



# Planning Committee 2024

<b>APPLICATION NUMBER</b>		24/00526/FUL	
<b>SITE ADDRESS:</b>		Jasmine Cottage, Longford Lane, Sutton On The Hill, Derbyshire DE6 5JB	
<b>DESCRIPTION OF DEVELOPMENT</b>		Planning permission is sought for the change of use of the existing dwellinghouse (C3a) into a children's home (C2).	
<b>CASE OFFICER</b>	Edward Vaudin	<b>APPLICANT</b>	Sandeep Manaktala
<b>PARISH/TOWN</b>	Longford	<b>AGENT</b>	Adrian Rose
<b>WARD MEMBER(S)</b>	Cllr Geoff Bond	<b>DETERMINATION TARGET</b>	15 <sup>th</sup> August 2024
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Five or more unresolved objections	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"><li>- Principle of development</li><li>- Impact on the character and appearance of the area</li><li>- Impact on neighbour amenity</li><li>- Fear of crime and anti-social behaviour</li><li>- Parking and highways</li></ul>

<b>RECOMMENDATION</b>
That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to conditions detailed in section 8.

## **1.0 THE SITE AND SURROUNDINGS**

- 1.1 Jasmine Cottage is an existing four-bedroom detached dwelling on Longford Lane in Sutton on the Hill. The site is bounded to the north, east and south by agricultural land and to the west by Longford Lane.
- 1.2 The site has a public right of way running through it. The site is within the open countryside – outside of any defined settlement boundary within the Local Plan.

## **2.0 DETAILS OF THE APPLICATION**

- 2.1 Planning permission is sought for the change of use of the existing dwellinghouse (Use Class C3a) into a children's home (C2).
- 2.2 The proposed children's home is intended to be registered to house two children with emotional / behavioural needs and learning difficulties. The children will live at the property long term and would have staff on site employed on a rota basis to provide parental support.
- 2.3 The proposal does not include any external changes to the dwelling or the application site as a whole.

## **3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

### **3.1 Adopted Derbyshire Dales Local Plan 2017**

- S1 Sustainable Development Principles
- S4 Development in the Countryside
- PD1 Design and Place Making
- PD5 Landscape Character
- HC11 Housing Mix and Type
- HC19 Accessibility and Transport
- HC21 Car Parking Standards

### **3.2 Other**

- National Planning Policy Framework (NPPF) (December 2023)
- National Planning Practice Guide (NPPG)
- DCC Children in Care Placement Sufficiency Strategy 2017-21

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 There is no planning history of the site that is relevant to this application.

## **5.0 CONSULTATION RESPONSES**

### Peak & Northern Footpaths Society

No objection in principle. Applicant must ensure the Osleston & Thurvaston Footpath 14 remains unobstructed for its entirety. Suggest diverting the path to reduce impact on privacy.

### Ramblers Derbyshire Dales District Group

No formal response.

### DCC Highways

No objection subject to conditions on providing the access, parking and turning facilities in line with the approved drawing. An informative should be attached reminding the Applicant of the public right of way and its requirements.

### DCC Public Rights of Way

Objection as Public Right of Way appears to be obstructed by parking bay no. 4. Applicant must ensure the Osleston & Thurstaston Footpath 14 remains unobstructed for its entirety and may require a diversion.

### Longford Parish Council

The site is in a very rural location with very limited amenity and population inappropriate for children and staff which could lead to a sense of confinement, frustration and even anti-social behaviour.

The site is located on a narrow, fast-moving road with no pedestrian infrastructure and no public transport facilities.

Concerns raised regarding work practices/employee wellbeing at Blue Mountain Homes.

The footpath that runs through the property has to be retained and unimpeded.

## **6.0 REPRESENTATIONS RECEIVED**

6.1 13 letters of objection were received from interested parties. The issues raised in these letters are summarised as follows:

<b>Issue</b>	<b>Officer's response</b>
Insufficient access to amenities/services	See section on Principle of Development
Lack of justification for countryside location.	See section on Principle of Development
Lack of access to public transport	See sections on Principle of Development and Parking and Highways
Insufficient parking on site	See section on Parking and Highways
The children would not be safe in proximity to the highway	See section on Parking and Highways
Increase in noise	See section on Neighbour Amenity
Increase in criminal and anti-social behaviour	See section on Fear of Crime / Anti-social Behaviour
Care home industry has high turnover of staff / poor employee wellbeing	Not a material consideration
A public footpath crosses the site	Noted, however it is not considered that the proposed development would result in any impact on the public right of way.
Development could create excessive use of waste water	It is not considered that the proposed development would result in any material impact on the levels of waste water from this site.
Application form failed to note trees, hedges and correct sewer arrangement on site	Noted, however it is not considered materially relevant to the nature of this proposal.
Council previously refused an application on this site	Noted, however the application the District Council previously considered was for a new dwellinghouse which was subject to a materially different assessment.

6.2 A letter of support was provided by Derbyshire County Council's Children's Services department.

## 7.0 OFFICER APPRAISAL

### Principle of development

- 7.1 The site is located within the open countryside, however, the proposal relates to changing an existing residential use to a registered care home which would not result in any inherent harm to the countryside and thus is acceptable in principle, subject to compliance with other relevant policies in the Local Plan.
- 7.2 Policy HC11 states that schemes that provide registered care accommodation will be supported provided that the type of provision meets identified District needs. Derbyshire County Council's Children in Care Placement Sufficiency Strategy 2017-21 sets out the needs for additional residential accommodation for children in care. Furthermore, Derbyshire County Council's Placement Sufficiency Statement (2022-2025) indicates that the Council expects difficulties in meeting the demand for residential care with support for children with emotional/behavioural needs and mental health problems being an 'ongoing concern.' The number of children in care has been consistently rising, demonstrating an identified need for additional children's homes.
- 7.3 Paragraph 4.28 of the Local Plan states that applications for development within the countryside will be required to submit evidence to justify why such a location is required. The submission should include an indication of the alternative options that have been considered and an explanation as to why the countryside location is the preferable choice.
- 7.4 The application does not set out why this specific location was picked for the proposed children's home and there is no evidence put forward to demonstrate that alternative locations were considered. It is acknowledged that the proposal subsequently fails to address the requirements of this paragraph in the Local Plan.
- 7.5 It should however be acknowledged that the existing dwelling can lawfully be used as such in the absence of this application. As it stands, children could live in the dwelling as existing and a family unit could operate in the dwelling in a functionally similar way to the proposed children's home. On that basis, it is considered that the need for alternative settlement locations to be considered is outweighed by the minimal planning difference between the current and proposed uses of the site such that it would not warrant a reason for refusing the application.
- 7.6 The Local Plan does not include any detailed requirements specifically for the siting of children's homes beyond demonstrating a District-level need. It is noted that several objections have raised concerns that the location is too isolated for children, particularly those with emotional and/or learning difficulties or otherwise, to have access to the amenities they may require for a healthy upbringing.
- 7.7 Children's homes have to be registered with OFSTED before they can be opened for use, indeed it is an offence under the Care Standards Act 2000 to run a children's home without the appropriate registration. OFSTED have to be satisfied that the legal requirements of a range of regulations have been satisfied including the Care Standards Act 2000; The Care Standards Act 2000 (Registration)(England) Regulations 2010; and, The Children's Homes (England) Regulations 2015. Those seeking to register a children's home are required to take account of the Department for Education's Guide to Children's Home Regulations including the quality standards (April, 2015)

- 7.8 Paragraph 3.23 of the guidance sets out that the home should be located in an area that supports children's safety, well-being and personal development. The location of the home should support its aims, objectives and ethos, as described in the Statement of Purpose.
- 7.9 It is therefore evident that there are other elements of legislation that will dictate whether the location of a proposed children's home is appropriate. Reviews of the appropriateness of a particular location are also carried out on a per child basis.
- 7.10 Overall, it is considered that the proposed development is not in conflict with policies S4 and HC11 of the adopted Local Plan. Furthermore, concerns regarding the suitability of the location to accommodate children with emotional/behavioural and/or learning difficulties is sufficiently covered by separate legislation which would require OFSTED to be satisfied that the location is appropriate on a case-by-case basis.

#### Character and appearance

- 7.11 Policy PD1 seeks to ensure that any development is of a high-quality design that respects the character, identity and context of the Derbyshire Dales landscapes. This is supported by Policy PD5 which seeks to protect, enhance and restore the landscape character of the Plan area.
- 7.12 The proposal does not include any significant changes in the external appearance of the building. The proposal does include replacing the existing garage door with two windows which is not considered to amount to a material change to the external appearance of the building.
- 7.13 It is noted that there would likely be a small increase in anticipated number of vehicle movements associated with the site, however this is not considered to result in any substantial deviation from the character of the lawful use of the site as a dwelling.
- 7.14 Overall, it is not considered that the proposed change of use would have any adverse impact on the character of the surrounding area or landscape.

#### Impact on neighbour amenity

- 7.15 The site is well-distanced from other neighbouring dwellings and the proposals do not include any changes which would have any impact on the level of daylight, privacy or outlook afforded to neighbouring properties.
- 7.16 Concerns have been raised regarding increases on noise due increased transient movements of staff and visitors. Considering the building is at least 150m away from neighbouring properties, it is unlikely that there would be any material increase in noise experienced by surrounding properties. In any case, the level of vehicle movements is not considered to be significantly over and above the lawful use of the existing dwellinghouse.

#### Fear of crime / anti-social behaviour

- 7.17 Objections have been raised over concerns of anti-social behaviour. Policy PD1 of the Local Plan requires in part that developments are designed to minimise opportunities for anti-social or criminal behaviour and promote safe living environments.
- 7.18 In this case, the proposal seeks to change the use of an existing dwellinghouse into a children's home. Given that this proposal consists of a conversion, matters such as the design of the building in designing out crime are not considered appropriate for consideration here. However, whether the introduction of a children's home at this location would result in a material increase in criminal or anti-social behaviour remains a material consideration.

- 7.19 The differences in how the children's home would operate when compared to a typical dwellinghouse are primarily in relation to the transient nature of staff employed on a rota basis. It should be borne in mind however that it would be within the bounds of the lawful use of a dwellinghouse to have carers operating in shifts for various reasons including to care for elderly or disabled persons or similar.
- 7.20 There are similar concerns regarding the company proposed to operate the children's home, however the reputation of the company is not a material consideration and the change of use would not be tied to any particular children's home operator.
- 7.21 Overall, it is not considered that any material increase in crime or anti-social behaviour is inherently tied to the proposed use of the building. When comparing the proposed use to the existing lawful use as a dwellinghouse, it is not considered that there would be a material increase in crime or anti-social behaviour.

### Parking and highways

- 7.22 Paragraph 115 of the NPPF states 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.
- 7.23 Policy HC21 of the adopted Local Plan states that vehicular parking for new development should be provided having regard to adopted standards, as set out in Appendix 2 of the Local Plan.
- 7.24 Whilst four car parking spaces were originally proposed for allocation, objections were raised regarding potential obstruction of a public right of way. On that basis, one of the spaces was removed resulting in a total of three proposed spaces.
- 7.25 The Local Plan does not have specific standards for residential institutions; however, it does specify that four-bedroom dwellings in rural areas should have three spaces. It is noted that there may be up to four members of staff proposed to be working during the weekday working hours. Whilst only three spaces are formally allocated, there is sufficient space on site for an additional vehicle to park, entering and exiting the site in a forward gear. In any case, the parking arrangements proposed are not considered to give rise to any unacceptable impact on highway safety or severe residual cumulative impact on the road network.
- 7.26 The Local Highway Authority have determined that the proposal would not result in any significant impact on the existing conditions and have therefore put forward no objections on highway grounds. It is noted that the number of formal car parking spaces has been reduced by one, however, this is not considered to give rise to any severe impacts on the road network.
- 7.27 Policy HC19 the Local Plan addresses the need to ensure development can be safely accessed in a sustainable manner. It is acknowledged that this site is in a rural location and lacks easy access to public transport, meaning there would be a likely reliance on private cars for staff members. Notwithstanding, in lieu of the proposed change of use taking place, the site can lawfully be used as a dwellinghouse which would have a similar, albeit typically slightly lower, level of activity. On this basis, it would not be reasonable to substantiate a reason for refusal on the grounds of lack of sufficient access to public transport.
- 7.28 Overall, it is considered that the proposed change of use would not have any significant impact on highway safety, nor would it result in any severe impact on the local highway network.

7.29 It is noted that a public right of way runs through the application site. It is noted that parking space no. 4 was proposed to be located overlapping Osleston & Thurvaston Footpath 14. The Applicant has subsequently revised the block plan to remove this car parking space such that the public footpath would remain unobstructed. In any case, the statutory protections afforded to this right of way would remain in place.

## 8.0 RECOMMENDATION

8.1 That the Committee delegate the Development Manager or Principle Planning Officer to grant planning permission for the proposed development subject to the following conditions:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following plans:  
Site Location Plan  
4101 - 02 Rev B - Block Plan  
4101-01 Rev B - Plans and elevations

Reason:

For the avoidance of doubt and to establish the scope of the permission granted.

3. The development hereby approved shall not be occupied until car parking has been provided in line with the approved plans.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

## 9.0 NOTES TO APPLICANT

The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

There is a public right of way running through the site, the applicant may be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase, then they must apply to the PROW department at [www.derbyshire.gov.uk/leisure/countryside/access/rights-of-way/faqs/frequently-asked-questions-faqs.aspx](http://www.derbyshire.gov.uk/leisure/countryside/access/rights-of-way/faqs/frequently-asked-questions-faqs.aspx) to arrange a temporary closure of the right of way for the duration of any works. We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic. The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.