

Agenda Item:	5.2
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Site:	Poplars Farm, Yoxall Road, Newborough, DE13 8SU.
Proposal:	Conversion of existing farm house and piano barn from a holiday let to a Class C2 home for children in care and conversion of existing barn including alterations to the front elevation from storage to office and gym for staff.

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/2020/01418	
Planning Officer:	Alan Harvey	
Type of Application:	Detailed Planning Application	
Applicant:	Mrs Melanie Crawford	
Ward:	Yoxall	
Ward Member (s):	Councillor Mrs L Beech	
Date Registered:	14 January 2021	
Date Expires:	10 March 2021. An extension of time has been agreed with the agent to allow time for reconsultations to be carried out and for the application to be reported to Planning Committee.	
Reason for being on Agenda	The application is considered to be in the public interest.	
Officer Recommendation	Approval subject to conditions.	

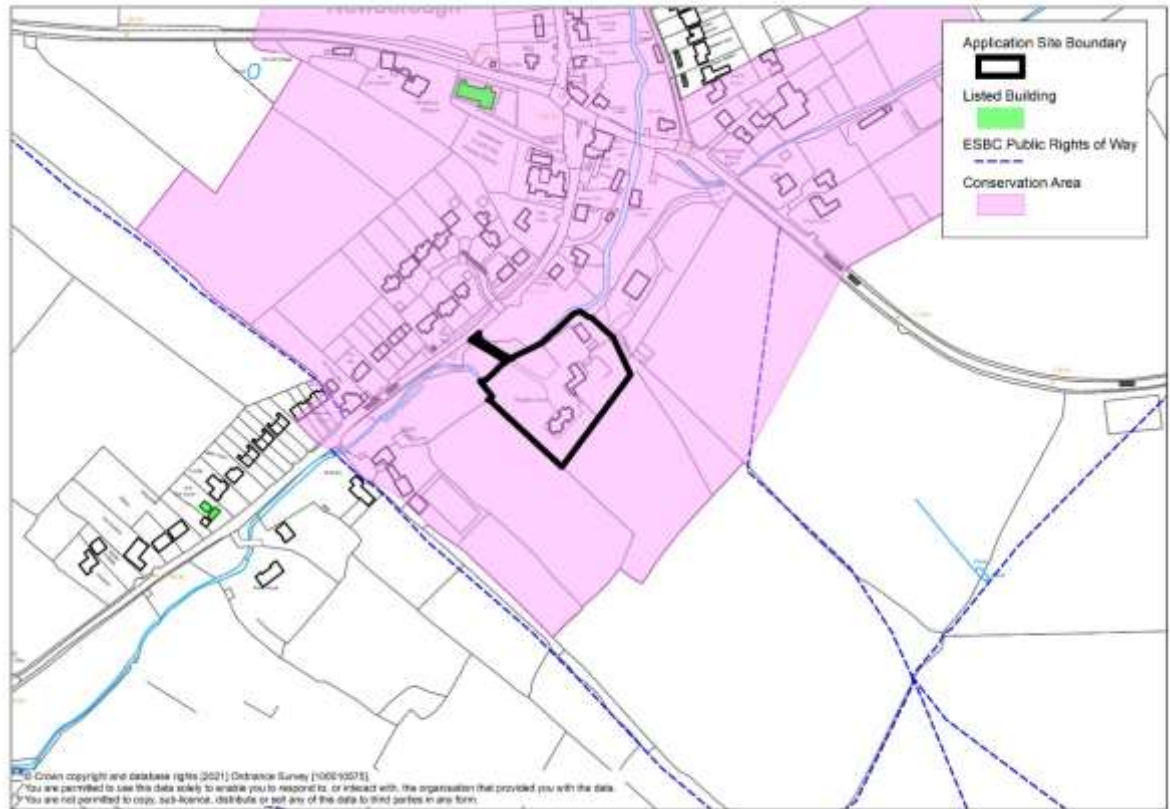
1. Executive Summary

- 1.1 The application relates to a large detached dwelling with two ancillary buildings located on the Southern edge of the village of Newborough. The site is within the Newborough Conservation Area and outside of settlement boundaries as defined in the Local Plan.

- 1.2 Consent is sought for the Conversion of existing farm house and piano barn from a holiday let use (C3) to a Class C2 home for children in care and conversion of existing barn including alterations to the front elevation from storage to office and gym for staff.
- 1.3 The scheme would provide accommodation for up to 6 children aged between 7 and 12 years within the existing Poplars Farmhouse and Piano Barn. The third building, a barn, would provide an office and gym associated with the care home use. The barn would be altered by means of replacing the existing roller shutter door with glazing.
- 1.4 Statutory consultees have raised no technical objections to the proposals. Objections/ concerns were raised by 35 local residents including Needwood Primary School in relation to the principle of the proposal, noise and disturbance, impacts on surrounding residential amenities, school numbers and the highway implications of the proposal. 6 responses in support were received.
- 1.5 A revised planning statement has been provided during the course of the application. The revisions to the planning statement included clarification of carers shift patterns and how the care home would be operated.
- 1.6 Neighbours and local residents were re notified of the additional information provided, which resulted in 3 responses reiterating initial objections and concerns and 2 reiterating their support for the proposals.
- 1.7 Newborough Parish Council have raised objections to the proposal on the basis that it conflicts with the Newborough Neighbourhood Plan, the unsuitability of the site for the proposed use, the proposal is an unsustainable form of development, the lack of local facilities or public transport to support the use, the lack of spaces at the primary school in the village, noise and disturbance, anti social behaviour and future development at the site.
- 1.8 The proposal would cause no detriment to the character and appearance of the Newborough Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore engaged by this scheme and has been satisfied.
- 1.9 The principle of the proposed use of Poplars Farmhouse and the Piano Barn as a children's home is acceptable in this rural residential area. There are no highway safety implications and it is considered that the scheme would not have a significant impact on residential amenities in terms of noise and disturbance.
- 1.10 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 Newborough 'Made' Neighbourhood Plan 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.

- 1.12 **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 This application relates to a large detached property at Poplars Farmhouse along with two ancillary buildings located within a spacious site within the Newborough Conservation Area. The overall site extends to some 1.8 acres. The site is located to the South East of Yoxall Road, with the access drive crossing the River Swarbourne (located within the frontage of the site) by means of a three arch bridge.
- 2.2 Poplars Farmhouse which is a large two storey detached property constructed of brick with a tiled gable roof over. Land levels rise up from the River Swarbourne located in the frontage of the site towards the South East, which results in the application property being set up at a higher level from the Yoxall Road. Poplars Farmhouse is currently used as a holiday let and has been used for these purposes for over 10 years.
- 2.3 Located 12m to the North of the Poplars Farmhouse within the site is a separate building known as 'The Piano Barn'. This brick and tile building was originally a cow shed, but has since been converted, initially to provide a workshop and then more recently as a holiday let. This building has a 'T' shaped footprint and is single storey in scale, although the roofspace has

been converted to provide accommodation in connection with the holiday let use.

- 2.4 Also within the site is a separate barn which is located in the Northern corner of the site. The barn has timber clad elevations with a metal sheet profile roof over.
- 2.5 The surroundings of the site are rural in character with the outer boundaries of the site being defined by post and rail fencing and hedging. There are a number of mature trees and screening provided by established vegetation along the Northern boundary of the site. The frontage of the site is landscaped and includes a substantial driveway, parking and turning areas.
- 2.6 The site is located outside of settlement boundaries as defined in the Local Plan.

3. Planning history

- 3.1 31 October 1983- **PA/13915/001**- Conversion of outbuildings to piano workshop- Approved subject to Conditions.
- 3.2 23 October 2009- **OU/13915/011** - Outline application for the erection of a detached dwelling- Refused.
- 3.3 17 March 2010- **P/2010/00074** - Continued use of former dwelling as a holiday let for a temporary period of 5 years- Approved subject to conditions.
- 3.4 17 March 2010- **P/2010/00075** - Retention of use as a holiday let for a temporary period of 5 years- Approved subject to conditions.
- 3.5 02 December 2015- **P/2015/01343** - proposed erection of dwelling on land to the north of Poplar Farm following demolition of former Piano Workshop- Refused, Appeal Dismissed.
- 3.6 08 June 2016- **P/2016/00362** - proposed erection of dwelling on land to the north of Poplar Farm- Refused.
- 3.7 27 June 2016- **P/2016/00452** - continued use of the dwelling at Poplar Farm as a holiday let on a permanent basis- Approved subject to conditions.
- 3.8 04 August 2016- **P/2016/00663** - continued use of the dwelling at Piano Barn as a holiday let on a permanent basis- Approved subject to conditions.
- 3.9 17 March 2017- **P/2016/01619**- Demolition of former piano workshop and the erection of a detached 5-bed dwelling to be used as a holiday let- Refused.

4. The proposal

- 4.1 Consent is sought for the conversion of the farm house and the Piano Barn from their existing holiday let use to a home for children in care (Class C2).
- 4.2 The proposals also include the conversion of an existing barn from its current storage use to an office and gym in connection with the proposed C2 use.

Externally, the only change proposed to the buildings relates to the storage shed, where the existing roller shutter door on the Eastern elevation would be replaced by glazing. The existing door in the Southern elevation would be used for access into the building.

4.3 A statement to support the application has been updated during the course of the application and confirms the following in relation to the proposals:

- The existing use of Poplars Farm House is a 5-bed holiday let. The Piano Barn is also a 5-bed holiday let. The barn shed is currently used as storage.
- The application is to convert the use of Poplars Farmhouse and The Piano Workshop into a children's care home for children aged between 7 and 12 years. Each building would be occupied by up to 3 children and 2 full time carers working alternate shift patterns. Typically, these carers would work on a shift pattern of two days on, four days off.
- An existing storage shed would also be converted into an office/ gym for the staff.
- The care home would be managed by an experienced care home provider.
- Children may be educated in a range of establishments to suit their needs. In some cases, this may be in a mainstream educational setting, or an alternative educational setting. Children are able to travel up to an hour to an education provision. For some children, it may be more appropriate for there to be education provided on site, and this would always be the case for any children who require a school place.
- 3 children will be living in the farmhouse and 3 in the Piano Barn. Regulations require only 1 carer living with the children however a maximum of 2 will sometimes be required. Therefore the maximum number of residents at either house will be 5.

List of supporting documentation

4.4 The following documents have been provided as part of the application:

- Application Form
- Location Plan
- Proposed Plans and Elevations
- Heritage Statement
- Planning Statement (Revised and Updated during the application)

4.5 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	Newborough Parish Council	<p>ORIGINAL SUBMISSIONS</p> <p>The Parish Council would like to reserve comment in anticipation of additional information.</p> <p>REVISED SUPPORTING STATEMENT</p>

		<p>Newborough Parish Council strongly opposes this planning application for the reasons summarised below, and the Parish Council believes its decision is supported by a large majority of the people who have opted to comment.</p> <ul style="list-style-type: none"> • It is inconsistent with the made Newborough Neighbourhood Development Plan, a plan which was created with the assistance of a Government Grant of £20,000 and which was approved at referendum by an overwhelming majority of parishioners in September 2016. The Parish Council believes that permitting this application would make a mockery of the Government's Localism Agenda. Newborough was one of the FIRST FRONTRUNNERS to obtain funding for the creation of a Neighbourhood Plan. • The documents submitted are inadequate and, in part, false. • This site is unsuitable for homes for looked after children, especially those of secondary school age, due to its extremely isolated rural location. • The only facility within walking distance which would benefit/be of interest to children of primary school age is Riverbank Park. There is nothing at all for older children, not even a local shop, and, while not a material planning consideration, local residents fear that – with nothing to occupy them outside of the homes, anti-social behaviour, as seen at many other similar sites, will result. • There are NO places available in the local primary school, Needwood (CE) Primary School. Even if additional staff could be recruited and afforded (which is highly doubtful), there is simply no room to accommodate additional children in this small school. This would be exacerbated by any looked after children with special needs who need 1-2-1 support. Looked after children of primary age living on this site would require to be transported to school via the private car. • The bus service connecting Newborough is extremely poor and it is highly unlikely that anyone working or visiting the site would ever be able to take advantage of it. This means that the private car/minibus would be essential for staff, visiting managers, Ofsted staff, Social Workers, therapists, teachers, visits from family and friends, grocery deliveries, as well as for the children living on site to attend school, doctor/dentist/optician appointments, and all social activities such as Scouts/Guides/Cubs, swimming and all other sports, youth clubs, shopping, cinema and other arts-
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		<p>related trips, music/dance lessons and all other leisure activities.</p> <ul style="list-style-type: none"> • Sites – of which there must be many – in Burton and Uttoxeter – would give these looked after children easy access on foot or by public transport to all the facilities which these towns offer. While this planning application does not represent new development per se, it does appear totally inconsistent with the East Staffordshire Borough Council Local Plan Policies 3.14 The sustainable development strategy directs growth to the most sustainable places. Burton upon Trent and Uttoxeter are identified as main towns because of the size of the settlements and the level of services and facilities that they contain and 3.15 The following elements guide the distribution of new development within the Borough over the lifetime of the Local Plan. These seek to: Focus the majority of new development at Burton Upon Trent; •Allocate a significant level of development at Uttoxeter; •Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and •Control new development in all other villages and hamlets. • This change of use will pose very significant additional nuisance and loss of amenity for local residents in the form of vehicle movements and noise in an extremely peaceful rural location. These movements are unlikely to be restricted to normal daylight hours as staff shift changeovers will potentially take place 24/7. • We quote from the made Newborough Neighbourhood Development Plan- 5.7. Development of all kinds (including change of use, extensions and new build) has a range of wider consequences on other factors such as traffic, flood risk, biodiversity, the conservation area, economic vitality and the landscape setting of the parish. All proposed development must consider the impact on the identified factors outlined above. • Our principal reason for objection is around Sustainability. We quote again from the Newborough Neighbourhood Development Plan- 8.2. The policies in this section are designed to ensure that new and existing residents in the parish do not become entirely reliant on the private car, have realistic sustainable transport options, and are provided for in terms of access and highways safety. This is a core pillar of ensuring sustainable development. • We quote again from the made Newborough Neighbourhood Development Plan- HE1 –
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		<p>EMPLOYMENT New employment opportunities within the parish will be supported subject to them being of a scale and nature commensurate with the rural nature of the parish. Larger employment proposals will not be supported unless they can demonstrate a specific locational or operational need and comply with other development plan policies. Development must be compatible with neighbouring land uses and be in accordance with Neighbourhood Plan policy CF3 (Landscape and The National Forest) and SP4 (Heritage and Design). Applications for employment uses, including applications for change of use, must not result in development which adversely impacts neighbouring amenity in terms of noise, hours of operation, traffic generation and visual impact. Where this cannot be achieved proposals will not be supported.</p> <ul style="list-style-type: none"> • We envisage that every single person, both staff and subcontractors (e.g. cleaners, window cleaners, grounds and maintenance personnel) will have to rely on the private car to access the site. • A further concern about this planning application is the likelihood that the number of looked after children on site could significantly expand over time. The two main properties, Poplars Farm and the Piano Barn are both extremely large and are advertised currently as holiday lets (https://www.newboroughcottages.co.uk/) as sleeping 28 people. It is feared that the relatively modest income (which we estimate as £10-15,000 per week) for each of Poplars Farm and the Piano Barn could spur the operators to try to increase the number of children accommodated. Even if this income was considered acceptable, the for-profit operators would surely be looking to maximise the return to their shareholder. • The Barn Shed, which is envisaged as an office/gym for staff, is not insignificant in size and could be converted to provide accommodation for additional children and staff. • If there were more than a handful of looked after children on this site, it would very negatively affect the balance of population within the Parish. We quote again from the made Newborough Neighbourhood Development Plan: • Compared with East Staffordshire Borough and national figures, Newborough Parish has a higher percentage of the population aged between 45 and 59, who represent over a quarter of the entire parish's population. There is also an above average percentage of those aged between 60 and 74. Over
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		<p>the Plan period this demographic will shift and a high percentage of the parish's population will be of retirement age and over.</p> <p><u>Addendum</u></p> <p>Should East Staffordshire Borough Council decide to override the views of Newborough Parish Council regarding this planning application and permit the change of use, then we would ask that the Decision contains the conditions that there should only ever be a maximum of three children in care in each of the dwellings – Poplars Farm and the Piano Barn – and that the age of the children should always be under 12 years of age.</p>
5.3	SCC Highways	No objections were raised.
5.4	Lead Local Flood Authority	Confirmed they have no comments to make regarding the application.
5.5	Police Architectural Liaison Officer	No objections were raised.

Internal Consultees		Response
5.6	Environmental Health	No objections were raised.

6. Neighbour responses

- 6.1 Site and Press notices were posted and neighbouring occupiers were notified by letter of the proposal. Responses were received from 34 local residents and Needwood Primary School raising objections to the original proposal which are summarised below. 6 responses in support of the proposal from local residents were also received, comments are also summarised below.
- 6.2 A re consultation exercise was carried out following the updated planning statement provided by the applicants. 3 further responses were received reiterating previous objections raised, specifically in relation to the inadequate provision of local facilities, the location of the proposal and the impact on local school numbers. 2 responses were received reiterating support for the proposals as set out below .

Neighbour responses (Objections)	
Principle	<ul style="list-style-type: none"> • Conflict with the policies contained within the Newborough Neighbourhood Plan • The site is isolated and poorly integrated in terms of location • Concerns have been raised regarding the experience of the managers and the general future management of the home • Impacts on school capacity

	<ul style="list-style-type: none"> • Incorrect information submitted in terms of the ownership certificate and the distance to Burton (both issues have since been rectified in the updated documents) • Concerns raised that the location of the proposal is not appropriate for teenagers.
Impacts on Amenity	<ul style="list-style-type: none"> • There are no amenities or facilities for the children in Newborough • The proposal would result in a rise in anti-social behaviour and crime • Increased noise
Highways Impacts	<ul style="list-style-type: none"> • Highway safety concerns for the children being accommodated at the properties • There is insufficient public transport to serve the development. Buses are infrequent • Increased traffic associated with the proposal
Other Impacts	<ul style="list-style-type: none"> • Impact on the Conservation Area • The brook is a safety concern • Safeguarding the children would be difficult at this site • Security concerns • Flooding Impacts • Impacts on revenues of the existing village facilities- Café and Public House.
Ward Member	No response was received.

Neighbour responses (Support)

Comments received	<ul style="list-style-type: none"> • This proposal would provide an appropriate home for disadvantaged children • It is a lovely spot where children with the correct care would thrive in a safe environment • We do not believe there is any negative impact by the change of use and conversion of the buildings and encourage the approval of the application. • This proposal is a good use of a resource which can deliver significant benefits to children and hopefully benefit their long term future. It is ideally located away from the road in a quite rural setting.
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7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP8: Development outside of Settlement Boundaries
- SP24: High Quality Design
- SP25: Historic Environment
- SP27: Climate Change, Water Body Management and Flooding
- SP35: Accessibility and Sustainable Transport
- DP1: Design of New Development
- DP3: Design of New Residential Development, Extensions and Curtilage Buildings
- DP5: Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and Archaeology
- DP7: Pollution and Contamination

Supplementary Planning Documents

- Car Parking Standards SPD
- East Staffordshire Design Guide SPD

Newborough Neighbourhood Plan

- SP1- Sustainable Development
- SP2- River Management and Flood Risk
- SP4 - Heritage and Design
- HE4 - Design of new Development
- CF3- Landscape and the National Forest
- TA3- Parking

8. Assessment

- 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 visual amenities and the Newborough Conservation Area
 - Impact on residential amenities
 - Highway Matters
 - Flood Risk and drainage

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 11 of the NPPF states that for decision-taking this means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - 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.
- 9.2 Paragraph 84 of the NPPF sets out that to meet local business and community needs in rural areas, planning policies and decisions should recognise that sites may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 9.3 Local Plan Policy SP1 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.
- 9.4 Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless:
- essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or
 - providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
 - in accordance with a 'made' Neighbourhood Plan; or
 - development under the Rural Exception Sites policy
 - Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
 - Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
 - Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
 - Provision for renewable energy generation, of a scale and design appropriate to its location
 - Otherwise appropriate in the countryside
- 9.5 Newborough Neighbourhood Plan Policy SP1 'Sustainable Development' also sets out a number of criteria to ensure the delivery of sustainable development.

Assessment

- 9.6 Having regard to the adopted Development Plan policies, the application would entail the re use of existing properties currently used as holiday accommodation located on the edge of the village of Newborough. The premises will provide care for up to 6 No. children with 2 No. full time residential 24 hour care workers. The care workers would operate on a shift basis, which would typically be 2 days on, 4 days off. Vehicle movements to and from the site would be linked to the shift changes, visits from social workers and to carry out daily duties such as the school run. In principle, the overall residential use of the properties would be retained, albeit within a different use class to the existing holiday let accommodation. The use of the premises as a children's home for 6 No. children upto the ages of 12 can be secured via condition to prevent any other uses within Class C2 being implemented without planning permission.
- 9.7 The site would remain in residential Use. In terms of location, it is acknowledged that the site is located outside of settlement boundaries as defined in the Local Plan. The aims of Local Plan Policy SP8 are relevant and seek to prevent unsustainable development in the countryside. The site is located adjacent to the settlement of Newborough, and is surrounded by residential properties to the North and the North West. Bus services (Midland Classic 402A and the 403) operating between Burton and Uttoxeter passes through the village in both directions 3 times per day Monday- Saturday.
- 9.8 Taking into consideration the merits of the existing situation, the re use of existing buildings and the residential basis of the proposals it is considered that the scheme would not conflict with the sustainability objectives of Local Plan Policies SP1 and SP8 and Newborough Neighbourhood Plan Policy SP1. In principle, the proposal is therefore considered to be acceptable, the material impacts of the proposal are discussed in further detail below.

10. Impact on Visual Amenity and the Newborough Conservation Area

- 10.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 10.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 10.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this

can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.

- 10.5 Newborough Neighbourhood Plan in policy SP1 ‘Sustainable Development’ sets out that development should be of appropriate design which complements the local vernacular and character of the village and the rural setting. Policy SP4 ‘Heritage and Design’ sets out that new development will be required to promote high quality design and offer a positive, contextually responsive contribution to the parish’s historic built environment and its specific heritage assets. Policy CF3 ‘Landscape and the National Forest’ relates to designated views set out on the plan proposals map. Designated views will be protected from inappropriate development.
- 10.6 Paragraph 184 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 10.7 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 10.8 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough’s townscapes and landscapes. Detailed Policy 5 goes into more detail regarding Historic Assets including Conservation Areas.

Assessment

- 10.9 The only proposed external change included within the scheme relates to the storage barn, where the existing roller shutter doors would be replaced by glazing in connection with the conversion of the building to an office/ gym. Taking into consideration the limited visibility of the Eastern elevation where the alterations are proposed, it is not considered that the proposal would cause demonstrable harm to the character and appearance of the property or the locality or the protected views highlighted in the Neighbourhood Plan under policy CF3. A condition is attached to ensure that the materials used are as set out within the application.
- 10.10 Based on the above assessment, it is considered that the design of the modest proposed alterations to the barn is acceptable and suitably reflects the surroundings of the site. The proposal would cause no harm to the character and appearance of the Newborough Conservation Area given the limited

visibility of the elevation of the building being altered. The proposed alteration would therefore comply with the relevant local and neighbourhood plan policies, East Staffordshire Design Guide and the National Planning Policy Framework.

11. Impact on residential amenities

- 11.1 The National Planning Policy Framework and DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing. Policy DP7 of the Local Plan deals with pollution impacts including noise and disturbance.
- 11.2 Policy HE4 of the Newborough Neighbourhood Plan 'Design of new development' sets out design principles for new development.

Assessment

- 11.3 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 large holiday let in terms of noise and disturbance given the number of occupiers and staff proposed.
- 11.4 The intensity of the use can be controlled by a condition restricting the number of occupants (excluding carers) to not more than 6 children at any one time. The age range of the children can also be restricted to children between 7 and 12 years as set out in the application. In addition, 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.
- 11.5 Concerns and objections have been raised in relation to the potential anti social/ criminal behaviour impacts that could arise from the development. Notwithstanding these concerns, it should be noted that such issues fall outside the remit of planning control. It must also be fully recognised that whilst planning processes can be used to regularise situations, it can only complement other statutory functions. In this case the Childrens Care home will be regulated through statutory bodies and anti social behaviour/ criminal activity are matters for the Police.
- 11.6 In terms of residential impacts the scheme is therefore compliant with the provisions of Local Plan Policy SP1, DP3 and DP7, the Newborough Neighbourhood Plan and the NPPF.

12. Highway Matters

- 12.1 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.

- 12.2 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.
- 12.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 12.4 Newborough Neighbourhood Plan under policy SP1 requires new development to be accessible by sustainable modes to local facilities (school, public house, church) with local shops easily accessible by public transport. Policy TA3 sets out parking requirements for development. Dwellings of 4 bedrooms or more should provide a minimum of 3 spaces.

Assessment

- 12.5 It is noted that representations have been received in relation to vehicle movements and highway safety. The agent has submitted details of expected vehicle movements associated with the carers shift patterns within the revised Planning Statement. 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. There is ample off road parking within the site to ensure that the scheme does not result in parking issues on adjacent roads and the County highway Authority have confirmed they have no objections to the proposal.
- 12.6 Accordingly, in terms of Policies SP1 and SP35 of the Local Plan and the Newborough Neighbourhood Plan Policies the scheme is considered to be acceptable in relation to highway safety.

13. Flood Risk and Drainage

- 13.1 Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 13.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS).
- 13.3 Newborough Neighbourhood Plan Policy SP2- River Management and Flood Risk sets out that new development should be designed to minimise surface water run off and flooding of rivers and watercourses.

Assessment

- 13.4 Whilst Poplars Farmhouse and the Piano Barn are entirely within Flood Zone 1, part of the frontage of the site surrounding the River Swarbourne are located within Flood Zone 3. In terms of the proposed residential use of the properties, they are at a low risk from fluvial flooding. Whilst parts of the wider site are considered to be prone to flooding in this case there is no requirement to submit a flood risk assessment. The Lead Local Flood Authority have raised no objections to the scheme. It is therefore considered that the application complies with the provision of Local Plan Policy SP27, Newborough Neighbourhood Plan Policy SP2 and the National Planning Policy Framework.
- 13.5 Concerns have been raised regarding the responsibilities of the riparian land owner in relation to the free flow of the River. The agent for the application has been made aware of these concerns, however ultimately this application relates to the use of the existing properties and the maintenance of the waterways is a civil matter. Concerns have also been raised regarding the health and safety implications of having a watercourse close to a childrens home, however this is not a material planning consideration that can be used in the assessment of the proposals. This would be the responsibility of the operators in relation to the day to day management of the site.

14. Other Matters

- 14.1 The impacts on pupil capacity at the village primary school has been raised as an objection to the proposal. It is noted that although the application site in its current use as a holiday let does not generate an impact on primary school provisions in the area, the original use of the farmhouse as a residential dwelling house could potentially create a demand for places. It is also noted that each child residing at the care home will have a specific care package, which may include home schooling or specialist education in a different setting to the Local Primary School. The capacity of the local school is a matter for the County Council to administer and as such cannot be given weight in the assessment of this planning application.

15. Conclusions

- 15.1 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 following conditions.

16. RECOMMENDATION

Approve, subject to the following conditions:

1. Time Limit (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. Plan Numbers (Standard)

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.s:

A101 Barn Building Existing and Proposed Elevations and Proposed Layout dated as received 09 December 2020

A102 Poplars Farmhouse Layout dated as received 09 December 2020

A103 Piano Barn Layout dated as received 09 December 2020

A104 Site Plan dated as received 09 December 2020

A105 Location Plan dated as received 13 January 2021

Planning Supporting Statement dated as received 03 March 2021

Application Forms dated as received 09 December 2020

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, heritage assets, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP25, SP27, SP35, DP1, DP3 and DP7, Newborough Neighbourhood Plan Policies SP1, SP2, SP4, HE4, CF3 and TA3, the Car Parking Standards SPD, the East Staffordshire Design Guide SPD and the National Planning Policy Framework.

3. Materials

All external materials used in the development shall be as set out on the plans and documents listed under condition 2 unless otherwise first agreed in writing with the Local Planning Authority:

Reason: To safeguard the character and appearance of the building and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, DP1 and DP3, Newborough Neighbourhood Plan Policies SP1, SP2, SP4, HE4, CF3 and TA3, the East Staffordshire Design Guide and the National Planning Policy Framework.

4. Use Restriction- Numbers and Ages

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 six children aged between 7 and 12, as described in the Planning Supporting Statement dated as received 03 March 2021 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.

5. Use of the storage shed building to be ancillary

The gym/ office use in the existing shed hereby approved shall not be occupied or used at any time other than for purposes ancillary to the care home use hereby approved in respect of Poplars Farmhouse or the Piano Barn.

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 and in the interests of highway safety in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1, SP24, SP35 and DP7.

Informatives**1. Standard Engagement**

The 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.

17. Background papers

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

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference: P/2020/01418

18. Human Rights Act 1998

18.1 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.

19. Crime and Disorder Implications

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

20. Equalities Act 2010

20.1 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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