

24 August 2022

Attention:

Hannah Hollins (High Peak Borough Council ("HPBC"))

Amy Charlesworth (Derbyshire County Council ("DCC"))

Chris Henning, Executive Director of Place, on behalf of the Applicant, Derbyshire County Council

Planning Application Code No. CD1/0722/11

High Peak Reference CON/2022/0017

Proposed Development at 2 Compton Road, Buxton, Derbyshire, SK17 9DN (the "Subject Property") for a change of use from a guest house (C1) to a children's home (C2)

Dear Ms Hollins and Ms Charlesworth,

My family, including two young children, live at 1 Compton Road, Buxton, SK17 9DN. This Subject Property is directly opposite 2 Compton Road. We have lived here since 2016. We chose to live at 1 Compton Road because it is within a quiet residential conservation area – an area including several guest houses since the immediate vicinity is quiet, well presented and reflects the conservation area status. Indeed, these local businesses run by owner-occupiers exist due to the specific character of the conservation area and its residents. I object in the strongest possible terms to the proposed planning application submitted by Derbyshire County Council to change the use of the Subject Property into a children's home for the reasons set out below.

On a separate matter, I note that there is another planning application for the same Subject Property to turn it into a residential dwelling. I support that planning application as a much more appropriate use of the Subject Property.

As I understand it, when reviewing planning applications there are certain items which must be considered in establishing whether or not to grant permission. I object on the grounds of several of those below:

1. Objection 1 – Overlooking and significant lack of Privacy

- 1.1 The Subject Property directly overlooks my home. My home has large bay windows, being typical of the period in which it was built. The windows of the Subject Property line up directly opposite these bay windows. The top floor overlooks my 10-year-old son's bedroom and my office. The middle floor overlooks my bedroom and my lounge.
- 1.2 When I refer to overlooking, I do not mean that the Subject Property has a view into a small area of a room. Our windows run from knee height to the ceiling providing an absolutely clear view of the day to day activities and the contents of our home, from our floor to our ceiling. Given the amount of light let in through the windows no part of the rooms overlooked can be said to be dark enough to prohibit this very clear view.
- 1.3 The Subject Property is not set back far from the road and there are no trees on the street. Any occupier/resident of the Subject Property can identify the people present, the activities we are undertaking, even the clothes we are

wearing and what we are watching on television. Not only are our rooms overlooked but our garden is too.

- 1.4 The current use of the Subject Property as a guest house does not cause us significant concern nor make us uncomfortable as most guests are tourists/visitors to friends and relatives. They do not spend a significant amount of time in the rooms which overlook. They generally only occupy the rooms overnight and do not spend a significant amount of time there during the day. They are also transient and will not acquire a complete picture of my young family's activities and movements. It is also the case that the guest house is not constantly occupied and so guests are not always in the rooms which overlook my home.
- 1.5 Were the alternative planning application for conversion of the Subject Property to a single dwelling house granted permission this would also not cause us to be overly concerned. Occupation and use of the Subject Property as a family home would again mean that the rooms which overlook my home were not permanently occupied. The ground floor would likely be used as the family base with the bedrooms being used primarily as sleeping accommodation.
- 1.6 The incidence and significance of the overlooking, lack of privacy and intrusion into my family's daily life if the application to convert the Subject Property to a children's home for 10-17 year olds is granted cannot be overstated. It is almost certain that the rooms used by the children and teenagers will be occupied for most of the time that the residents are home. As such the intensity in use of the overlooking rooms will increase and, as a direct result, so will the significance of the overlooking and the unacceptable invasion of privacy.
- 1.7 I am also concerned about the identity of the young people who will be able to gather a full picture of the contents of our home and the daily movements of my family. I understand that from the Statement of Need submitted by DCC that the planning application has been submitted for the Subject Property with the intention that it will replace Solomon House on College Road. I note that the main driver here appears to be cost and that the cost to redevelop Solomon House would be more than the cost to acquire the Subject Property. This is notwithstanding the fact that DCC's initial view was that Solomon House should be re-developed.
- 1.8 According to DCC's own website (<https://www.derbyshire.gov.uk/social-health/registered-care-services/mainstream-childrens-homes/solomon-house.aspx>), Solomon House provides accommodation for up to "6 children and young people with emotional and behavioural difficulties". I am very uncomfortable that, not only will my home be overlooked with an intensity far above that experienced now, but it will also be overlooked by people with "emotional and behavioural difficulties". I am extremely concerned for my home's security, my family's safety and our perception of safety.
- 1.9 My two young children often play outside. They are happy and content to do so and we, as parents, are content to leave them to play alone without an adult present. This will change if the planning application is approved as there will be a feeling that they are being observed by individuals who have, by DCC's own admission, "emotional and behavioural difficulties". Being uncomfortable to allow my children to play outside will be a significant and oppressive intrusion

into my family's daily life and have a significant adverse impact on the well being and freedom of my children.

- 1.10 I would also comment that Solomon House is situated in College Road in a much less densely populated area. It is within a substantial plot of land that is set back from the street, surrounded by mature trees. There are no dwellings opposite Solomon House and so overlooking and lack of privacy is not an issue. The Subject Property has significantly less space around it meaning it is closer to the street itself and the houses opposite it and it has little to no garden to distance the windows in the Subject Property from the street and opposite neighbours.
- 1.11 I note with concern that the Subject Property would have 7 employees according to the planning application. There are only 3 full time staff at Solomon House for 4 residents and it must follow that, DCC intend to increase the number of residents in its facility from the current 4 to 10 or more, with some residents potentially sharing rooms. As stated, this will be 10 or more residents with "emotional and behavioural difficulties" all able to overlook my family home resulting in a total lack of privacy.
- 1.12 We moved into our home because of the quiet residential nature of the street, the conservation area status and the architecture befitting it. No doubt the architecture, incorporating the large windows, added to the persuasive arguments to create this local conservation area. If the planning application is approved these large windows, which give the conservation area its nature, will, due to the significant overlooking and total loss of privacy, cause significant intrusion into our daily lives and result in fear, stress and a reduction in well-being.

2. Objection 2 – (i) Inadequate Parking and Servicing, (ii) issues with Access and Highway Safety and (iii) Traffic Generation

- 2.1 The Subject Property has parking for two cars only as it must leave space for vehicular access at the rear of the Subject Property for the owners and occupiers of neighbouring Compton Guest House to access and egress. Two parking spaces are not sufficient to cope with the demands of the proposed change of use.
- 2.2 Staff and visitors will need to park on the, already congested, roads. DCC intends to appoint 7 full time employees at the Subject Property. The existing two parking spaces will not be sufficient for the staff of the Subject Property let alone the numerous family, local authority and health and welfare offices that will visit the residents throughout the day and evenings.
- 2.3 Granting planning permission for the Subject Property to change its use to a children's home will undoubtedly exacerbate the already significant traffic and parking issues along Green Lane, Compton Road and Spencer Road (particularly between 8am and 9:30am, 2:30pm to 4pm and 4:30pm to 6pm due to schools, peak travel time and use of Compton Road at peak times, as a "rat run" to avoid the five ways traffic lights). The change in use of the Subject Property will cause an increase in traffic during the day but also in the evenings and, potentially overnight.

- 2.4 The Subject Property is situated on the corner of Green Lanes and Compton Road and, as is often the case already, cars will park too near the junction (as there are no available spaces elsewhere) causing congestion and gridlock on Compton Road. Cars already park on each side of the road, preventing any passing places, and I am concerned for the safety of pedestrians and motorists using the road generally and particularly the junction of Compton Road and Green Lanes.
- 2.5 I am concerned about the safety of the highway as regards vehicles entering and exiting Compton Road to/from Green Lanes. There is already a lack of visibility at busy times meaning a driver cannot clearly see into the road it is turning onto. This is particularly evident at the busier times of day noted above. It is also the case at these times that, due to parked cars, drivers must take up space on the "wrong" side of the road. Increasing the traffic and therefore the parking problems at this junction will increase the danger at this junction for pedestrians and motorists.
- 2.6 The safety is a significant concern for families and elderly residents in the area and also for those parents with children at the local primary school (at the opposite end of Compton Road to the Subject Property) and the local secondary school (which is at the opposite end of Spencer Road to the Subject Property). Many children will need to cross the road precisely when the road is at its busiest and most dangerous time.
- 2.7 If the planning application is granted there will be much more traffic in the area during the day and during the evenings (and potentially overnight) with significantly greater numbers of staff/visitors to the Subject Property compared to the B&B which did not operate at 100% occupancy and only operated during Spring and Summer. It is also the case that most of the visitors to the B&B would arrive, park and then not use their cars significantly during their stay and given the B&B's proximity to the town and for fear they would not return to a parking space due to the limited parking.
- 2.8 If redevelopment of the outside space was proposed to provide additional parking, the removal of the boundary wall would adversely affect the nature of the conservation area and/or would further reduce the Subject Property's little to no garden space. Indeed, the title to the Subject Property includes a restrictive covenant that the wall cannot be changed.

3. Objection 3 – Anticipated Noise and Disturbance

- 3.1 At the moment, the Subject Property is a B&B. As stated, although it has 6 bedrooms, the occupancy rate is generally much lower, especially during the winter months when they rarely accept bookings. The typical visitors to the Subject Property are middle-age people who are not likely to make noise, especially at night. I have never had the need to complain to the B&B about noise. However, a children's home with, as DCC itself describes, "children and young adults with emotional and behavioural difficulties", is bound to create very significant noise and, potentially, nuisance to the residents on Compton Road and the other local roads. I am very worried that the peaceful enjoyment of my family home will be seriously adversely affected by the noise that the children's home will undoubtedly create.
- 3.2 The usual noises one would expect from a family home with children, and which would be acceptable in this family area, will increase given the 10+ children that

seem likely to move in. Even if no anti-social behaviours are present the noise emanating from within and without the Subject Property is likely to cause a disturbance. However, the residents to be placed in the Subject property are more likely to exhibit antisocial behaviours which will adversely affect neighbours. This is particularly so because of the "emotional and behavioural difficulties" that exist.

- 3.2 We anticipate that by bringing together many children and young adults than would regularly live together in a family, and by virtue of the children and young adults not being family, there will be arguments. We also anticipate loud music and gatherings of residents and their friends in the very small/ non-existent garden facing the street (directly opposite our family home). We are concerned too that some of the young people are likely to have aggressive and violent tendencies and that foul language will be used which will be audible from our home. We are concerned with the impression this antisocial behaviour will have on my young family.
- 3.3 During the lockdown, Compton Guest House (next door to the Subject Property and so further away from our house) accepted adults who were experiencing/ had experienced unfortunate circumstances. The antisocial behaviours presented by some of these adults completely changed the nature of the area. The police were called on several occasions (who commented that they were not usually called to our conservation area) due to arguments at all times of day and night, loud music blaring, physical fights and demonstrations of aggression and violence spilling into the street. The area is so peaceful overnight that even conversations at a normal volume taking place immediately outside Compton Guest House (which I repeat is further away than the Subject Property) were audible from my house and garden. The language used was appalling, so bad that we had to keep our windows closed and bring our children in from outside. We also noticed the smell of drugs coming from Compton Guest House/those smoking outside. The noise and disturbance we all experienced caused stress, sleepless nights, waking to shouting and swearing, calling the police and even the need to attend the police station to provide statements. It affected our home and work life. It also made us fearful. My wife was incredibly scared of making complaints as she was concerned about the possible repercussions for our home, our children and our pets.
- 3.4 The residents in and around Compton Road are proud homeowners. We look after our properties and our neighbours. We are considerate to each other and avoid causing disturbances. We take responsibility for our children and guide them to be good citizens (being polite and keeping noise to acceptable levels). Except for the above example of antisocial behaviour at Compton Guest House, I have had no cause to complain to any neighbours/local properties about anything.
- 3.5 I am concerned that if the planning application is approved, the residents of Compton Road will be permanently placed in the situation outlined at 3.3 above. If adults behaved that way, I am sure that the children and young people with "emotional and behavioural difficulties" will too. Indeed, I fear the situation will be worse as, rather than one or two adults behaving antisocially, there may be groups of children and young people within the Subject Property and gathering outside it.
- 3.6 There are unlikely to be effective measures taken to prevent such noise and disturbance (given the bigger issues these children and young people face) and I cannot see how the issue of noise and disturbance can be mitigated. Neither the

staff nor the children and young people will have a vested interest in maintaining the existing standard of living and behaviours in this conservation area. They are unlikely to care as much as owner-occupiers as to the significant impact anti-social behaviour will have on the local residents and the conservation area in general. I am particularly concerned about the behaviours that my children will be exposed to.

- 3.7 Albeit I appreciate the children and young people are victims themselves, I do have a very real fear of the potential disturbances as to noise and as to the potential for criminal activity. I understand that the "emotional and behavioural difficulties" are likely to include aggressive and violent tendencies. I am very worried about the potential for physical harm to my home, family and pets, particularly if I do have cause to complain about any disturbances.

4. Objection 4 – Overbearing nature of the Proposal

- 4.1 The planning application submitted will result in oppressive and intrusive living conditions for my young family. The overlooking and lack of privacy is a particular concern for me and my young family together with the anticipated noise and disturbance referred to above and the safeguarding risk for my own young children.
- 4.2 My family will not be able to peaceably enjoy our home and we will have to change the way we live in our home. We will feel the need to hide our comings and goings, keep our windows shut, restrict our time in the garden, monitor whether we or our children are being observed and not allow our children to be in the garden alone. We do not know the extent of the "emotional and behavioural" difficulties, but we do know that it is likely they are severe and that they can no longer be cared for within a foster family. I assume DCC will not share any details of the "difficulties" and so I am concerned that my own young children will be put into a vulnerable position. I have concerns as to how I can safeguard them.
- 4.3 Moreover, I note from a report published by DCC (see paragraph 4.15 in the following [link](https://democracy.derbyshire.gov.uk/documents/s15054/Childrens%20Home%20Refurbishment%20Programme%20v1.1.pdf) - <https://democracy.derbyshire.gov.uk/documents/s15054/Childrens%20Home%20Refurbishment%20Programme%20v1.1.pdf>) that DCC considers that "Additional opportunities have emerged i.e. the house [in context this must refer to the Subject Property] has potential to convert a garage space into semi-independent living facilities which will improve the offer of service to our children in care, pending necessary approvals". In other words, not only does DCC intend to maintain the Subject Property for 10+ residents which will, presumably be supervised in some degree, but it also intends, in the future, to convert one of the garage spaces into semi-independent living facilities. It is disappointing that no reference to this future intention is made in the current planning application.
- 4.4 The additional conversion is inappropriate for the proposed use as (i) the semi-independent resident of this space would have to cross land that must be kept open and available for the use of the owners and occupiers of Compton Guest House and (ii) there is a safeguarding issue for the semi-independent resident themselves (as they will not be within the building with staff). I am troubled that, as well as the group of young adults living with supervision within the Subject Property, there will also be one or more living semi-independently there. This will certainly involve less supervision and exacerbates my concerns in relation to noise and disturbance.

5. Objection 5 – Adverse effect on the Conservation Area

- 5.1 I note that the letter dated 4 August 2022 from DCC makes the following statement: "The Council thinks that the development would affect the character or appearance of a conservation area which the land to which the application relates is in".
- 5.2 I agree entirely with that statement by DCC. The children's home will, even if the external appearance of the Subject Property remains the same, have a serious adverse effect on the tone and character of the neighbourhood. The area is largely residential. DCC has a duty to find suitable accommodation for its children but Compton Road is not the right place. As stated, the existing home, Solomon House, is in a much more secluded position, it is set back from the road, is surrounded by trees, has an extensive garden and is not opposite other dwellings. The area in which it sits is less densely populated and there are less concerns for parking, noise, disturbances and overlooking. On the contrary, the Subject Property is on the exposed corner of Compton Road and Green Lane and within a smaller plot with little to no garden (and one which must remain open and unlocked to provide access/egress to and from Compton Guest House at all times of the day and night). The area is densely populated with existing traffic/parking problems, there are no trees to obstruct overlooking and the proposed use of the Subject Property will result in a lack of privacy for me and my young family.
- 5.3 There are only 4 young residents at Solomon House. It appears that there will be more than 10+ children and young people living at the Subject Property if the application is approved. Housing a large group of young people with "emotional and behavioural problems" together in one Subject Property within a quiet residential conservation area will absolutely adversely affect the character of the conservation area.
- 5.4 In addition, the conservation area status applied to this area includes the nature of the architecture. Allowing the overlooking and significant intrusion into my family's life and the lack of privacy it will bring goes against the conservation area status. Our home benefits from being in a conservation area because it has large windows. If this planning application is approved, the benefit to my family of the windows and the character of the conservation area will be dramatically reduced.
- 5.5 Most of the residents in the local conservation area are owner-occupiers. We are all concerned to keep our homes in a good state of repair and condition and with little to no disturbance of our neighbours. The properties run as guest houses are also owner-occupied. They rely on the conservation area status and its neighbours to behave in this way in caring for their properties and neighbours. If we failed to do so, the local businesses would receive negative reviews and their businesses would fail.
- 5.6 The proposed change of use requested in the planning application will change the character of the conservation area due to:
- 5.6.1 oppressive and intrusive living conditions due to the overlooking;
 - 5.6.2 increased parking issues, higher volumes of traffic and increased risks for pedestrians and motorists;
 - 5.6.3 antisocial behaviours;

- 5.6.4 noise and disturbance, including the potential for physical harm and property damage; and
- 5.6.5 no owner occupier being present to care for the Subject Property, its state and condition/ effectively control any noise/disturbance caused to residents.

Objection 6 – Precedent

- 6.1 I also object to the application also on the grounds that it could establish a precedent for the conversion of local B&B's/guest houses to children's homes/institutions in this area. The Subject Property is in a quiet residential conservation area. It is not appropriate to allow large groups of individuals to reside in one dwelling within a small plot with no owner/occupier present.

General comments

I fully understand that DCC needs to provide suitable accommodation for its vulnerable children but the current proposal to change the status of the Subject Property instead of refurbishing Solomon House appears to be driven largely by cost considerations (see paragraphs 2, 3, 4.1 etc. of the Report cited above) rather than the needs of the children or the residents in and around Compton Road. The Subject Property is the wrong choice for the proposed children's home and would have a seriously detrimental effect on, not only my home, but the wider conservation area, traffic, parking, road safety, local community and all local residents.

I note that the application has been submitted by DCC. Please can you advise how you ensure that conflicts of interest between DCC as the applicant in this case and HPBC, as the planning committee, are reconciled? Is there an independent body that could decide the outcome of this application and any subsequent appeal?

In the meantime, if you would like to visit my home to see the extent of the overlooking and anticipated total lack of privacy, you are very welcome.

Yours sincerely,

Matthew Faulkner