

Agenda Item:	5.1
Site:	25 Lower Outwoods Road, Burton Upon Trent, DE13 0QX
Proposal:	Change of use of residential dwelling (Class C3) to children’s home (Class C2)

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

[Hyperlink to Application Details](#)

Application Number:	P/2020/00839	
Planning Officer:	Gary Shilton	
Type of Application:	Detailed Planning Application	
Impact on Heritage Assets under S66(1) and S72	No impacts	
Applicant:	Willow Care Group Mr Singh	
Ward:	Tutbury and Outwoods	
Ward Member (s):	Councillor G Raybould Councillor S P Gaskin	
Date Registered:	18 August 2020	
Date Expires:	02 October 2020. An extension of time has been agreed with the agent until the 22 January 2021	
Reason for being on Agenda	The application has been called in by the Local Member, Councillor Gaskin because of “ <i>Parking and highway issues. Antisocial behaviour</i> ”	
Officer Recommendation	Approve subject to conditions	

1. Executive Summary

- 1.1 The application site comprises of a traditional pre 1920’s brick constructed semi-detached dwelling with tiled roof located on the southern side of Lower Outwoods Road, Burton upon Trent which is a long residential road to the west of the Queens Hospital.
- 1.2 This is a detailed planning application seeking approval for the proposed change of use of the residential dwelling (Class C3) to a children’s home (Class C2). No external alterations are proposed to the property and hard standing to the front of the property would be retained.

- 1.3 Statutory consultees have raised no technical objections that cannot be overcome by way of planning conditions. Objections were raised by 30 local residents in relation to the principle of the proposal, noise and disturbance, impacts on surrounding residential amenities and the highway implications of the proposal. Outwoods Parish Council have raised an objection to the proposal in relation to noise and disturbance, impacts on surrounding residential amenities and the highway implications of the proposal.
- 1.4 The principle of the use as a children's home is acceptable in this residential area. It is considered that the proposal would result in no adverse highway safety implications and the scheme would not have a significant impact on residential amenities of neighbouring occupiers in terms of noise and disturbance.
- 1.5 Accordingly, it is considered that the scheme complies with the aims and criteria of relevant policies from the Local Plan, the Council's Supplementary Planning Documents (SPDs), the Outwoods Neighbourhood Plan and the National Planning Policy Framework.
- 1.6 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to conditions.
- 1.7 **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 description

- 2.1 The application site comprises of a traditional pre 1920's brick constructed semi-detached dwelling with tiled roof located on the southern side of Lower Outwoods Road, Burton upon Trent which is a long residential road to the west of the Queens Hospital.
- 2.2 The dwelling sits in a plot measuring approximately 288 square metres. It benefits from an area of hard standing in front of the principle elevation which provides off road parking. The dwelling benefits from three bedrooms at first floor level and a spacious rear garden. There are open fields to the rear (South East) of the dwelling.
- 2.3 Lower Outwoods Road is residential in character with a mix of semi-detached and terraced dwellings. Many of the properties on the Southern side of the road have converted front gardens into off road parking areas. There is unrestricted parking along the southern side of the highway with double yellow lines along the northern side of the highway. Lower Outwoods Road is an unclassified road.
- 2.4 The site is situated within the Settlement boundary of Burton Upon Trent as defined in the Local Plan.

3. Relevant Planning history

- 3.1 **HO/27795/002** granted planning permission on 18th June 2003 for the erection of a single storey rear extension.
- 3.2 **HO/27995/005** granted planning permission on 24th January 2005 for the erection of a single storey rear extension.

4. The proposal

- 4.1 Consent is sought for the proposed change of use of residential dwelling (Class C3) to a private children's home (Class C2) for 3 children. No external alterations are proposed to the property.
- 4.2 The scheme provides for the three existing car parking spaces to the front of the dwelling within the site to be provided.
- 4.3 The application submissions indicate that there will be 24 hour care provided on a shift basis 7 days a week as follows:

2 Staff- 07:30-14:30
2 Staff- 14:30-21:30
1 Staff-21:30-07:30
- 4.4 The staff will have access to the off-street parking to the front which would occupy two spaces other than at change over. The third space and/ or off road parking would be used by visitors to the site.

- 4.5 During the process of the application an amended plan has been submitted which has amended the boundary fencing either side of the garden of the dwelling to a 1.8m high timber fence with gravel boards.

List of supporting documentation

- 4.6 The following documents have been provided as part of the application:
- Application Form
 - Location Plan, Block Plan and Elevations and Floor layout
 - Design and Access Statement
 - Supporting Statement
- 4.7 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	Parish Council	<p>Outwoods Parish Council strongly object to this planning application on the following grounds:</p> <p>Impact on the highway including parking.</p> <p>Lower Outwoods Road is in effect a single track road due to there always being a large number of vehicles always parked along one side of the road. We have had many complaints from residents over the years about parking and dangers on this small road with a very steep gradient. The recent introduction of a regular bus service has exacerbated the traffic issues for residents. Over the years there have been accidents due to the lack of width of the road and the steep gradient further up Lower Outwoods Road.</p> <p>The applicant has stated there will always be two resident employees at the property meaning almost certainly two vehicles but many other vehicles will visit the home during the course of a day. The road will not stand any increase in traffic. The applicant also states there are three parking spaces at the property. The current tenants park a vehicle on the frontage and due to the projecting bay window, the vehicle encroaches onto the footpath. The distance from the bay to the footpath is 4.4m, 0.4m under the standard parking space of 4.8m. The width of the parking area is 7.05m. The recommended width of a car parking space is 2.4m meaning there would need to be at least 7.2m width to park three cars safely. It is also a fact that modern cars are getting larger.</p> <p>The Red House Farm development has no vehicle access on to Lower Outwoods Road for many of the reasons stated above.</p> <p>Residential amenities.</p> <p>The residents either side of the property will see increased numbers of visitors coming and going at number 25 if this</p>

		<p>unsuitable application is passed. There will also be increased numbers of people using the garden which will create noise nuisance and visual impact due to the low fencing.</p> <p>If the application is given approval, we recommend a condition requiring the applicant to increase the fence height around the garden to 6ft (1.8m) before it is used for the proposed purpose.</p> <p>Since this is a semi-detached house, if the application is passed we would recommend a condition requiring soundproofing and fireproofing to building standards be fitted on the side of the adjoining property.</p> <p>Anti-social behaviour (ASB).</p> <p>There is a similar home on Beamhill Rd. Outwoods Parish Council have had to visit the home over ASB at Beamhill Playground.</p> <p>The top of Lower Outwoods Road has had and still does have many ASB issues. This includes vandalism and drugs. This could cause issues with the young people in the home being corrupted.</p> <p>Suitability</p> <p>It is our opinion that a detached property with at least four parking spaces would be far more suitable for the proposed purpose. This application seems a little desperate, to say the least.</p> <p>Please reject this application.</p>
5.3	SCC Highways	No objections on Highway grounds to this proposal

Internal Consultees		Response
5.4	Environmental Health	An informative is recommended in relation to the food preparation area.

6. Neighbour responses

6.1 Site and Press notices were posted, and notification letters were sent to adjacent properties to the site. Responses were received from 30 residents from 16 addresses raising objections to the proposal which are summarised below:

Neighbour responses	
Principle	<ul style="list-style-type: none"> C2 encompasses a number of different uses, such as Nursing Home, Hospitals Boarding schools and Children’s Homes. C2a includes secure facilities such as young offenders, prisons, secure units. In the proposal it states that children from gang affiliations, arsonists and sexual predators may be placed in the home. If this is the case than surely the class of dwelling in the proposal is incorrect and should therefore be rejected.

	<ul style="list-style-type: none"> • There is no evidence of need for such an establishment in this area
Impacts on Amenity	<ul style="list-style-type: none"> • Increased numbers of visitors coming and going at number 25 and there will also be increased numbers of people using the garden which will create noise nuisance and visual impact due to the low fencing. • If the application is given approval may it be on condition that the applicant increase the fence height around the garden to 6ft (1.8m) and the owners to take fully responsibilities to maintain the upkeep and replacements as they are needed straight away. • The likelihood of significant noise and nuisance from behavioral manifestation of young people with a range of difficulties is well documented in residential group homes. Regardless how well- managed. • The comings and goings of a children’s home and the behavioral issues will have an unacceptable detrimental impact on us as residents. • There is a similar home on Beamhill Rd. Outwoods Parish Council have had to visit the home over ASB at Beamhill Playground. • The top of Lower Outwoods Road has had and still does have many ASB issues. This includes vandalism and drugs. This could cause issues with the young people in the home being corrupted. • Not a suitable environment for resident’s children let alone children within the care system nearby their 'supposed' safe home environment. • CCTV should be installed on neighbouring dwellings for safety
Highways Impacts	<ul style="list-style-type: none"> • Outwoods Road is very narrow, crowded, steep and essentially allows for the flow of traffic in one direction at a time • There have been accidents due to the lack of width of the road and the steep gradient further up. • Children of residents use the premises side of the road to walk to/from the school bus-stop, at the end of the road, as the pavement on the other side ends in several places and is in a state of disrepair. • There have been several accidents and near miss accidents due to cars reversing off driveways. A cyclist was knocked off their push bike by a vehicle reversing off a driveway. • Parking is a real issue already for residents due to hospital staff and visitors using this road to park. Authorities suggest one space per resident staff, one space per 3 non-resident staff and one space for visitors; this would not be feasible at this property. • The parking states 3 cars - the driveway will only accommodate 2 cars and there is already a severe

	<p>parking problem on this road due to hospital traffic whereby it is impossible to park roadside on a daily basis</p> <ul style="list-style-type: none"> • The majority of properties on this side of the road are terraced with no driveway and double yellow lines on the opposite side which increases the parking problem. • The applicant has stated there will always be two resident employees at the property meaning almost certainly two vehicles but many other vehicles will visit the home during the course of a day such as social workers, independent reviewing officers to visit individual young people and view their bedrooms, plus family visits and other professionals visiting • The road will not stand any increase in traffic. • The current tenants park a vehicle on the frontage and due to the projecting bay window, the vehicle encroaches onto the footpath. • There is insufficient space to accommodate 3 parking spaces within the frontage. • When two vehicles are parked, the front door access is blocked and the side door access is partially blocked, which has implications for both fire exits' and pedestrians movement risks on the premises, for pedestrians using the footpath and for vehicles on the road/highway. • The applicant refers to access to on road parking however there are no restrictions in place for non-residents and visitors to the nearby hospital using the very limited on road parking. • There is rarely any available on road parking.
Other Impacts	<ul style="list-style-type: none"> • A detached property with at least four parking spaces would be far more suitable for the proposed purpose • No live in carer for three children (<i>this is not a material planning consideration</i>). • There are no local shops in walking distance other than a post office and the only local amenities is the local park and hospital. • Young people are placed in private children 's homes' because their needs and risks are too complex for foster carers' or in-house local authority children's homes to manage. (<i>this is not a material planning consideration</i>). • Safeguarding issues in relation to children with complex needs or exhibiting challenging risky behaviour around harm to self or others. (<i>this is not a material planning consideration</i>). • The premises is clearly unsuitable to accommodate young people who present risks' to nearby residents, which are mainly vulnerable older people or families with vulnerable younger children (<i>this is not a material planning consideration</i>).

	<ul style="list-style-type: none"> • No evidence provided regarding the management of the home and would question the applicants appreciation of the risks given they have not excluded young people who present a sexual risk to others living next door to young / vulnerable children. <i>(this is not a material planning consideration)</i>. • Has the owner of the property registered with the necessary regulatory bodies such as OFSTED, Social services, safeguarding teams, Police Fire service etc <i>(this is not a material planning consideration)</i>. • Accountability for issues arising at the property. <i>(this is not a material planning consideration)</i>. • Staff will be trained and vigorously vetted prior to commencing employment, who will provide the training and how will this be monitored to ensure the correct level of qualifications are achieved. <i>(this is not a material planning consideration)</i>. • Additional stress of worrying about behavioral problems from the residents of this property would have an effect on health. <i>(this is not a material planning consideration)</i>. • The Owners state that they wish to provide an environment for children and their families, can this be clarified. • Condition's requiring soundproofing and fireproofing to building standards be fitted on wall and roof-space on the side of the adjoining property as it is believed the party wall in the roof does not offer statutory requirements to comply with current fire regulations <i>(this is not a material planning consideration and is dealt with under separate legislation)</i>. • No evidence of the need for additional residential children homes provisions in the area when there is an oversupply in Burton-on-Trent. <i>(this is not a material planning consideration)</i>. • Devalue our property and make any sale difficult. <i>(this is not a material planning consideration)</i>. • The applicant refers to three staff handovers' which would mean possibly 4 staff at the property at three different points in the day and evening. The applicant refers to 1 night staff, however given health and safety legislation relating to lone working and the nature of the work, I would suggest they have underestimated acceptable and safe staffing requirements in children's homes. <i>(this is not a material planning consideration)</i>.
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7. Policy Framework

National Policy

- National Planning Policy Framework (NPPF)

- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- NP1: Role of Neighbourhood Plans
- SP35 Accessibility and Sustainable Transport
- DP1: Design of New Development
- DP3: Design of New Residential Development, Extensions and Curtilage Buildings
- DP7: Pollution and Contamination

Outwoods Neighbourhood Plan (2015)

- TA3 – Parking

Supplementary Planning Documents

- Revised Car Parking Standards Supplementary Planning Document

8. Principle of Development

8.1 It is considered that the key issues relevant to the determination of this application are as follows:

- Principle of the Development
- Impact on residential amenities
- Highway Matters

8.2 It is pointed out that as there are no external alterations the scheme would not have any material impact on the visual amenities of the locality.

9. Principle of Development

Relevant Policies

9.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

9.2 Paragraph 251 of the NPPF states that `due weight should be given to relevant policies in existing plans according to their degree of consistency with the

NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given’.

Development Plan

9.3 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government’s presumption in favour of sustainable development.

9.4 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;

- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

Assessment

- 9.5 To reiterate, the proposal would result in the re-use of an existing residential dwelling as a privately run children's care home (Class C2). The premises will provide care for up to three children with two care workers Monday to Sunday during the day and one care worker at night. The use is considered to be consistent with the existing use as a dwelling house and as such there is considered to be no material change to the premises.
- 9.6 The proposal is situated in a sustainable location and would bring the economic benefits of securing a viable business use for the premises and employment for a number of staff.
- 9.7 Comments have been received in relation to whether the correct use class, C2 has been applied for. The proposal is not for secure accommodation as such the use class that has been applied for, C2 is accurate for people in care.
- 9.8 The site would remain in a residential use, albeit within a different use class to the existing dwelling, and is therefore not considered to be a loss of a residential unit nor is it considered to set a precedent for business use along Lower Outwoods Road. The use of the property as a children's home can be secured via condition to prevent any other uses being implemented without planning permission.
- 9.9 The development would in principle be in compliance with Local Plan Policy SP1. The other relevant technical issues are addressed below.

Impacts on Residential Amenities

Relevant Policies

- 9.10 The National Planning Policy Framework and Policies DP1 and DP3 of the Local Plan seeks to ensure new development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing, or by unacceptable levels of noise or disturbance.
- 9.11 Policy DP7 of the Local Plan deals with pollution impacts including noise and disturbance.

Assessment

- 9.12 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 resident's 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 Collins 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 as a house. They cannot be expected to deal with all the matter 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'*.

The necessity for planning permission therefore does not indicate in itself that the activity levels will be significantly different from those of a dwelling house.

- 9.13 The operation of a children's care home from the site would not result in any impacts over and above the existing use of the site as a dwelling house in terms of noise and disturbance given the number of occupiers and staff proposed. The only difference would be that the adult carers would not reside at the application site permanently.
- 9.14 The intensity of the use can be controlled by a condition restricting the number of occupants (excluding carers) to not more than 3 children at any one time. The use of the premises as a children's home can also be secured via condition to prevent any other uses within Class C2 being implemented without planning permission.
- 9.15 It is noted that comments have been received from local residents and the Parish Council about anti-social behaviour taking place at the top of Lower Outwoods Road, however, this falls outside the remit of planning control, and therefore the police should be notified of any further instances.
- 9.16 The proposal includes replacing the existing low boundary fence to the south western and north eastern boundaries with a 1.8m high fence, which would prevent any overlooking or loss of privacy to the occupiers of the neighbouring dwellings which can be secured by condition.
- 9.17 In terms of residential impacts the scheme is therefore compliant with the provisions of Local Plan Policy SP1 and DP3 and the NPPF.

10. Highway Safety Implications

Relevant Policies

- 10.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.

10.3 The Outwoods Neighbourhood Plan in policy TA3 sets out parking principles and states that Adequate and suitable off-street parking should be provided on all new developments in order to minimise obstruction of the highway in the interests of the safety of all road users, including cyclists and pedestrians. Parking areas should be designed to minimise the visual impact of the private car park on the street scene and on the amenity of residents. Development proposals will be expected to accord with the following principles:-

- Where parking is proposed for residential development it should be provided on-plot or in courts. The extent of any hardstanding set aside for parking on-plot should be minimised by the use of alternative surfaces such as grasscrete;
- Where parking is provided in the form of garaging, carports or any other type of enclosed area it should be capable of accommodating a range of modern vehicles;
- Visitor parking may be provided on-street reasonably related to the associated residential development;
- New residential development should ensure that it does not negatively impact on parking provision for existing residents;
- All new parking provision is to include an appropriate amount of disabled and bicycle parking located in close proximity to the buildings that these users will access.

10.4 The Council's Parking Standards SPD sets out standards for different use classes including space size, accessibility and the quantity of car parking spaces required for different uses. For a C2 use 1 space per 3 beds should be provided

Assessment

10.5 It is noted that representations have been received in relation to vehicle movements and highway safety. The agent has submitted details of expected shift patterns and parking requirements stating that the staff will have access to the off-street parking to the front which would occupy two spaces other than at change over. The third space and/ or off road parking would be used by visitors to the site. It is considered that these vehicle movements, taking into account the addition of deliveries and visitors, would not significantly exceed those expected from a normal dwelling house.

10.6 Representations have also been received in relation to the size of the parking spaces provide to the front. From the submitted drawings the width of the parking area to the front measures 7.2m (width) which is sufficient for the width of three parking spaces at 2.4m each. The depth of the frontage is sufficient to provide parking spaces 4.8m in depth which would meet the requirements of the parking standards guidance. It is noted that one of these spaces, opposite the bay window is shorter than the standards at 4.5m. Although this space falls short of the parking standards guidance by 0.3m it is not considered that a refusal of the application could be sustained on the depth of this parking space alone.

10.7 The Highway Authority have commented that "the three spaces on the front of the site provide adequate provision for two staff members although, as acknowledged in the submission this may not be sufficient to cater for shift

changes when four staff members would be on site for a short time. Notwithstanding this, this would not result in an increase in highway dangers or a severe impact on parking capacity in the locality.” It is acknowledged that on street parking is limited by double yellow lines on one side of the road and there are numerous accesses on the same side as the application property. However the Highway Authority does not consider that an additional vehicle being parked on the street would create a significant detrimental issue in terms of highway safety.

- 10.8 The Parking Standards SPD requires 1 parking space per 3 bedrooms for a C2 use. The dwelling has three bedrooms, as such the proposal would meet the parking requirements for the site. A condition would be attached to ensure car parking facilities are provided and remain available at all times during the life of the scheme.
- 10.9 The Highway Authority have also stated that in relation to other traffic associated with the development it is not considered that this would be significantly different from that which is associated with a dwelling.
- 10.10 An extension to the existing dropped kerb would be required a Highway Authority informative in regards to altering the dropped kerbs width to provide an adequate access to the public highway access can be attached to any grant of consent.
- 10.11 Accordingly, in terms of Policies SP1 and SP35 of the Local Plan, Outwoods Neighbourhood Plan Policy TA3 and the Parking Standards SPD the scheme is considered to be acceptable in relation to highway safety.

11. Other Matters

- 11.1 Concerns have been raised by the Parish Council and local residents that the scheme would lead to a loss of property values, however, this matter is not a material planning consideration. Similarly, issues raised such as compliance with building regulations, OFSTED registration etc. are subject to control under separate legislation and are not a material planning consideration.

12. Conclusions

- 12.1 Having to due regard to the planning merits of the case set out in detail in the Assessment section of this report – and as summarised in the Executive Summary - the application is recommended for **approval** subject to the necessary conditions.

13. RECOMMENDATION

- 13.1 Grant, subject to the following conditions:

Condition 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.

Condition 2: Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission.

Drawing No:

220-33.01a Revision A scaled at 1:1250, 1:500, 1:100 and 1:50 dated as received on 17 December 2020

Design and access Statement dated as received on 7 August 2020

Supporting Statement dated as received on 7 August 2020

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, NP1, SP24, SP35, DP1, DP3 and DP7, Outwoods Neighbourhood Plan policy TA3, the East Staffordshire Design Guide, Car Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

Condition 3: Parking Spaces

The three car parking spaces and associated widening of the dropped kerb as shown on the approved plans shall be provided prior to the first use of the property as a C2 Childrens Care Home and retained for their designated purposes at all all times for the lifetime of the development.

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 Outwoods Neighbourhood Plan Policy TA3, the East Staffordshire Design Guide, Car Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

Condition 4: Restricted Use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order, this permission shall relate to the use of the premises as a children's home, for a maximum of three children, as described in the application and for no other purpose.

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.

Condition 5: Boundary Treatment

Prior to the development being brought into use the rear boundary treatments as shown on the approved drawing under condition 2 shall be completed and thereafter retained as such for the lifetime of the development.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP3, and the National Planning Policy Framework.

Informatives

1. Engagement

The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which 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 secured 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.

2. Environmental Health Team Informative

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 adequate mechanical ventilation to all cooking equipment other than microwave ovens. The system should be designed, sited and installed so that no noise, vibration or odour nuisance will be caused outside or inside the building and so that the ventilation is balanced.

ODOUR CONTROL

An approved scheme for odour control and noise abatement must be submitted to the environmental health department. This should detail:

- Minimum ventilation rates
- Details of the canopy including velocity requirements, dimensions, material of construction, and grease filtration.
- Details of the fan and duct work including the duct velocities.
- Minimum requirements for odour control including details of the discharge stack and odour arrestment plant performance.
- Minimum requirements for noise control.

For guidance see: - <https://www.gov.uk/government/publications/guidance-on-the-control-of-odour-and-noise-from-commercial-kitchen-exhaust>

WASH-HAND BASINS

Following the Food Standards Agency's Advice on E.coli, wash-hand basins in commercial kitchens should be provided with non-hand operable taps.

Advisory Comment

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

3. Highway Authority Dropped Kerb

The applicant is advised that a Section 184 Notice of Approval from Staffordshire County Council is required prior to the existing dropped kerb being widened. A vehicle access crossings information pack and an application form for a vehicle access crossing (dropped kerb) are available on the County Council's website at www.staffordshire.gov.uk/transport/staffshighways/licences/Vehicle-access/VehicleAccessCrossings. The application form can be completed online or downloaded, completed and sent to Network Management Unit, Staffordshire County Council, Staffordshire Place 1, Wedgewood Building, Tipping Street, Stafford, ST16 2DH or emailed to nmu@staffordshire.gov.uk.

14. Background papers

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

- Papers on Planning Application file P/2020/00613
- The Local and National Planning Policies and Supplementary Planning Documents outlined in the report above
- Winshill Neighbourhood Plan

15. Human Rights Act 1998

15.1 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.

16. Crime and Disorder Implications

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

17. Equalities Act 2010

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

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