SECTION 73 PLANNING STATEMENT

Project Location: 2 Kings Close, Heanor, Derbyshire, DE75 7RD
Original Planning Reference: AVA/2024/0067
Proposal: Application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 3 of planning permission AVA/2024/0067 to increase the permitted upper age limit of residents from 17 to 18 years of age.



SECTION 73 PLANNING STATEMENT

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1. Introduction & Executive Summary

This Planning Statement has been prepared by **R P Design** on behalf of our clients, who have recently acquired the residential care facility located at 2 Kings Close, Heanor.

Planning permission was granted conditionally on **2 July 2024** under application reference **AVA/2024/0067** for the ***"Change of use of dwelling (C3) to a Children's Care Home for maximum of four children with associated carers (C2)".***

Condition 3 of the decision notice currently states:

"The hereby approved children's home shall be used to accommodate up to 4 children only, aged as described in the application together with their carers."
The original application specified an age profile up to 17 years old.

This Section 73 application seeks a minor material amendment to **Condition 3** to formally vary the resident age description, enabling the home to accommodate children and young people **up to 18 years of age** (i.e., until their 18th birthday). The maximum number of residents will remain strictly capped at **four (4).**

As a critical statutory baseline, this application is evaluated against the newly active **Amber Valley Borough Local Plan 2022-2040**, which was formally adopted on **2 March 2026** and carries full weight, completely superseding the 2006 Local Plan cited in the original permission.

2. The Critical Need and Justification for the Age Extension

The Nature of Specialist Placements: The young people residing at 2 Kings Close present highly complex, specialized developmental, emotional, and behavioural trauma-related needs. For these children, 2 Kings Close is not merely a temporary institution; it is their permanent, legal **family home**.

Eliminating the "Care Cliff-Edge": Under current restrictions, a vulnerable young person who has achieved stability, formed secure attachments with care staff, and integrated into the local Heanor community must be forcibly uprooted and relocated immediately upon reaching their 17th birthday. In the context of modern social care, a 17-year-old with complex needs is developmentally and emotionally unequipped for independent adult life.

Therapeutic and Educational Continuity: Forcing a relocation at age 17 inflicts severe secondary trauma, often shattering progress made in local therapeutic regimes, clinical pathways, and educational milestones (such as GCSEs, vocational courses, or active **Education, Health and Care Plans (EHCP)**). Extending the age bracket to 18 ensures these young people can legally experience a managed, stable transition toward adulthood within a familiar environment, eliminating arbitrary structural disruptions during a volatile phase of their adolescence.

3. Comprehensive Planning Policy Framework

National Planning Policy Framework (NPPF) (August 2026 Revision)

- **Delivering a Wide Mix of Homes:** The revised NPPF dictates that local planning authorities must proactively plan for the housing and care needs of different groups within the community, explicitly including people with specialist care requirements, disabilities, and vulnerable youth.

- **Healthy and Safe Communities:** The Framework encourages developments that support community resilience, social well-being, and inclusive care facilities. Acknowledging the transitional needs of vulnerable adolescents directly supports the national mandate to prevent youth homelessness and institutional failure.

Amber Valley Borough Local Plan 2022-2040 (Adopted 2 March 2026)

- **Policy H4 (Housing Mix and Specialist Accommodation):** This policy directs that provision should be made for specialized housing groups, ensuring that those requiring supported living or institutional care (Use Class C2) have access to stable, localized accommodation. The proposed variation ensures that the borough's specialist housing stock actively satisfies real-world transitional care demands.
- **Policy INF1 (Community Infrastructure and Social Well-being):** Recognizes that specialist children's homes form an essential strand of social infrastructure. By aligning the home's operational age with legal frameworks, the facility functions more effectively as a community infrastructure asset.
- **Policy SS1 (Sustainable Development Principles):** Mandates that development should improve social and environmental conditions. Retaining vulnerable adolescents within a settled placement rather than displacing them directly furthers local social sustainability goals.
- **Policy H12 / Design Codes (Residential Amenity):** The physical building, separation distances, and boundary dynamics are already deemed fully compliant with residential amenity baselines. Because the maximum occupancy remains completely static at 4 residents, the physical relationship with neighbouring properties remains undisturbed.

4. Material Planning Considerations and Impact Assessments

Character of the Use Class (C2 Baseline): The variation does not constitute a material change of use. The property will continue to operate strictly within **Use Class C2 (Residential Institutions)**. The threshold between a 16-year-old and a 17-to-18-year-old does not alter the domestic character of the property's daily functions. The home will continue to run exactly like a standard, highly regulated family household.

Impact on Residential Amenity & Noise Management:

- The property shares boundaries with residential plots to the side and rear. The home operates under a strict **Noise Management Plan** approved under **Condition 5** of the original permission.
- Young people aged 17 to 18 will be subject to the exact same behavioural management systems, interior acoustics regulations, and staff-led curfews as younger residents. The inclusion of this age bracket introduces zero operational mechanism for increased noise generation or negative external impacts.

Highways, Access, and Parking:

- Vehicular access is gained directly from **Kings Close**. The original assessment verified that the property provides sufficient curtilage parking for staff and professional visitors.

- The young people placed in this specialized care home do not operate or own personal vehicles due to the nature of their developmental challenges. Therefore, expanding the age bracket to 18 results in **zero net increase** in parking demand, traffic volume, or highway safety hazards.

5. Conclusion

The proposed variation to Condition 3 represents a legally minor but socially profound amendment. It responds directly to an acute, evidence-backed human need to protect vulnerable young people from abrupt transitional care disruptions.

The proposal creates zero adverse impacts on highways, visual amenity, or the residential boundaries of Kings Close. It conforms entirely to the sustainable development aims of the **Amber Valley Borough Local Plan 2022-2040** and the **NPPF**. We respectfully request that planning permission be granted.