

# Planning Committee Report (20/0803/FUL)

## 1.0

**Application Number:** 20/0803/FUL  
**Applicant Name:** Mr J Jenner, Central and Southern Homes Limited  
**Proposal:** Change of Use from Public House (Class A4) to Children's Home (Class C2)  
**Site Address:** Globe Inn  
39 Clifton Road  
Exeter

**Registration Date:** 30 June 2020  
**Link to Documentation:** <https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=20/0803/FUL>

**Case Officer:** Leigh Powell  
**Ward Member(s):** Cllr Richard Branston, Cllr Matthew Vizard and Cllr Jemima Moore

REASON APPLICATION IS GOING TO COMMITTEE – Members requested that the item be placed on the Committee agenda at a meeting of the Delegation Briefing on 19 January 2021.

## 2.0 Summary of Recommendation:

Grant planning permission subject to conditions

## 3.0 Reason for the recommendation: as set out in Section 18 at end

## 4.0 Table of key planning issues:

Issue	Conclusion
Principle of development	The development plan seeks to protect community facilities. Where one type of community use comes to an end, the development plan seeks alternative community uses prior to considering other forms of development. Although very different in nature, the proposal to change the use of the former pub to a children's home would ensure that a community use is retained on the site.
Need for children's homes	Devon County Council has confirmed that there is a need for additional children's homes in the area. From information contained in the

Issue	Conclusion
	<p>application, and other sources, it is clear that need has greater urgency as a result of the pandemic. The proposal would therefore help to meet the Core Strategy's aspiration to provide all members of the community with a home that will meet their needs.</p>
<p>Impact on character and appearance of area</p>	<p>Relatively few external alterations to the building are included in the scheme. The timber sash windows have already been replaced with uPVC alternatives. Whilst the retention of the timber windows would have been preferred, the application of the heritage test in the National Planning Policy Framework would suggest that the benefits of the scheme would outweigh the 'less than substantial' harm to heritage. It is worth noting that the building is neither listed nor in a conservation area, although it is adjacent to Grade II listed buildings and the Belmont Conservation Area.</p> <p>A screen and replacement solid door on the rear fire escape entrance is proposed. The limited visual harm would not outweigh the benefits of reducing the loss of privacy to neighbouring gardens and helping to prevent escapes from the building.</p>
<p>Impact on amenity</p>	<p>Aside from the privacy matter relating to the rear fire escape, discussed above, most of the concerns from local residents relate to management and behaviour and are discussed in the following section.</p> <p>In relation to the quality of amenity provided for occupiers of the Home, there are no national or minimum planning standards for internal and external space. However, Ofsted, as the regulatory authority, has approved the Home for registration subject to planning permission being granted. This suggests the standard of accommodation is acceptable. As a broad principle, the Council would normally want any form of residential use to be accompanied with external amenity space where possible.</p> <p>Rooflights have been added at first floor level to provide more light into the communal areas.</p>

Issue	Conclusion
Security, safety and management	<p>The scheme has sought to design out crime through a range of physical measures and management procedures and strategies. As a result, Devon and Cornwall Police, whilst noting the site is in an area of above average crime for Exeter, has not objected to the scheme.</p> <p>The Home will, and is required to, have a complaints procedure in place to allow local residents to make complaints about incidents involving, for example, noise and disturbance.</p> <p>The success of the scheme will depend on its day-to-day management, which will be overseen by other agencies. On the basis of the information before the Local Planning Authority, it would be difficult to argue that the scheme is unacceptable.</p>
Access and Parking	<p>A private parking arrangement has been made allowing visitors and staff to park in Lower Albert Street if required. This is, however, a central location with good links to public transport. The scheme would encourage the use of sustainable forms of movement by providing a secure bicycle store for up to 10 bikes, which would be located at the end of the entrance corridor within the building.</p>

## 5.0 Description of Site

The Globe Inn is a three storey building that dates back to the mid-19<sup>th</sup> century. It occupies a prominent location on the corner of the junction between Clifton Road and Albert Street. The Inn ceased trading in 2019 and has been vacant for around 18 months. The ground floor was entirely in public house use whereas the upper floors contained ancillary accommodation and a function room.

The front of the building has rendered walls, painted white, with various decorative features around the windows and under the eaves, stringcourses and quoins – all painted black. Prior to their recent replacement with uPVC, without planning permission, the property had timber sash windows. To the rear, parts of the building are not rendered and the red bricks are exposed.

The Globe Inn is just outside the Belmont Conservation Area, the boundary of which runs to the north and north-east of the curtilage of the property. There is a row of Grade II listed buildings on Belmont Road that backs onto The Globe – these are also three storey buildings from the same period. The rest of the surrounding

townscape is characterised by Victorian terraced dwellings with some later 20<sup>th</sup> century developments, a number of which have replaced properties destroyed by wartime bombings. There is also a modern student block in Lower Albert Street, south of the Inn.

## **6.0 Description of Development**

This application seeks to change the use of the public house to a children's home. The application site excludes part of the external area of the building, formerly a car park, where a simultaneous application has been submitted for a block of flats (Ref. 20/0997/FUL).

The scheme proposes 5 bedrooms for young people between 8 and 16 years of age with two additional bedrooms for members of staff. There would be communal areas including a dining room, lounge and craft media zone as well as a separate snug for staff. On the ground floor, there would be three self-contained studio apartments designed to have a degree of separation from the upper floors with the focus on learning independence. One staff bedroom would also be available here. Externally, a garden space of 63 sqm. is provided at the rear.

## **7.0 Supporting information provided by applicant**

The following is a summary of the various written documents that have been submitted to the Council to support the application.

### **Design and Access Statement**

This provides a summary of the proposal and emphasises that although the scheme results in the loss of a public house, it would be replaced by an alternative community facility.

### **Justification for the loss of the public house**

This again emphasises that the pub would be replaced by an alternative community facility. It also argues that noise complaints, poor management and loss of custom led to the closure of The Globe Inn and that there are many other pubs within a short walk of the site, including The Clifton Inn at the end of the road. Many pubs have ceased trading in recent years, owing to changes in economic and social behaviour, having been only marginally viable previously.

The owners of the pub marketed the property widely. This included sending a mailshot to over 700 potential purchasers ranging from private pub owners to development and investment groups. Of the 7 offers that were made, only one came from a known pub operator although it was one that had a recent track record of converting them to residential.

In its conclusion the report says:-

*“Central and Southern Homes Ltd have been established with the ambition to be a leading provider of high quality homes in the South West. The Globe is*

*proposed to be the first of ten homes set to be established in the next 5 years with the core objectives of providing the highest quality of care, with the best living environments alongside a proactive engagement with the wider community in which they reside.*

*The provision of a Children's Home is considered to be an important Community Facility particularly so when Devon County Council have not placed all Local Children within the County.*

*The Globe Inn presents a rare opportunity to provide a sizable Children's Home in a city centre location yet in a quiet residential neighbourhood. The location allows the young people to have the perfect opportunity to easily be able to take advantage of the city's fantastic resources, clubs and activities and through the support and care of Central and Southern Homes Ltd become active members of the local community and positively feedback into society."*

### **Central and Southern Homes: The Globe – Benefits to Exeter and the young people of Devon**

This sets out the aims and aspirations of the company to work with, and support, Devon County Council to provide a high quality children's home for local children. The experience of the people involved in the project is also underlined.

It states that there is a need for more children's homes in Devon. In 2018-19, Devon's Children's Service placed 71 of 120 children outside of the county because of the shortage. Covid has exacerbated the problem.

The upper floors of the home will be for children aged between 8 and 16 but with each referral an impact assessment will be carried out to ensure that each young person will fit into the dynamics of the group. The three ground floor apartments, for 16-18 year olds, will be focused on developing independence and life skills before leaving care (including through getting these young people into voluntary work, work experience/placements or continued education).

The home should create between 10 and 15 new jobs/positions.

### **Central and Southern Homes: Admissions**

This document adds further detail on the processes involved in admitting a new child to the home. The approach will be reviewed regularly by OFSTED, which will receive monthly reports from an independent inspector on how the home is being run. Devon County Council is also expected to carry out regularly visits. There would also be weekly visits from social workers allocated to any of the children residing at the home.

### **Central and Southern Homes: Additional Responses**

If neighbours wish to raise a complaint or concern, they will be able to contact the Registered Manager who will work with those persons to achieve the best outcome.

There will be 24/7 availability. If the problem is not resolved, it could be escalated to OFSTED.

There will be a minimum of 3 staff in the children's home every day.

Visitors will have access to the car park in Lower Albert Road.

The garden is intended to create a calming environment for children.

### **Security and Secured By Design**

Various documents have been submitted, which largely seek to demonstrate that the applicants have addressed on site many of the concerns/requests made by the Designing Out Crime Officer at Devon and Cornwall Police. His advice was relayed through letters to the Case Officer and through a meeting on site in October 2020. Key measures have included access control measures to doors, security lighting at entrance points, burglar alarm, CCTV, anti-climb boundaries and effective management measures. The aim is to create a safe inclusive environment for staff, residents and visitor.

### **Central and Southern Homes Planning Statement**

This reiterates information found in other documents but adds additional emphasis to local need. The number of children requiring care in Devon is growing year on year and more than 60% of children are now being placed outside of the county. A small number are being placed in unregulated homes because of the shortage. Children placed away from their families, schools and familiar environment results in increased incidents, including going missing, and a need to move them to another placement – creating additional problems across the public sector. During the pandemic, Barnardo's has reported that there is now "a state of emergency".

It is known that the children residing here will have experienced some form of childhood adversity or trauma. Staff have therefore been given a rigorous training programme to give them the tools to be able to support the children. All staff will complete a high level qualification in safeguarding children and child protection, which will include awareness of such matters as county lines and sexual exploitation. All staff have also been trained in de-escalation and the importance of ensuring positive relational health with the children.

Staffing levels are likely to be one member of staff per 2 children but it will be dependent on the needs of the children living at the home. There will always be at least three members of staff present at any one time.

The Home will seek to develop living, social and communication skills of children. There will be a personalised Plan in place for each child to develop skills and manage behaviour. Strategies are in place to deter the likelihood of a child going missing from care. The Home has already made links with the local Missing Persons Team to support the gathering and sharing of important information on these matters.

The Statement is followed by a series of appendices giving detailed information on the various procedures that will be implemented by the home, as well as staffing and staff training programmes.

## **8.0 Relevant Planning History**

There is no planning history on this site that is directly relevant to this scheme. Previous planning history relates to the operation of the building as a public house.

It should be noted, however, that an additional application has been submitted to the Council for a residential development (consisting of 5 apartments over three storeys) on the remainder of the site.

## **9.0 List of Constraints**

The site is adjacent to designated heritage assets, namely the Belmont Conservation Area and a row of Grade II listed buildings.

## **10.0 Consultations**

Two public consultations have been carried out during the course of this application. One following validation of the application in July 2020. A second was conducted in January 2021 following the receipt of amended plans and the submission of additional information.

All consultee responses can be viewed in full on the Council's website.

### **Results from July 2020 Consultation**

The Police Designing Out Crime Officer at Devon and Cornwall Police highlights that Newtown ward is the 5<sup>th</sup> highest ward of 25 in the Exeter sector in respect highest number of offences over the past 3 years. Burglary of Dwellings, Criminal Damage and Drug Offences were all particularly high compared with the beat/ward average across the city. Incidents relating to anti-social behaviour and public safety are also relatively high in the area. The location of a children's home needs to be carefully considered and needs to take into account the safety and protection of children living there and the community. Given the crime and incident data linked to the area, and that the home 'caters for young people between the ages of 8-18 with emotional and behavioural difficulties who potentially will have suffered traumatic experiences or disrupted attachments' the Officer asks what measures will be in place to reduce the risk of crime and anti-social behaviour connected to the home and how will the risk to staff and residents be mitigated? He goes on to provide some advice on potential security measures including access control measures and CCTV.

The Council's Environmental Health team asks for more details of what would be in the proposed plant room. It also recommends a condition is added to any approval in respect of construction hours.

The Case Officer consulted the Children's Service at Devon County Council as the Local Safeguarding Children's Board and received no objections. He also asked a series of questions to obtain factual information on how children's homes were set up and regulated. The Service confirmed that there was a need for additional homes/places. Other key points of note were:-

- Although the application states the age range of children would be between 8 and 16, for the upper floors, a matching assessment would be carried out to ensure that a child is placed appropriately. If it was felt by the local authority that the matching would be appropriate, the placement would not be agreed.
- The local authority, an independent visitor and OFSTED would all be overseeing and inspecting the home on a regular basis and would review staffing levels as part of this.
- Devon County Council would expect a provider to have a process for dealing with complaints. As a regulated service, all children's homes will have one.
- Neither Devon County Council nor OFSTED would view use of CCTV favourably. The use of surveillance in a children's home would have to be permitted by direction of the court or to safeguard an individual child's welfare. The provider would need to gain the consent of the placing authority and the young person involved.

## **Subsequent Responses from Devon and Cornwall Police**

### ***15 October 2020***

On 15 October 2020, the Designing Out Crime Officer again wrote to the Local Planning Authority to express concerns about the absence of measures in the submitted application to mitigate the potential risk posed to children and staff given the relatively high levels of offences in the area in respect of burglary, damage, drug offences, anti-social behaviour and public safety related incidents (when compared with other police beats within the Exeter sector). It is critical to ensure that effective management and procedures are in place to ensure the safe and efficient running of the home. "Is the applicant able" he asks "to outline what policies / procedures / management plan will be in place to ensure that the potential for demand on police is minimised?" His particular concern related to missing persons, a common problem with children's homes. He goes on to refer to some specific measures such as CCTV, monitoring and management of the external area, secure doors and windows and external lighting.

### ***28 October 2020***

A third response was made on 28 October 2020 after the Designing Out Crime Officer had visited the site on 26 October 2020. In this letter, he highlighted a number of measures that would help to address his concerns. These included installation of CCTV, anti-climb measures and defensive planting on the boundaries and effective management and maintenance procedures.

### **15 January 2021**

In response to the amended submission, including revised drawings and additional plans, the Designing Out Crime Officer has now confirmed that he has no objections to the proposals. He welcomed the implementation of measures on site that would help to design out crime, such as CCTV and access control. He also noted that the Planning Statement provided further detail on the proposed management of the home including policies and procedures on 'Safeguarding Children', 'Behaviour Management', 'Safeguarding Children from Criminal Exploitation (County Lines)', 'Missing from Home' and 'Admissions'.

He confirms that the fence around the garden boundary should be 1.8 metres high and meet Secure by Design guidance. The route to the garden should be appropriately lit to promote safe use. Children should not be using the garden or the external space unsupervised, including access to the proposed fire escape gates. Adequate supervision levels must be in place throughout the development at all times to reduce the risk of missing episodes, which is reflected in the *Missing from Home* Policy and Procedure.

He notes that the installation of CCTV is limited owing to OFSTED's guidance but would recommend that entrances/exits have some form of coverage to aid police enquiries in the event of missing episodes.

In conclusion, he confirms that designing out crime principles have been considered in the design of this scheme and there are clearly policies and procedures in place outlining how the home will be run and how potential incidents linked to the home will be mitigated. He notes that the implementation of, and adherence to, such management plans and the ongoing regulation of the home is for relevant agencies to ensure.

## **11.0 Representations**

### **Results from July 2020 Public Consultation**

2 representations have been received in support of the development. These emphasise that this will give support to children in need of a loving supportive home. The building also has the advantage of being near to city centre amenities. Noise, however, should be kept to a minimum through careful design.

17 letters of objections have been received. Six of these writers either support, or do not wholly object to, the principle but have concerns over design details. The main points raised in the objections are summarised below.

- The fire exit and stairwell at the rear has previously been a congregating point that has led to neighbouring residents being overlooked and affected by noise and disturbance. The fire door should only be used in an emergency and measures should be taken to protect adjoining residential amenities. There are similar concerns about an existing walkway/balcony to the upper floor dining room.

- The rear garden should be removed entirely in order to reduce noise and disturbance. Belmont Pleasure Grounds are 30 seconds from the premises and would provide a better environment for children.
- There are concerns about the overall management of the home – whether staffing levels, security arrangements and soundproofing will be sufficient, whether noise levels will be managed and questions as to how residents can report issues to ensure that problems are resolved quickly.
- The letters quote from conditions that were imposed on Planning Permission Ref. 90/0923/FUL to control noise – these included one that prevented the fire exit from being used as anything other than an emergency exit.
- Children’s homes are usually the home of last resort and are needed for children where local fostering arrangements have broken down as a result of behavioural difficulties. They can become a magnet for other young people who congregate and cause problems for local residents with aggressive anti-social behaviour. In worst case scenarios, children’s homes can result in increased crime reports, thefts, burglary, antisocial behaviour, criminal damage and assaults in a locality and can themselves become targets for drug dealing, trafficking, prostitution and abuse. There is already a significant amount of anti-social behaviour in this area.
- The first option should be for children to be placed in foster care. If this is not possible, there needs to be a strategy for protecting highly vulnerable children from county lines networks and the already very established drug trades that happen in the Newtown area.
- The loss of a community pub that has been in place since 1844 removes an amenity from the local community. This is in addition to the recent loss of Clifton Hill Sports Centre and an overall sense of a loss of community as increased numbers of students have moved into the area.
- The loss of the pub also means the loss of a live music venue, which has contributed to the cultural life of the city. We cannot live our entire lives online. People need things to do and places to go. The pub was viable previously. The problem was how it was managed. A children’s home does not bring residents and the neighbourhood together in the spirit of a true community asset.
- There are concerns that the proposed block of flats on the car parking area (Ref. 20/0997/FUL) means there will be insufficient parking available for members of staff who will need access for shopping trips and other operational reasons.
- The use of uPVC windows is inappropriate on a building of this age.

### **Results from January 2021 Consultation**

1 letter of support highlighting the chronic lack of accommodation and support currently available and the need for increased supply.

14 objections received. The main issues raised are:-

- The loss of the pub will be harmful to the local community. It was well managed and viable prior to the previous owners.
- Multiple front entrances raises question as to who is monitoring/safeguarding highly vulnerable children. There is still a lack of detail in the application.
- The proposed flats on the car park will overlook the care home private spaces and should be a major concern. The children should have a bigger space.
- The location is inappropriate for a children's home given the ongoing crime issues in the area, as acknowledged by Devon and Cornwall Police.
- The Home has made no contact with neighbouring residents to date.
- The development is out of keeping with the area.
- Loss of privacy and disturbance for neighbouring residents.
- The garden resembles a prison yard and is unsuitable for use as a play or garden area. Belmont Park is a better venue for supervised play.
- Insufficient staffing and lack of CCTV.
- The staff are inexperienced and newly trained. There is no indication as to whether management would be staying overnight.
- The responsibility for the safe operation of such a facility is split across multiple organisations making it unlikely complaints will be followed up in a joined up manner.
- It is stated that complaints should be made to Ofsted but in the event of antisocial or criminal behaviour an immediate response would be required.
- The Home will add to the decay of the area.
- The replacement uPVC windows are not sympathetic and would not be allowed in the adjacent listed buildings.
- The concerns of the police about the suitability of this location, in an area with high levels of crime, have not been adequately addressed.
- The studio apartments on the ground floor would be small and poorly lit.

#### **Delegation Briefing – 25 August 2020**

The Case Officer presented the application to Members and discussion followed. It was agreed that the Case Officer would seek further information from Devon County Council on how homes were regulated. It was also recognised that some concerns were not material planning considerations and that this required greater clarity before a decision could be made. The application would return to a future meeting.

#### **Delegation Briefing – 19 January 2021**

Members requested that the application be determined by the Planning Committee.

## **12.0 Relevant Policies**

Central Government Guidance

Sections 8, 9, 12 and 16 of the National Planning Policy Framework

Exeter Local Development Framework Core Strategy

Objectives 1, 3, 6, 8 and 9

CP4 – Density

CP5 – Housing Mix

CP10 – Meeting Community Needs  
CP17 – Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

C1 – Conservation Areas  
C2 – Listed Buildings  
CS6 – Community Halls  
EN5 - Noise  
DG1 – Objectives of Urban Design  
DG4 – Residential Layout and Amenity  
DG7 – Crime Prevention and Safety  
T1 – Hierarchy of Modes  
T2 – Accessibility Criteria  
T3 – Encouraging Use of Sustainable Modes

Publication Version: Development Delivery Development Plan Document  
DD23 – Community Facilities

### **13.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

### **14.0 Public Sector Equalities Duty**

As set out in the Equality Act 2010, all public bodies, in discharging their functions must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

## **15.0 Financial Issues**

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information or financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

In this case there are no financial benefits to be taken into account.

## **16.0 Planning Assessment**

### ***Principle of development***

Paragraph 92 of the National Planning Policy Framework seeks to ensure that local planning authorities plan positively to provide facilities that meet community needs. Examples of community facilities are defined widely to include a range of uses that might not necessarily be publicly owned – local shops, meeting places, sports

venues, open space, cultural buildings, public houses, places of worship, shared spaces and local services. The paragraph goes on to state that authorities should “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”.

In a similar vein, Objective 6 of the Council’s Local Development Framework Core Strategy sets out an aim to meet local needs for community, cultural, social, retail, health, education, religious and recreational facilities in order to improve quality of life. Policy CP10 states that existing such facilities will be protected.

Although an older policy, with a more restricted view of what constitutes a community facility, Policy CS6 of the Exeter Local Plan First Review 1995 also says that development that would cause harm to the provision of community space in an area will not be permitted.

The existing lawful use of this building as a public house clearly means that it meets the definition of a community facility as set out in both the National Planning Policy Framework and the Council’s Core Strategy.

Because the Core Strategy is a high level strategic document, it does not set out how existing facilities will be protected. In July 2015, the Council published a Development Plan Document entitled ‘Development Delivery’ intended to be the development management accompaniment to the Core Strategy. As a Publication Version it has very limited material weight, especially given the time that has now passed without further progress. However, as an indication of the Council’s direction of travel on these matters, it is instructive. It accepts that owing to a lack of demand, viability or an investor, a specific community facility or use might come to an end. Nonetheless, Policy DD23 states that “any loss of land or buildings in community use will only be permitted where ... there is no reasonable prospect of the existing use continuing on a viable basis, *nor securing a satisfactory viable alternative community use*”.

It is clear from the representations received during the public consultations that a number of local residents wish to see the pub retained and, notwithstanding the management problems that led to its closure in 2019, view its permanent loss as harmful to Newtown and its overall sense of community and cohesion. There is no disagreement with this.

Having said that, the Council must take into account other factors. The applicant has submitted information, in its document ‘Justification for the loss of the public house’, which indicates that when the pub closed, the owners marketed the property widely - including sending mailshots to 700 potential purchasers ranging from private pub owners to development investment groups. It resulted in no positive responses in respect of guaranteeing the continued use of the pub. The Council runs a confidential pre-application advice service and the Case Officer took any enquiries related to this building during the marketing period. Without exception, all of the questions that were

asked related to converting the property to residential units. Given the failure, and marginal viability, of many local pubs in recent years, as illustrated in the applicant's Justification, it is understandable, if not disappointing, why an investor might not be forthcoming.

In recent months, the current owners have been carrying out wholesale internal alterations to the building, which would not in themselves require planning permission. As a result, all of the pub fixtures, fittings and furnishings have been removed. In this context, the chances of an investor coming forward to use the building as a public house seem increasingly remote.

Alongside this, the Council must be mindful of the fact that Clifton Road does retain one public house, The Clifton Inn. Newtown is not, therefore, left without any local meeting places. It is also in close proximity to the city centre where many other public houses exist within a short walk of the area. Consequently, the loss of a pub here, whilst regrettable, would not have the same impact as, for instance, a rural village losing its only inn.

It is also important to add that a children's home would itself be an alternative community facility. Whilst very different in character and nature, not least in that it would not be a meeting place for local residents, it would provide a service that meets the community and welfare needs of the area. On this basis, this proposal would be in line with the requirements of the National Planning Policy Framework and the local development plan in that it would secure an alternative community facility in the building.

For these reasons, it is therefore concluded that the principle of the change of use is acceptable.

### ***Need for children's homes***

Objective 6 of the Council's Core Strategy sets out the aspiration to meet local needs for community facilities for reasons that include improving quality of life and reducing social exclusion. Alongside this, Objective 3 and Policy CP5 aim to provide all members of the community with a home that will meet their needs.

Devon County Council's Children's Service has confirmed in writing that there is a need for additional children's homes in the area. The Planning Statement and document entitled 'Benefits to Exeter and the Young People of Devon', submitted with this application, provide further details on how urgent and significant that need has become. This can be corroborated elsewhere, for example, by Barnardo's, which in June 2020 declared a 'state of emergency' on the increase in the number of children requiring foster care during the pandemic (see [Barnardo's declares 'state of emergency' as number of children needing foster care during Coronavirus pandemic rises by 44% | Barnardo's](#)). The Children's Commissioner for England has also raised her concerns in recent months on the number of children being placed in unregulated accommodation because of a lack of supply in the regulated sector ([Ban the use of](#)

[unregulated accommodation for under 18s in care | Children's Commissioner for England](#)).

Given that the evidence confirms the need for this type of housing/service, and given the aims and objectives of the Council's Core Strategy, it would be difficult to argue that this proposal is not in accordance with the development plan.

***Impact on character and appearance of area***

Relatively few external alterations are being made to the building. Perhaps the most significant, and certainly the one that has attracted most comment in the public consultations, is the replacement of the timber sash windows with uPVC. These works have already been carried out.

It is accepted that timber sash windows are more appropriate on a building of this age and character. It would have been preferable to have seen the wooden windows retained. However, other factors must be taken into account.

In respect of heritage matters, the Council's development plan includes two relevant policies. Objective 8 of the Core Strategy sets out a broad aim to protect and enhance the city's unique historic character and townscape. Saved Policy C1 of the Exeter Local Plan states that development within or affecting a conservation area must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. This latter policy has largely been superseded, or updated, by Chapter 16 of the National Planning Policy Framework.

In respect of Paragraphs 195 and 196 of the Framework, which requires Local Planning Authorities to determine the level of harm to heritage (i.e. substantial or less than substantial), it is concluded that the harm would be less than substantial. This is because the building itself is not listed nor within the Belmont Conservation Area and the plastic windows in this location have only a limited adverse impact on the setting of the adjacent listed buildings. In order to qualify as substantial harm (paragraph 195), it is considered that there would need to be significant direct harm to, or total loss of, listed buildings or properties identified as making a positive contribution to the conservation area.

Paragraph 196 states that where development will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. In this case, as stated above, it is considered that there would be significant public benefits to the scheme, particularly in relation to increasing the supply of children's homes when a need has been confirmed by both the applicant and Devon County Council. Consequently, it is concluded that the harm to heritage would not outweigh the public benefits of the scheme.

The other main external alteration to the property would be the installation of a replacement solid door and metal perforated screening around the fire escape staircase towards the rear of the building. The door would replace an existing one that has been installed temporarily and contains a glass panel.

From a visual point of view, it would be preferable not to require the screening at all but it is concluded that the screening has benefits that would outweigh the impact on visual amenity – not least in reducing the impact on neighbouring residential amenities and providing an ‘anti-climb’ feature that would help to reduce the likelihoods of children escaping from the home and going missing. Both of these matters are discussed further later in the report.

### ***Impact on amenity***

In terms of the impact of the scheme on neighbouring residential amenities, the main issues are essentially related to management and behaviour. Although expressed in different ways, it is matters relating to noise, anti-social behaviour and crime that are the primary concerns amongst those who have objected to the scheme. These are considered in the following section.

In respect of physical development, a key concern has been the existence of the rear external staircase, which does provide views into neighbouring gardens and was used by customers of The Globe Inn as an additional social space. Under these plans, the staircase would provide the only access into the rear garden area. Consequently, it is likely to be used on a daily basis. Therefore, the proposed metal screen, whilst not entirely solid, should help to mitigate the worst aspects of the loss of privacy for neighbouring residents. The doorway to the former first floor function room is proposed to be removed under these plans meaning the top of the staircase here should not become a congregating space.

Having regard to the standards of residential amenity provided for the occupiers of the building itself, there are no national or local planning standards for minimum internal space standards. Therefore, it is difficult to determine what constitutes an acceptable amount of space. That said, on the upper floors, there is a generous communal area and all of the bedrooms would meet the standards set out in the Government’s guidance for houses and flats (‘Technical Housing Standards – Nationally Described Space Standard’). On the ground floor, two of the studio apartments would be around 25 sq.m., which would be small if compared with the minimum standards for a 1 bedroom flat in the aforementioned guidance (37 sq.m.). However, it is not straightforward to compare a self-contained flat designed for an independent adult with an apartment designed for a young person in need of the support offered here.

In the absence of planning standards, it is worth noting that Ofsted would be regulating this property as a children’s home. It has already approved the home for

registration subject to planning permission, which would suggest it is content with the standard of accommodation being provided.

The Case Officer's main concern was that the communal areas on the first floor would only be lit by a number of small windows at the front of the building, despite stretching across the entire length of the building. In order to provide additional light, particularly around dining area, the scheme proposes to add some rooflights to the roof.

In relation to the rear garden, there is again no national or local planning minimum threshold. If it were a dwelling, the Council's Residential Design Supplementary Planning Document would require 65 sq.m. of external amenity space. At 63 sq.m. this would almost meet that threshold.

The consultations on this application have led to a range of views being expressed. One argument is that the garden should be bigger to give the children a higher quality play space. Another is that the garden should be removed entirely to prevent disturbance to neighbouring occupiers. This ties in with differing views on nearby Belmont Park, which either provides a better opportunity for children to play in larger grounds away from residents or poses risks in relation to known problems with crime, drug use and anti-social behaviour in the park.

Ultimately, whatever its preferences might be, the Council has to determine whether the scheme that has been submitted is acceptable or unacceptable. The proposed use is a form of residential accommodation and therefore the Council would normally expect there to be some external amenity space. In the absence of a minimum standard, it is noted that Ofsted has given its approval to this layout and therefore to the size of this garden. Overall, it is difficult to conclude that the proposal presented here is clearly unacceptable.

### ***Security, safety and management***

It is important to note from the outset that the primary function of the planning regime relates to land use and built forms rather than matters relating to human behaviour and management. In a case such as this, therefore, it is necessary to untangle what is a material planning consideration and what should be considered elsewhere.

If planning permission were granted for this children's home it would be regulated by Ofsted and subject to regular inspections, including from an independent visitor.

In order to understand the system in more detail, the Case Officer approached the Children's Service at Devon County Council, which would be likely to be the primary placing authority for this home, and asked for further information on these matters. It said:-

*“Ofsted are responsible under the Care Standards Act 2000 ( CSA 2000 ) for regulating Childrens homes. Ofsted inspections are intended not only to check that children's homes meet the legal requirements, but also to raise standards and drive improvements. Which overall means improving the outcomes for children and young people.*

*The local authority commission the placements of children and young people within social care settings including childrens homes, as a Local authority Devon will work with providers to support, develop and challenge when required to ensure services are striving to deliver best outcomes for children and young people. All children and young people placed in the children’s home will also have a named social worker. ...*

*The Independent visitor will visit the children's home on a monthly basis. It is the job of the Independent visitor to write a report that talks about how the home is being run. They have to check and report on how children and young people are being kept safe and how well their wellbeing is being promoted. The report will also take into account if the home is complying with Ofsted regulations. This report will also be shared with the homes named Ofsted inspector on a monthly basis.*

*It is dependent on which services are involved with young people to the frequency of other visitors. Young people’s social workers will visit the home at least every 6 weeks.”*

On this basis, it appears that the system has a significant level of inspection and regulatory oversight, which would enable interventions to take place if a home was not being run well on a day-to-day basis.

A number of concerns have been raised during the public consultations about details that, whilst clearly important to the overall success of the project, are not material planning considerations. For example, many objections were raised to staffing levels, which were considered inadequate to ensure the home was well managed. This may partly have arisen because of a lack of clarity in the original submission. The Planning Statement, submitted in December 2020, states that between 10 and 15 posts would be created by the home and it is expected that there would always be a minimum of three staff on site at any one point. In its response to the Case Officer’s questions on this matter, the Children’s Service at Devon County Council has confirmed that Ofsted, the Independent Visitor and the placing authority would all review staffing levels on a regular basis.

The same would also apply to the mix of children living at the home at any one time. Whilst it is stated in the application that the home could offer places for children aged between 8 and 16, the final decision on admissions would be made between the placing authority and the home in question and would be scrutinised by Ofsted and

the Independent Visitor. In other words, there are other regulatory processes for ensuring that an appropriate mix of children would live at the home. This is not a material planning consideration.

The concerns of those residents living in properties around The Globe Inn are acknowledged. The application does not hide the fact that some of the children that might live at the home could have emotional and behavioural difficulties and may have suffered traumatic experiences. In addition to this, it is not hard to find news stories about poorly run homes or where children are vulnerable to sexual exploitation, county lines and criminal activity. Given this, the anxiety of local residents is understandable.

Clearly, one of the primary purposes of a children's home is to help its residents with any difficulties they might have. It is not the aim to exacerbate them. What is more, from the planning perspective, a form of residential use such as this ought, at least in theory, to be acceptable in an area that is mostly residential in character. Ultimately, however, the success or otherwise of a children's home will lie in how well it is managed.

Many local residents have expressed concerns about what they can do to complain in the event of a problem arising. These are most likely to relate to matters around noise, disturbance and anti-social behaviour. The Local Planning Authority would not be able to police the home on a day-to-day basis. Even if it could, the planning regime's powers of enforcement tend to be slow and cumbersome and not able to respond quickly to problems relating to human behaviour. Therefore, it is reassuring that both Ofsted and Devon County Council would require the home to have a complaints process. What is more, the applicants have confirmed in the submission that all neighbours would be given contact details to make complaints and that contact could be made 24/7. In the event that the Home could not satisfactorily resolve those complaints, the matter could be escalated to Ofsted or the placing authority. In the normal way, criminal matters would be reported to the police and planning breaches to the Local Planning Authority.

During the first consultation on the initial submission in July/August 2020, a number of objectors echoed concerns that were also raised by the Designing Out Crime Officer at Devon and Cornwall Police around whether this was an appropriate location for a children's home given the levels of crime in the area. The Police highlighted that, between 2017 and 2020, of the 25 beats in Exeter, Newtown had the 5<sup>th</sup> highest number of offences with burglary, criminal damage and drug offences being above average for the city. Levels of anti-social behaviour were also relatively high.

In a subsequent letter on 15 October 2020, the Designing Out Crime Officer wrote:

*“Schemes such as these can place a substantial demand on police resources. One similar premises in Exeter has 81 incidents linked to it in the last 2 years as well as 10 crimes including damage and assaults in the last 18 months. Another suffered 21 incidents and 3 crimes in a 3 month period which resulted in the home’s closure. Effective management and procedures are therefore essential to the safe and efficient running of such a development.”*

Clearly, many of these observations are not positive. However, the Case Officer has spent significant amounts of time talking to the Designing Out Crime Officer in recent months and it has been apparent from this that the key point for the Police is the last sentence quoted above about effective management. He was concerned that there was an absence of material in the initial application to demonstrate that the Home would be well run.

As it happens, the applicants had produced various documents for Ofsted in order to show that it had effective management procedures and protocols in place. These just had not been submitted to the Local Planning Authority in July 2020. These were, however, included in the Planning Statement sent to the Council in December 2020 and this outlines in detail many aspects on running the home including admissions procedures, staff training and development and how children will be looked after and developed (including safeguarding). These documents have been sufficient to allow Ofsted to approve the home, subject to planning permission, and they have also done much to reassure the Designing Out Crime Officer. The overall impression that comes from the documents in the Planning Statement is a clear awareness of the problems that can and do arise and a commitment to have procedures in place to deal with these.

In all of its responses to the application, Devon and Cornwall Police has highlighted the need for physical measures (such as access control systems) to be implemented to improve security and safety. The Designing Out Crime Officer also visited the site in October 2020 to provide further guidance and advice, some of which related to the land within the applicant’s control but outside of this application site. The application provides a list of the measures that have been suggested by the Police and confirms that they will be installed on site, if they have not been already. The Designing Out Crime Officer supports implementation of these measures.

The Police has advised that the most significant problem associated with children’s homes, particularly in respect of time and resources, is missing persons. It has therefore sought to ensure that measures are put in place to minimise this problem arising. Those included in the application are the installation of CCTV, physical deterrents such as appropriate planting and the lack of climbing aids and a softer managerial approach of building positive relationships and keeping children entertained and occupied. The applicants have also established links with the local police Neighbourhood Team and the Missing Persons Unit.

It should be noted that the extent of CCTV is not as extensive as the Police would have preferred. CCTV is helpful in identifying when a missing person was last seen at the property. However, the Children's Service at Devon County Council has advised that neither it nor Ofsted would view CCTV favourably. It continued "the use of surveillance in a children's home is only permitted by the direction of the court or to safeguard an individual child's welfare." As a compromise, CCTV has been installed on the side of the building overlooking the garden and car park area.

In conclusion, the Designing Out Crime Officer has now confirmed that he has no objections to the scheme and is satisfied that designing out crime principles have been followed, although he notes that the relevant agencies would need to ensure that the home is run in accordance with the management plans that have been produced.

Given this, the Local Planning Authority has two options. It could conclude that the principle of a children's home in an area where crime is above the average for Exeter is simply not acceptable. Or it could conclude that the mitigation measures outlined in the application, the advice from the Police and the willingness of Ofsted and Devon County Council to support the scheme provides sufficient assurances to allow the Council to grant planning permission. It would be difficult to defend a decision to refuse permission at appeal when a number of key bodies have taken a different view. In the absence of the backing of the police to refuse permission, it is concluded that the scheme should be supported.

### ***Parking and Transport Matters***

The streets around this property are in a resident's parking zone and Devon County Council only issues permits to those addresses that existed at the time the zone was adopted. Consequently, the Home intends to use a private parking area in Lower Albert Street, which will be made available to its staff and visitors. This is a private arrangement over which the Council can have no control.

That said, on 23 July 2019, Exeter City Council unanimously agreed to declare a climate emergency and made the commitment to make Exeter a carbon neutral (or net-zero carbon) city by 2030. The Net Zero Exeter 2030 Plan has been produced in response to this and the Council formally adopted the Plan on 21 July 2020. It is therefore now Council policy to inform all policy documents, plans and corporate decision making in response to the Climate Emergency and in pursuance of the goal to make Exeter a carbon neutral city by 2030. Consequently, on a scheme in a central location such as this, the Council would want to see the development taking advantage of good public transport links and encouraging the use of cycling. To that extent, it supports the provision of 10 secure cycle parking spaces inside the building, alongside the proposed bin store. This would be placed at the end of the entrance corridor and so would be relatively easy to access.

## 17.0 Conclusion

On balance, taking all of the above matters into account, it is considered that the scheme does accord with the Council's development plan and therefore it is recommended that planning permission is granted.

## 18.0 RECOMMENDATION

It is recommended that planning permission is granted subject to the following conditions:-

1) 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.

**Reason:** To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 31 December 2020 (drawing nos. 253 P 1.02 Rev. A, 253 P 1.03 Rev. A, 253 P 1.04 Rev. A, 253 P. 1.05 Rev. A and 253 P 2.02 Rev. B) and 17 July 2020 (drawing no. 253 P 2.01) as modified by other conditions of this consent.

**Reason:** In order to ensure compliance with the approved drawings.

3) Prior to their installation on site, full details of the plant intended for the plant room shall be submitted to, and approved by, the Local Planning Authority. Depending on the precise nature of the plant, the Local Planning Authority may request that a Noise Impact Assessment and noise mitigation strategy is provided before concluding whether the plant is acceptable. In the events of the plant details being considered acceptable, the plant shall thereafter be installed in accordance with the approved details.

**Reason:** In the interests of residential amenity.

4) The development shall not be occupied until the cycle storage facilities, as shown on the proposed ground floor plan, have been provided and made available to staff, residents and visitors for use. Unless otherwise agreed with the Local Planning Authority, the cycle storage facilities shall be maintained and retained over the lifetime of the development.

**Reason:** To encourage the use of sustainable forms of transport.

5) Unless otherwise agreed with the Local Planning Authority, the rooflights hereby approved, as shown on Proposed First and Second Floor Plans, shall be installed within 3 months from the date of commencement of the use.

**Reason:** In the interests of the amenities of the occupiers of the building.

6) Prior to their installation on site, full details of the replacement door to the media zone, the colour (or RAL number) of the metal staircase screen, the fencing/walls around the rear garden and any external lighting shall be submitted to, and approved by, the Local Planning Authority. The door, screen, fencing/walls and external lighting shall thereafter be installed in accordance with these approved details.

**Reason:** Insufficient information has been submitted with the application and in the interests of security and residential and visual amenity.

7) Prior to the commencement of the use of the home, all of the security measures described in the document 'Security and Secure By Design' (received on 31 December 2020) shall be implemented and thereafter retained and maintained, unless otherwise agreed with the Local Planning Authority.

**Reason:** In the interests of safety, security and designing out crime.

## **INFORMATIVES**

1) In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.

2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant's agent by negotiating amendments and providing advice to enable the grant of planning permission.