

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**28<sup>th</sup> March 2024**

Application No:	SMD/2023/0465	
Location	8, Birch Grove, Forsbrook, Staffordshire, ST11 9PT	
Proposal	Change of use from dwellinghouse (Use Class C3) to care home for children (Use Class C2)	
Applicant	Serenity Care Children's Homes	
Agent	Rob Duncan Planning Consultancy Ltd	
Parish/ward	Forsbrook	Date registered: 14th September 2023
If you have a question about this report please contact: Rebecca Bowers email: <a href="mailto:Rebecca.Bowers@highpeak.gov.uk">Rebecca.Bowers@highpeak.gov.uk</a>		

## **REFERRAL**

The application is before committee as Cllr Tony Holmes requested that it be called-in as it is locally contentious.

### **1. SUMMARY OF RECOMMENDATION**

<b>Approval</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The application relates to a two storey semi detached dwelling located on Birch Grove in Forsbrook.

2.2 The site is located with a residential area of Forsbrook and the properties on and around Birch Grove are a mixed of semi-detached and detached dwellings

2.3 The dwelling benefits from a driveway and garden to the front with a private garden to the rear.

### **3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL**

3.1 Consent is sought to change the use of the property from a dwelling (C3) to a care home for children (C2)

3.2. The care home will be a facility for a maximum of 2 children with each child living there as their permanent residence. The children occupying the care home will range between 6 and 18 years of age. There will be a minimum of two staff on site at any given time, operating in a shift pattern. During the daytime there may also be a deputy manager and manager on site in addition to the two members of staff.

3.3 No external alterations to the exterior of the dwelling is proposed to accommodate the change in use.

3.4 The driveway will be utilised as parking for 4 vehicles.

3.5 Details of the application scheme can be viewed at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=174126>

#### **4. RELEVANT PLANNING HISTORY**

None

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

##### **Staffordshire Moorland Borough Council Local Plan**

SS1 Development Principles  
SS2 Settlement Hierarchy  
SS 8 Larger Villages Areas Strategy  
DC1 Design Considerations  
T1 Development and Sustainable Transport

##### **National Planning Policy Framework**

Section 11, 12

##### **Guidance**

Staffordshire Moorlands Design Guide

#### **6. CONSULTATIONS**

##### **Public response to consultation**

5.1 10 letters of representation has been received objecting to the development for the following reasons.

- Inappropriate use in this location
- Noise disturbance from future occupants and movement of staff/visitors
- Traffic and parking concerns
- antisocial behaviour and police intervention
- lack of information of needs of the children
- devaluing dwellings in the area
- lack of supervision outside of the property

5.2 9 letters of support have been received stating the following

- The development would be a good cause to give young people support
- Concerns regarding type of children are historical views, stereotypical and prejudice comments.
- Children living in the home will be restricted and bound by rules of staff members that are monitored by Ofsted therefore will not be causing problems to neighbours.
- Location and type of property is suitable as it allows the children to play safely in the street and have lovely views from the back and have a back garden to play in.
- Anything to support and help vulnerable children is a positive to the area.
- The categories for children including learning difficulties, or social emotional and behavioural difficulties. The latter covers a broad spectrum of needs and it is sad that communities tend to focus on the behavioural aspect, which may not be present.

## **Parish Council**

5.3 No comments have been received.

## **Staffordshire County Council Highways**

Recommendation Summary: Conditional

Site Visit Conducted on: 17-Oct-2023

Personal Injury Collisions;

Current records show that there were not any Personal Injury Collisions on Birch Grove within 50 metres of the property from 01/01/2019 and 31/12/2021.

Background;

The property is located on Birch Grove (Road No. D1186), a residential cul-de-sac that is subject to a 30mph speed limit and benefits from footways and streetlights.

Description of Proposal;

Change of use from dwellinghouse (Use Class C3) to care home for children (Use Class C2).

Comments on Information Submitted;

Application is to change use of an existing residential dwelling (Use Class C3) to a care home for 2 children (Use Class C2).

The property is an existing 4 bed roomed dwelling. It is proposed 2 bedrooms will be for the children and the remaining 2 bedrooms/office are allocated for staff.

Two members of staff will be present on site during the day and during the night. In addition a further 2 members of staff will be at the home between the hours of 09:30 – 10:30hrs.

The Planning Statement states the children living at the property will do so as their permanent residence in a family-style environment, supported by a minimum of two members of staff.

It would be entirely possible and reasonable for 2 children to be living in a 4 bedroomed dwelling as part of a family group.

No extensions are proposed to the property. It could equally be used by a large or extended family under its current planning use.

Parking is shown for 4 vehicles (Drg No 190 A 177- 1A), 2 spaces will be utilised by the staff members working on shift, with the other spaces available for the visiting manager(s) and visitors.

Whilst on site I also noted the surface of the front garden and proposed parking is constructed in gravel/chippings. I would require this to be surfaced and thereafter maintained in a bound material (tarmac) to prevent the gravel/chipping material being carried onto the highway.

The removal of a section of the boundary wall would be beneficial to facilitate access the proposed parking spaces within the front garden.

It is considered the proposal would not have a detrimental impact on the highway. I therefore have no objection to the proposal (application number SMD/2023/0465) subject to the following conditions:

Prior to occupation the parking should be provided in accordance with the approved plan, Drg No 190 A 177- 1A, in a bound and porous material and shall thereafter be retained for its intended purposes.

Note to Planning Officer;

It was noted at the site visit that the front garden is covered in chippings/gravel where parking is proposed. The loose chippings/gravel are considered to be safety hazard when carried onto the highway.

## **PROW Officer**

5.5 No objections

## **Staffordshire Police (Designing out crime)**

5.6 Objection as an officer has responded citing quite an array of ongoing youth-related anti-social behaviour with the hotspots mainly within streets surrounding Birch Grove. Incident reports cover a range of community and personal nuisance, as well as criminal damage, intimidation etc. There are two particular young perpetrators who live in reasonable proximity to Birch Grove, and seemingly they can have an (adverse) influence upon other youths in the area. Issues with groups of youths has been reported previously. One perpetrator has been involved in increasing incidents in the community and his behaviour is very concerning for his age. Both youths have been involved in the criminal justice system and have certain

restrictions placed upon them currently. The light of the above, the concern for Staffordshire Police would be the potential for looked-after children who may be vulnerable to be either targeted by those causing the issues locally or to be drawn into associating/readily associate with them (depending on their predisposition) thereby contributing to the ongoing anti-social issues that have impacted upon local residents, retail businesses and the wider community. Consequently, as things stand, Staffordshire Police are currently unable to support the proposals.

## **Environmental Health**

5.7 Objects due to adverse impact to amenity of nearest neighbours due to likely noise caused by the children that some of which can be extreme and disturbing in nature. The property has not been designed for commercial use therefore the council have no knowledge of existing sound insulation.

## **7. OFFICER COMMENT AND PLANNING BALANCE**

- Principle
- Design and Impact on Visual Amenity
- Neighbour Amenity
- Highway Safety

### **Principle of Development**

7.1 The application site is located in Forsbrook a Larger Village and would provide a care home for up to two children with up to four staff members.

7.2 Policy SS8 states that these settlements shall retain and enhance their role as rural service centres, providing for the bulk of the housing requirement of the rural areas and also for employment needs of a scale and type appropriate to each settlement having regard to infrastructure capacity and character.

7.3 The site is therefore considered to be located in a sustainable location and the location is suitable for a care home of this scale.

### **Design and impact on Visual Amenity of the Area**

7.4 Policy DC 1 states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD.

7.5 No external alterations are proposed that have the potential to affect the visual amenity of the area apart from works to the driveway required by the highways condition. The removal of the gravel driveway and replacement with a bound and porous material would not harm the visual amenity of the area.

### **Neighbour Amenity**

7.6 Policy DC 1 states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD and in particular shall protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

7.7 The application dwelling is a semi-detached property, and the development does not propose any external alterations and therefore the development would not cause any harm relating to loss of light, privacy or outlook. The main consideration in the determination of the application is the objection from environmental health relating to noise disturbance from the occupants of the property and the impact this could have on the attached dwelling no 7 Birch Grove.

7.9 Environmental Health consider that the majority of noise associated with the application site will be similar to that of a standard family home but that the proposal brings a risk of intensification of the type of noise, some of which can be extreme and disturbing in nature. In addition teenagers at the site are likely to be louder having loud music and being awake during unsocial hours. However, there is nothing to suggest that children in care will have extreme behavioural problems. Similarly, some children living in a Class C3 family home environment may have behavioural difficulties or generate excessive noise from music etc. The applicants agent has provided a response to these comments as follows *'The children placed with Serenity Care Children's homes may come from backgrounds of trauma, neglect and abuse, with this there is likely to be an element of children that are withdrawn and unable to identify their own emotions. We provide a therapeutic model to support the child's recognition and development. As a registered organisation with Ofsted, we are regulated and will impose clear boundaries and expectations of each child. Children will have a set bedtime routine from 7- 10:30pm (age dependent). The internet will power TV's/music in the house, this will be switched off at an appropriate time each day/night. Children residing in care also have house rules and boundaries that they have to read and agree to'*.

7.10 In addition to EH concerns comments from Staffordshire Police Designing Out Crime have been received with concerns that the children at the site could potentially be influenced by other children in the area to commit anti-social behaviour or crime. It is not a material planning consideration and would be no different to any child that could potentially live at this property were it to remain a Class C3 family dwellinghouse. At any time, the children living at the property would be monitored at a 1-to-1 care level or more and unlike a family house, the type of care is monitored and regulated by Ofsted. Therefore, concerns regarding potential behavioural issues that these children may have would be closely monitored and therefore this concern would not warrant refusal of the application.

7.11 Concerns have been raised by neighbour's stating that the development is not an appropriate use in the area due to the type of children that could live in the property and the associated movement of vehicles due to the coming and going of staff at the site. Concerns regarding the type of children have been addressed above. Given the small-scale nature of the development it is not considered that the

movement of vehicles would harm amenity of the area given that other properties in the area will generate vehicle movements at a similar level to the occupants of the care home. Carers would come and go at the beginning and end of shifts in a similar manner to parents going to and from work. Other domestic journeys for appointments, shopping, school etc, would again be similar to those associated with a family home. Visits by professionals such as social workers or parcel deliveries, would again normal activity at a family dwelling.

7.12 Officers note the provision of a Written Ministerial Statement made by Rachel Maclean MP on the 23 May 2023. The statement seeks to support the develop of accommodation for looked after children, and its delivery through the planning system – stating that the planning system should not be a barrier to providing homes for the most vulnerable children in society- The WMS is a material consideration that weighs in favour of the proposed development.

### **Quality of living environment for occupants**

7.13 The development proposes to provide each young person with their own bedroom and shared bathroom with a separate staff bedroom and 4<sup>th</sup> bedroom or office for staff all on the first floor. To the ground floor the occupants would benefit from a sitting room, lounge, kitchen/dining room, utility and ground floor wc. There are no space standard guidelines referred to in the adopted Local Plan in respect of C2 uses however the property exceeds that required for a 4 bedroomed dwelling and also allows the occupants to have multiple separate communal rooms that gives the occupants space to relax outside of their bedrooms that are not necessarily in the same space as the other child or other staff. As such the development would provide sufficient space for the young people in care and staff members.

7.14 The amount of external space remains the same and is typical of that available to residents in the locality.

### **Highway Safety**

7.15 The proposal would provide parking for 4 vehicles to the front of the property and the property will remain 4 bedroomed. As such the number of parking space is sufficient. The highway authority have reviewed the proposal and consider a condition is required to cover the existing gravelled area with a bound and porous material as chipping/gravel is a safety hazard. With regard to traffic generation, as discussed above, the level of vehicle movements are unlikely to differ greatly to any C3 dwelling house and would not result in a severe effect on the local highway network.

## **8. PLANNING BALANCE & CONCLUSIONS**

8.1 The proposed development would provide a care home for two young people looked after by a minimum of two staff members. The proposed use would not cause harm to the visual amenity of the area nor would the occupants of the home be any more likely to cause significant disturbance to the amenity of any neighbouring dwellings than would be the case if the property were to remain in use as a C3 family

dwellinghouse. Accordingly, whilst the concerns of the EHO and Police are noted there are no planning reasons that would warrant refusal of the application.

## **12.RECOMMENDATION**

**A.That planning permission be granted subject to the following conditions.**

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

**Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchasing Act 2004.**

**2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:**

**Location Plan: Dwg no 1 RLB**

**Proposed Plans and Elevations: Dwg no 190 A 177-1A**

**Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent hereby approved.**

**3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the approved use shall operate for up to two children only and not for any other use falling within Class C2.**

**Reason: To ensure the satisfactory implementation of the proposal and in order that any changes within the same use class can be reviewed in terms of the need for car parking and potential impacts on neighbouring properties.**

**4. Prior to occupation the parking should be provided in accordance with the approved plan,Drg No 190 A 177- 1A,in a bound and porous material and shall thereafter be retained for its intended purposes.**

**Reason: To comply with NPPF; to comply with SMDC Policy; in the interests of highway safety.**

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.**



