

COMPASS CHILDREN'S HOMES**WALL NOOKS, WALL NOOK LANE, CUMBERWORTH
CHANGE OF USE FROM DWELLING TO RESIDENTIAL CARE HOME****LPA REFERENCE: 2021/91682****SUPPLEMENTARY STATEMENT – JUNE 2021**

Introduction

This Supplementary Statement has been prepared in connection with an application submitted on behalf of Compass Children's Homes seeking planning permission for the change of use of Wall Nooks, Wall Nook Lane, Cumberworth from a dwelling house to a residential care home for up to five young persons.

The application has been the subject of a number of comments from third parties, many of which are misleading and inaccurate. Comments made include potential anti-social behaviour, the suitability of the location for the proposed use, potential noise and disturbance, and traffic and car parking considerations. This statement provides a response to such matters.

It is important to note at the outset that a number of the objections come from third parties that do not live in close proximity to the site but have apparently been encouraged by others to lodge objections. Furthermore, some of the comments raised are not material planning considerations (e.g. property values) or relate to potential physical works that are not being proposed within the application submission.

It is also noted that there are some supportive comments and that not all of those living closest to the property have objected to the application.

Basis for Determining Application

Whilst this matter is already covered in the initial submission, it is a significant material consideration that the site can already be used as a care home for up to six residents living together as a single household without the need for planning permission. Such use falls within Class C3.

This fallback position is paramount in assessing the current proposals which, in any case, do not give rise to any adverse planning impacts.

In this regard, we would also draw the Council's attention to two applications submitted by Compass Children's Homes earlier this year for similar proposals located in Ilkeston (LPA Ref: ERE/1120/0049) and Todmorden, Calderdale (LPA Ref: 20/01292/FUL).

Both applications involved the proposed change of use of dwelling houses to small residential care homes for young persons. Indeed, these two applications related to six young persons (rather than the five being proposed at Wall Nooks) and both were approved by the respective Councils.

The respective officer reports and notices of decision are contained at Appendices A & B to this statement and confirm that in both cases, whilst some broadly similar comments to those made here were raised by third parties, the proposed use was found to be technically acceptable and compliant with planning policies.

Whilst the applicant duly acknowledges that planning applications need to be determined on their own individual merits, these two recent decisions have some parallels with the current proposal.

Consultee Responses

At the time of writing, there have been three consultee comments received: West Yorkshire Police Designing Out Crime Officer (WYP DOCO), Kirklees Council Environmental Health and Kirklees Council Highways Development Management.

None of these three 'technical' consultees, who are looking at the application proposals on an objective basis, have raised any in-principle objection to the proposed use.

The WYP DOCO confirms that they have spoken directly with the applicant and are not concerned at this time that the young persons will give rise to any issues of concern.

The two Kirklees Council consultees confirm that there are no grounds to refuse the application based on transport and car parking grounds or noise and disturbance.

Anti-Social Behaviour

As confirmed in the original application submission, the proposal is for a small, private children's home which will provide for young people (primarily aged 9-17 years) requiring care and therapies to enable them to develop family living, independence and other social skills. They will be educated at one of the applicant's schools, where suitable education and training can be provided.

The daily routine for the children will be similar to that of any child living in a family home – on weekdays they will attend full time education, complete homework, help clean or cook, attend after school clubs etc. At weekends they will engage in activities both at home and away from home (e.g. sports, visiting the cinema, shopping), with the objective of creating a stable and shared family living environment.

In effect, the daily operation of the home will be no different to that of a large dwelling house with the children coming and going for education purposes and the adults coming and going for work purposes.

The home will be for children who are characterised as those who are 'Overcoming Childhood Trauma'. The programme is a dedicated therapeutic intervention that can be delivered to children and young people who have experienced complex trauma in early life, arising from a range of possible situations.

Although it has been designed for particular presenting issues, the child-centred focus allows for tailoring the programme to the young person's individual needs. This home will cater for children who have suffered at the hands of others, sometimes their parents, and as a consequence are both vulnerable and, without help and care, unable to enjoy life in the way that others of their age, in more supportive family environments take for granted.

If it is felt that a child is able to manage free time appropriately then they are allowed to have this. This will be done on an individual basis and based on the child demonstrating they are able to manage such time, and to respect the requirements of polite society.

It is all too easy, and actually unfair, to demonise such children – and please note the word 'children' – and suggest they may be drug users, sexual offenders and the like without any evidence or reason. This is not the case and does not reflect the nature of children that the applicant looks after.

It is also worth noting that OFSTED has an important role here, as the relevant regulatory body for children's homes. OFSTED is the Office for Standards in Education, Children's Services and Skills. It inspects services providing education and skills for learners of all ages and also inspects and regulates services that care for children and young people.

To bring the home into use, the applicant will first need it to be registered as a children's home with OFSTED. Such registration can only be achieved if OFSTED is satisfied that an appropriate environment and management regime will be in place for the children to be cared for.

Location of Site

Some correspondents have queried whether the site is in a suitable location for the proposed use. However, the applicant would not be proposing to purchase the property for its intended use if it was not satisfied that it was in a suitable location.

Compass Children's Homes have extensive experience up and down the country of providing care for young persons who have a range of emotional and behavioural difficulties and are, therefore, best placed to know whether an individual site and its location are an appropriate environment for the young persons that will be in its care.

Furthermore, OFSTED are the regulator of these uses and would need to be satisfied that the site met its stringent regulation requirements. If OFSTED registration is not secured, the proposed use cannot be brought forward irrespective of whether planning permission has been granted.

The young persons will not be isolated and will not be in any different position than would be the children of a traditional family unit if they were living at the site. The applicant contends that third parties would not be raising the concerns about locational suitability if a large family with many children occupied the property. Rather these comments appear to be unduly influenced by misplaced views on the nature of the young persons that will reside at the property.

Again, the fallback position is relevant to the consideration of this matter – i.e. the site can already be used as a care home within Class C3 without the need for planning permission.

Traffic & Parking

In terms of vehicular activity, the small scale and low-key nature of the proposed use means that vehicular movements will not be significant and when compared to the existing lawful use will be similar.

The relatively limited number of members of staff will come and go similarly to a parent travelling to and from work daily, and the children will have daily routines just like children living in more traditional family settings. Furthermore, and as noted above, the site can already be used as a care home for up to six residents without the need for planning permission.

The proposed use will not give rise to any traffic or parking effects beyond those which could be generated by the current lawful use of the property – i.e. occupation by a large family or as a care

home within Class C3 and it is noteworthy that the Council's Highways Development Management Team has not raised any objection to the application proposal.

On a point of clarification regarding car parking, the original application documents indicate that no works to the curtilage of the property are being proposed. This was on the basis that we understood at the time of writing that the three small areas of permeable hardstanding shown for car parking already existed. However, it now transpires that this is not the case, and these are to be newly created as part of the proposals.

Noise & Disturbance

The activity levels arising from the proposed use will be low-key and the existing lawful use as large family dwelling house or, indeed, a care home within Class C3 has the potential to generate the same level of activity (or more) as that from the proposed use. Whilst the application seeks permission for up to five residents, it is likely that at various times there will be fewer than five residents at the site.

The children will be educated off-site and will be taken to and from school as would occur in a family setting. Therefore, on most days between 8am and 5pm activity levels at the site will be minimal.

Out of school hours, the young persons will not be allowed to explore the local area unsupervised. Rather, those who have gained the requisite independence skills will be taken to and from activities such as a sports centre. All children will have differing levels of independence which is continually assessed. In general, most children are supported most of the time when away from home or school.

Despite the apparent assertions of some objectors, the proposal is for a 'home' for these children. It will be their residence and will be managed no differently than a more traditional family home. It is not an institutional setting but one that will provide a home environment for a small number of children who require support, set within its own grounds of about one acre.

It is also important to note that the proposed use is residential both in character and in planning terms. Care homes are residential uses by definition and, therefore, compatible in planning terms with other forms of residential use.

Finally on this matter, it is noted that the Council's Environmental Health Officer has not raised any objection relating to potential noise and disturbance from the proposed use.

List of Appendices

Appendix A: The Spinney, Ilkeston (LPA Ref: ERE/1120/0049) – Officer Report and Notice of Decision

Appendix B: Todmorden, Calderdale (LPA Ref: 20/01292/FUL) – Officer Report and Notice of Decision

Appendix A

The Spinney, Ilkeston (LPA Ref: ERE/1120/0049)

Officer Report and Notice of Decision

Application Reference: ERE/1120/0049

**CHANGE OF USE TO RESIDENTIAL CARE HOME (USE CLASS C2) AT
WILLOW BROOK THE SPINNEY ILKESTON DERBYSHIRE**

Proposals

Planning permission is sought to change the use of the property from a residential dwelling (Use Class C3) to a residential care home (Use Class C2) for up to six young persons (18yrs and under). The application was accompanied by a Planning Statement explaining that the applicant has 23 existing children's homes around the country, and that the proposal would create a small children's home registered by Ofsted for young people requiring care and therapies to enable them to develop family living, independence and other social skills. They explain that the children will be educated at one of the applicant's schools and that at least two members of staff will be on site at all times, with up to six present in total for some of the time during the day.

The Planning Statement explains that the daily routine for the young people residing at Willow Brook will be similar to that of any child living in a family home; on weekdays they will attend full time education, complete homework, help clean or cook, attend after school clubs etc. At weekends they will engage in activities both at home and away from home (e.g. sports, visiting the cinema, shopping), with the objective of creating a stable and shared family living environment. The applicant stresses that the character of the proposed use will be very much residential and akin to occupation by a large family.

No external changes are proposed to the property. Internally the changes are relatively minor involving some partitioning to create a corridor, separate bedrooms and bathrooms.

Site and Surroundings

The application relates to a large two storey detached dwelling (with integral annex accommodation) set back from the road within a row of similarly large detached dwellings on the eastern side of The Spinney in Ilkeston. This row includes the Grade II listed Hall and Old Hall further to the north. A public right of way runs across the verge in front of the houses. Opposite the row of dwellings on The Spinney is a brick retaining wall and embankment of trees beyond which is a residential street, Spinney Road. To the rear of the site is the former Oakwell Brickworks site, now overgrown and currently the subject of an outline planning application for residential development.

Vehicular and pedestrian access to The Spinney is from the A6096 Little Hallam Hill approximately 45 metres to the south of the application site. 100m to the north of the application site is the modern housing development Oak Apple Crescent that is accessed from The Spinney.

The site itself is enclosed by boundary walls and has off street parking to the frontage large enough for approximately five cars together with a garage outbuilding. To the southern side and rear of the property is a private garden.

Relevant Site History

None.

Policy Context

National Policies

National Planning Policy Framework, February 2019

Local Policies

Saved Local Plan Policies, March 2014

Policy H1 – Urban Consolidation

Policy R2 – Rights of Way

Policy D4 – Non conforming uses

Erewash Core Strategy, March 2014

Policy A: Presumption in favour of Sustainable Development

Policy 2: The spatial strategy

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 12: Local Services and Healthy Lifestyles

Consultations

Cllr Sue Beardsley – Object, inappropriate in this quiet residential area.

DCC Highways – No objections.

DCC Rights of Way – No response.

EBC Environmental Health – Recommend sociable construction times and no external plant or equipment.

Representations

The application was advertised by way of letters to immediate neighbours and a site notice. In response 39 representations have been received from the following addresses:

Woodlands, Keepers Cottage, Hallam Grange, Little Hallam Hall and Lakemead, The Spinney.

Nos. 39, 41, 43, 50, 51, 69 and 72, Spinney Road.

Nos. 1, 3, 5, 6, 7, 8, 9, 11, 14, 16, 17, 19, 22, 24, 27, 28, 35, 37, 36, 37, 38, 39, 41, 43, 51, & 53 Oak Apple Crescent.

In summary these representations raised the following objections:

- Accuracy of statements made in supporting documents relating to parking and highway safety matters; activity generation; impact on the amenity of nearby occupiers;
- Increased criminal activity and fear of crime;
- Increased anti-social behaviour;
- Covenants/Land Registry documents preventing a use other than as a dwelling house;
- Impact on property prices;
- The site is unsuitable for occupation by vulnerable adults due to the high level of drug activity/crime in the area that already exists;
- Potential effect on passing local school children;
- Re-classification to a C2 use will enable a sale for an HMO and may prevent the return of the property to a dwelling in the future or may allow additional permitted changes to other residential institutions without the need for planning permission;
- Noise and disturbance, from occupants and shift workers;
- Concerns over the reputation of the company running the home and previous poor Ofsted reports at similar establishments particularly in respect of safeguarding for the children, staff and the wider community;
- In 2018 Derbyshire County closed one of its children's homes on the basis that it was not needed;
- None compliance with NPPF and Core Strategy:
 - S.38 (6) of the Planning and Compulsory Purchase Act 2004
 - Paragraphs 11 and 127 of the NPPF
 - Sustainable Community Strategy 2.3
 - Core Strategy 2.5 Spatial Objectives
 - Core Strategy Policy 6: The Role of town Centres
 - Core Strategy Policy 10: Design and Enhancing Local Identity
 - Core Strategy Policy 12: Local Services and Healthy Lifestyles
 - Core Strategy Policy 14: Managing Travel Demand
 - Saved Policy H12: Quality and Design
- The dwelling is not vacant;
- This type of use can lead to poorly maintained properties;
- Impact of the proposed use on buildings of historical importance...due to anti-social behaviour and potential fire setting;
- Introduction of a business into a residential area;
- Adequate supervision;
- Compass have already appointed a manager for the home prior to the completion of the planning process;
- Increased traffic leading to poorer highway safety and an increase in accidents, traffic regulation orders to prevent on street parking/pedestrian crossing/speed camera/improved lighting could help;
- Has the increased risk to staff and other pedestrians been considered;
- The change of use as a result of its impact on residential amenity, traffic and fear of crime is out of character with the nature of the area;
- The proposal will not give rise to wider community benefits;
- Safety of travel by bike via the Nutbrook trail which is not lit;

- The site notice erected by the Council was on a private drive and did not advertise the proposal as for young people;
- Existing anti-social behaviour in the area particularly in the 'jitty' which is poorly lit and suffers from vandalism may cause harm and be unsafe for children who may use the home;
- I do not want the sort of people who need these facilities who often have behavioural problems which may be sexual to come into contact with my children.

Assessment

The main issues for consideration in the determination of this application are considered to be:

- Principle of Development
- Character
- Highway safety and parking issues
- Amenity for neighbours

Principle of Development:

The site is within the urban area and sustainably located close to services, a frequent bus service and footpaths linking to Ilkeston and the surrounding area.

The application proposes a small care home facility for up to six young people who would live within the house with two carers, principally to provide support and a 'family' environment. Many objectors have referred to the proposal being better located within a more urban environment and that the siting of the proposal in this suburban area of Ilkeston is contrary to the policy that community uses should be located in town centres first. This is incorrect. Policy promotes town centres as locations for commercial and communal activity, but there is nothing in national or local planning policy that excludes residential care homes from residential locations. Accordingly the principle of the development is considered to be acceptable.

Many objectors refer to the proposed change of use as being unacceptable on the basis that the character of the development would be contrary to policy and would result in harm to the character of the area. In this regard, it is noted that the existing property is a 5-bedroom family house with two kitchens, two bathrooms, two en-suites and four living rooms. Such a dwelling could accommodate a very substantial family, larger than the 2 adults and 6 children proposed for the care home use. On that basis it is difficult to see how the care home use would create a change in character to the area. It is not appropriate in planning to use considerations of character to promote social exclusion.

Highway safety and parking issues:

Despite a large number of highways related objections from members of the public, when considering the site's previous use and its sustainable location the Highway Authority have raised no objection on highway safety grounds.

Issues raised relating to the imposition of traffic regulation orders, pedestrian crossings and additional lighting within the highway are matters for Derbyshire County Council as the Highways Authority. The Highway Authority has not considered such changes to be necessary as a result of this proposal.

Accordingly it is considered that the proposal would not result in harm to highway safety and so is acceptable in this respect.

Amenity for neighbours:

No external development is proposed that would alter the relationship of the house to its neighbours. Its residential use for 2 adults and 6 children is no different to its potential existing use as a private residential house. Consequently, there is considered to be no impact in terms of overbearing, overlooking, overshadowing or noise and disturbance over and above that normally experienced in a residential environment.

It has already been noted above that there are no objections on highways grounds from the Highways Authority, because the number of highway movements would not be significantly more than could be expected from a dwelling of this size. Consequently it is considered that the level of comings and goings from the proposal would not cause a significant impact on neighbouring amenity either.

Other matters:

Staff safety going to or from the premises and whilst at work is a matter for their employer. Objections relating to young people resident at Willowbrook travelling to and from school and to other appointments are not material to the determination of this application: families of all sizes travel to and from their dwellings for a variety of appointments, work/education and such necessities are not contrary to National or Local Planning Policy.

Notwithstanding the objections it is considered that the proposal does provide wider community benefits by giving young people in need of these services the chance to become fully functioning members of society.

Devaluation of property and the enforcement of covenants is not a material planning consideration.

Fire safety is a building control matter, and is not a material planning consideration.

While representations have raised concerns about the future management of the facility, this will be subject to control via the relevant regulating authority and subject to Ofsted inspections and is not considered to be material to the determination of the application.

Concerns have been raised about the consultation process, the siting of the site notice, description of development and the online nature of the plans. The application has been notified in accordance with the Statement of Community Involvement and a site notice was displayed.

The company's recruitment policies are not a planning matter.

Many objectors are concerned that care-home children living in their neighbourhood will result in an increase in crime. That is a prejudiced opinion. The care home facility proposed will be overseen by Ofstead, who will be responsible for ensuring adequate management of the facility. Denying vulnerable children opportunities for professional care and support will not help to address crime. It is incorrect to interpret National and Local Planning Policy on the need to address crime as a basis for refusing care facilities.

Conclusion:

The proposals maintain a continued residential use of the site in this predominantly residential area. The principle of the use is considered acceptable. Parking and access arrangements are considered acceptable and meet the requirements of the Highway Authority and the impact on ecology and trees is, subject to conditions, considered acceptable.

Accordingly, notwithstanding the large number of objections to this development, many of which raise matters which are not capable of forming material planning considerations, the development is considered acceptable and it is recommended that planning permission be granted.

Recommendation

APPROVE

Conditions & Reasons

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan (B024542/SLP), Site plan (B024542/SP), Proposed floor plans (20973 SK4)

Reason: For the avoidance of doubt as to what is approved.

Positive and Proactive Statement

There were no problems for which the Local Planning Authority had to seek a solution in relation to this application

Resources Directorate, Planning & Regeneration

Town Hall Ilkeston
Derbyshire DE7 5RP
Switchboard: 0115 907 2244

TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF DECISION

Part 1: Application Details

Applicant: **COMPASS CHILDREN'S HOMES LIMITED**

Application Ref: **ERE/1120/0049**

Proposal: **Change of use from dwelling house (Class C3) to residential care home (Class C2) for up to six young persons.**

Site Address: **WILLOW BROOK, THE SPINNEY, ILKESTON, DERBYSHIRE, DE7 4LZ**

Part 2: Decision

Erewash Borough Council in pursuance of powers under the above mentioned Act hereby

GRANT PERMISSION

for the development in accordance with the application, subject to compliance with the condition(s) imposed (in Part 3 below), and the subsequent approval of all matters referred to in the conditions:

Part 3: Conditions

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans/details:
- Site location plan (B024542/SLP), Site plan (B024542/SP), Proposed floor plans (20973 SK4)

Reason: For the avoidance of doubt as to what is approved.

Part 4: Positive and proactive statement

There were no problems for which the Local Planning Authority had to seek a solution in relation to this application

Date: 4 March 2021

Signed 
Steve Birkinshaw
Head of Planning & Regeneration

ATTENTION IS CALLED TO THE NOTES BELOW

Discharge of Conditions fees:

http://www.planningportal.gov.uk/uploads/english_application_fees.pdf

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Appendix B

Todmorden, Calderdale (LPA Ref: 20/01292/FUL)

Officer Report and Notice of Decision

Assessment sheet		
Application number	20/01292/FUL	
Address	Castle House, Dobroyd Road, Todmorden	
Proposal	Change of use from dwellinghouse (Class C3) to residential care home (Class C2) childrens home for up to six residents.	
Officer	Gillian Boulton	
Stage 1 – prior to site visit (within 2 weeks of registration)		
Initial comments from senior officer	Comments noted from objectors but not all planning reasons.	
Relevant constraints	Within an Historic Park and Garden, within 50m of a listed building, Bat Alert Area, Low risk of historic mining	
Publicity correct	Yes	Notes: 2 x Site notice, press notice and 3 neighbour letters
Description correct	Yes	Notes:
Consultees correct (check parish) (If drainage details provided consult FRM, or LLFA for major developments)	Yes	Notes: Highways and West Yorkshire Police Architectural Liaison Officer were consulted formally. The Council's Conservation Officer was verbally consulted.
Flood risk/sequential/exception test (FRA for 1ha sites)	Not Applicable	
Protected species addressed?	Not Applicable	
Phase 1 submitted, if ConLan?	Not Applicable	
If Green Belt appropriate development?	Not Applicable	Category:
History (relevant)	There is no relevant history on the site.	
Additional info required	Yes	Notes: Further information was requested about the children occupying the home and the staff requirement.
Date site visit completed	24/11/2020	
Stage 2 – provisional assessment (within 2 working day of site visit)		
RCUDP designation	Area Around Todmorden, Open Space Rural, Special Landscape Area, Wildlife Corridor	
RCUDP policies	RCUDP policies OS1, NE8, NE12, CF7, GCF3, BE1, BE15, BE20, BE5, T18, EP8	
NPPF policies	8 Promoting healthy and safe communities 12 Achieving well-designed places 15 Conserving and enhancing the natural environment 16 Conserving and enhancing the historic environment	
Principle acceptable	The proposal is for the change of use of a dwelling house to a children's care home. Case law allows for up to six people living together as a single household and receiving care without the need for a change of use of a dwellinghouse to care home. The proposal is for up to	

	6 children between the ages of 11-17 who are overcoming childhood trauma. The supporting information establishes that the official staffing levels are 1 adult to every 2 children and goes on to say: <i>“With six children there will always be minimum of 3 adults working, in the evening and at weekends the home will try to have 4 adults working with the 6 children. In addition to this there will be a manager and deputy manager working at the home for a min of 40 hours per week and they will work around the needs of the home. Overnight there will be 2 adults completing a sleep in and a manager on call for the home.”</i> Given the above a planning application has been submitted for a change of use as the numbers of children and staff living together would exceed 6. Reference to the above permitted development has been made as there is clearly a fall back position should the number of children and staff be reduced. Policies GCF3 that discusses the strategic framework for community facilities and CF7 which deals with collective needs accommodation and residential/nursing homes are relevant. Although both policies refer to a site being located where there are facilities easily accessible to residents, the children would be accompanied and transported and have their own schooling based in Sowerby Bridge in place. Parking is available on site and although the access is single track in most places the Assistant Director – Strategic Infrastructure (Highways) has no objection to the proposal and considers the change of use as detailed in the application is unlikely to have any detrimental effect upon the highway or development site. No internal or external changes to the dwelling are proposed and as such the setting of the listed building would not be affected. Although there are some concerns raised by objectors regarding the affect on their amenity, the proposal is not considered to be that different to a large family living on site where there would be no change of use required. Furthermore, the increase of children and staff is only just over the numbers requiring planning permission. Section 8 of the NPPF is also relevant which discusses promoting healthy and safe communities.
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	The site is located within the Area Around Todmorden where development which is for the re-use and adaptation of existing buildings is considered to be appropriate as long as it does not detract from the visual amenity of the area. The proposed change of use will utilise an existing residential dwelling and no external alterations are proposed as such the proposal would satisfy RCUDP policy NE8. The site is also located in an Open Space Rural location and as such policy OS1 is also relevant. As the proposal does not involve any new built development and the building exists and would also result in a community benefit, it is also considered that the change of use of the building would satisfy policy OS1. With regard to the Special Landscape allocation policy NE12 establishes that the development should not adversely affect the landscape quality. As there are no external alterations proposed the development would satisfy policies GCF3, CF7, NE8, OS1 and NE12 of the RCUDP and Sections 8 and 15 of the NPPF. As such the principle of the development is acceptable.
Heritage implications	Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard must be given to the desirability of preserving the building and its setting or any features of special architectural/historic interest. Decision makers must give importance and weight to the desirability of avoiding any harm to designated heritage assets, to give effect to the LPA's statutory duties under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The requirements of Section 66 is set set out legislation and as such is a legal duty rather than policy requirements that the Council can choose to attach limited weight to. This is reflected in paragraph 193 of the NPPF, which states: <i>"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."</i>

Conservation area	Notes: No
Listed building	Notes: No
Setting of listed building	Notes: Yes
Non-designated	Notes:
Conservation officer	“Castle House is located close to the main Dobroyd Castle building. Dobroyd Castle is listed at Grade 2* and was listed in 1966. I am not certain of when Castle House was built but would estimate that it may have been the 1970s? If this is the case, then it was built after 1948 (the date before which structures in the grounds of a listed building are automatically considered to be part of the listing), and after the date of listing, and therefore would not in itself be considered to form part of the listed building. It would however appear that it was built within the original historic curtilage of the Castle. The site is also part of a designated local Historic Park and Garden. Currently Castle House is clearly seen in views on the approach to the Castle, located in open gardens to the south but appears as a subservient and much later building within the wider grounds. Indeed the gardens to Castle House and grassed area to the south form part of the open landscape setting to the listed building. The Castle is now used as an activity centre with external equipment etc however, from this view on the approach road, the Castle retains its highly impressive and unusual character and appearance, and the grounds here retain their open and attractive nature. Although the application is for a change of use only, with no external alterations proposed, it seems likely that some form of boundary treatment may be required in due course. Given the proximity of the site to the Castle, any such boundary installation would be likely to impact on the open and attractive setting of the listed building, and on the character and appearance of the Historic Park and Garden, and thereby would result in harm to the significance of these designated heritage assets. Planning permission would be required for any such boundary treatment. It is envisaged likely that, in order to retain the open character of the site, any such boundary would need to be low in height and minimal in terms of design - possibly a low ‘estate type’ fence of two simple horizontal bars set between posts. However such a fence would not offer the level of security which presumably may be required. It is considered that it would be unlikely that planning permission would be granted for anything more substantial in this location and setting due to the impact on the various designated heritage assets.”

	The proposal does not include any external alterations and as such would not affect the setting of Dobroyd Castle. Although boundary fencing has been suggested in order to define what land is associated with Castle House, as commented above, this would have a detrimental impact on the openness of the site and impact on the setting of the listed building and Historic park and Garden. As no fencing has been proposed and there are no external alterations, the proposal is considered to satisfy RCUDP policies BE15 and BE20 and Section 16 of the NPPF.
Design/street-scene	Siting: N/A The site of the dwelling exists
	Density: N/A
	Massing/scale: There are no external alterations proposed.
	Fenestration/detailing: No change.
	Materials: No change
	Levels: No change
Trees	Comments from KG: N/A
Residential amenity	Some concerns have been raised over the type of development that is proposed close to a children's' residential activity centre and other residential dwellings where the surrounding area is open with no boundary treatments. The concerns appear to be based on a general position that the occupiers of the care home could create anti-social behaviour or other dis-amenity above that of other residents, however there is no technical evidence that indicates this would be the case. As such there is no basis to conclude that the provision of a care home in this case would necessarily result in a material nuisance or demonstrably harm the living conditions of the occupants of nearby properties. In addition, as there are no external alterations proposed and the nearest property is nearly 50m away, although the site is open it would be difficult to refuse on amenity grounds.
Annex A	Castle House is already a dwelling and the nearest building would be approximately 50m away and as such there would be no privacy concerns with regard to Annex A.
Obscure glass/boundaries	N/A

Noise/smell/dust	N/A	
Traffic/parking	The Assistant Director – Strategic Infrastructure (Highways) has no objection to the proposal and considers the change of use as detailed in the application is unlikely to have any detrimental effect upon the highway or development site.	
New or altered access/visibility	No	
New or altered parking	No	
Space for turning	Yes	
Stage 3 - Review of consultation responses/representations (3 weeks from registration)		
Key issues raised by consultees	Yes	See Conservation officer comments above. The West Yorkshire Police Architectural Liaison Officer also initially had concerns but after the submission of further information about the business and children to be homed they have no objection to the proposal.
Neighbour comments	Yes	6 letters of objection have been received and 3 support. Summary of Points raised: <u>Objection</u> • No pre-app discussions with the neighbours about the proposal • Gated Community, house purchased for peace and tranquillity • Concerns that young offenders may be housed (This type of accommodation would come under a different use class) • Supporting information states, it would be the same as a large family Fail to see the correlation between a large family of different aged children and a house of 6 residents who could be the same age. • Objectors garden borders the site and residents could

		be looking over creating privacy issues • How can supervision of young people outside be enforced? • There are 5 residential properties nearby which is not what the supporting information states. • Poor access not enough space for all the proposed cars of the staff • Lots of unlit paths- safety concerns • Concerns raised by the Manager of the Activity Centre as they have a responsibility for the children who visit. Insufficient information has been supplied and no correspondence/ discussion has taken place with the activity centre. They are happy to enter discussion to consider if a way forward can be found, but based on current information, they object and believe that this is the wrong location for the children's home. • Our concern is heightened by the suggestion that children from the home would have "easy access" to our grounds, without any contact being made with us. • Concerns over safety of own children. <u>Support</u> • I live in the grounds and understand the importance of positively changing the lives of these children that have diverse needs and
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		challenges in our society... I have no objection to the application. - Lived at Castle House for 8 years. Initially had concerns about how the Robinwood operation might impact our enjoyment of the house and grounds. These were quickly dispelled by Robinwood's practice in carrying on a responsible social business, and their efforts to maintain good relations with neighbours. ...We expect no less a professional operation from Compass. By comparison to the 70 or so staff numbers, car users and children attending Robinwood daily, the home would be a very small operation. - No reason to object if the correct policies and procedures are followed - Little impact on traffic
Parish Comments	Choose an item.	The site is located within the boundaries of Todmorden town Council. Todmorden Town Council have made the following comments: <i>"Supported providing that all the responsibilities attached to setting up a childrens' residential home are adhered to"</i>
Ward Councillor comments	No	
Stage 4 - case review with senior officer (within 3-4 weeks of registration)		
Notes:		
Next steps: 1) Permit 2) Negotiate - details 3) Refuse – reason/s		
Conclusion/reasons (within 8 weeks)		

The proposed change of use is only just over the threshold for the need of planning permission given the case law *North Devon District Council v First Secretary of State 2003 EWHC 157*. There is no technical evidence that the development would result in anti-social behaviour or any other dis-amenity. No internal or external alterations are proposed and as such there would be no harm to the setting of the listed building, the Historic park and Garden, the Special Landscape Area, Open Space and Area Around Todmorden. There is sufficient parking on site and although the access is mainly single track highways have no objection to the proposal. There are no overlooking concerns. Some of the concerns raised by objectors are not planning matters and any permission is based on the use and not the applicant. Given the above the proposal is considered to satisfy the relevant policies as set out above.

PLANNING PERMISSION

Town and Country Planning England
Town and Country Planning (Development Management Procedure) (England) Order 2015

THIS PERMISSION DOES NOT CONSTITUTE APPROVAL UNDER THE BUILDING REGULATIONS

(Please see notes at end of this letter)

To
Compass Children's Homes Limited
c/o WYG
90 Victoria Street
Bristol
BS1 6DP

This Council hereby grants approval for

**Change of use from dwellinghouse (Class C3) to residential care home (Class C2)
children's home for up to six residents.**

on land at

**Castle House
Dobroyd Road
Todmorden
OL14 7JJ**

in accordance with the following plans approved by the Council on 06.01.2021

Plan Type	Reference	Version	Date Received
Existing & Proposed Floor Plans	20969 01		28.10.2020
Site Plan	20696 02		28.10.2020
Location Plan	B024050		28.10.2020

and subject to the following conditions under Section 91 of the Act

The development to which this permission relates must be begun not later than the expiration of THREE YEARS beginning with the date on which this permission is granted

and subject to the additional conditions specified below:

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.

The reasons for the Council's conditions are as below:

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Development Plan and National Planning Policy Framework.

Informative(s)

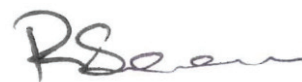
1. The Local Planning Authority has endeavoured to work with the applicant/agent in relation to this application, to secure a development that positively contributes to the economic, social and environmental well-being of Calderdale in accordance with the National Planning Policy Framework.

Please be aware that you will have to submit an application to have the details required by condition, approved. The fee is £34 for a Householder application and £116 for a Non-householder. There is no charge for discharging conditions on Listed Building Consents, TPO's or Conservation Area Consents

Please note the charges will be applied per application irrespective of how many conditions the application is for. If there are 20 conditions and you only apply for 1 -10 then the appropriate fee will apply and when you apply for conditions 11 -20 you will be charged again.

Please also note that the process can take up to 8 weeks.

DATED: 6 January 2021



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Richard Seaman
For and on behalf of
Director of Regeneration and Strategy