the property to which this permission relates must only be used for the purposes of a Use Class C2 (Children's Home) and for no other purpose whatsoever within Use Class C2 (Residential Institutions) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any Statutory Instrument revoking and/or re-enacting that Order**

with or without modification) without express planning permission from the Local Authority.

[In order that the Local Planning Authority may retain control over any future use the property due its particular character and location, having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

Note-

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

It is understood that there may be a covenant on this property which could prevent the use/development authorised by this permission. You are reminded that this decision relates to planning law only and does not override the terms of any covenant.

You are reminded of the need to ensure other regulations are satisfied prior to the use hereby permitted being implemented.