

Agenda Item:	6:1
Site:	Branscombe, 17 Bridge Street, Stretton, Staffordshire, DE13 0EL
Proposal:	Change of use from a single residential dwelling (Use Class C3(a)) to use as a childrens home (Use Class C2) for up to five children with associated bin and cycle stores

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Penelope James

[Hyperlink to Application Details](#)

Application Number:	P/2024/00083	
Planning Officer:	Barbara Toy	
Type of Application:	Detailed Planning Application	
Applicant:	5ab Care Ltd	
Ward:	Stretton	
Ward Member (s):	Councillor M Ackroyd Councillor L Bullock Councillor S C Slater	
Date Registered:	31/01/2024	
Date Expires:	18/03/2024 – Time extension agreed until 31/05/2024 to allow the application to be reported to Planning Committee	
Reason for being on Agenda	Significant Community Interest	

1. Executive Summary

- 1.1 The site comprises a 6 bed detached three storey house that has a large rear garden and sits on the southern side of Bridge Street just to the west of the junction with The Green. The site is situated within a sustainable location within the Parish of Stretton in a predominantly residential area.
- 1.2 This is a full application that proposes the change of use of the existing C3 dwelling to a C2 children’s care home for up to 5 children aged 5 – 18 with up to 5 carers (1:1 ratio) 0800 – 2200 hours daily, whilst a house manager will be on site 3/4 days a week between 0900 – 1700 hours and two carers overnight between 2200 – 0800 hours. The home would be registered by Ofsted and would include up to 2 children with emotional and behavioural difficulties and/or learning difficulties.
- 1.3 The proposals would require no changes to the dwelling, but would provide a refuse storage facility and secure bike storage. The Protected tree on the frontage of the site would remain unaffected by the proposals.

- 1.4 Policy SP16 of the Local Plan requires a mix of dwellings based on evidence. Staffordshire County Council Children and Families services have confirmed that there is a demonstrated need for children's care home places in Burton and ESBC generally and a recent Planning Appeal Inspector stated '*the proposed change of use from a dwellinghouse to a home for children in care would contribute to the housing needs of the area.*'
- 1.5 The principle of the use is therefore considered appropriate in this sustainable location. The site would remain in residential use, albeit within a difference use class to the existing dwelling, and is therefore not considered to be a loss of a residential unit. The use of the premises as a children's home can be secured via condition to prevent any other uses within Class C2 being implemented without planning permission and the number of children to be cared for restricted by the condition.
- 1.6 Given the number of children and the size of the property it is considered that the proposals would have no significant adverse impact on the amenities of the surrounding residential occupiers over that of the existing dwelling. The house currently has 6 bedrooms and could accommodate up to 12 people.
- 1.7 Given the size of the plot and front driveway there is sufficient space to park at least 5 cars on the frontage and still allow for manoeuvring space, The Highway Authority have raised no objections, despite concerns about parking and traffic in the area raised by objectors. A recent Appeal (Ref APP/B3410/W/23/3318064) Inspector stated '*due to the small scale of the proposed development, the proposed use as a home for children in care would not materially affect the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.*'
- 1.8 Objections have been received from 32 addresses, 1 letter of support, 1 letter of objection on behalf of 12 residents in one block of flats and a petition signed by 137 residents. The objections raised are discussed in detail in the main report.
- 1.9 Consultees have raised no objections.
- 1.10 Accordingly, it is considered that the scheme complies with the aims and criteria of the relevant policies from the Local Plan, the Borough Council's Supplementary Planning Documents (SPDs) and the National Planning Policy Framework.
- 1.11 In light of the above conclusions on the planning merits of the case the application is recommended for approval subject to the necessary conditions.

Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

Map of site**2. The Site and Surroundings**

- 2.1 The application site comprises a three storey, six bedroom detached house situated on the southern side of Bridge Street, just to the west of the junction with The Green within the parish of Stretton.
- 2.2 The second floor accommodation was created in the early 2000's when a loft conversion was completed (with Building Regulations approval). The property has its main entrance door on the western elevation and an existing rear conservatory and a large rear secure back garden (over 400sqm) with a single storey outbuilding in the south western corner. The property has in and out vehicle access points off Bridge Street with a paved frontage capable of parking at least 5 cars and a large protected lime tree in the north western corner of the frontage.
- 2.3 Immediately to the west is a pair of two storey semi detached houses (18 and 19 Bridge Street), both set back from No 17. No 18 has a single storey side garage adjacent to the boundary with the application site.
- 2.4 Two storey terraced houses Nos 2 – 9 (consecutive) sit directly opposite the site to the north on Bridge Street. To the north west is the former Bridge Farm farmhouse which is a Grade II listed building.
- 2.5 Immediately to the east of the site is No 27 The Green a two storey detached house that sits at a lower level than the application property, with two storey terraced properties beyond in The Green, that back onto the side of the rear garden of No 17.

- 2.6 The site sits within walking distance of local shops and bus services as well as schools and public open space.
- 2.7 The site sits within Flood Zone 1.

3. Planning History

- 3.1 **PA/15420/001** – vehicle access GSC 12-07-1985

Other Sites

- 3.2 81 Church Road Stretton
P/2023/01300 – Change of use from a single residential dwelling (Use Class C3 (a)) to use as a childrens home (Use Class C2) for up to four children, insertion of first and ground floor windows to south-facing flank elevation and erection of bin and cycle stores - Refused 28-03-2024 – Appeal now submitted

Reason for refusal:

The proposed change of use of the residential dwelling to a children’s home for 4 No. children would be likely to adversely affect the residential amenities of the occupants of adjoining and nearby dwelling houses by virtue of noise and disturbance from users/visitors to the site including vehicle movements, particularly in the evening/at night. The proposal is therefore considered to be contrary to Policies SP1, DP1 and DP7 of the East Staffordshire Local Plan and National Planning Policy Framework

P/2022/00793 - Application for a certificate of Lawfulness for the proposed use as a residential children’s home up to the age of 18 years old for a maximum of 3 children and 3 staff with 24 hour care on a shift basis – Certificate Issued 29-03-2023

- 3.3 118 Church Road Stretton
P/2023/01267 - change of use from Class C3 dwellinghouse to form a childrens care home Class C2, conversion of existing garage to form staff accommodation, installation of a bin store, creation of additional parking spaces, widening of front entrance drive and installation of sliding gate, installation of close boarded fencing on top of existing brick work to the front to one metre above external ground level – Withdrawn 08-03-2024
- 3.4 Recent Appeal Decision – 9 Rowbury Drive Burton
P/2022/01235 – Change of use from 2 bed C3 dwelling to C2 2 bed home for children in care refused by Planning Committee against officer recommendation 06-02-2023. Appeal APP/B3410/W/23/3318064 allowed 20-09-2023.

4. The Proposals

- 4.1 Full planning consent is sought for the change of use of the dwelling house (Use Class C3a) to the use as a children’s home (Use Class C2) for up to five children with associated bin and cycle store.
- 4.2 No external alterations to the property are proposed. A timber refuse storage facility would be provided to house 3 residential wheelie bins, which would sit adjacent to the east of the building on the frontage and a timber cycle storage facility would be positioned to the east of the building within the rear garden area.
- 4.3 The proposals would provide 5 bedrooms for children, together with a staff sleep in room and a staff sleep in/staff office on the first and second floor together within 2 living rooms, an open plan dining/kitchen to the rear and a conservatory at ground floor. The site layout plan shows parking for at least 5 cars within the front driveway.

- 4.4 Typically the home would have one carer per child between the hours of 0800 – 2200 hours daily, whilst a house manager will be on site 3/4 days a week between 0900 – 1700 hours. Overnight between 2200 – 0800 hours there would be two carers.
- 4.5 The home would be registered by Ofsted for 5 children between the ages of 5 and 18 years. It is proposed that the home will be registered for up to 2 children with emotional and behavioural difficulties and/or learning difficulties.

List of supporting documentation

- 4.1 The following documents have been provided as part of the application:
- All drawings associated with the proposals
 - Planning Statement

- 4.2 The relevant findings are dealt with in section 8 onwards below.

5. Consultation Responses and Representations

- 5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Stretton Parish Council	Objection: <ul style="list-style-type: none"> • Detrimental impact on local area and lives of nearby residents and school • Potential anti social behavior • Considerable vehicle movement and parking • Access from very busy road • Insufficient parking on site, highway parking would cause further congestion on surrounding roads • Third application in two months for change of use in Stretton, detrimental to the area.
5.3	SCC Highways	No objections subject to conditions to ensure car parking and turning areas are retained and to secure cycle storage facilities
5.4	Integrated Care Board (ICB)	No comments
5.5	SCC Children & Families	No objections – a need for facilities for looked after children is identified in East Staffordshire and within Burton.
5.6	Staffordshire Police	No objections, design and security advice provided
5.7	Ofsted	Confirmed that as a children’s care home it would require to be registered with them, but would not comment on the likely registration of this home at this time prior to an application to them for registration.

Internal Consultees		Response
5.8	Environmental Health	No objections in terms of noise, informatives regarding Radon and Food/Health & Safety

6. Neighbour Responses

- 6.1 A site notice was posted and following the case officer’s site visit additional neighbour consultation letters were sent out.
- 6.2 The following responses have been received:

- Objections have been received from 32 addresses (with multiple letters from some addresses and 5 standard letters)
- 1 letter of support
- 1 letter of objection on behalf of 12 residents in one block of flats
- A petition signed by 137 residents

6.3 The comments of support:

- Creation of local jobs
- Disgusted by the local objection to the application

6.4 The petition states:

Negative effects on our neighbours and community may include:

- Noise pollution
- Disturbance
- Anti social issues, including the village becoming more vulnerable to County Lines infiltration etc
- Parking issues (Staff/visitors/external service visits) in an already congested area with existing and persistent hazardous zones
- Concern for numerous vulnerable and elderly residents living in close proximity
- Land available for a sizeable building extension and capacity may increase
- Although not necessarily applicable to planning objections locals have considered the known consequence that this type of planning change causes local property values to drop in value whilst property and car insurance premiums will increase
- Two similar applications in Church Road Stretton

6.5 Main objections raised:

Neighbour Objection Responses	
Principle	<ul style="list-style-type: none"> • The change of use is not in the best interests of Stretton • Adverse impact on local community, residential area and character of Stretton and its heritage • Two other care home applications in the immediate vicinity • Change of use to a commercial use rather than residential use not appropriate in the area and in conflict with the neighbourhood plan • Despite proposals stating medium to long term placements, children could change on a regular basis, with no consistency • How will the children be schooled? All local schools full and the sue may displace school places for local children • Local doctors surgeries already full • No local police, no response when recent calls made re disturbances • More information needed on the kind of children to be accommodated, possible criminal activity and bad behavior • Already a number of assisted living units in the area • Inappropriate location, no facilities for young people apart from Bitham Lane park and the site is in close proximity to 2 pubs • The age range could extend beyond 18 • Will the facility address a local need or will the children accommodated come from outside of Burton • Other children’s care homes have been refused • Insufficient support within the community for such a use

	<ul style="list-style-type: none"> • Loss of family home • No benefit for local residents, its wrong to prioritise the needs of a business enterprise over the wellbeing of local residents
Impacts on Amenity	<ul style="list-style-type: none"> • Noise & disturbance day and night • Overlooking and loss of privacy • Potential for further anti social behavior, already gang related issues in the area and a recent teenage murder • The Green is already a gathering place for youths as is the Co Op and local shops • Close proximity to Bitham Lane Park more noise & disturbance to surrounding residents • The size of the plot will allow for significant extensions and increase in residents • Negative impact on vulnerable individuals, increase in anxiety and stress from a change in environment • Numerous elderly and vulnerable people in the vicinity • Commercial waste bin too close to adjoining residential property – smell and on full view from the street • Two existing side facing windows at first and second floor should be obscurely glazed, overlooking of properties • Unjust and unfair for local residents to cope with emotional youths • Little integration with local community • No security to back garden to prevent trespass • TPO tree on the frontage not mentioned and needs protection
Highways Impacts	<ul style="list-style-type: none"> • Vast increase in vehicle movements in and out of the property danger to pedestrians and highway safety and children in the home • Parking demands will exceed available space for parking and maneuvering, staff, shift change, visitors, food delivery waste collection etc • Will result in additional on street parking that could adversely impact on local residents • High traffic levels in the area particularly at school in and out times, not a suitable location for a childrens care home • Conflict between parked cars and traffic flow • Dangerous road junction Bridge Street/Church Road • The Green (one way street) is used as a cut through and vehicles travel the wrong way along the street to avoid traffic queues • Vehicle movements will be greater than that of a family home • Already significant traffic congestion from nearby special schools
Other	<ul style="list-style-type: none"> • Property devaluation (<i>not a material planning consideration</i>) • Insufficient notification to local residents of the application • Request for officers to attend a local meeting • Reference to policies on care homes at other local authorities • Reference to press articles on care homes and appeals • Will the home be Ofsted registered and do the operators have experience of running such facilities? • No planning consent for loft conversion

	<ul style="list-style-type: none"> • If care home doesn't succeed the property could remain a commercial property and used differently • On line system for making comments doesn't work • For profit business taking children from any area to make a profit • Stretton a highly desirable area
Ward Members	<p>Councillor Simon Slater Objection: <u>Parking:</u> Potential congestion from staff and visitors already limited on road parking for residents Visitors at all hours Issue at staff change over times Transport to school will create further congestion <u>Noise:</u> At staff changeover, visitors and school pick up and drop off times Staff changeover could be at all hours <u>Anti Social Behavior:</u> Residents concerned about children from troubled backgrounds living in this residential area Bridge Street is a residential road and residents consider that the use would be out of character in the area.</p> <p>Two other applications for children's homes close by, 3 homes in such close proximity would be inappropriate.</p> <p>Councillor M Ackroyd Objection: Impact on traffic on already busy street, taking into account staff shift pattern and other carers going in and out.</p>

7. Policy Framework

National Policy

National Planning Policy Framework

National Planning Policy Guidance

Local Plan

SP1 – East Staffordshire Approach to Sustainable Development

NP1 – Role of Neighbourhood Plans

SP8 – Development Outside of Settlement Boundaries

SP16 – Meeting Housing Needs

SP24 – High Quality Design

SP26 – National Forest

SP27 – Climate Change, Water Body Management and Flooding

SP35 – Accessibility and Sustainable Transport

DP1 – Design of New Development

DP7 – Pollution and Contamination

DP8 – Tree Protection

Stretton Neighbourhood Plan

No relevant policies

8. Principle of Development

- 8.1 In planning legislation it is possible to use a Class C3 dwelling house for *'not more than six residents living together as a single household where care is provided for residents'* without requiring planning permission. However, in this instance it is necessary to consider that the main residents will be children with no adult carers residing at the application site permanently. In the appeal case of North Devon District Council v the First Secretary of State and Southern Childcare QBD 30.1.03 Colling J (2003) JPL 1191, Mr Justice Collins stated that a household needed more than just children, as children *'need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home... children are regarded as needing full-time care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should'*. Planning consent is therefore required for the proposed use. The necessity for planning permission however does not indicate in itself that the activity levels will be significantly different from those of a dwelling house.
- 8.2 The proposal would result in the re-use of an existing residential dwelling in a sustainable location within the settlement boundary of Burton, for a privately run children's care home (Class C2). The premises will provide a home for up to 5 children, with no material difference in activity to that which may be anticipated in the existing residential use of this 6 bedroomed house. The home would have up to 5 care workers (1 for each child where required) during the day with an additional home manager working 0900 – 1700 hours 3 - 4 days a week and two overnight care workers. Vehicle movements at the property would be during staff changeover, taking the children to school, after school activities and other appointments, the same as that associated with any large residential property.
- 8.3 Policy SP16 of the Local Plan requires residential development in the main towns and strategic villages and shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Councils evidence base or other evidence. Staffs County Council Children and Families services have confirmed that there is a demonstrated need for children's care home places in Burton and East Staffordshire generally.
- 8.4 The principle of the change of use of the property from a C3 residential dwelling to a C2 residential institution is therefore considered acceptable and appropriate in this sustainable location and a need for places for looked after children has been identified. The site would remain in residential use, albeit within a difference use class to the existing dwelling, and is therefore not considered to be a loss of a residential unit, as a care home if this nature is not classed as a commercial use by the use classes order. The use of the premises as a children's home can be secured via condition to prevent any other uses within Class C2 being implemented without planning permission and the number of children to be cared for restricted by the condition.
- 8.5 The care home cannot begin to operate until such time that the Ofsted registration is complete. The Ofsted registration process is quite rigorous in terms of ensuring that a proposed home/site is suitable to accommodate the intended number of young people and adults to support them. The overall suitability of the building and its location is also considered as part of this.
- 8.6 The applicants have indicated that they look to accommodate children from the local area as far as possible, but this is for Ofsted to decide based on the needs of the children and the skillset of the care staff/manager. The allocation of places to any home is therefore not always in the control of the home operator.

- 8.7 It is noted that the applicants already operate two children's care homes within Burton, which are registered with Ofsted and Environmental Health have received no complaints re noise or disturbance from neighbours.
- 8.8 81 Church Road sits approx. 580m to the north east of the application site and it is noted in the history section above that No 81 has a Certificate of Lawfulness which allows a children's home for up to 3 children and 3 staff to operate without the requirement for any planning consent. Whilst the Certificate was issued the recent planning application for up to 4 children was refused on the basis of the likely adverse effect on the residential amenities of the occupants of adjoining and nearby dwelling houses by virtue of noise and disturbance from users/visitors to the site including vehicle movements, particularly in the evening/at night. It is recognised that No 81 Church Road is a modern two storey detached house set in narrow plot that is immediately adjoined by similar dwellings. The application site provides very different circumstances to that of No 81 in terms of the size of the property, its plot size and the relationship to the surrounding dwellings.
- 8.9 In a recent appeal decision for the change of use of a bungalow to a children's care home for 2 children (details above in section 3. History) the appeal inspector in allowing the appeal stated that *'the proposed change of use from a dwellinghouse to a home for children in care would contribute to the housing needs of the area.'*

9. Impacts on Residential Amenity

- 9.1 The property is currently a large three storey 6 bedrooomed house that could accommodate a large or extended family. The proposals for the care of 5 children with up to 6 staff during the day and 2 overnight would not be dissimilar to a family home, and it could be argued that with a staff child ratio at 1:1 that the children within the home would be better supervised than in a traditional family unit with only two parents or guardians. The only difference being that the adult carers would not reside at the application premises permanently.
- 9.2 The operation of a children's home from the site would not result in any impacts over and above the existing use of the site as a large dwelling house in terms of noise and disturbance given the number of occupiers and staff proposed; and it is noted that no objections have been received from the Environmental Health Team, who have confirmed that the noise would be no different to an extended family home.
- 9.3 The intensity of the use can be controlled by a condition restricting the number of occupants (excluding carers) to not more than 5 children at any one time. The use of the premises as a children's care home can also be secured via condition to prevent any other uses within Class C2 being implemented without planning permission.
- 9.4 In the recent appeal decision detailed above the Inspector discussed the living conditions and level of physical activity at a proposed children's home, and commented that *'if occupied as a family dwelling, due to the number of rooms, the property could accommodate a higher number of people than proposed in this case'* and concluded that *'due to the small scale of the proposed development, the proposed use as a home for children in care would not materially affect the living conditions of neighbouring occupiers, with particular regard to noise and disturbance'*. It should be recognised that the existing house has 6 bedrooms that all exceed the size requirements for a double bedroom within the Separation Distance and Amenity SPD (12sqm) and could therefore accommodate up to 12 residents living as a family or extended family without the need for any planning consent. The extent of activity from a large family of 12 is considered to be likely to be greater than that as the proposed use as a care home for up to 5 children.

- 9.5 The existing rear garden at over 400sqm far exceeds the required 80sqm identified in the Separation Distance and Amenity SPD and is considered to be secure with fencing and walls to the boundaries, and gated to each side of the house.
- 9.6 Objectors have raised concerns about loss of privacy and overlooking from the second floor windows in the side gables of the house that were inserted when the loft conversion was undertaken in the early 2000's. Given the position of the windows, planning consent would have been required for the windows only (not the loft conversion), but no complaints have ever been received regarding these and the windows now have deemed consent given the length of time they have been in situ. It should be noted however that as existing these windows are to two bedrooms and this situation would not change, therefore no change in circumstances. The second floor window in the eastern elevation sits in line with the rear roof of No 27 The Green, and there are no habitable room windows in the rear elevation at first floor, so no direct overlooking. The second floor window in the western elevation sits forward of the front elevation of No 18 Bridge Street, ensuring no direct overlooking to the property.
- 9.7 Objectors are concerned about the possible increase in antisocial behaviour as a result of the proposed use, it should however be recognised that there are sufficient safeguards in place to control the use and ensure that the use would not give rise to harmful impacts on the amenities of the surrounding occupiers. The children within the home would be well supervised by carers and measures would be in place to ensure the safety and wellbeing of the children. There is no evidence to suggest that children's care homes will have an adverse impact on the amenities of the surrounding occupiers through noise, disturbance or anti-social behaviour and Staffordshire Police have raised no objections. A Management Operational Plan is a standard requirement for such homes and a condition is recommended to ensure that this is provided prior to the first operation of the home for the new use.
- 9.8 An objector has raised concerns about the proximity of the proposed bin store to the adjoining property. The bin store would sit approx. 8m from the rear of No 27 The Green, beyond the boundary fencing that separates the rear of No 27 from the side of No 17. It should be noted that commercial waste bins are not proposed, but residential wheelie bins, like the current property. The bins are currently stored in the yard area to the side of the house, in a very similar position to the proposals, it is therefore considered that the proposals would not raise any additional harm over the current situation.
- 9.9 In terms of residential impacts, the proposals would comply with the provisions of Local Plan Policies SP1, DP1, DP3 and DP7, the Separation Distance and Amenity SPD and the NPPF.

10. Impacts on Visual Amenity

- 10.1 The proposals include no external alterations to the building and the existing tree on the site frontage will be retained. The frontage of the property is already completely paved and used for parking. The appearance of the property will therefore not change as a result of the proposed change of use.
- 10.2 The proposal is therefore considered to be in compliance with Policies SP1, SP24, DP1 and DP3 of the Local Plan and the NPPF.

11. Highway Impacts

- 11.1 Bridge Street is a Class C residential road with a 30mph speed limit. No.17 has two vehicular access points and a block paved driveway with sufficient space to park numerous vehicles within the site curtilage. There are footways on both sides of the

carriageway adjacent to the property accesses, which connect the site to local facilities and the wider highway network. There are Traffic Regulation Orders in place in the form of double yellow lines outside of the property, with on street parking available on the opposite side of the road.

- 11.2 The site is in a sustainable location; there are bus stops within 50m of the site, there are three schools within walking distance as well as other local facilities such as a doctor's surgery, community centre and shops etc.
- 11.3 The submitted details demonstrate 5 off road parking spaces with sufficient space to park additional vehicles whilst still allowing vehicles to access, manoeuvre and egress the site in a forward gear. The Parking Standards SPD requires 1 car parking space per 3 beds for a C2 residential institution. The car parking proposed therefore more than meet the required standard and meets the operational requirements of the proposed use.
- 11.4 The submission includes the provision of secure cycle storage for up to 8 cycles to be situated within the rear garden area and this provision is considered acceptable and meets the requirements for the development and the Parking Standards SPD.
- 11.5 The Highway Authority have confirmed that the site is in a sustainable location with good connectivity to local facilities and a regular bus service, making it possible for future staff to access the site using sustainable transport modes such as buses and cycling; not necessarily relying on a private motor vehicle to access the site. The proposed C2 residential institution use would operate in a similar manner to the existing C3 residential use; therefore; it would not be considered likely that the proposals would have a severe impact on the surrounding highway network.
- 11.6 Whilst it is recognised that Bridge Street is a busy route and existing on street parking on the opposite side of the road can cause some interruption of traffic flow, this is an existing situation and the Highway Authority is satisfied that the proposed change of use would not have a severe impact on the surrounding highway network.
- 11.7 The Highway Authority have recommended two conditions to ensure that the parking area is retained and that the cycle storage facility is provided prior to the first use of the property for the use proposed.

12. Trees

- 12.1 The existing large Lime tree in the northern corner of the frontage of the property is protected under TPO 37 (Tree 4 on area TPO) made in 1977. The tree will be retained and there are no changes proposed to the existing frontage layout, so the proposals would have no adverse impact on the protected tree and would be in compliance with Policy DP8 of the Local Plan.

13. Responses to Representations

- 13.1 Objectors have commented on the issue of 3 such care home applications in close proximity to each other in Stretton at the same time. As the history section above indicates one of the other two care home applications on Church Road was withdrawn and the other was refused. This application is now the only current planning application for a children's care home in Stretton. But it is noted that 81 Church Road does have a certificate of lawfulness that will allow for a children's care home for up to 3 children.

14. Conclusions

- 14.1 The proposals would change of the use of a C3 large detached dwelling house to a C2 children's care home, with conditions recommended to ensure that the use would remain as a children's care home and no other use.
- 14.2 The home would provide care for up to 5 children age 5 – 18 years and the home would be registered by Ofsted to provide accommodation for up to 2 children with emotional and behavioural difficulties, with 1:1 staffing ratio where required and a home manager on site some days in the week and 2 staff during the night.
- 14.3 The house sits within a large plot with a very large rear garden and large front/side driveway area that would provide space for at least 5 cars to park off street. Bin and cycle storage facilities would be provided, with no other alterations to the premises.
- 14.4 Staffordshire County Council have confirmed that there is a demonstrated need for care home places within East Staffs and within Burton. Given the location in a sustainable residential area the principle of the change of use is considered appropriate. It is considered that the proposals would have no significant adverse impact on the amenities of the surrounding residential occupiers over that of a large family living in this large 6 bedroomed house.
- 14.5 The Highway Authority and Staffordshire Police have raised no objections to the proposals and the change of use is considered to have no significant adverse impact on the surrounding highway network.
- 14.6 As such the proposals are considered to comply with policies SP1, SP16, SP24, SP35, DP1, SP3, DP7, DP8, the Parking Standards SPD, the Separation Distance and Amenity SPD and the requirements of the NPPF.

15. RECOMMENDATION

Grant Permission subject to Conditions

1. Time Limit - 3Yr Standard

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approved Plans

The development hereby permitted insofar as it relates to the extent of the application site and means of access only shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission.

Proposed Site Plan Drawing 2023/25 PL006 Rev A dated as received on 28-02-2024
Proposed Ground and First Floor Plans Drawing 2023/25 PL004 dated as received on 22-01-2024

Proposed Second Floor and Roof Plan Drawing 2023/25 PL005 dated as received on 22-01-2024

Proposed Bike Store Drawing 2023/25 PL008 dated as received on 22-01-2024

Proposed Refuse and Recycling Store Drawing 2023/25 PL007 dated as received on 22-01-2024

Planning Statement Ref 23/111 dated as received on 22-01-2024

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway in accordance with East Staffordshire Local Plan Policies SP1, SP16, SP24, SP35, DP1, DP3, DP7 and DP8, the East Staffordshire Design Guide, Car Parking Standards SPD, Separation Distance and Amenity SPD and the National Planning Policy Framework.

3. Parking

The access, car parking and turning areas as shown on; 'Proposed Site Plan Drawing No.'PL.006 Rev. A' shall be provided prior to the first occupation of the development hereby permitted. Thereafter these access, car parking and turning areas shall be retained in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safe and efficient use of the adjoining highway and to mitigate on- street car parking in accordance with East Staffordshire Local Plan Policies SP1 and SP35, the East Staffordshire Design Guide, Car Parking Standards SPD and the National Planning Policy Framework.

4. Cycle Storage

The development hereby permitted shall not be brought into use until the cycle storage facility is provided in accordance with Drawing No. 'PL.008' – 'Proposed Bike Store' and shall be retained for the life of the development.

Reason: As recommended by the Highway Authority to promote sustainable forms of transport in accordance with East Staffordshire Local Plan Policy SP35 and the National Planning Policy Framework.

5. Restricted Use

The premises shall be used for a children's care home for a maximum of five children between 5 and 18 years of age and for no other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure any future use of the premises does not adversely affect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

6. Management Plan

Prior to the first use of the premises for the use hereby approved a Management/Operation Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure any future use of the premises does not adversely affect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

Informatives

1. Environmental Health informative:

The applicant is advised to note and act upon as necessary the comments of the Environmental Health Team as set out below:

The business will need to be registered with the Environmental Health Team 28 days prior to trading. The business can register through the following link: <https://register.food.gov.uk/new/east-staffordshire>. If the applicant has any queries please direct them to the Environmental Health Team on 01283 508 578 or EHSupport@eaststaffsbc.gov.uk

KITCHEN LAYOUT - The layout, design, construction and size of the kitchen must comply with Chapters I and II of Annex II to Regulation (EC) 852/2004, including the provision of a separate washbasin for cleaning hands, and adequate ventilation as detailed below. For further details the applicant should contact Environmental Health.

GREASE TRAPS - Provision should be made to include the installation of one or more grease traps or oil interceptors within the drainage system to prevent waste from entering directly or indirectly into a public sewer.

VENTILATION - The kitchen must be provided with suitable and sufficient means of natural or mechanical ventilation to all cooking equipment other than microwave ovens, in order to comply with Chapters I and II of Annex II to Regulation (EC) 852/2004. The ventilation system used must be easy to clean.

WASH-HAND BASINS - There should be the provision of a separate washbasin for cleaning hands as required by Chapter I of Annex II to Regulation (EC) 852/2004. In addition, following the Food Standards Agency's guidance on E.coli, wash-hand basins in commercial kitchens where raw and ready to eat foods are handled should be provided with non-hand operated taps such as sensor, elbow or foot operated taps as they reduce the risk of cross-contamination.

Advisory Comment - It would be considered 'good practice' if provision was made for a separate toilet for staff use only.

2. Engagement (Proactive)

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

3. Radon Informative:

The applicant is advised that the proposed development is situated within a "Radon Affected Area". Radon Affected Areas are areas where 1% or more of homes are above the Action Level, as designated by the UK Health Security Agency (UKHSA)). This information was obtained from Indicative Mapping supplied by the British Geological Survey and the Health Protection Agency, which splits the borough up into 1km squares, and it is recommended that property-specific advice be obtained from www.ukradon.org. Our records indicate that the development is in an area where 3 to 5% of properties are above the action level.

If, after reference to the above website, there is still possibility of risk from radon, then protection measures should be installed (further advice can be found on the BRE website). Home testing kits can be obtained from the PHE through www.ukradon.org, but it may take several months to obtain the results.

For sites where between 1% and 3% of homes are above the action level, the use of protection measures is not mandatory, although ESBC continue to recommend that basic measures are installed in these circumstances.

16. Background papers

16.1 The following papers were used in the preparation of this report:

17. Human Rights Act 1998

17.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

18. Crime and Disorder Implications

18.1 It is considered that the proposal does not raise any crime and disorder implications.

19. Equalities Act 2010

19.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: Barbara Toy
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