

## PLANNING COMMITTEE – 3<sup>rd</sup> December 2024

Reference Number: 24/00810/FL

Application expiry: 18/09/2024

Application Type: FULL

**Proposal Description:** Proposed change of use from dwelling (C3) to a children's residential care home (C2) for ages 6-15 (Amended Title)

**At:** 8 Station Road, Pilsley, Chesterfield, S45 8BA

**For:** Mr Joseph Stone

**Third Party Reps:** 1 objection; 2 general comments.

**Parish:** Pilsley

**Ward:** Pilsley and Morton

**Report Author:** Alice Lockett

**Date of Report:** 8 November 2024

**MAIN RECOMMENDATION:** Grant permission, subject to conditions

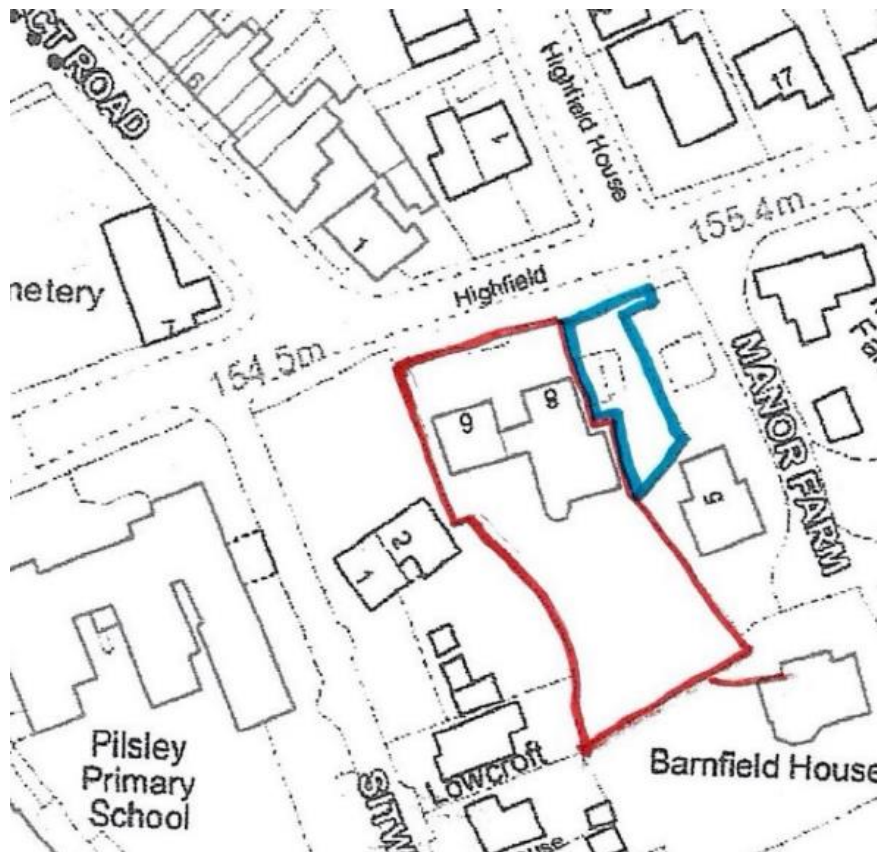


Figure 1: Location plan, with site edged in red

## **1.0 Reason for Report**

- 1.1 Cllr Gillott requested that the application be considered and determined at Planning Committee on behalf of himself and Cllr Cooper for the following reasons:
- such a change of use as is being sought is likely to attract community interest and comment and, consequently, is best determined in public where the debate and decision-making process can be seen and oral comments made by interested parties. The lack of appropriate amenity area included in this development.

## **2.0 Proposal and Background**

### **Site Description**

- 2.1 The application site is a single-storey, detached, mid-20<sup>th</sup> century bungalow located to the south of Station Road, Pilsley. The site has a parking court to the front and large enclosed garden to the rear.
- 2.2 It is located close to the centre of Pilsley within settlement development limits and mixed area of residential and commercial properties.

### **Proposal**

- 2.3 This application seeks permission for the change of use of the dwelling to a residential home caring for children aged 6-15 with disabilities.
- 2.4 The title originally referred to the dwelling as an old people's home, as the agent was not aware that it was a dwelling, however this has been clarified and the title adjusted to reflect that the building is currently an unrestricted dwelling.
- 2.5 The dwarf stone wall to the front of the property would be removed to aid the movement of vehicles within site. This will create 6no. 2.5m x 5.5m parking spaces and a 12m x 9m turning area.
- 2.6 The planning statement states that the home will care for 2 children with additional short break care for 3 more children. Children will receive personalised care, tailored educational programs and therapeutic support.
- 2.7 Planning officers sought clarity on the number of children to be cared for at the site and confirmation has been provided by the planning agent that it would be no more than 5 children.
- 2.8 Further clarification on the staff shift times was also received and it is expected that the facility will be run using a daytime shift of 7am to 3.30pm of three staff, an evening shift from 3.30pm to 9.30pm with two staff then remaining on site to sleep overnight.

- 2.9 Further information from the agent clarified that any extra care needs are expected to take place off site with many of the children attending school.

### **Amendments**

- 2.12 None

### **3.0 Relevant Planning History (not the full site history)**

- 3.1 85/00857/FL Link block between/and conversion of numbers 6-8 to one dwelling. Conditionally Approved.

### **4.0 Consultation Responses**

- 4.1 **DCC Highways:** No objection
- 4.2 **Environmental Health Officer:** No objection subject to a condition requiring the submission and approval of a noise management plan condition.
- 4.3 **Derbyshire County Council Childrens Services:** confirm that as a county, we have fewer children's homes across our footprint than other authorities. We do have children placed at a distance and therefore any new provision from private organisations could be useful to increase supply in a more local area.

#### **4.4 Pilsley Parish Council:**

The Parish Council formally objects to the planning application on the grounds of material highways concerns. Specifically, we believe that the development's provision for vehicle accommodation is insufficient and will lead to significant congestion, safety issues, and limited emergency access, particularly in light of the nature and anticipated usage of the site.

##### **1. Insufficient Parking Capacity and Access for High-Volume Traffic**

The current plans do not appear to allow adequate space to accommodate the range of vehicles required for the facility's operation, including those for staff, visitors, multi-disciplinary educators, and carers. This shortfall is likely to result in overflow parking onto surrounding roads or other areas, leading to congestion and access issues, particularly during peak times such as drop-off and pick-up.

##### **2. Limited Access for Emergency and Service Vehicles**

Access to the site via a narrow path significantly restricts the movement of larger emergency or service vehicles. In an emergency, this could severely delay critical response times and obstruct necessary services. The path width does not appear to

meet the standards required for emergency vehicles to pass safely, nor does it allow for two-way traffic, which may lead to further congestion.

### 3. Impact on Road Safety and Local Congestion

The anticipated level of vehicle movement in and out of this site, combined with limited on-site space, could increase the risk of accidents, especially for pedestrians and cyclists who may use the same narrow access paths. The overflow of vehicles onto adjacent roads will add to local congestion and pose additional safety hazards. Given these significant highways issues, Pilsley Parish Council strongly urge NEDDC to reconsider this application or require substantial amendments to address the clear deficiencies in vehicle access and parking provisions. Failure to do so may result in ongoing traffic management and safety problems that will impact both site users and the surrounding community.

4.5 Ward Member: call in as outlined above.

## 5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notices. A Site notice was placed adjacent to the application site on a telegraph pole which expired 21 October 2024.

5.2 3 local residents have made representations one of whom raised the following comments objecting to the proposed development:

- I object to the change of use of 8 Station Road to a children's residential care home on the grounds that there is a shortage of housing, especially bungalows, in the area. This property, which comprises of two self contained bungalows should therefore remain as private residences. This property has never been an elderly persons residential care home as stated on the application. It was originally built in the 1950's as two separate bungalows for Mr and Mrs Bestwick and Mrs Oakley (Mrs Bestwick's mother). Following Mrs Oakley's death the bungalows were joined together to form one dwelling for Mr and Mrs Bestwick and the property was left to Miss M Day who lived there until her death in 2023

5.3 The other two comments noted that the building had been described as an old people's home. This issue is addressed in paragraph 2.4 above.

## 6.0 Relevant Policy and Strategic Context

### North East Derbyshire Local Plan 2014-2034 (LP)

6.1 The Development Plan in this case comprises the LP and the following policies are material to the determination of this application:

SS1 Sustainable Development

SS2 Spatial Strategy and the Distribution of Development  
SS7 Development on Unallocated Land within Settlement with defined Settlement  
Development Limits  
LC4 Type and Mix of Housing  
SDC11 Flood Risk and Drainage  
SDC12 High Quality Design and Place Making  
SDC13 Environmental Quality

### **National Planning Policy Framework (NPPF)**

- 6.3 Part 5 of the NPPF deals with the delivery of a sufficient supply of homes. Paragraph 63 reads: Within this context of establishing need, the size, type and tenure of housing needed for **different groups** in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; **families with children**; older people (including those who require retirement housing, housing-with-care and care homes); students; **people with disabilities**; service families; travellers; people who rent their homes and people wishing to commission or build their own homes. (*Officer emphasis*)

### **Planning for accommodation for looked after children Statement made on 23 May 2023 by Minister of State for Housing and Planning**

- 6.4 The following statement is also considered relevant to the determination of this application:

“The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children’s communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love.

Today we use this joint statement to remind Local Planning Authorities that, as set out in paragraph 63 of the National Planning Policy Framework, local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and assessed and reflected in planning policies. Local planning authorities should consider whether it is appropriate to include accommodation for children in need of social services care as part of that assessment.

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 that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. It is important that prospective

applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children's Homes Regulations) to demonstrate this."

## **Other Material Planning Considerations**

6.5 Successful Places Interim Planning Guidance, adopted December 2013

## **7.0 Planning Issues**

### **Policy Background**

- 7.1 Policy LC4 of the North East Derbyshire Local Plan relates to the type and mix of housing within the District. In relation to specialist housing, the Policy states that the Council will support specialist housing provision, across all tenures, including extra care schemes, nursing homes and residential facilities, in appropriate locations, close to services and facilities.
- 7.2 Officers consider that Policy LC4 sets out clear support for the type of supported living accommodation that is proposed in the application, the subject of this report. Moreover, in this case, the application site is situated within the defined Settlement Development Limits for Pisleigh. Pisleigh is identified in the Local Plan as Level 2 settlement and is described as having a good level of sustainability.
- 7.3 Policy SS7 supports development provided it is appropriate in scale, design and location to the character and function of the settlement, does not result in the loss of a valued facility or service, is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and accords with other policies of the Plan.
- 7.4 The ministerial statement set out in para 6.4 above states that: It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children's Homes Regulations) to demonstrate this.
- 7.5 Derbyshire County Council Children's Services have confirmed that they have fewer children's homes within the county than other authorities. DCC do have children placed at a distance and therefore any new provision from private organisations could be useful to increase supply in the local area.
- 7.6 The applicant has not submitted the stated location assessment, although this has been requested. However, as set out below, Officers consider that the proposal meets the policy objectives set out in the Development Plan and it is not considered necessary to demonstrate a need in this case. outweigh any potential harm.

## **Visual Considerations**

- 7.7 In this case, the applicant seeks to change the use of the existing building only and no new buildings, structures extensions or changes to the external appearance of the building are proposed.
- 7.8 The applicant does propose to remove the wall to the front of the property, but it is not protected and could be removed without the Council's consent. Nonetheless, it is considered that the loss of this wall would not harm the character of the already mixed streetscene.
- 7.9 Consequently, Officers are satisfied that the proposal would not result in any material visual change or harm to the overall character and appearance of the area.

## **Movement to and from the site**

- 7.10 In terms of the activity associated with the proposed change of use, Officers note that there would be comings and goings from the premises to facilitate the proposed changes in shift etc, including for residential support workers. In addition, whilst on the whole children are expected to attend school and services outside the home, there would potentially be other visitors, such as those providing specialist education and therapy, attending and leaving the site. Additional activity would include the residential use of the properties within the defined private amenity spaces for the site.
- 7.11 The application building was formed from 2 dwellings following planning permission to link the two in 1985. As such it is currently operating as one dwelling. However, the building is unusual in that as well as the 5 bedrooms it has 2 kitchens, 2 bathrooms and 2 lounges as well as a dining room and conservatory. As such, as a dwelling, it could accommodate a large family.
- 7.12 The application proposes no alterations to the layout.
- 7.13 The wider application site includes a large well enclosed garden with mature boundary hedges and space to park 6 cars at the front of the property.
- 7.14 The building will be used to care for up to 5 children. This will require 3 carers to be onsite at any one time. The applicant has submitted the shift patterns which shows that staff would operate a shift system based on one shift between 7am and 3pm and another between 3pm and 9.30pm with two staff members staying on site overnight. This would mean that at shift change times space for 6 cars would be required on the site. The applicant has demonstrated space to park 6 cars at the front of the site and outwith the shift change times there would be space on the site to park up to 3 cars for additional support workers or other visitors if required. Officers consider that this level of car parking provision would be sufficient to

provide off road car parking commensurate with the proposed use and that it would be reasonable for other visitor appointments to be managed outside shift change times. Officers also consider that, even so, if onsite parking was limited for some reason there is opportunity for safe on road parking nearby and even a public car park within walking distance to accommodate any potential overflow.

- 7.15 The site is located at the centre of Pilsley on Station Road which is one of the three main roads serving the village and it carries significant levels of traffic throughout the day. The character of the area in which the application site is located is that of a busy village centre containing a mixture of residential and commercial buildings with Pilsley Primary School itself located approximately 60m to the west. Other facilities that exist close by include a convenience store, post office, doctors' surgery and pharmacy and these are all within 350m. Vehicle and pedestrian movements as well as parked cars and delivery vehicles give the sense of a busy village centre and any activity associated with the site would not appear out of place at this village centre location.
- 7.16 In addition, the proximity to amenities such as the school, parks and medical services makes the site particularly suitable for the use as a care home for children.

**Impact on the character and amenity of the area through the site's use.**

- 7.17 As mentioned above, the application site could readily accommodate a large, busy family without planning permission. Bearing this in mind the issue to be considered is whether using the building to provide on-site care for 5 children would be so materially different from its use by a family that the alternative use would be harmful to the amenity of the area or neighbours by reason of its accommodation and use.
- 7.18 A similar application was refused, and the consequent appeal dismissed at Garden House off Station Road some distance east of the application site. The Garden House proposal was to change the use of an existing single dwelling into 3 **separate** supported living units for young adults. The Inspector in that case dismissed the appeal on the basis that 3 separate units of accommodation would be created and that the servicing of those units on a quiet lane off Station Road would not be compatible with the area in which it was located.
- 7.19 Officers note that Garden House is located on a narrow un-lit, single track cul de sac which has a semi-rural character. The lane was considered to be quiet, with little traffic and the proposal needed up to 6 staff at one time on site which meant that at shift change overs there could be as many as 12 vehicles on the site at one time. The Inspector found that the level of activity would be more akin to a commercial operation than a private residence, or even a block of three private flats, where such a level and regularity of vehicular movements would not be expected. The Inspector found that the material increase in traffic movements, noise and activity, would significantly harm the character of this street.



- 7.20 Officers consider that this application site differs significantly from Garden House for a number of reasons:
- 7.21 The application here proposed care facility is for children and not adults and would require fewer staff (3 on each shift, so 6 in total at shift change overs) and it has been shown that there is adequate space to park on the site and/or nearby safely.
- 7.22 The site is in a central village location on a two carriageway, busy road, where existing comings and goings of traffic and pedestrians are frequent. This part of the village would also be suitable for other commercial operations such as shops, restaurants, clinics etc. Because of this, Officers consider that any increase in activity associated with the comings and goings from the site would be negligible in relation to the background situation operating in the area.
- 7.23 Officers have also taken into account the likely comings and goings from the site if the dwelling were inhabited by a large family and are of the view that such a use could generate considerable amounts of comings and goings particularly in any case if the site were occupied by a family including young adults.
- 7.24 With all these factors in mind, Officers do not consider that the proposals would lead to levels of activity that would have any significant and unacceptable harmful impacts on the character, appearance, or function of the site or the area in which it is located and so Officers conclude that the proposed development would accord with the policy requirements of Policy SS7 of the Local Plan.

### **Residential Amenity Considerations**

- 7.25 The existing site operates as a single 5 bed dwelling. The application would create a care home for up to 5 children aged between 6 and 15 years supported by at 3 carers on site at any one time. No external alterations are proposed to the property and so no greater impact on outlook or other amenity would be created.
- 7.26 In their planning statement, the applicants state that their goal is to establish a new home that seamlessly integrates into community life and with this in mind they have policies on Behavioural Support to help staff deal with challenging behaviour.
- 7.27 The Council's Environmental Health Officer has requested that any approval is conditional on the provision of a noise management plan. This would mean that noise or behaviour from the site would be controlled in a way that would not be the case if the dwelling were to continue to operate as a single dwelling potentially occupied by a large family. Notwithstanding that, officers note the request and conclude that such a plan would assist in ameliorating the impacts of any specialist activity that may take place on the site and of how the shift changeover is administered and so the condition would add value to any permission granted.

- 7.28 The application site has residential neighbours on three sides, but the garden is bounded by mature vegetation which would help, in any case, to reduce the noise impact of children playing and/or other outside activity.
- 7.29 The inspector at Garden House was at pains to point out that they did not find harm in terms of the effects on neighbours living conditions from everyday activity by residents of the care facility. Officers are of the view, in this case, that the occupation of the building by 5 children would generate levels of residential noise and activity materially different than if the house was lived in by a large family and that the imposition of a condition seeking to manage noise is necessary and that otherwise the use is acceptable in respect of its impact on neighbouring properties and their inhabitants.

### **Highways**

- 7.30 The existing and proposed vehicle access is taken from Station Road to the front of the property. The only change to this would be the removal of the gates and wall to make accessing the property by vehicle easier. Officers note that the Highway Authority has not objected to the application
- 7.31 The Parish Council have objected on highways grounds for the following (underlined) reasons:
- 7.32 Insufficient parking capacity.  
The application shows that there is space to park and turn 6 cars on the site, these 6 spaces are only needed at staff change over times (twice a day) and so Officers are of the view that there is/would be adequate space on site for all normal necessary parking and for visitors to park for the majority of the day. Otherwise, Officers consider that there is adequate safe on and off-street parking for any excess close by.
- 7.33 Limited access for emergency vehicles.  
Access to the site is directly from Station Road. it is not clear what the Parish Council mean by access via a narrow path and there is no reason to think that emergency vehicles could not access the site as they would do if it were retained as a dwelling.
- 7.34 Impact on Road Safety and Local Congestion.  
Again, the Parish Council reference a narrow access path, however the site is accessed directly from Station Road, using an existing access which will be made more accessible by removal of the low wall and gate. As described above, adequate parking is provided on site, and it is considered that outwith the staff changeover times the vehicle movements on the site are unlikely to be much different than those of a large family. As described above the staff change over times will take place twice a day and as there is adequate space to park on the site it is considered that there is no reason to suppose that they will harmfully impact the highway to the severe level required by the NPPF.

- 7.35 Guided by the comments of the Highway Authority, and mindful of the specific on-site circumstances, Officers do not conclude the proposal would severely harm highway safety or impact on the free flow of traffic.

### **Objector Concerns**

- 7.36 One objection has been received which suggests that there is a shortage of housing and in particular bungalows in the area. However, as outlined in policy LC4 of the Local Plan, the NPPF and the relevant Ministerial Statement, the Council is expected to provide for such specialist housing as proposed here as part of the delivery of all housing within the district. Officers attach no weight therefore to the comment made.

### **Drainage Considerations**

- 7.37 The site falls in Flood Zone 1 with the lowest probability of flooding as the application is for a change of use, no sequential test was required. The site is therefore not considered to be at risk from, or a risk to flooding.

### **Ecological Considerations**

- 7.38 As no extensions or other building is proposed the proposal will not impact any habitat and, as such, it is considered to be exempt from the mandatory biodiversity net gain requirements. There is also no need to mitigate against species loss.

## **8.0 Summary and Conclusion**

- 8.1 Local and national planning policy aims to provide adequate specialist housing. In this case a large single-storey dwelling is proposed to be used as a specialist care home for children with disabilities. It is expected that up to 5 children will be cared for in the property.
- 8.2 The dwelling is well suited to the use due to its proximity to local services including parks, schools and medical services and also due to its large mature garden with mature boundary features. This weighs in favour of the scheme.
- 8.3 Adequate parking will be provided at the front of the property to allow staff and visitors to park off the road and officers are of the view that the comings and goings associated with the proposal will not have a harmful impact on the already busy character of the area. This weighs neutrally in the balance.
- 8.4 Overall officers are of the view that the proposal will not harm the character of the area particularly given the fall back of the potential use of the house by a large family or the amenity of adjoining residents. This too weighs neutrally in the balance.

8.5 Officers are therefore of the view that the proposal meets the requirements of policies SS7, LC4 and SDC12 of the North East Derbyshire Local Plan and no other material matters outweighs that conclusion. Adding weight in support of the scheme are the requirements of paragraph 63 of the NPPF and the Ministerial Statement of 2023 such that the application is recommended for approved.

## 9.0 Recommendation

9.1 That planning permission is **CONDITIONALLY APPROVED subject to the following conditions**, with the final wording delegated to the Planning Manager (Development Management):-

### Conditions

No	Condition	Reason	Pre-commencement agreement (requested by)
1.	The change of use hereby permitted shall be started within three years from the date of this permission.	To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.	N/A
2.	The development hereby approved shall be carried out in accordance with the details shown on drawing numbers: 01-Location Plan 02- Parking Plan 04-Proposed Layout Plan 06-Proposed elevations received 04/10/2024;	For Clarity and avoidance of doubt	N/A
3.	Before the first use/occupation of building as a residential children's care home, hereby approved, the parking arrangements shall be laid out in accordance with the details shown in drawing 02 Parking Layout Plan. Once laid out as such the areas shall then be retained thereafter solely for the use of parking vehicles and for no other purpose, including for any storage.	To ensure that cars can be parked safely on the site to ensure highway safety in accordance with policy SDC12 of the North East Derbyshire Local Plan	

4.	Before the first use/occupation of the building as a residential children's care home, a noise management plan shall be submitted to and be approved in writing by the Local Planning Authority. The management plan shall then be implemented in full as agreed and be retained as such rtherefater.	To protect the amenity of neighbours in accordance with policies SDC12 and SDC13 of the North East Derbyshire Local Plan.	
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**Informatives:**

- a) DISCON
- b) NMA
- c) BNG2