

Agenda Item:	5.2
Site:	Poplars Farm, Yoxall Road, Newborough, DE13 8SU.
Proposal:	Change use of farm house and piano barn from dwelling to Class C2 home for children in care (with no age restriction) and conversion of existing barn including alterations to the front elevation to form classrooms (Revised Scheme)

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/2021/01116	
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:	27 August 2021	
Date Expires:	22 October 2021. An extension of time has been agreed with the agent to 23 December 2021 to allow time for re-consultations to be carried out and for the application to be reported to Planning Committee (and any decision notice to be issued).	
Reason for being on Agenda	The application - as per the previous scheme which was reported to Committee - is considered to be in the public interest.	
Officer Recommendation	Approval subject to conditions (including one providing that the permission be temporary for one year).	

1. Executive Summary

- 1.1 The application relates to the large detached dwelling at Poplars Farm with two ancillary buildings located on the southern edge of the village of

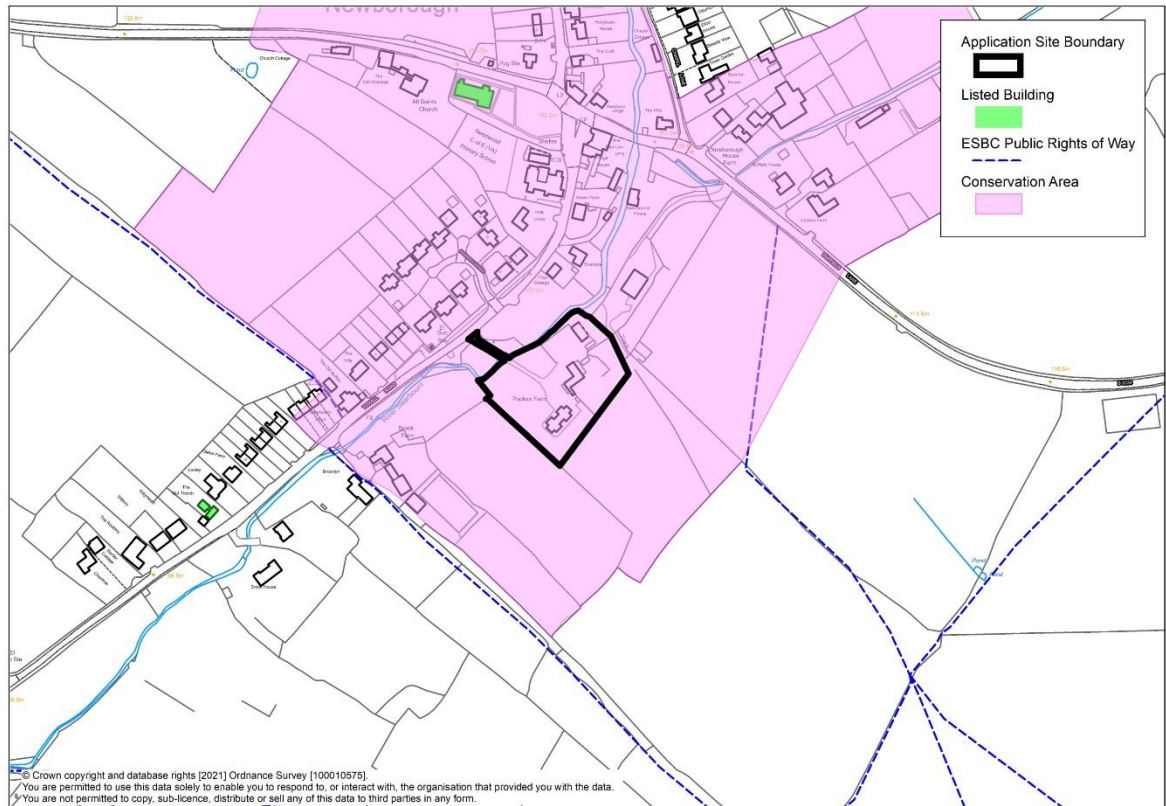
Newborough. The site is within the Newborough Conservation Area and outside of settlement boundaries as defined in the Local Plan.

- 1.2 Full planning permission is sought for the change use of the farm house and piano barn from dwelling to Class C2 home for children in care - with no age restriction - and for the conversion of an existing barn including alterations to the front elevation to form classrooms.
- 1.3 The revised scheme follows on from the approval at the Planning Committee meeting of April 27th 2021 of a scheme for the conversion of the 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. The approved scheme (conditioned accordingly) would provide accommodation for up to 6 children aged between 7 and 12 years within the existing Poplars Farmhouse and Piano Barn.
- 1.4 The current (revised) scheme would provide accommodation for up to 6 children aged with no age restrictions within the existing Poplars Farmhouse and Piano Barn. The third building, a barn, would provide for classrooms associated with the care home use. The barn would be altered by means of replacing the existing roller shutter door with glazing. The applicants have clarified that the additional classroom will require 2 No. teachers to be on site during the week; with school times likely to be 10am to 4:00pm and that the carers who will already be on site will act as teaching assistants too.
- 1.5 Statutory consultees have raised no technical objections to the proposals. Newborough Parish Council have, however, 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 being an unsustainable form of development, the lack of local facilities or public transport to support the use, noise and disturbance and anti-social behaviour; with exacerbation likely with the use of the premises by teenage children.
- 1.6 Objections/concerns have also been raised by 15 No. local residents in relation to the principle of the proposal, noise and disturbance, impacts on surrounding residential amenities (including potential for increased crime), flood risk concerns and the highway safety implications of the proposal. A number of submissions make the point that these objections, which were also made in connection with the earlier application, would be exacerbated as result of the fact that older children would be accommodated at the property.
- 1.7 One letter of support has been received for the scheme on the basis that it is considered the proposed increase in the age limit will enable the applicants to provide a stable background so that the young person(s) will not have to worry that they will be moved on at an important stage of their development.
- 1.8 During the course of the application the Parish, Neighbours and local residents were re-notified as the application as registered by the local planning authority incorrectly referred to the barn as being proposed to be

used a gym. The opportunity was taken concurrently to explicitly indicate in the description that the proposals are for home for children in care with no age restriction, although it is recognised at the outset of the current application submission that the applicants had clearly stated that was to be case in their supporting submissions.

- 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; as has already been established with the previous approval; nor is the scheme considered to be unsustainable in context of it being an alternative use of existing buildings. There are no highway safety implications and no flood risk or other infrastructure implications in terms of the proposed use.
- 1.10 In terms of impacts on residential amenities, it is considered that the scheme would not have a significant impact on residential amenities in terms of noise and disturbance. The development would not have any physical impacts.
- 1.11 Concerns and fears in relation to anti-social behaviour are recognised; but these need not necessarily be a consequence of a use of the dwelling for children in care. Further, as part of the application process the Police have not raised any apparent concerns regarding the change of use of the property with the extended age range of children.
- 1.12 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.
- 1.13 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.
- 1.14 In the light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to conditions; one of which will be to initially suggest a temporary period of use for one year (upon the commencement of the use) for the management and operation of the site to be assessed and reviewed.
- 1.15 **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 and is located off the south-eastern side 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 some 12 metres 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.
- 3.10 On 14 January 2020, application **ref: P/2020/01418** was submitted for the proposed conversion of the existing farm house at Poplars Farm 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.

3.11 The application was report the meeting of the Planning Committee on 27th April 2021 whereby planning permission was granted subject to conditions. One of the conditions (No. 4) requires that *“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.”* The reason for the condition is stated to be *“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.”* (officer underlining)

4. The proposal

- 4.1 Full planning permission is now 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) without no age restrictions.
- 4.2 The proposals also include the conversion of an existing barn from its current storage use to a classroom 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 was submitted to support the application which advises the following in relation to the proposals:
- The age restriction - of 7 to 12 years (as per the previous permission) - is an uncommon situation which does not comply with Ofsted’s guidance, instead Ofsted encourage inclusive communities where a variety of ages can live together in one house. Continuity of care is of paramount concern to both the care provider and Ofsted, and the age restriction is limiting and discriminatory.
 - It is pointed out that should the home accept a child aged 11, the child would then only be able to live at the home for one year before being forced to leave the home under the current planning restriction. This is clearly not in the best interests of the child, and discriminates who is able to live in the village on the basis of age. Furthermore, there is no planning reason or policy for which the age restriction should be put in place.
 - The proposed alterations to the scheme do not change the proposal’s compliance with Policy SP8 of the Local Plan therefore the principle of the development remains acceptable.
 - One concern raised in relation to the previous scheme was the potential impacts on local schools, in particular the potential pressure additional children could cause on the local schools and the detached location of the site meaning local schools are not readily accessible without increased vehicle

journeys. The proposed classroom in place of the previously approved gym will mitigate these concerns by providing a space for children to receive education on site. This would therefore ensure the scheme is more compatible with the surrounding area and helps to overcome the concerns raised by the local community.

- The use of the space as a classroom will not result in adverse impacts to the amenities enjoyed by existing land users as the site will remain well separated from any neighbouring properties. The vehicle movements associated with the classroom will not material increase the vehicle movements associated with the home. The proposal will therefore remain in compliance with both parts of Policy SP8
- Externally there would be no changes to the scheme approved as part of the previous application ensuring there will be no visual implications of the proposal and therefore there would not therefore be any impacts on the character of the Newborough Conservation Area.

4.4 The applicants have confirmed that the additional classroom will require 2 No. teachers to be on site during the week; with school times likely to be 10am to 4:00pm and that the carers who will already be on site will act as teaching assistants too.

List of supporting documentation

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

- Application Form
- Location Plan
- Site/Block Plan
- Proposed Plans and Elevations
- Heritage Statement
- Planning Statement and supporting letter.

4.6 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>The Parish Council comment that:-</p> <p><i>“As previously stated in our objections to the previous application P/2020/01418 this site is unsuitable for homes for looked after children, especially those of secondary school age, due to its extremely isolated rural location.</i></p> <p><i>The only facility within walking distance which may be of interest to children of primary school age is Riverbank Park. There is</i></p>

	<p><i>nothing at all for older children, not even a local shop, and, while not a material planning consideration, residents fear that with nothing to occupy them outside of the homes, anti-social behaviour, as seen at many other similar sites, will result. We believe that any increase to the age of the children resident in the home will heighten the possibility of such anti-social behaviour which is of grave concern to local residents.</i></p> <p><i>The bus service connecting Newborough is extremely infrequent. This means that the private car, minibus or taxi would have to be utilised by all persons working or visiting the site.</i></p> <p><i>Alternative, more appropriate 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:</i></p> <p><i>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.</i></p> <p><i>3.15 The following elements guide the distribution of new development within the Borough over the lifetime of the Local Plan. These seek to:</i></p> <ul style="list-style-type: none"> <i>•Focus the majority of new development at Burton Upon Trent;</i> <i>•Allocate a significant level of development at Uttoxeter;</i> <i>•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</i> <i>•Control new development in all other villages and hamlets.</i> <p><i>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.</i></p> <p><i>We quote from the made Newborough Neighbourhood Development Plan:</i></p> <p><i>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.</i></p> <p><i>Our principal reason for objection is around Sustainability.</i></p>
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		<p><i>We quote again from the Newborough Neighbourhood Development Plan:</i></p> <p><i>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.</i></p> <p><i>We quote again from the made Newborough Neighbourhood Development Plan:</i></p> <p><i>HE1 – 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.</i></p> <p><i>We envisage that every single person will have to rely on the private car or taxi to access the site.</i></p> <p><i>Conclusion</i></p> <p><i>Newborough Parish Council strongly opposes this planning application for the above reasons and are deeply concerned that the new application includes changes that are in direct contravention to the Planners conditions attached to the initial application. These concerns are echoed by many parishioners. The Parish Council believes its decision is supported by a large majority of the people who have opted to comment. 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.</i></p> <p><i>The Parish Council believes that permitting this application would not be in line with the Government’s Localism Agenda.</i></p> <p><i>Addendum</i></p> <p><i>Should East Staffordshire Borough Council decide to approve this planning application and permit the change of use, then we would ask that the decision retains the conditions set out in the previously approved application P/2020/01418, namely that</i></p>
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		<i>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.”</i>
5.3	SCC Highways	No objections are raised as the change in this application from that previously approved is not considered material in highway terms. It is understood that the classroom will only be used for residents and not used a school for pupils other than residents and therefore any traffic from the site is likely to be limited to staff which will be similar to the previous approval.
5.4	Police Architectural Liaison Officer	Have no objections to this application in providing guidance on crime prevention.
5.5	SCC Education	The County Education Authority advise that this development falls within the catchments of Needwood CE (VA) Primary School and John Taylor High School but that given the development is scheduled to provide a total of 2 No. dwellings no education contribution would be requested (as the Staffordshire Education Infrastructure Contribution Policy (SEICP) relates to any “residential development where 10 or more dwellings will be provided”).

Internal Consultees		Response
5.6	Environmental Health	No objections were raised.
5.7	Conservation Officer	Had no objection subject to the submission of materials condition being applied as per the 2020 application permission.

6. Neighbour responses

- 6.1 Site and Press notices (original and re-worded) were posted and neighbouring occupiers were notified by letter(s) of the proposal. Responses were received from a total of 16 No. local residents with 15 No. raising objections to the proposal and there being one letter of support.
- 6.2 The letter of support indicates that it is considered the proposed increase in the age limit will enable the applicants to provide a stable background so that the young person(s) will not have to worry that they will be moved on at an important stage of their development.
- 6.3 The 15 No. objections to the scheme are summarised below.

Neighbour responses (Objections)	
Principle	<ul style="list-style-type: none"> • Conflicts with the policies contained within the Newborough Neighbourhood Plan, which has the role of ensuring local people guide development in the village. • The site is isolated and poorly integrated in terms of location • Concerns have been raised regarding the levels of experience of the applicants/managers and the general future management of the home • Impacts on local school capacity • Concerns raised that the location of the proposal is not appropriate for teenagers. Children would not get sufficient social interaction with others in such a isolated location.
Impacts on Amenity	<ul style="list-style-type: none"> • There are little or no amenities or facilities for the children in Newborough, particularly for older children (with their being only the church, a public house, café and younger children’s playground). The mobile phone reception is often poor. • The proposal would result in a rise in anti-social behaviour and crime with residents having concerns about their well-being and the security of their properties. With the village being some distance from police resources this will mean reaction times are likely to be longer than urban areas. • The use is likely to lead to increased crime in the village in terms of trespass and with potential threats to local children. • Increased noise and disturbance to local residents • Teenagers cannot be kept under surveillance 24 hours a day and as such they will be perceived by local residents as a threat. It would not be good for the young people to feel that local residents do not like them. • There is potential that older youths will head straight for the public house in the village and congregate round there causing law and order issues. • In terms of the existing boundary treatments there is no security, safety or exclusivity to the children of the care home and given the garden area is elevated it is on full view of passers by.
Highways Impacts	<ul style="list-style-type: none"> • The scheme will generate additional traffic on this narrow road to the detriment of vehicular and pedestrian safety (including that of children attending the local school).

	<ul style="list-style-type: none"> • Highway safety concerns for the children being accommodated at the application properties • There is insufficient public transport to serve the development. Buses are infrequent • Increased traffic will be associated with the revised proposal with the possibility that some of the older children may have cars. Further, since the older children will need far more access to off-site social and leisure facilities this will require the use of a increased number of private cars/taxis/mini-buses.
Other Impacts	<ul style="list-style-type: none"> • It will have an negative impact on the Conservation Area • The river is a safety concern in terms of the children on the site. • Safeguarding the children would be difficult in this location. • There are flooding Impacts which may mean that emergency services may not been able to reach the children at the property. The owners of Poplars Farm have not maintained the river as it flows through their property which has resulted in the property being cut off by flooding in recent times. • There is the potential for the care home occupants to undertake activities that would impact on the river leading to the likelihood of increased flooding being caused to other properties downstream.
Other Matters	<ul style="list-style-type: none"> • The applicant has not discussed the change in the ages with local residents prior to making this application. • The description of the application as submitted was incorrect and misleading (both issues have since been rectified in the consultation process – as outlined at paragraph 1.8 above). • The applicant originally did not previously highlight the fact that their business plan would not be viable with children up to the age range of 12 and has tried to circumvent the planning process with this late change. • If the previous scheme does not work in terms of the applicant's business plan then the permission should be revoked. • This application is remarkable similar to one submitted in 2020 to Stafford Borough Council for a care home for 5 children in Offley Brook, which was withdrawn after drawing some 35 letters of objection and a letter from the local MP Bill Cash who commented about its isolate position from facilities.

	<ul style="list-style-type: none"> • There is little faith in the applicants as they seem to be continually contradicting what they originally told residents/the parish council at a public meeting. There have been three changes to the age range and it is questioned whether in the future there will be an attempt to increase the number of children at the site. • The company that is going to be running this home in Newborough has a history of a failed care home (in another location) where children were not looked after properly and safeguarded. • Within the care home sector as it presently operates there is the possibility of temporary, part time and inexperienced staff and lack of communication with residents
Ward Member - Cllr Beech	Asks to be assured that this application when presented to committee has the initial restrictions which were conditioned previously (regarding age and the number of children to be accommodated) added to the recommendation.

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
- HE1 – Employment
- HE4 - Design of new Development
- CF3 - Landscape and the National Forest
- TA3 - Parking

8. **Assessment**

8.1 As was the case with the previous application (ref: P/2020/01418) 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 village 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. Policy HE1 ‘Employment’ of the Neighbourhood Plan indicates that 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.

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 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. Essentially, the occupants of the care home would have the same facilities available to them as the occupants of any residential property in the village (and of course the existing holiday accommodation use).
- 9.8 Taking into consideration the circumstances 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, and the material impacts of the proposal are set out 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 of the Local Plan 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 a classroom to

serve the care home use. 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. As per the recommendation of the Conservation Officer 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 be likely to result in any material 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 Further, as per the previous approval, 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. 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 With regard to the age range of the children to be cared for, the previous permission also restricted that use to relate to children between 7 and 12 years as set out in that application. The present application proposes no age restrictions.
- 11.6 The Parish Council – notwithstanding their overall objections – have requested that if the Council approves this scheme it should be conditioned to the children under the age 12. The local Ward Member; Cllr Beech also

similarly asks to be assured that this application when presented to committee has the initial restrictions which were conditioned (regarding age and the number of children to be accommodated) added to the recommendation.

- 11.7 Such requests on the restriction on the age range would, however, not be reasonable as the description of the development being proposed specifically requests that there be no age restriction and as such the key consideration is whether that amendment proposed by this application – to expand the age range of the children being accommodated at the application site - is so materially different to that approved so as to lead to a different determination to that reached in relation to the previous application on the site.
- 11.8 In respect of the proposed increase in the age range of the care home occupants, the principal concerns and objections that have been raised by the Parish Council and local residents are fundamentally in relation to the potential for exacerbated anti social/criminal behaviour impacts that could arise from the development.
- 11.9 The nervousness and concerns amongst local residents are of course recognised, however, it is also the case at this stage that these concerns are also essentially derived from a fear as to how the children in care may behave when at the site at Poplars Farm rather than the specific evidence of any activities at the site. There is effectively no cogent evidence at this stage that local residents would actually experience anti-social behaviour as a consequence of the development. Further, as part of the application process the Police have not raised apparent concerns regarding the change of use of the property with the extended age range of children and of course if there were to be any specific cases of crime or anti-social behaviour then these would be investigated and addressed by the Police (under criminal law and thus outside of the Planning Acts). There are also controls under Environmental Health legislation in respect of noise and disturbance should such issues arise.
- 11.10 There is, nevertheless, the possibility for anti-social behaviour, and it is acknowledged that with a full grant of planning permission at this stage that should the operation and management of the business prove to give rise to anti-social issues the Local Planning Authority would essentially have relinquished any controls over the use under the Planning Acts. Having regard to the planning balance, therefore, in this case it is considered that it would be reasonable to recommend at this stage that a temporary permission initially be granted for a period of twelve months upon the bringing into use of the care facility. This would allow the applicants to demonstrate that the operation of the business would mitigate and manage local resident's and the Parish Councils perception of fear of crime and disorder.
- 11.11 In terms of residential impacts, therefore, it is considered that subject to a temporary grant of permission at this stage that the scheme is in line with the aims of the provisions of Local Plan Policy SP1, DP3 and DP7, the Newborough Neighbourhood Plan and the NPPF.

12. Highway Matters

- 12.1 The NPPF 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. In relation to the previous scheme the applicant's agent submitted details of expected vehicle movements associated with the carers shift patterns and it was 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. In respect of the current scheme, the applicants have also confirmed that the additional classroom will require 2 No. teachers to be on site during the week; with school times likely to be 10am to 4:00pm (with existing carers who acting as teaching assistants too), however, the County Highway Authority have confirmed they still have no objections to the proposal.
- 12.6 There is also ample off road parking within the site to ensure that the scheme does not result in parking issues on adjacent roads and therefore that the application is in compliance with the Council's Parking Standards SPD.

- 12.7 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 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. As set out in the April Planning Committee report the Lead Local Flood Authority raised no objections to the change of use 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 again 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 children's 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 was raised as an objection to the previous proposal; and has again has been referenced in

submissions. 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 was also noted that each child residing at the care home will have a specific care package, which may include home schooling or specialist education, and this amended application now proposes the provision of on-site classrooms for education to be provide within the care home environment.

14.2 It is also in any event pointed out that 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.

14.3 It is also noted that a number of local residents have expressed the concerns that applicant has not discussed the change in the ages with local residents prior to making this application. It is pointed out, however, whilst National Guidance encourages such engagement, it is not on the obligatory to do so. It also of course the case that it is incumbent on the Local Planning Authority to determine each application on its own individual merits.

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 listed below subject to compliance with other conditions of this permission:

Drawing No. A101 Barn Building Existing and Proposed Elevations and Proposed Layout dated as received 24 August 2021

Drawing No. A102 Poplars Farmhouse Layout dated as received 24 August 2021

Drawing No. A103 Piano Barn Layout dated as received 24 August 2021

Drawing No. A104 Site Plan dated as received 24 August 2021

Drawing No. A105 Location Plan dated as received 24 August 2021

Planning Supporting Statement dated as received 24 August 2021
Application Forms dated as received 24 August 2021

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, DP5 and DP7, Newborough Neighbourhood Plan Policies SP1, SP2, SP4, HE1, 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, SP25, DP1, DP3 and DP5, 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, as described in the Planning Supporting Statement dated as received 24 August 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 classroom/teaching facility use proposed in the existing storage 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.

6 Temporary Permission

Upon the commencement of the use hereby approved the use of the dwelling as a Class C2 home for children in care (with no age restriction) with its

associated classroom shall only operate for a period of 12 months unless a further application for planning permission is first granted by the Local Planning Authority. The operators of the care home shall give the Local Planning Authority notification in writing of the proposed commencement of the use prior the dwelling being first used as a home for children in care.

Reason: It is considered that a permanent permission ought not to be given until an assessment is undertaken of the effectiveness of the operation and management of the care home facility in relation to impacts on residential amenities in accordance with East Staffordshire Local Plan Policies SP1 and DP1 and the National Planning Policy Framework.

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/2021/01116
- 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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