

Report of the Interim Chief Executive

APPLICATION NUMBER:	25/00914/FUL
LOCATION:	22 Barlow North Drive, Awsworth NG16 2RQ
PROPOSAL:	Change of Use from Residential (Class C3) to Children’s Home (Class C2)

The application is brought to the Committee at the request of Councillor Pringle.

1. Purpose of the Report

1.1 The application seeks planning permission to change the use of the property from residential (C3) to a residential children’s home (2).

2. Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the appendix.

3. Detail

3.1 The application seeks full planning permission to change the use of this property, currently C3, to a residential children’s care home (C2).

3.2 The application site consists of a two storey detached dwelling with a garden area to the rear. The dwelling is located in a residential area with a mix of two storey and single storey properties.

3.3 In regards to neighbouring properties, the site is located in a built up residential area of Awsworth with adjoining neighbours to the north (20 Barlow Drive North) and to the south (24 Barlow Drive North). Directly to the east are located 1 and 2 Hawthorn Rise. The site is bound to the west by the housing development off Shilo Way.

3.4 The benefits of the proposal are the retention of the dwelling as a residential use, the provision of targeted accommodation to the benefit of future occupants in need of a care home and compliance with policies contained within the development plan. There would be the potential for an impact on neighbour amenity but this is outweighed by the benefits of the scheme.

3.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

4. Financial Implications

4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within

existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers:

Nil.

Appendix

1. Details of the application

- 1.1 The application seeks planning permission to change the use of the property from residential (Class 3) to a residential children's home (C2). The type of care will be the provision of care for four young persons aged between 5 to 12 years old who have behaviour, social and emotional needs. The dwelling will be the children's main residence and according to information submitted within the supporting Design and Access Statement accompanying the application, the children would be taken to school, outings and activities by the staff on site.
- 1.2 The staffing structure would include a home manager, a responsible individual and Care workers. The children will be looked after by staff working at the property providing 24-hours cover, on a rota basis, with two in the daytime and two overnight (one member of staff awake during the night). The shift patterns for the care staff will be from 8am to 8pm and 8pm to 8am, so potential for more than two vehicles to be parked on the road only during the change overs. There are minimal external changes as the garage would be converted to create a staff office and a sensory/therapy space, four rooms will be occupied by children and the ground floor room will be occupied by the staff.
- 1.3 The Design and Access Statement also advises that the home will provide family-oriented, community-integrated home where children can flourish emotionally, socially and educationally. There will be a process of community engagement to address any concerns regarding noise and disturbances, as well as noise mitigation measures.
- 1.4 It has been stated within the submitted statement that any visits additional to the staff on shift, will take place off-site at an approved contact centre to ensure the home remains domestic in nature. The care approach is guided by a personalised care plan that promotes independence, self-esteem, and holistic development through a balance of educational, recreational, and therapeutic activities.

2. Site and surroundings

- 2.1 The dwelling is a detached two storey house. The property has a front porch, a conservatory and a two storey rear and single storey side extensions. The site is considerably at lower level than the highway and has off street parking space for one vehicle.
- 2.2 To the north of the application site is located 20 Barlow Drive North, a detached two storey dwelling. This property has a single storey front extension and single storey side extensions that extends beside the whole shared boundary. Opposite to the site are located nos. 1 and 2 Hawthorn Rise, detached two storey properties.

- 2.3 To the south is located 24 Barlow Drive North, a detached two storey dwelling. This property has a single storey rear extension and a garage to the rear.

3. Relevant Planning History

- 3.1 Planning permission was granted in 1975 to construct a brick garage and in 1981 for extensions to the property.

4. Relevant Policies and Guidance

4.1 Broxtowe Aligned Core Strategy 2014:

The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity

4.2 Part 2 Local Plan 2019

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-Making, Design and Amenity

4.3 Awsworth Neighbourhood Plan 2021

The Council adopted Awsworth Neighbourhood Plan on 21 July 2021

- Policy H2: Housing Mix

4.4 National Planning Policy Framework (NPPF) 2024

- Section 2 : Achieving sustainable Development
- Section 4: Decision-making
- Section 8: Promoting healthy and safe communities
- Section 12: Achieving well-design places

5. Consultations

- 5.1 **Designing Out Crime Officer – Nottinghamshire Police:** raised no objections and makes the following observations:

A management plan is advised to mitigate the risk of young people being manipulated and ensure there is a process in place with the local Policing team to respond appropriately if required. Also advised any child with a history

of going missing on a frequent basis to be raised with Nottinghamshire Police 'Children in Care' Officer in order that an appropriate plan is in place ahead of any reported incident.

5.2 Four neighbours either adjoining or adjacent to the site were consulted. 20 letters were received, 2 requesting information about the application and 16 objecting (one withdrawn) on the following grounds:

- Parking issues / inadequate parking provision
- Highway safety
- Increase in vehicular activities related to the change of use
- Noise and disturbance during changeovers
- Sound proofing between properties
- Impact on quality of life
- Unsociable hours for changeovers
- Fear of anti-social behaviour
- Emergency access restriction due to narrow driveway
- Fire safety concerns
- Lack of facilities within the immediate area and transport links
- Insufficient information regarding age ranges
- Disruption associated with increase in coming and goings
- Potential disruption if age range changes
- Property suitability for proposed use
- Safeguarding concerns
- Lack of space for outdoor activities
- Damage to property
- Concerns about nature of the business, particularly company suitability/competence to run a children's home to prevent potential risks consistently
- Lack of information about staff qualification
- Lack of information about management policies/plan, behavioural management
- Comments related to building control matters
- Suitability of local school to provide specialist support for children with behavioural difficulties
- Should planning permission be granted request the following considerations: limit age to 5 to 12 years old, number of children to two, and provide further off street parking space

In regard to the other two comments received, one stated that the concerns raised do not warrant a refusal, but recommends the application should be determined by the Planning Committee. This comment supports the recommendation about limiting the age of children, and recommends that the house should not be used as a HMO and applicants should follow all OFSTED, fire and safety regulations.

The other comment raised the following concerns:

- applicant lack of experience running a children's home

- potential alternative uses of the house within C2 use should planning application be approved and OFSTED certification rejected
- Concerns about nature of the business
- Lack of public information about the purpose and experience of the company Young Hearts Children's Services

6. Assessment

6.1 The main issues for consideration are the principle of the change of use and whether the proposal would have an impact on neighbour amenity.

6.2 Principle

6.2.1 The proposal is for a change of use from a dwelling (Class C3) to a residential children's home (Class C2) and would provide specialist care and accommodation for up to four children aged between 5 to 12 with Emotional and Behavioural Difficulties (EBD).

6.2.2 The proposed use of the property is considered to retain the residential nature of the dwelling and as such, subject to the matters below, is considered to be acceptable in principle.

6.3 Design

6.3.1 Minimal external changes have been proposed to convert the garage into living accommodation. The external alteration includes replacing the existing garage door with a window.

6.4 Amenity

6.4.1 Policy 17 of the Part 2 Local Plan states that permission will be granted for development which integrates into its surroundings, provides convenient access and ensures a satisfactory degree of amenity for occupiers of new development and neighbouring properties.

6.4.2 The application does not propose any major external changes to the dwelling and only relates to the change of use from C3 to C2, therefore there would not be any issue with loss of light. No.20 has a single storey side extension beside the whole boundary with the application site with an approx. length of 20.3m. Regarding the conversion of the garage into a staff office and sensory room, it would be situated beside the boundary with no.24, however sound insulation has been proposed to minimise disruption and reduce noise transfer. Therefore having regard to the nature of the proposed change of use, on balance, it is considered the proposed use would not have a significantly detrimental impact on the occupants of these neighbouring properties.

- 6.4.3 In respect of amenity for the intended occupiers of the property, it is considered that the use as C2 residential would be similar in terms of how the property is used to that of a dwelling house, that is, it would have a layout expected in a house, for example, living/dining room and kitchen to the ground floor, sleeping accommodation to the first floor. As for the objection in respect of accessibility for an occupier with a disability, there is no indication of access needs in the submitted information and in any case, this would be a matter for the operator to consider the suitability of the property for each child's needs, as would be the case for a C3 dwelling.
- 6.4.4 In regard to the use, the nature of the use as a residential care home for up to 4 children would not significantly differ compared to the use of a dwellinghouse (Use Class C3), where it may be expected for a family including people of this age to reside, and as such it is considered, subject to the provision of a management plan condition, that there would not be any significant impact in terms of increase of noise and disturbance for the occupiers of neighbouring dwellings sufficient to warrant a refusal.
- 6.4.5 Therefore, it is considered the proposed change of use from dwelling (C3) to a residential children's care home (C2) is unlikely to result in significant impact on the amenity of neighbouring dwellings over and above the use compared to the lawful use as a C3 dwelling, which could operate as a family home with four children.

7 Access

- 7.1 Concerns have been raised regarding the residential children's care home generating more traffic and issues with on street parking.
- 7.2 The dwelling offers off road parking for one vehicle. However, only the staff would potentially require access to a vehicle. The support statement advises that carers may own a vehicle, however, on street parking by a members of staff would be unlikely different should the dwelling be occupied by a family. The development would not result in high level of vehicular activities or visits. As such, it is considered that the proposed use would not result in a significant detriment to highway safety or result in inconvenience to local residents in terms of parking at such a significant level to be considered as a reason for refusal on this basis alone. Bicycle storage for up to four bicycles has been also proposed to support sustainable travel.
- 7.3 Following concerns raised about parking issues, amended plans were submitted to demonstrate that one additional off road parking space would be created to the front of the property. Whilst the additional parking space would be welcomed, it is noted on site that the property is at a lower level than the road and as such use of the additional space may not be practical.

Notwithstanding this, as there would be room for one on-street parking space outside the property and one off-street, it is considered that with or without the additional space, impact on parking within the vicinity of the site would not, as stated in paragraph 7.2 above, result in significant detriment to highway safety. Furthermore, The amended Design and Access Statement advises in Section 3.7 the following: 'To minimise car related disruption and on-street parking we will operate a travel plan for staff and set aside a dedicated monthly budget to support non-car travel. This will allow carers to use taxis where appropriate (for example, during shift changes, late finishes, poor weather or when public transport is less practical).

8 Other Matters

- 8.1 It is considered that concerns regarding fear of crime and anti-social behaviour relates to assumptions about the behaviours of people which ultimately planning would be unable to control. It is considered that there are insufficient grounds to suggest that the proposed change of use will result in a significant adverse impact upon neighbouring properties.
- 8.2 Emergency access, fire safety and property suitability is a matter for Building Control. Within the submitted statement, Fire Safety Issues are assessed in Section 3.10. The Design and Access Statement also states in page 3 that "Granting this planning application does not in itself authorise operation as a children's home. A full Ofsted registration process will subsequently be undertaken to assess and approve the property's suitability in accordance with the relevant national care standards".
- 8.3 Damage to property is a civil matter and issues related to the Party Wall Act falls outside the planning regulations.
- 8.4 The request to restrict the age and number of children is considered to be unreasonable and unnecessary. Paragraph 57 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Paragraph 001 -Use of Conditions- of the planning practice guidance states that it is important to ensure that conditions are not used to impose broad unnecessary controls.
- 8.5 Regarding the concerns received about applicant suitability (lack of experience running a children's home) and lack of public information are afforded less weight and the contributor should seek advice regarding this matter, under other legislation.

As per <https://www.gov.uk/government/publications/how-to-open-a-childrens-home/introduction-to-childrens-homes> , a definition of a Children's Home is

set by the Care Standards Act 2000 and states that '*an establishment is a children's home... if it provides care and accommodation wholly or mainly for children*'. And '*children are defined as people who are aged under 18. Young people aged 18 and over may also live or stay in a children's home, but they must be in a minority*'. Children's Homes must be registered with OFSTED and must satisfy a number of legal requirements, including within:

- Care Standards Act 2000
- The Care Standards Act 2000 (Registration)(England) Regulations 2010
- The Children's Homes (England) Regulations 2015

- 8.6 In regard to the concern raised in relation to the potential use of the property as a HMO and the suggestion to remove permitted development rights, this is a residential property and there are no restrictions on the number of occupants, up to a maximum of 6 unrelated occupants, or as a family. There is no evidence to suggest that the property will become a HMO. Notwithstanding this, should the applicant wish to operate the property as a C4 HMO (between 3 and 6 unrelated occupants) this can be done under permitted development. Furthermore, it would be unreasonable for the Council to remove permitted development rights for a domestic property such as this, particularly in this area where there are no restrictions to change the use of the dwelling from C3 to C4. The Government has given householders PD rights and it would be necessary to have very good reasons to take those rights away. As such, it would not be reasonable or necessary because it would not meet the tests for conditions as set out in the NPPF.

9 Planning Balance

- 9.1 The benefits of the proposal are that the care home would enable more targeted service provision to the benefit of the users of the facility and to the benefit of the wider community, and would enable the retention of a residential use, which could be converted back to a dwelling should there be a demand in the future, without recourse to major alterations.
- 9.2 The negative impact is the potential noise issues arising from the use, however, subject to the implementation of noise mitigation measures within the Management Plan (which will be conditioned); it is not considered sufficient to outweigh the positives. Furthermore, a dwelling occupied under Use Class C3 could generate similar levels of noise.
- 9.3 On balance. It is considered that, for the reasons above, the benefits of the proposed development would outweigh any potential negative impact and that planning permission should be granted.

10 Conclusion

- 10.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality and comments raised in representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<p><u>Recommendation</u></p> <p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:</p>	
<p>1.</p>	<p>The use hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</p>
<p>2.</p>	<p>The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 19 December 2025:</p> <ul style="list-style-type: none"> • Site Location Plan, and • Proposed Rear and North (Side) Elevations <p>And the following plans received by the Local Planning Authority on 21 January 2026.</p> <ul style="list-style-type: none"> • Proposed Floor Plans • Proposed Block Plan • Proposed Roof Plan • Proposed Front and South (Side) Elevations, and • document Design and Access Statement <p>Reason: For the avoidance of doubt.</p>
<p>3.</p>	<p>Prior to the use of the property as a residential children’s home, a Resident Management Plan (RMP) shall be submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall thereafter be carried out in accordance with</p>

	<p>the approved RMP, for the lifetime of the use. For the avoidance of doubt, the RMP shall include the following:</p> <ul style="list-style-type: none"> i) Details of on-site staffing, including a dedicated property manager during normal office hours supported by designated wardens who will stay at the premises and will deal with any emergencies or incidents outside office hours including night time supervision; ii) Details of how the property manager and wardens will liaise with local residents throughout the year and how residents can make contact in the event of any disturbance, emergencies or any other management issues; iii) The proposed management of servicing and deliveries; iv) Details of noise management including measures to ensure that noise disturbance to neighbouring residential properties is minimised. <p>Reason: To protect the amenities of neighbouring residents and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policies 17 and 19 of the Part 2 Local Plan (2019).</p>
<p>4.</p>	<p>The premises shall only be attended by a maximum of two staff members at any one time, except during staff handover periods or scheduled staff meetings</p> <p><i>Reason: to ensure a satisfactory standard of neighbour amenity and highway safety and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	<p>NOTES TO APPLICANT</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
<p>2.</p>	<p>The applicant should ensure that sound insulation to limit the transmission of noise between properties is installed and achieves the minimum requirements as contained in the current version of British Standard Approved Document E.</p>

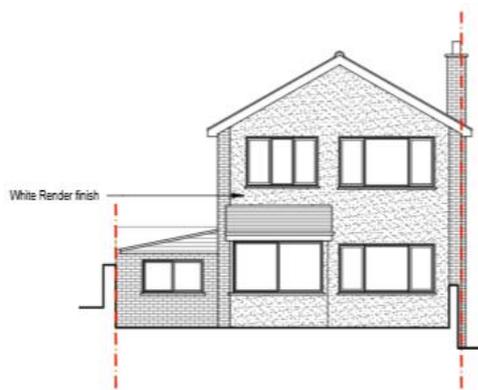
Map



Plans



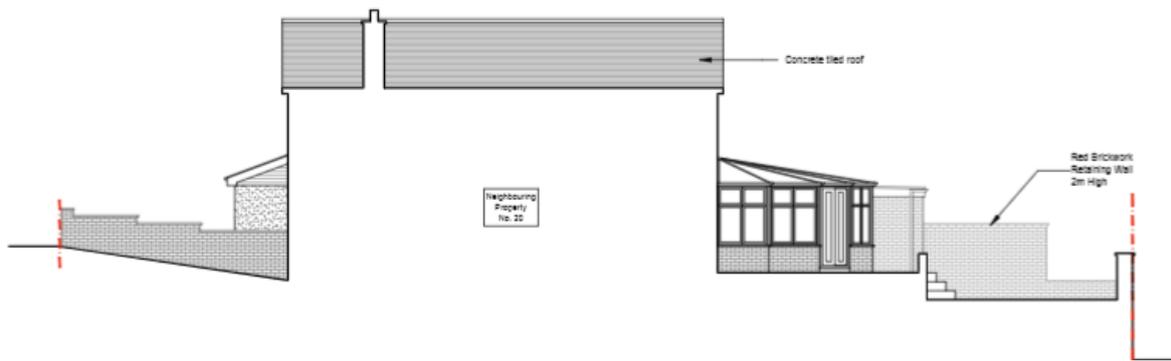
Site Location Plan and Proposed Block Plan



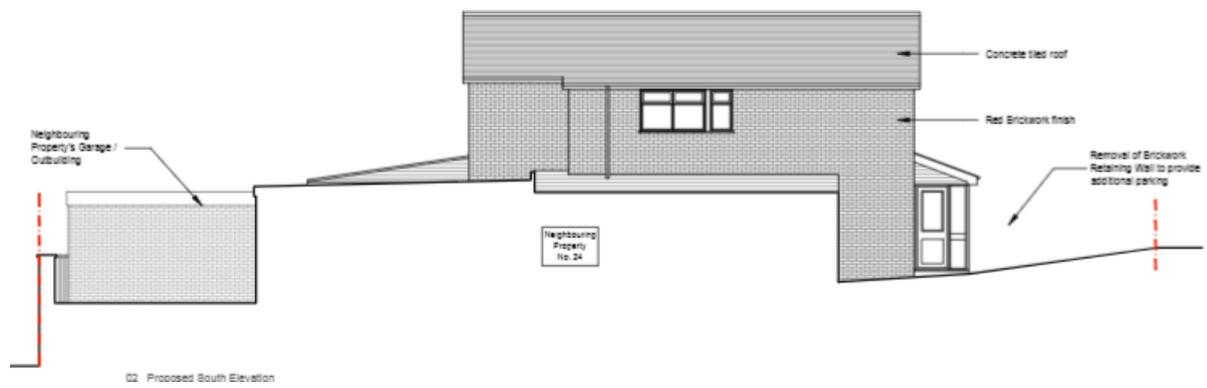
Proposed front elevation



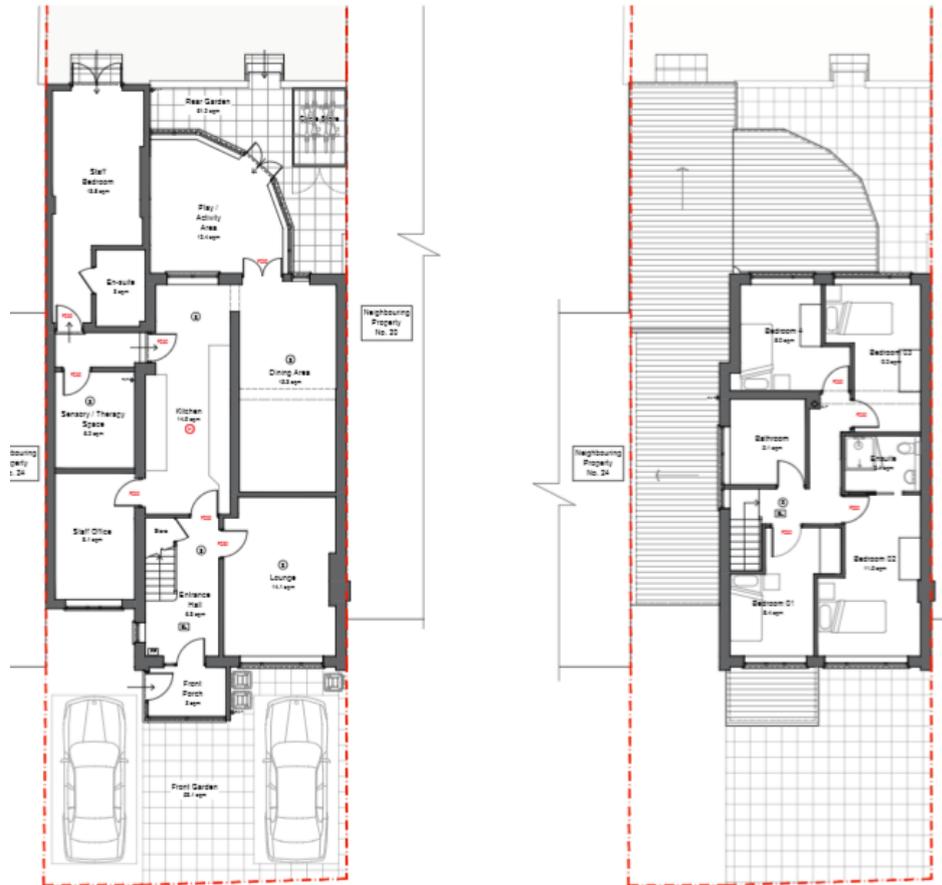
Proposed rear elevation



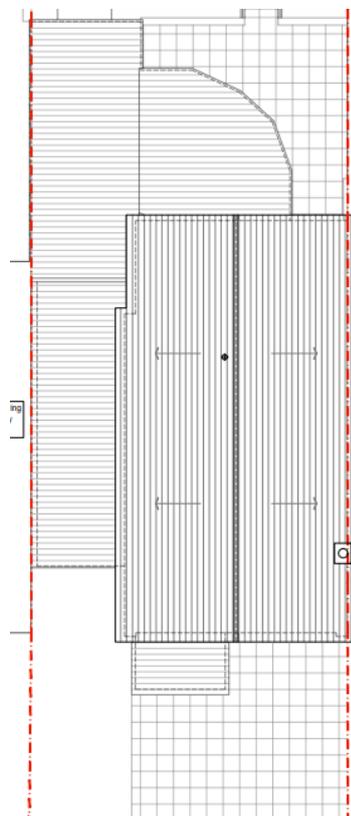
Proposed side (north) elevation



Proposed side (south) elevation



Proposed floor plans



Proposed Roof Plan