
Case Number	21/00303/CHU (Formerly PP-09418927)
Application Type	Planning Application for Change of Use
Proposal	Use of dwellinghouse as residential children's home (Use Class C2) for up to 3 no. residents including 1 no. bedroom for staff member
Location	6 Bishopdale Rise Sheffield S20 5PE
Date Received	25/01/2021
Team	City Centre and East
Applicant/Agent	Mr Carl Nelson - Rise Above Care
Recommendation	Grant Conditionally

Time Limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:

Location Plan (published 25.01.2021)

Reason: In order to define the permission.

Pre-Commencement Condition(s)

Pre-Occupancy and Other Stage of Development Condition(s)

Other Compliance Conditions

3. Prior to the use commencing the drive shall be marked out with 4 vehicle parking spaces which shall be retained for the parking of vehicles in connection with the use of the property as a children's home and thereafter

the parking areas shall not be used for any other purpose.

Reason: In order to ensure an appropriate level of parking and in the interests of the traffic safety and amenities of neighbouring residential occupiers.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

The application site comprises of a 4-bedroom detached 2 storey residential property which is part of a modern estate of 100 similar properties. The rear garden is approximately 11m deep and 14m wide and has an area of approximately 160m². The double garage at the front of the property has been converted into living accommodation. There is off road parking in front of the house.

The whole estate is accessed off Parkgate Drive from Quarry Hill which is a busy road. The site is located approximately 25m from the junction of Bishopdale Rise with Parkgate Drive.

There is no open space within the estate but there are areas of open countryside within walking distance of the site. Mosborough Primary School is located approximately 1.4km to the south-east of the site and there are play areas off Owlthorpe Grove approximately 700m from the site and 1km from the site off High Street and adjoining Bridle Stile.

The submitted plans show the house as existing with 2 large living rooms on the ground floor along with a kitchen and 4 bedrooms on the first floor. This layout would be retained with the master en-suite bedroom doubling as an office and staff sleeping accommodation.

The applicant has advised that this home will be aimed at children between the ages of 7-11. Children are expected to stay 12 -18 months or possibly longer. The children may have suffered abuse or neglect and have been removed from the family. The children's home will help the children to recover from trauma before they are placed back with the family or in a foster home. The children will be drawn from wider than the Sheffield area and are likely to be placed with local schools.

There will be two staff on duty overnight, one will be sleeping and the other on duty. During the day there will be up to 4 staff on duty with one member of staff per child and the home manager present during the normal working day.

The home has to be registered with Ofsted. The Children's Homes (England) Regulations 2015 require that an independent person visits the children's home once a month. The visits may be unannounced. The independent person produces a report about the visit which sets out whether the children are effectively safeguarded and whether the conduct of the home promotes children's well-being.

The applicant has advised that local residents will be provided with contact numbers when the home is operational so that they can raise any concerns with staff.

SUMMARY OF REPRESENTATIONS

66 individual representations, mainly from residents of the estate, objecting to the scheme have been received together with a petition signed by 81 people. The petition is signed by many of the same residents who have objected to the application individually. One of the letters of objection is from Clive Betts MP. One letter of support has been received which is from the owner of the property. The

comments against and in favour of the scheme are summarised below:

Access

- The site is located close to a junction. If cars are parked on street close to the junction it forces drivers to encroach on the opposite side of the carriageway where there is limited visibility which is a hazard. The site is located at a busy point where over half the estate traffic must pass by.
- There is an existing problem with on street parking. The estate has one point of entry, such that additional on-street parking will restrict access for many. The road is steep and affected by snow and ice in bad weather. Limited public transport means everyone would arrive by car. The vehicles of staff (10), visitors, vehicles delivering to this business will contribute to the parking problems, add to traffic, create problems for delivery/refuse vehicles visiting other houses (which have increased due to the pandemic) and also create safety problems.
- There would be far more parking than suggested by the applicant. The numbers of vehicle movements to the site would be far more than a normal residential house. These would include families, police, probation, immigration agencies, medical officials, voluntary agencies, regulatory agencies, therapists, potential foster parents, tutors, children's personal advisors, youth offending teams, friends of the children, other people who are part of their support network, minibuses for transporting children, review/staff meetings being held at the premises, doubled up parking during staff hand over, staff going in and out (e.g. for taking children to different schools). Pavement parking would be a hazard for pedestrians. Photographs submitted showing 3 cars parked on the carriageway of Bishopdale Rise.
- Off-site parking at the Ridgeway Arms is not a solution to the parking issues as it may not always be available, due to its distance from the site and given how busy it is during peak times.
- Increased mileage and safety concerns due to traffic having to turn in the turning heads beyond the site when unable to find a space near the site.
- Vehicles will need to be moved on and off the drive to let blocked in cars move off the drive causing delays for other residents.
- Vehicles attracted to the site would cause potential delays for emergency vehicles. The fire brigade has concerns having put up notices warning about on street parking 18 months ago. An extract from an email from the fire service is attached to the MPs correspondence which says that the signs were put up in this area some time ago as crews were tasked to identify sites where local crews had experienced parking issues in the past. It says that the writer is not aware that South Yorkshire Fire Authority expressed any specific concerns in relation to the area, other than the action of fixing the signs to inform local residents / vehicle owners.
- Pollution from additional traffic.

Lack of amenities

- There are no playgrounds, greenspaces, community halls near to the site. The garden is not large enough for children with special needs.

Inappropriate Use

- The proposed use is different from a residential use as children will live there on a temporary basis and it will be run as a business to make money. This could set a precedent for other properties on the estate to change to businesses which would change the whole character of the estate.
- This is a residential estate and not appropriate for a children's home and business, it is better suited to a self-contained area that can be managed and monitored effectively or one of the many buildings that need regeneration. Concerns about children being brought up in a small unit with intensive living. Although some objectors acknowledge that it is an admirable use.
- Deeds/covenant prevent businesses operating from the estate.

Noise/Amenity/Safety

- Increased noise due to increased traffic/visits to the property - there would be comings and goings all night and the properties are not adequately insulated. The owners of the business will not be living on site to ensure residents are not disrupted. This use would create a nuisance and annoyance to the neighbouring owners.
- There is a fear it would lead to additional crime and affect the safety of existing resident's children, increase insurance premiums. Anti-social behaviour is a concern dependent on the age of the children. Concerns about the safety of children crossing busy roads.
- The property overlooks adjoining properties, and this would affect the enjoyment of those properties.

Lack of publicity for the planning application.

- This application affects the whole estate not just those near the site and so the site notices should have been displayed and whole estate consulted.

Non planning considerations

- It would adversely affect house prices, prevent house sales (Members should note that this is not a planning consideration)
- This is a new business with no proven track record and little information has been provided about the type of children who will live on the site, whether it will be used for short or long term placements and how it will operate. Only one adult sleeping over is inadequate. Fear of granting permission setting a precedent and the impacts increasing in the future if the business expands.

Comments in favour of the proposal

- There is a shortage of care homes in Sheffield and this will help many vulnerable children.
- The directors of the company have over 12 years' experience in caring for children - the age of the company is not relevant as to whether it will be properly run. In any case it will be regulated by Ofsted.

- If permission is granted the Council can deal with any environmental or security concerns.
- The property can accommodate 4 cars on the drive and deliveries will be similar to any residential property. It will not have a detrimental impact on parking or traffic flow. The character of the use is not significantly different from a residential property. There is no covenant restricting its use.
- The estate is entirely suitable for children and many of those objecting have brought up children themselves on the estate without having parks and other facilities in walking distance. A care home in this location will allow vulnerable children to experience normality.
- The property was previously occupied for nearly 10 years by occupants who had health needs requiring visits by ambulances, doctors, mental health workers. There were no complaints about traffic or noise. Visits to the property by emergency services and others will be no different for a children's home than when it was previously occupied by the writer's family or indeed any family.

PLANNING ASSESSMENT

Policy

A children's home can either fall within use class C2 (residential institutions) or use class C3(b) (dwellinghouses) of the Town and Country Planning (Use Classes) Order. The distinction largely depends on whether or not the children are in themselves capable of living together as a single household and whether the care provided is on a permanent basis or on shift patterns. If the children are being looked after by a permanent occupant of the dwelling, then the use would probably fall within class C3(b). However, when the care is based on shift patterns and the carers are not resident they could not be regarded as living together in a single household and the use would fall within class C2. In this case the carers are not resident so this would be a class C2 residential institution use requiring planning permission.

The National Planning Policy Framework (NPPF) says that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as having 3 overarching objectives - an economic objective; a social objective; and an environmental objective.

In this case the development has implications for all three objectives. Economic objective in that there will be jobs created by the proposal; social objective in that it provides accommodation that will help to meet the social needs of the community; and environmental objective in that it will impact on the environment of local residents primarily due to the traffic implications. As explained below it is your officers' view that the negative environmental implications are limited and that the proposal is appropriate for this site, delivering social and economic benefits which means that overall it constitutes sustainable development.

The site lies within a housing area as identified in the Unitary Development Plan (UDP). Policy H10 says that housing is the preferred use and residential institutions (C2) are acceptable uses. It says that residential institutions in Housing Areas allow residents to live in the community and enjoy the same housing environment as

everyone else. This is consistent with the NPPF paragraph 59 which recognises that it is important that the needs of groups with specific housing requirements are addressed. Policy H14 says that non-housing uses must occupy only a small area and not lead to a concentration of uses that would threaten the residential character of the housing area. They must be on a scale consistent with the residential character of the Area; meet primarily local needs or occupy an existing building set in its own grounds.

In this case the application relates to a single dwelling and is to accommodate 3 children which would not be unusual in a property of this scale. As explained below the environmental and traffic impacts are limited and as such the development passes the policy tests of occupying only a small area; not leading to a concentration of uses that would threaten the residential character and being on a scale consistent with the residential character of the housing area. Therefore, there is no objection in principle to the development in policy terms.

Policy H8 is titled 'housing for people in need of care'. This includes supportive accommodation which is defined as purpose-built or converted exclusively for specific groups of people, consisting of grouped self-contained accommodation or a shared house with resident or visiting caring support. This definition applies to this proposal, although the reasons for the policy suggest that it was mainly intended to apply to adult accommodation, although this is not explicit. The intention of the policy is to ensure that residents have a good quality environment. It says that supportive accommodation will be permitted provided it would:

- Be within easy reach of a shopping centre and public transport; and
- Be suitable for people with disabilities.
- Provide a reasonable and attractive area of accessible private open space or be immediately next to an area of public open space; and
- Not involve extensions which would remove essential open space.

In this case the site is not within easy reach of a shopping centre. There are bus stops close to the site on Moor Valley between Sheffield and Chesterfield with a 30 to 40 minute frequency. The house has bedrooms on the first floor which means it is not suitable for people with disabilities. It does have an attractive private garden and will not involve extensions that would remove essential open space. Therefore, the proposal does not comply with all elements of this policy. However, it needs to be recognised that access to the shopping centre; public transport and being suitable for people with disabilities is less relevant in this case when it is targeted at younger children who would not be expected to travel to these facilities on their own and the children's home would not be housing disabled children. It is therefore concluded that the lack of full compliance with this policy is not a sufficient basis for resisting this application.

Access Issues

UDP policy H14 says that change of use will be permitted provided that it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

In your officers' view, access is the key consideration in this case. The primary issues to judge are how different the traffic and parking generated by the proposed use will be from that of the existing authorised use as a dwelling house and whether this will have any significant safety or amenity impacts for neighbours.

The application site is located within an estate of detached houses which have off road parking. There are approximately 100 houses on the estate all accessed from a single point off Quarry hill. Bishopdale Rise is a standard residential estate road 5.5 metres wide with footpaths either side.

The applicant has advised that there will be 2 carers present at the site overnight and up to 4 during the day. They will comprise of a manager and 3 staff providing one to one care. The manager would tend to work 9am to 5pm. They have advised that they will operate a shift system with two or three days on shift to minimise the number of movements to the site. This would mean that on most occasions the daytime carers will remain on shift overnight meaning that there will be no need for staff changeover in the evening. They have advised that the maximum number of staff cars at the site will be 4 even during shift changeovers. There will be occasional visitors to the site in addition to this as advised below.

Residents have raised concerns about additional traffic due to visitors and servicing of the care home. The applicant has advised that parents and other family members are very unlikely to be allowed to visit the property for safeguarding reasons and because the property is not sufficiently large to facilitate satisfactory visits with other children and staff within the property. Visits are likely to take place at a contact centre or in a public space if the weather is good.

The applicant has also advised that it is highly unlikely that probation officers/youth offending teams and medical staff will be attending the facility as the facility will not be taking children with significant health problems or disabled children, as the property is not considered to be suitable. Therefore, any visits by medical services are not likely to be significantly different to that of a dwelling house. Offending behaviour is usually not an issue with the younger children that the applicant is targeting.

They will not be taking asylum seekers and therefore there will be no visits by immigration agencies. The applicant considers there will be no reason for voluntary organisations to visit the premises. A minibus will not be required for a small home such as this.

There will be a visit from Ofsted before the premises opens followed by a visit after 6 months and thereafter yearly visits. There will also be monthly visits by an independent person. There will be a social worker for each child and a visit should take place every 6-8 weeks.

If children require therapy, given the size of the home it is likely that they will be taken to the therapist rather than the therapist coming to the site. They will endeavour to place children within mainstream local schools but if this is not possible for any reason tutors will be employed. The applicant has advised that they would endeavour to arrange tutoring off-site if required as it tends to be more productive as

children tend to see it as homework if tutoring takes place in the home.

The transporting of children to schools will depend on the educational arrangements in place for the children, if they are going to the same school and start at the same time they can be transported together. If not, then they will be taken on separate journeys. There is the potential for foster parents to visit the premises, but this would be very infrequent as the applicant is expecting the children to stay with them for 12-18 months before moving on. There may be visits by advocates for the children who do not feel confident in speaking for themselves. The applicant's experience is that if required much of this will take place over the phone with a face to face visit once every 6 months.

Cleaning will be undertaken by staff so there will be no cleaners visiting the premises. Food shopping will either be carried out by staff when the children are at school or there will be a single weekly shop delivery as with any other family dwelling. Staff will eat meals with the children. Waste will use the normal household bins and therefore there will not be a separate commercial waste collection.

The existing off road parking is sufficient to accommodate 4 cars. The drive is approximately 10m long by 5/6.5m wide. This is sufficient to accommodate 2 cars side by side and another two behind these. Whilst it will be tight to accommodate 4 cars on the drive this is achievable as a standard parking space is 2.5m by 5m. As the drive is wider nearer the house there should be sufficient space to get through to the door. This arrangement is clearly dependent on the staff using the parking responsibly as it is with any house and will involve staff moving cars to release blocked in vehicles. Any additional visitors as described above would need to park on street.

A 5 metre wide carriageway is sufficient to allow 2 cars to pass and a car or fire engine to pass a car parked on street. On street parking on both sides of the street directly opposite would prevent any vehicles from passing, if not directly opposite but close together it would be likely to cause difficulties for emergency vehicles or delivery vehicles as is the case in most streets. Although the fire service has displayed posters about considerate parking this is not an issue that is particular to this estate only; it is an issue throughout the city. It does not mean it is any worse in this street than elsewhere in the city. Nor does it mean that applications which are likely to increase on street parking in locations where leaflets have been displayed should be refused planning permission in principle. There is a risk in any street that inconsiderate parking will cause obstruct emergency vehicle access. It is your officers' judgement that this is not anymore of a concern on this street than any other cul de sac street.

Whilst it seems likely that there is the potential for reduced family visits to the children's home it is likely that there will be more movements overall due to staff movements and children being transported to places individually rather than as a family group, occasional visits by other agencies and manoeuvring vehicles on and off the drive.

Additional traffic attracted to the site is likely to be more noticeable to residents because the roads that serve these houses are relatively quiet as they are not

affected by passing traffic. This is likely to cause some inconvenience and additional disturbance to residents closest to the site and to those opposite as careless parking will make getting in and out of the drive more difficult. However, it is considered that this would not be at a level where it would create significant amenity, traffic or pedestrian safety issues. It should be noted that it is not inconceivable that a 4 bedroomed family house could have 4 cars with 2 working adults and 2 adult children. There is no evidence that there would be a significant change in delivery vehicle visits to the site.

The highway officer has advised that there is likely to be a slight increase in on street parking but not significant enough to cause a safety problem or justify a refusal of planning permission, particularly bearing in mind the test within paragraph 109 of the National Planning Policy Framework which states that “development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

Local Facilities

A number of residents have raised concerns about the lack of local facilities for children in the vicinity of the site. As a house of this size could be expected to accommodate 3 children as part of a family set-up; the same as the proposed children’s home; there is no material difference between the access to local facilities from the existing and proposed use.

Amenity/noise/pollution

UDP Policy H14 says that for non-housing (C3) uses change of use will be permitted provided that it would not lead to air pollution, noise, smell, excessive traffic levels or other nuisance or risk to health and safety for people living nearby. Further, it states that sites should not be over-developed or deprive residents of light, privacy, or security. This is consistent with NPPF paragraph 180 which states that developments should avoid noise giving rise to significant adverse impacts.

The housing is designed such that it does not impinge excessively on the privacy of adjoining occupiers. There is no reason why the overlooking from use of the property as a children’s home would be significantly different than overlooking from a family house.

The property is a large family house with a large garden which provides generous private amenity space sufficient to meet the needs of the intended number of occupants.

There is no reason to suppose that the occupation of the house as a children’s home will create more noise and disturbance than a normal family house, other than noise caused by the additional visitors which is discussed above. It is concluded that the amount of additional traffic attracted to the development will not be at a level that it will have a significant impact on air quality/pollution or undermine the residential character of the area.

There is no evidence that the proposal would cause an increase in anti-social behaviour, crime or danger to existing residents' children. The planning system exercises no control over the behaviour or character of who might occupy a property, whether it is a dwelling house or a children's home. Whilst fear of crime can be a planning consideration it needs to be clearly supported by evidence that this would be likely to be a problem. There is no such evidence which would be robust enough to justify a reason for refusing planning permission in this case given the small scale nature of the use.

Management/operation of facility

Local Planning Authority decisions should focus on whether the proposed development is an acceptable use of land. Planning decisions should assume that separate legislation which controls the operation of a children's homes will operate effectively and it is not for the planning authority to duplicate these controls. This principle applies even if the operators of children's home do not have a track record and it is a new business venture. The Children's Homes (England) Regulations 2015 provides quality standards for children's homes. Ofsted is the registration authority for children's homes and as registration authority regulates and inspects children's homes.

Restrictive Covenant/loss in value/future development

The owner of the property has said that there are no restrictive covenants that apply to the property although residents say that a covenant restricts the use of the property as a business. Regardless of who is right, a covenant is not a matter which is relevant to Local Planning Authority's assessment. As with all planning applications it is the applicant's responsibility to ensure that they comply with any other legal requirements outside of planning controls. If they are not able to do this, they will not be able to proceed.

The positive or negative effect of a planning application on the value of property is not a material planning consideration.

Future development or expansion of the property will be subject to planning permission and the impacts of any such proposals if they arise will be considered at that time. Speculation about future development is not relevant to the consideration of this application.

Benefits

The application will provide accommodation for a disadvantaged group of people and provides the prospect of improving their life chances. This is a social benefit of the proposal which should be given some weight in determining the application.

SUMMARY AND RECOMMENDATION

The application is acceptable in policy terms in principle as this is a small residential children's home which is appropriate to locate within a residential area for the reasons given above. Whilst it is a residential institution the character of the use is

similar to that of a dwelling house. The key differences relate to the number of vehicle movements as described above and the potential for additional on street parking. Whilst there are likely to be small increases in both which may cause some additional disturbance and nuisance from time to time, the impact is likely to be relatively minor and not significantly different to living next to a busy household with 4 cars.

It is not considered that it will give rise to significant safety or amenity concerns such that they could justify refusing planning permission especially when taking into account the social benefits of the facility. The Council 's Children and Young People's Service has advised that they use independent children's homes to place some of Sheffield's children in care. There are insufficient placements currently locally and nationally which makes it difficult to find the right placements for children and young people and more placements are needed in the city. Therefore, there is a clear need for facilities and this fits with the NPPF requirement to meet the differing housing needs of the community, as such this benefit should be given weight in determining this application.

Whilst the proposal does not totally comply with Policy H8 of the UDP it is considered to comply with the Local Development Plan when considered as a whole and is also consistent with the aims of the NPPF as it is considered to be sustainable development for which planning permission should be granted.

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