

## Planning Considerations

The main issues central to the determination of this application are:

- The principle of the development in relation to the Development Plan
- The impact on neighbours
- Access considerations
- Other matters raised by objectors

## Planning Assessment

The site lies within the confines of a serviced village on a brownfield site and development would be acceptable under the provisions of the Development Plan unless material considerations dictate otherwise.

The main material consideration is the impact on the neighbouring dwellings. The dwellings although primarily bungalows have been assessed against the standards as if they were two-storey dwellings. This is because the difference in ground levels relative to some properties is such that the impact is tantamount to a two-storey house.

The design for house No 1 showed an end gable window to a bedroom that looked towards an adjacent property that has habitable room windows that face the site. This window has been moved to the east elevation in order to comply with adopted Supplementary Planning Guidance. The effect of this is to move the views from the side elevation looking towards accommodation in the Home to the front. In effect this would make view more acute and therefore less potential for direct overlooking of the accommodation in the home from the bedroom window. The amendment has not resulted in neighbours removing objections to the proposal.

The potential for views out of the proposed bathroom window could be overcome by a condition. The bathroom would be mechanically ventilated. The level of this dwelling is at the same level as the main affected dwelling. The dwelling at the other end of the building is sufficiently far away not to be affected by the development due to the distance between the two.

House No 2 is at a higher level than the dwellings that lies to the east of it. The crucial factor here is whether the dwelling would overlook or overbear on the adjacent occupiers to a point where refusal of permission could be justified. The minimum distance between a blank gable wall and main habitable room windows in adjacent dwellings in the Supplementary Planning Guidance is 12 metres. The distance scales at 13.5 metres. The distance to the rear ground floor accommodation of the dwelling at the rear is 20 metres and there is a substantial screen hedge on that boundary which if reduced to 2 metres high would still effectively screen views. If the hedge was to be removed then a replacement fence could be required by condition.

The County Highways Authority has asked for more information about the access point but that can be required by condition as it is stated that the visibility splay could be obtained within highway limits.

The objectors have raised the issue of the impact of the dwellings on Wallfields House and its importance as a feature in the village. The house does not have listed building status but it and its roofs form a prominent part of the streetscape hereabouts.

The setting of the building was considerably altered when the houses on Doles Lane were built. The view at the time was that some part of the setting should be retained. However, the emphasis now is on maximising the use of brownfield opportunities where they occur in what are now described as serviced villages.

An assessment of the importance of the setting to public vantage points has been made. The views from outside the site are very much dominated by the roofs of both Wallfields House and the dwellings that surround it. The insertion of two additional roofs in that context would not appear significant and an open area would be left in the vicinity of the house. In light of this, it is considered that a reason for refusal based on the importance of the open space in front of the house could not be sustained.

In conclusion, the site is capable of accommodating the dwellings and would conform to adopted standards notwithstanding the difference in levels between the site and its neighbours. Whilst there is concern about the ability of retaining structures to support the development, the matter would be addressed by Building Control requirements. There is adequate private amenity space available to each dwelling and conditions can control the finished floor levels and boundary treatments.

The reconsultation exercise has not raised any new issues that would affect the recommendation below.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

### **Recommendation**

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).
3. Reason: To protect the amenities of adjoining properties and the locality generally.
4. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.
4. Reason: In the interests of the appearance of the building(s), and the character of the area.

5. The windows in the rear roof slope of the dwellings hereby permitted shall be permanently glazed in obscure glass with no opening light.
5. Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.
6. Notwithstanding the submitted details, the gable-end window in bedroom 3 of House No 1 shall be omitted from the proposal and relocated on the front roof slope on the east elevation in a form that will match that of the bedroom windows of House No 2.
6. Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall be no external alterations, including the insertion of new windows, to the buildings other than as approved under this permission.
7. Reason: In the interests of preserving the setting of the building and the character of the area.
8. In the event that existing boundary hedges are removed, they shall be replaced immediately with solid boundary fencing of a minimum height of 1.8 metres in a location that shall have received the prior written approval of the Local Planning Authority.
8. Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

11/05/2004

**Item** 1.4**Reg. No.** 9 2004 0116 M**Applicant:**

Roger Bullivant Ltd  
 Roger Bullivant Ltd Walton Road  
 Drakelow  
 Burton-on-trent  
 Staffordshire  
 DE159UA

**Agent:**

Julian McAlster  
 ETC Design  
 2 Carriers Fold  
 Church Road  
 Wombourne  
 West Midlands  
 WV59DH

**Proposal:** The erection of an office block at Roger Bullivant Ltd Walton Road Drakelow Burton-on-Trent

**Ward:** Linton

**Valid Date:** 17/02/2004

**Site Description**

The site is part of a large industrial site and is currently used for the storage of concrete products. The site is located just to the north west of the main entrance to the industrial site, to the rear of an existing entrance lodge and parking area. The site is screened from the road by a bank of trees and industrial manufacturing buildings are located to the rear of the site.

**Proposal**

The application proposes the construction of an office block made up of three elements, a central atrium with glazing on both end elevations and two, two-storey office blocks on either side of the atrium. The overall building measures 41 metres by 32 metres and up to 22.8 metres in height to the ridge of the atrium. The atrium has a shallow pitched roof and the two office blocks have shallow pitched lean to roofs linking in to the side walls of the atrium. 64 parking spaces are indicated around the building. The building is to be constructed of brick and render walls with profiled steel sheets on the roof.

**Applicants' supporting information**

The Applicant requests that the proposed office block be considered as a replacement for that previously approved under application reference 9/2000/0027/F.

**Planning History**

A three-storey office block was permitted in 2000 in a more prominent location directly to the north of the entrance to the site.

## **Responses to Consultations**

The County Highway Authority has no objection subject to the parking and manoeuvring space being laid out prior to the first use of the building.

The Environmental Health Manager has stated that the suitability of the site for offices must be demonstrated with regard to the potential for contaminated soils and recommend that a condition is attached to any decision requiring an investigation to be carried out.

The County Archaeologist is satisfied that the proposed development will not threaten the known archaeological interest.

The Environment Agency has no objections but recommends a condition regarding remediation of any contamination found during development.

The National Forest Company has stated that landscaping appropriate to the site's setting should be provided in accordance with policy.

## **Responses to Publicity**

None received.

## **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Economy Policy 4

Local Plan: Employment Policy 1

Emerging Local Plan: Policy EMP 2

## **Planning Considerations**

The main issues central to the determination of this application are the principle of the building in this location and the design, appearance and siting of the building.

## **Planning Assessment**

The proposed office building is required in connection with an existing industrial business on the site, the expansion of existing businesses is acceptable in principle in accordance with relevant structure and local plan policies. In addition this scheme is proposed instead of a three-storey office block that was permitted in 2000. A condition can require the Applicant to enter into a unilateral undertaking to ensure that the previously approved office block is not also constructed.

The building is to be sited to the rear of a bank of trees which are located adjacent to the road which runs along the frontage of the industrial site. From the road the building will be viewed against the backdrop of the existing industrial buildings. The siting of the building is therefore considered acceptable and will be less prominent than the siting approved for the three-storey block, which would have been located just to the north of the main entrance to the site and highly visible from the road. In addition the fact that the proposed building is to be split into three elements and constructed of a mix of materials will help break up the overall mass of the structure. The design and external appearance of the proposed building are therefore considered acceptable.

The site is under 1 hectare in size and therefore in accordance with the comments of the National Forest Company landscaping is required that is appropriate to the site's setting, a landscaping condition can require an appropriate scheme to be submitted.

### Recommendation

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
3. Reason: In the interests of the appearance of the area.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
4. Reason: In the interests of the appearance of the area.
5. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).
5. Reason: To protect the amenities of adjoining properties and the locality generally.
6. The areas shown on the submitted plan for the parking and manoeuvring of vehicles shall be laid out, hard surfaced and marked out prior to the first use of the development hereby permitted. Thereafter those areas shall remain unobstructed for their designated use.
6. Reason: To ensure that all the activities associated with the development are contained within the curtilage of the site, so as to avoid parking and manoeuvring on the highway to the detriment of highway safety.
7. No development shall take place until the applicant has submitted to and had approved by the Local Planning Authority a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure an agreement not to implement the scheme approved under 9/2000/0027.
7. Reason: For the avoidance of doubt.

### Informatives:

In connection with condition 8 above the report should include where necessary:

- Details of an overview of the initial walkover survey including the identification of contaminants from other sources e.g. gases emitted from natural organic deposits such as coal, or structures such as disused drains
- Detailed on site sampling to identify any contamination
- The locations of any contaminated zones within the site including details of more extensive and geographically wider investigation of these zones. This will provide a more reliable picture of the distribution of contamination on the site and reduce the risk of failing to discover a hot spot of contamination
- An assessment of any off site impacts such as the effect on watercourses etc
- A thorough explanation of the chosen remedial measures including depth, breadth of excavation and details of soil replacement
- Plan of action if further contamination is identified during remediation
- Details of the measures to verify that the contaminant has been removed to an acceptable level
- The identification as to whether a long-term monitoring and maintenance programme is required and if so, details of the plans
- Details of the long and short term risk to human health including the construction phase and post-development
- Details of the British Standards or other guidelines and used in both the assessment and remediation measures proposed.

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).

11/05/2004

**Item** 1.5**Reg. No.** 9 2004 0303 U**Applicant:**

John Bowler (Transport) Ltd  
 Ivy Court, Willington Road  
 Etwall  
 Derby  
 DE65 6JG

**Agent:**

Alan Taylor  
 Talbot Associates Limited  
 Bretby Business Park  
 Ashby Road  
 Burton On Trent  
 Staffordshire  
 DE150YZ

**Proposal:** The change of use from a dwelling to B1 business use at 132  
 Derby Road Hilton Derby

**Ward:** Hilton

**Valid Date:** 11/03/2004

This application has been brought to the Committee at the request of Councillor Walton

**Site Description**

The site comprises an inter war dwelling in a substantial curtilage. Access would be from Derby Road. This used to be the main road through the village. The site and its neighbours enjoy a fairly open aspect at the front.

**Proposal**

As above

**Responses to Consultations**

Hilton Parish Council objects to the development because the access is too close to the roundabout feeding traffic onto the A50/A516 in a 40mph zone and the use would be out of character with the residential area.

The County Highways Authority has no objection if the access is widened to 5.5 metres. The parking provision shown on the drawing should be implemented before the use is started and that the area be surfaced in a solid material.

**Responses to Publicity**

One letter has been received objection to the development for the following reasons:

- a) The boundary between 130 & 132 is not clear. If a fence were erected on the boundary it would reduce the space available for parking

- b) There is enough land allocated in Hilton for business use without introducing offices into a residential area.
- c) There is not enough parking provision made available for the use.
- d) The road is very busy at all times and getting into and out of the site is hazardous.
- e) The site would become a neglected jungle at the rear.
- f) The current government policy is to increase the rate of house building, as there is a severe housing shortage throughout the country.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Economy Policy 5

Local Plan: Employment Policy 5

Emerging Local Plan: Policies EMP 2

### **Planning Considerations**

The main issues central to the determination of this application are:

- The Development Plan
- The impact on neighbours
- Parking provision

### **Planning Assessment**

The site lies in a serviced village where the reuse of buildings for employment purposes (B1 Use Class) may be acceptable even in residential areas. This is on the basis that traffic and environmental concerns can be met.

The County Highways Authority is satisfied that adequate parking and manoeuvring space can be provided within the site. A neighbour has raised concern that the boundaries on the plan may not reflect the legal boundary. Even so there is sufficient room for access and parking within the site.

The dwelling is in a residential area and the office use should not interfere with the residential amenity of the adjacent occupiers. The use during the day would be characterised by cars parked on the drive and in the evening by their absence. This is not something out of the ordinary. The building is separate from the adjacent houses and there should be no impact in terms of noise or disturbance.

The company going into the premises is stated to be a transport company. A condition should ensure that there no heavy goods vehicles parked at the site.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

## Recommendation

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. Before any other operations are commenced, the access to the site shall be widened to a minimum 5.5 metres and shall be thereafter retained at this width whilst the building is being used as an office.
2. Reason: In the interests of highway safety.
3. The premises shall not be taken into use until the parking spaces shown on the submitted drawings have been provided and laid out and constructed in a solid bound material and shall thereafter be maintained free from any impediment to its designated use.
3. Reason: To ensure that adequate parking provision is available.
4. There shall be no parking of commercial vehicles within the curtilage of the premises hereby granted planning permission.
4. Reason: The access and space available within the curtilage of the premises are unsuited to accommodate such vehicles and their presence would adversely affect the amenity of the occupiers of the adjacent dwellings.

### Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

11/05/2004

**Item** 1.6**Reg. No.** 9 2004 0348 FH**Applicant:**

Mr Mrs S Farmery  
 15, Clarkes Lane  
 Aston-on-Trent  
 Derby  
 DE722AB

**Agent:**

E. Lee  
 Mr. Eric J. Lee  
 Pennside  
 Penn Lane  
 Melbourne  
 Derbyshire  
 DE73 1EP

**Proposal:** The erection of a two storey extension (amended scheme) at  
 15 Clarkes Lane Aston-on-Trent Derby

**Ward:** Aston

**Valid Date:** 01/04/2004

**Site Description**

The property is a small cottage with a large garden at the fringe of the older part of the village. There are modern properties bordering its garden, in Manor Farm Road. The converted outbuilding at 6 Manor Farm Mews is situated across the narrow pedestrianised part of Clarkes Lane.

**Proposal**

The application seeks to retain and complete building works that are not in accordance with previously approved plans. The proposed extension resembles a separate larger cottage, connected to the host dwelling by a lower link. The windows in the front elevation would be about 4.5m from the nearest window of 6 Clarkes Lane opposite. A bedroom window in the side elevation of the extension would be some 3.8m from the boundary of the rear garden of No 9 Manor Farm Mews. The drawing indicates that the extension would be some 0.8m closer to the Manor Farm Road boundary and 1.6m closer to No 6 Manor Farm Mews. The proposed first floor window facing 6 Manor Farm Mews is smaller than as shown on the previously approved plans. The drawing also indicates changes to the extent of the site and its position relative to No 6 Manor Farm Mews.

**Applicant's Supporting Information**

- a) There is minor difference in the width of the link (some 200 mm) and a similar amount in the main extension. These are minimal.
- b) The relationship between the proposal and the adjacent property is inaccurate on the approved drawing.

## Site History

Permission for an extension was granted under delegated powers (9/2003/1070/FH). The difference between this and the proposed extension is as described above. Only one neighbour commented. A condition was attached requiring obscure glazing to a side window facing the adjoining property at 11 Clarkes Lane. The Parish Council had no objection subject to concerns about overlooking to the neighbouring garden (see comment about obscure glazing above) and also the proposed gate. Notification letters were sent to Nos. 11, 16 & 18 Clarkes Lane, 5 & 6 Manor Farm Mews and 9, 11 & 15 Manor Farm Mews.

## Responses to Consultations

The Parish Council has no objection but expresses concern that important details on the plan regarding distance were not noticed.

## Responses to Publicity

Three neighbours object in the following terms:

- a) The unauthorised works should have been stopped but they have continued.
- b) Many aspects of the development and its impact on the surrounding area and neighbours have been overlooked.
- c) Neighbours were not notified.
- d) There would be overlooking and loss of privacy to neighbours.
- e) There would be loss of light and views.
- f) The extension is out of keeping with area and not in accordance with Council's guidelines on the design of extensions, by not being visually subordinate. The cottage at 15 Clarkes Lane is one of the 'feature' buildings of the village.
- g) The extension looks like a new house and is too high.
- h) The public footpath has been disrupted by the building works.
- i) The extension is far larger than as shown on the approved plans.
- j) The local planning authority should have been made aware of the breach of permission by the building inspector. (Comment: The applicant has employed an approved (private) inspector who is under no obligation to report back on planning matters.)
- k) The proposal is effectively a separate house.
- l) Damage has been caused to neighbouring boundaries.
- m) There is inadequate provision for vehicular access.

## Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13.

Emerging Local Plan: Policy ENV21

The new supplementary planning guidance on extensions is also relevant to this case.

## Planning Considerations

The main issues central to the determination of this application are:

- The principle.
- Impact on the general character of the area.

- Residential amenity.
- Access and parking.

### **Planning Assessment**

The relevant policies are positively weighted towards the grant of permission for extensions to existing dwellings and concentrate on qualitative issues of design and amenity. The existing grant of permission is also a substantial material consideration in this case. Therefore the proposal is acceptable in principle.

Supplementary planning guidance states that there can be no hard and fast rule about how an extension should be designed although it advises on the desirability of extensions having a subordinate appearance. The proposal is larger than the host dwelling and does not follow that principle. However the separation of the existing cottage and the proposed larger extension by a smaller link, to make the extension appear as a separate entity is a tried and tested architectural device. The integrity of the host cottage is thus retained by this visual separation. This formed the basis of considering the acceptability of the approved scheme. The current scheme is not materially different in this respect and its visual impact on the general character of the area would thus be no less acceptable. The extension is designed in the local vernacular and is the type of structure that would be common to the older parts of the village. The fundamental requirements of the development plan are thus met in respect of this issue.

The previously approved extension complied with supplementary planning guidance, in particular with regard to No 6 Manor Farm Mews where the juxtaposition of the two dwellings (as shown on the submitted plan) would have precluded overlooking. Whilst supplementary planning guidance states that distance guidelines can be relaxed between elevations separated by public areas such as a road, the proposed first floor window would overlook a habitable room window to No 6 Clarkes Lane at very close quarters. The avoidance of this was a factor in the acceptability of the previous application. The proposed smaller window is an ameliorating factor but the imposition of a condition requiring obscure glazing is necessary to give the occupants of No 6 Manor Farm Mews reasonable protection from overlooking. The ground floor window to the extension would be at a similar distance, but its impact, because the site is lower than the dwelling opposite, would be less harmful than the general effect of passing pedestrians, and therefore acceptable and in accordance with supplementary planning guidance. In all other respects, having regard to the street pattern, the relationship of the extension with No 6 Manor Farm Mews is acceptable.

The new supplementary planning guidance acknowledges the need to set first floor habitable room windows a reasonable distance away from boundaries to avoid significant loss of privacy to the entire private space of a neighbouring property. The second window to the bedroom referred to in the preceding paragraph would be some 3.8 m from the boundary of the property with No 9 Manor Farm Mews as opposed to 4.6 m as shown on the previous scheme. The impact of the reduced distance would not be materially worse for the occupiers of No 9 Manor Farm Road, particularly as the application site is at a lower level and there is intervening vegetation, which have an ameliorative effect. With regard to all other neighbouring properties the distance guidelines are met and there would be no demonstrable harm to the living conditions of their occupants.

The current proposal raises no new highways or parking issues.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

**Recommendation**

**GRANT** permission subject to the following conditions:

1. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
1. Reason: To safeguard the appearance of the existing building and the locality generally.
2. The windows to Bedroom 1 in the northeastern wall and Bedroom 2 in the northwestern wall of the building shall be permanently glazed in obscure glass.
2. Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.
3. The living accommodation hereby permitted shall be occupied solely by members of the household of 15 Clarkes Lane or by domestic staff, and shall not be severed from the main house as a separate and unconnected dwelling.
3. Reason: Permission is granted in the light of your particular personal circumstances. Although the erection of an extension to provide additional accommodation to be used in conjunction with the existing dwelling is acceptable, the Council would not normally be inclined to allow the formation of a separate residential unit in this locality. Since the extension includes all the domestic facilities necessary for the establishment of a separate self-contained unit, the Council hereby seeks to make it clear that separate occupation is not authorised by this permission.

11/05/2004

**Item** 1.7**Reg. No.** 9 2004 0377 U**Applicant:**

SACCS Care Ltd  
 Building 300,  
 Relay Point, Relay Drive  
 Tamworth  
 Staffordshire  
 B77 5PA

**Agent:**

SACCS Care Ltd  
 Building 300,  
 Relay Point, Relay Drive  
 Tamworth  
 Staffordshire  
 B77 5PA

**Proposal:** The use as a children's home for a maximum of five children  
 of 69 Lullington Road Overseal Swadlincote

**Ward:** Seales

**Valid Date:** 30/03/2004

**Site Description**

The application site is a detached house located within the village of Overseal. There are fences and conifers around the boundaries of the building and a parking area to the front of the property.

**Proposal**

The application proposes the change of use of a dwelling to a Class C2 use as a children's care home for the care of five children.

**Planning History**

Last year a Certificate of Existing Lawful Use was granted, recognising the fact that use of the dwelling as a care home for four children living together as a single household was not a material change of use of the property and did not require planning permission. Class C3 of the Use Classes Order is for use as a dwelling and allows for at least six people living together as a single household, the dwelling can house even more people as long as there is not a material change in the use of the building. Therefore the Certificate for four children plus their carers living together was not considered to constitute a change of use of the dwelling to a care home use which falls within Class C2 of the Use Classes Order.

**Responses to Consultations**

The Environmental Health Section has no comments to make.

The County Highway Authority has no comments to make.

The Police and Social Services have been consulted; any comments made will be reported verbally at the Committee.

## Responses to Publicity

Four letters of representation have been received raising the following issues:-

- There are two girls, one 12 and one 13 at the house at the moment and they are completely out of control. They have caused damage to the house including breaking windows and a door panel.
- The children trespass on the garden areas of the neighbouring dwellings in order to run away from the property into the surrounding fields. Their carers or the police cannot restrain the children and neighbours have been warned not to prevent the children trespassing and causing damage as this may result in being attacked.
- The use results in shock and worry for neighbouring occupiers most of whom are elderly and police have to be called in almost daily.
- The children shout and use bad language.
- The access to No 69 is shared with houses on Clifton Close and No 69 has to have an open frontage as a result, this is not very secure and the children can run away. The police have stated to residents that this home is one step below a 'secure unit.'
- Traffic is a significant problem, although there are parking spaces for 4 to 5 cars on No 69's property these are always full and people then park on Clifton Close which is a private driveway. When asked to move people park on the main road which affects visibility at the access and there have been minor accidents. The car to child ratio with just two children living there is 6-8 cars during the day and 4-5 at night, with five children there the numbers of cars would increase significantly. There are many visitors to the site and the traffic noise is continual both day and night with doors slamming and engines running.
- Heavy duty industrial lights have been erected around the property which are intrusive and dazzling and out of place in this residential area.
- Shop owners in the village have been warned that the children will steal from them.
- The change of use from residential to business use should not be allowed in this wholly residential area.
- The children are from a city environment and find the countryside alien to their way of life, to combat their boredom they wreak havoc on the neighbourhood.
- The carers cannot cope and are leaving, some have expressed the opinion that the home should be located nearer a town where there would be more activities to occupy the children. They also stated that neither the interior nor the exterior of the property is suitably designed to be used as a care home for children of this nature. Carers have stated that they receive little support from SAACS headquarters.
- Police have visited the site on 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> April investigating various complaints.
- Often the children run off and spend the night away from the home.
- The children are aware that the carers and the Police have very limited powers to curb their behaviour and have begun to assert and establish their intimidation and control over the neighbourhood.
- The former owners of the house have expressed concern that when they sold the premises they were assured that there would be no problems created for the neighbours.