

Report to Planning Committee

19 February 2025

Application reference	DC/24/69752
Application address	Land Adjacent To 2 Barnfield Road, Tipton DY4 9DE.
Application description	Proposed change of use of both properties (approved planning permission DC/21/65553 for proposed 2 No. detached 3 No. bedroom dwellings) to residential care homes (Class C2), for up to 2 no. residents aged 8 to 25 years in each dwelling. (As amended)
Application received	29 August 2024
Ward	Tipton Green
Contact officer	Anjan Dey anjan_dey@sandwell.gov.uk

1 Recommendations

That planning permission is granted subject to the following conditions relating to:

- i) Submission of a Noise Assessment & implementation thereafter
- ii) Management plan
- iii) Details of new boundary walls and fences
- iv) Each premises shall be used only as a residential home for two people and up to five staff and for no other purpose (including any

other use falling within Class C2 of the Order) but may revert back to C3 (dwellinghouses) on cessation of the use;

v) Implementation and retention of parking.

2 Reasons for Recommendations

2.1 The proposed change of use would be acceptable in this location and would not harm the living conditions of neighbouring occupiers, with particular regard to traffic movements, noise/disturbance and highway safety. The proposal would therefore accord with Policy SAD H4 of The Site Allocations and Delivery Development Plan Document where it seeks to ensure that proposals for specific needs housing are compatible with adjacent uses.

3 How does this deliver objectives of the Council Plan?

Growing Up in Sandwell	<p>A great place for Children to grow up and to ensure a brighter future for children and young people.</p> <p>Children and young people in Sandwell are able to grow up in a safe, stable loving home.</p>
One Council One Team	<p>Sandwell Council's ethos of 'One Council One Team' reflects a commitment to unity and Collaboration, striving for excellence in serving the community.</p> <p>An outstanding corporate parent, with all of the young people in our care reaching their full potential.</p>

4 Context

4.1 The application is being reported to Planning Committee as four material planning objections have been received.

4.2 To assist members with site context, a link to Google Maps is provided below:

Land adjacent to Barnfield Road, Tipton.

5 Key Considerations

5.1 The site is not allocated in the development plan.

5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.

5.3 The material planning considerations which are relevant to this application are:

- Government policy (NPPF)
- Planning history (including appeal decisions)
- Anti-social behaviour
- Highways considerations – Parking issues
- Out of character with surrounding area and not the right location for the proposal

6. The Application Site

6.1 The application properties are two 4-bedroom (as existing) detached properties that are located on the north side of Barnfield Road, Tipton. The character of the surrounding area is largely residential in nature to the west and north with a large area of industrial units to the east/north-east.

7. Planning History

The application site relates to recently constructed detached properties under planning consent granted in 2021. It is noted that pre-commencement conditions (DC/21/65553) relating to possible on-site contamination and new boundary walls/fences were not formally discharged. The agent for this current application has been asked to comment and at the time of writing their comments are awaited.

DC/21/65553	Proposed 2 No. detached 4 No. bedroom dwellings.	Grant Permission subject to Conditions – 15.09.2021.
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8. Application Details

- 8.1 The application relates to 2 no. four bedroom properties on the northern side of Barnfield Road, Tipton.
- 8.2 The applicant is proposing to convert the existing dwelling houses (Use Class C3) to care homes (Use Class C2) for up to two people aged between 8 to 25 years old in each of the properties. Residential care was originally proposed for up to three people in each dwelling, but this has been reduced to two.
- 8.3 The ground floor consists of a front lounge, kitchen/dining room and w.c. The first floor consists of two bedrooms, a staff bedroom and bathroom. A bedroom and storage space are also shown in the roof space.
- 8.4 Having recently visited the site it is noted that the site has been secured and although the dwellings have been complete, front parking spaces have not been fully implemented, as well as separating boundary treatments.
- 8.5 When both houses are at full capacity, there will be a combined (for both homes) maximum of 4 No. support staff members and 1 No manager in

the day, with similar numbers working at night. Members of staff will be distributed as equally as possible between shifts. There will be two shifts, one from 7am to 7pm, and one from 7pm to 7am. There is existing off-street parking to the front of the property – two spaces for each property.

- 8.6 There are a total of 4 No. parking spaces (2 No. for each property) which will be reserved for the care home staff workers. Furthermore, any visitors including social workers, management etc. will be planned to avoid off-street parking. A rotation system will be in place as required so that each staff member will get the opportunity to park on site, but it is anticipated that not all permanent staff will require independent cars as many car share or use public transport where available. Additionally, staff meetings will generally be held virtually using Microsoft Teams, which will facilitate parking arrangements.
- 8.7 Amended plans have been received that show a reduction in the number of bedrooms from four to three. Floor plans show that there would be two residents' bedrooms and staff room at first floor level, with a third bedroom for staff and storage space in the roof space. The revised site plans show two off road parking spaces for each of the dwellings.

9. Publicity

- 9.1 The application has been publicised by 30 neighbour notification letters and one site notice. Four objections against the proposal have been received.
- 9.2 Objections have been received on the following grounds:
- i) Potential for anti-social behaviour.
 - ii) Parking issues.
 - iii) Out of character with surrounding area and not the right location for the proposal.

- iv) Concerns regarding the new dwellings previously approved under DC/21/65553 and loss of light to the neighbouring dwelling.

These objections will be addressed in under paragraph 13 (Material considerations).

10. Consultee responses

10.1 Highways

Head of Highways has raised no objections to the application, following a reduction in the number of residents to be cared for at each property to two. Each of the dwellings has two off-road parking spaces.

10.2 Pollution Control (Air Pollution and Noise)

No objection subject to the imposition of a condition for a management scheme being submitted to and approved in writing by the local planning authority. This would need to provide details regarding the management of the property, including staffing, waste disposal, parking, noise control and procedures for complaints. Additionally, a noise assessment is requested due to the proximity of the dwellings to industrial units.

10.3 Pollution Control (Contamination)

No objections.

10.4 Pollution Control (Air Quality)

No objections. The submission of construction management plan has recommended but it is noted that the application is purely for change of use.

10.3 **West Midlands Police**

No objection.

10.4 **Planning Policy.**

No objection. The proposal is considered to be compatible with adjacent uses.

11. **National Planning Policy Framework (NPPF)**

11.1 The NPPF sets out government's planning policies for England and how these are expected to be applied.

11.2 The framework promotes sustainable transport options for development proposal and states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12. **Development Plan Policy**

12.1 The following policies of the council's development plan are relevant:

Site Allocations and Delivery Development Plan Document – (SADD)

SAD H4 - Housing for People with Specific Needs

12.2 SAD H4 encourages the provision of housing to cater for the special needs of people. The proposal complies with this policy by being compatible with surrounding residential uses, the building is currently a residential use, would provide a suitable living environment for residents and is within close proximity to public transport and local amenities.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Planning history (including appeal decisions).

Four recent refusals issued by the planning department for similar proposals in solely residential areas (change of use of dwellinghouses to children's care homes) have been appealed by the applicants to Planning Inspectorate. Of these appeals, three were allowed (detached dwellings) and one dismissed (semi-detached). These appeals are highlighted below in more detail.

13.3 93 Dingle Street, Oldbury. Detached residential property.

DC/23/68216 - Proposed change of use from dwelling (Class C3) to residential children's home for up to three children (Class C2). Three staff members present during the day and two at night.

Main issues related to the effect of the proposed development on the living conditions of occupiers of neighbouring properties, with particular regard to traffic movements/disturbance and highway safety with particular regard to adequacy of the on-site parking provision.

Appeal allowed and planning permission was granted.

Regarding the main issues, the inspector stated the following; -

“Whilst it has been put to me that the area is a quiet, suburban environment, passing traffic noise and the manoeuvring of vehicles would not be uncommon in this area owing to the housing density and inevitable variation in work patterns and social activities of neighbouring occupiers. Indeed, it would not be unusual for residents to hear the comings and goings of their neighbours throughout the day, including the evenings. Given the limited traffic anticipated, and the staff numbers, I

find that the anticipated movements would not be disproportionately large or significantly greater than those associated with a 3-child family in a property of this size, carrying out their day-to-day activities.”

“In all respects, the internal layout of the proposed care home would not be dissimilar to the existing 4-bed dwelling, and the external appearance would be unaltered. Despite the potential emotional and behavioural needs of the children, there is no compelling evidence to indicate that the use of the property or the associated outside space, including early morning outdoor play would result in disturbance which would be materially different to that which could be reasonably expected of a domestic family residence.”

“Based on the shift patterns and staff numbers, I am satisfied that the proposed parking arrangements and on-site provision would allow staff to park within the site on a day-to-day basis. Visits to the property by social workers and other professionals would be by appointment only and less frequent. Even if these visits were to generate demand for additional on-street parking, given the limited scale and likely frequency, I am satisfied there would be sufficient opportunity to park on the road without adversely impacting highway safety”.

“Accordingly, I find that the appeal development would not harm the living conditions of neighbouring occupiers, with particular regard to traffic movements and noise disturbance. It would therefore accord with Policy SAD H4 of the Sandwell Allocations and Delivery Development Plan Document 2012 where it seeks to ensure that proposals for specific needs housing is compatible with adjacent uses. It would also be consistent with paragraph 135 of the Framework which promotes a high standard of amenity for existing occupiers”.

- 13.4 4 Huskison Close, Oldbury. Detached residential property.
DC/23/68323 - Proposed change of use from dwelling to residential home for 3 No. young people aged between 7-18 years old.

Main issues related to the effect of the proposed development on the living conditions of occupiers of neighbouring properties, with particular regard to traffic movements/disturbance and highway safety. Three staff members present during the day and two at night.

Appeal allowed and planning permission was granted.

Regarding the main issues, the inspector stated the following; -

“Given the limited change in traffic movements anticipated, I consider that the situation would not be materially different to that expected if the property was retained as a four-bedroomed family dwelling. I conclude that the proposed development would not harm the living conditions of neighbouring occupiers, with particular regard to traffic movements and disturbance. The proposal would therefore accord with Policy SAD H4 of Sandwell’s Site Allocations and Delivery Development Plan Document 2012 which seeks to ensure that proposals for housing for people with specific needs are compatible with adjacent uses”.

“I conclude that the proposal would not have a detrimental impact on highway safety and that sufficient parking can be provided within the curtilage of the development. The proposal would accord with the Framework which requires development to function well and add to the overall quality of the area”.

- 13.5 17 Lee Street, West Bromwich. (detached bungalow).
DC/23/68214 - Retention of change of use from dwelling (Class C3) to children's care home (Class C2). The proposal states the use would be for the care of a single child with two carers.

The main issues were the effect of the proposed development on the living conditions of neighbouring occupiers with regard to noise and disturbance and the effect of the development upon highway safety.

Appeal allowed.

Regarding the main issues, the inspector stated the following; -

“A building in C2 use is still classed as residential, and the day to day use of the building is very similar to a dwelling with the care home providing a home for the child. This is not substantially different to a Use Class C3 dwelling where children with specialist needs can live. The type of noise and disturbance from the use is not materially different from that which can occur in a dwelling”.

- 13.6 26 Barston Road, Oldbury. (semi-detached residential property). DC/23/68158 - Pursuant to the approval of planning application DC/22/67746 (first floor side extension and loft conversion with rear dormer window), proposed change of use from dwelling to residential home for up to 3 No. young people aged between 8 and 18 years old. The proposal states that care for residents would be provided by four members of staff during the day and two at night.

The main issues were the effect of the proposed development on the living conditions of neighbouring occupiers with regard to noise and disturbance.

Appeal Dismissed.

Regarding the main issue, the inspector stated the following;

“While I note that the property could be used as a family home, with several vehicles, the proposal has the potential to result in six car movements during changeovers. Even if all the staff did not have access to a car, the changeover period would still be noticeable from staff entering and leaving the property. These patterns of movement would be unusual and noticeably different when compared to other residents leaving and arriving home for work, even when taking account of potential visitors albeit these would be less frequent than the twice daily changeovers.”

“I am also mindful that during staff changeover that people could be arriving and leaving at slightly different times which could result in the changeover period being extended and therefore being more noticeable, particularly as four members of staff are required during the day. This level of turnover would be unusual in the residential context of the area and therefore result in noise and disturbance to neighbouring occupiers.”

“Notwithstanding my findings on noise and disturbance from inside the property itself, I conclude that the proposed development would harm the living conditions of neighbouring occupiers with regard to noise and disturbance from the frequent comings and goings. It would be contrary to Policy SAD H4 of the Site Allocations and Delivery Development Plan Document Adopted December 2012 which amongst other things, seeks to ensure that development is compatible with adjacent uses”.

13.7 Anti-social behaviour.

Whilst objectors raise concerns in respect of anti-social behaviour, this matter very much hinges on the responsible management of the premises. Also, West Midlands Police have raised no objection. Therefore, it is considered that through the imposition conditions pertaining to a management plan and a restrictive use, it would ensure that the proposal harmonises with its surroundings.

13.8 Highway considerations – Parking issues.

The Head of Highways has reviewed the application and raised no objections to the application based on the revised number of people to be cared for at each property. Highways are satisfied that there would be no significant impact on vehicle parking or trip rates when compared to the existing use.

13.10 Out of character with surrounding area and not the right location for the proposal

I have noted concerns that the proposed development would be an inappropriate business use and out of character with the residential area. However, the proposed use falls into a residential use in the Use Classes Order 1987 (as amended). It does not fall into a commercial, business or service use. As such, the proposed use would be compatible with a residential area and this location. I do not consider that the proposal would generate activities that would be significantly different to a family home, nor would the visual appearance of the properties be altered to such a degree that would harm the character of the area.

13.11 Loss of light & privacy

The concerns relate directly to the new build dwellings that were approved under DC/21/65553 and it was considered that the dwellings would not appreciably harm the amenities of neighbouring property by way of loss of light but also outlook and privacy. It is noted that there is a ground floor window in the adjacent side elevation of the neighbouring dwelling that would be affected, but overshadowing to primary rooms is not to a significant level.

14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the 'planning balance'. To summarise: the proposal should be approved unless any adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed against development plan policies or, where those policies are out of date, the NPPF as a whole. Where national policy takes precedence over the development plan, this has been highlighted in paragraph 11 (National Planning Policy Framework).

14.2 On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

15 Alternative Options

15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant polices and there are no material considerations that would justify refusal.

16 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.
Social Value	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and

	support renewable and low carbon energy and associated infrastructure, will be welcomed.
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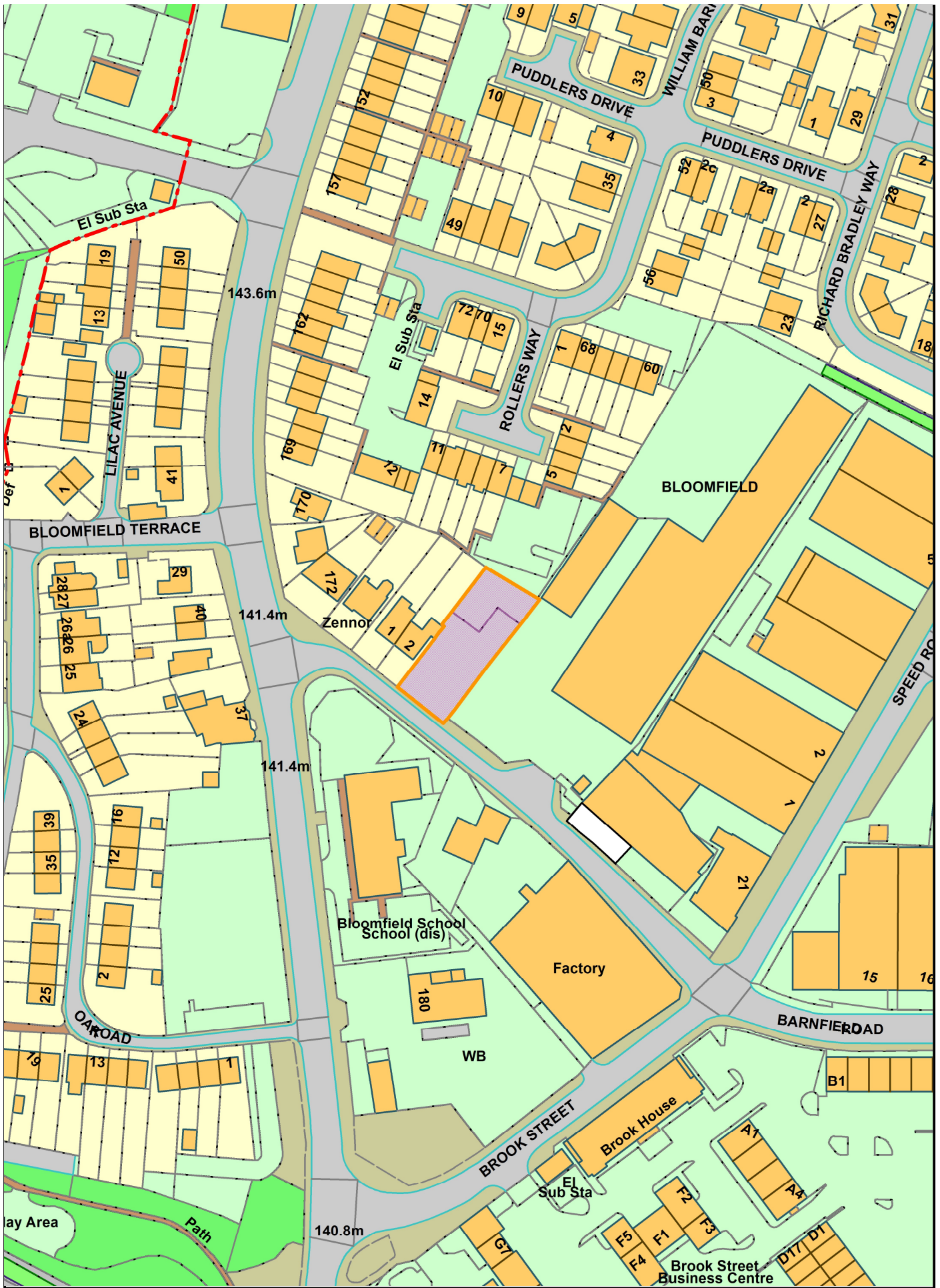
17. Appendices

17.1 Plans for consideration

Amended proposed site plan 0549 08-00 PL2

Amended proposed floor plan 0549 11-00 PL3

Amended proposed floor plan 0549 11-01 PL3

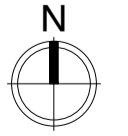
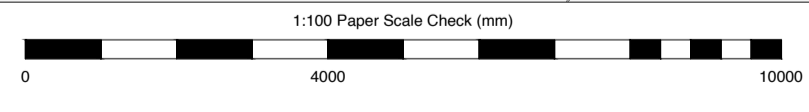




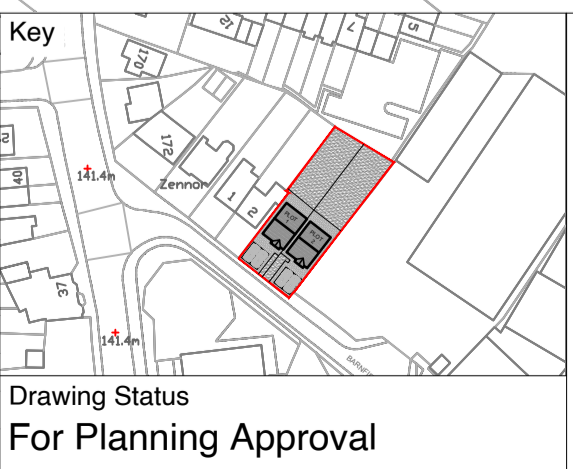
General Notes

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Rev.	Date	Reason for issue	Chk.	Rev.	Date	Reason for issue	Chk.
PL2	20/11/24	Planning Application Submission	CB				
PL1	19/09/24	Planning Application Submission	CB				



Legend

Application Boundary.

NOTE: Existing plans derived from drawings by others. Indigo Architects Ltd. cannot therefore guarantee their dimensional accuracy

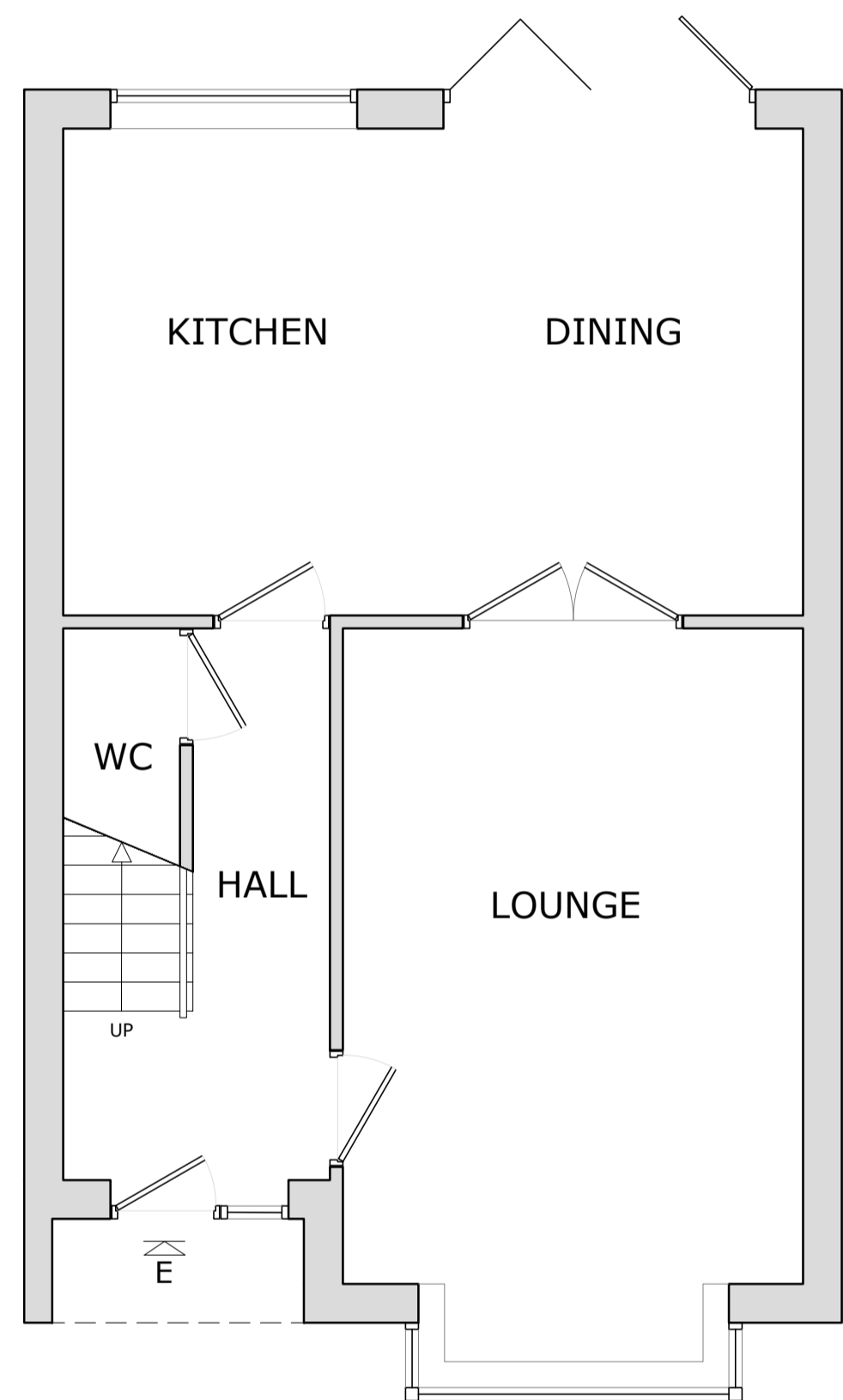
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Project
Barnfield Road, 2 No. Care Homes

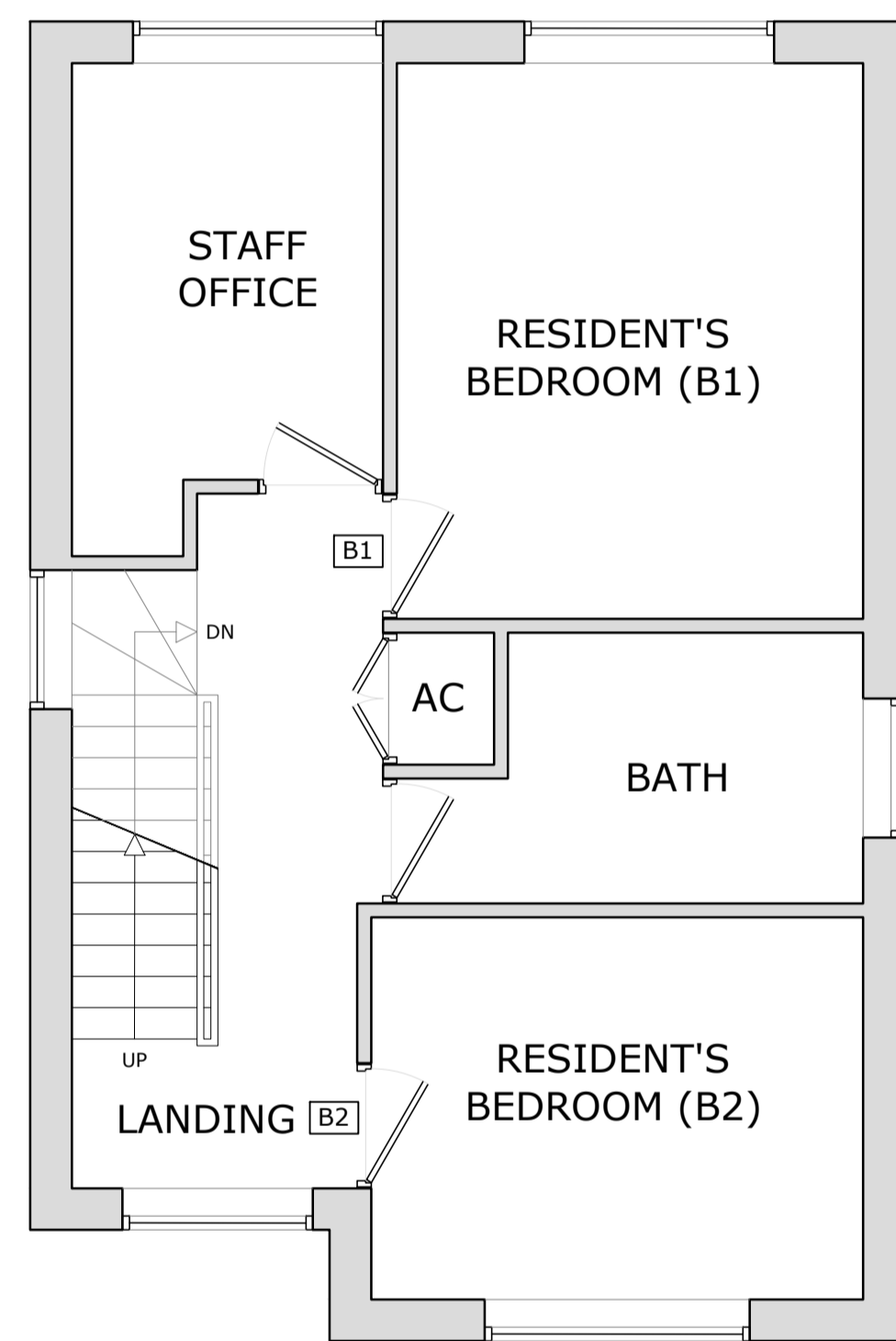
Client
New Chapters Care Group

Title
Site Plan

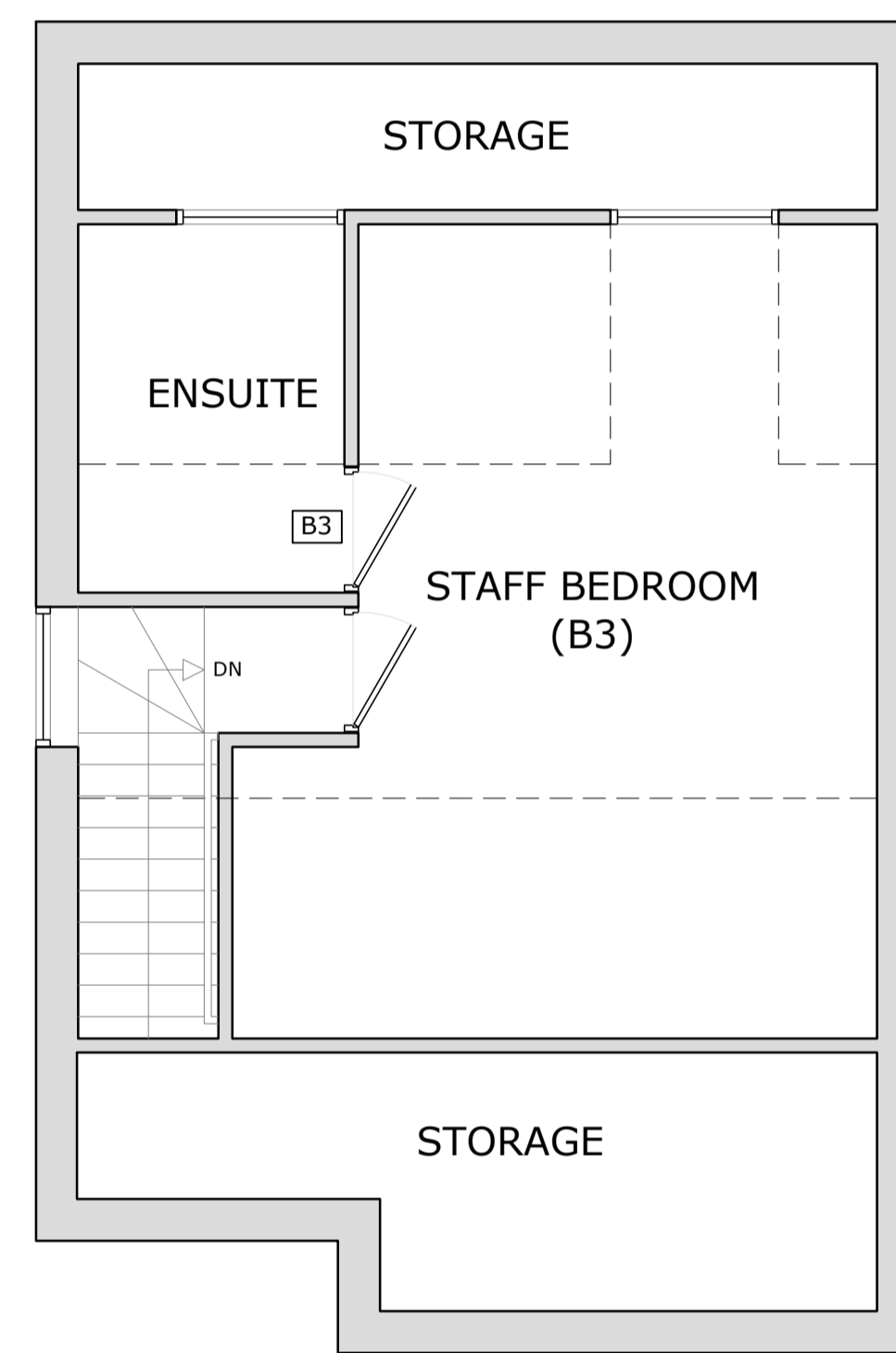
Project	Number	Revision	Scale at A1	Date	Drawn By
0549	08-00	PL2	1:100	20/11/24	EJG



Proposed Ground Floor Plan
Plot 1



Proposed First Floor Plan
Plot 1



Proposed Second Floor Plan
Plot 1

General Notes

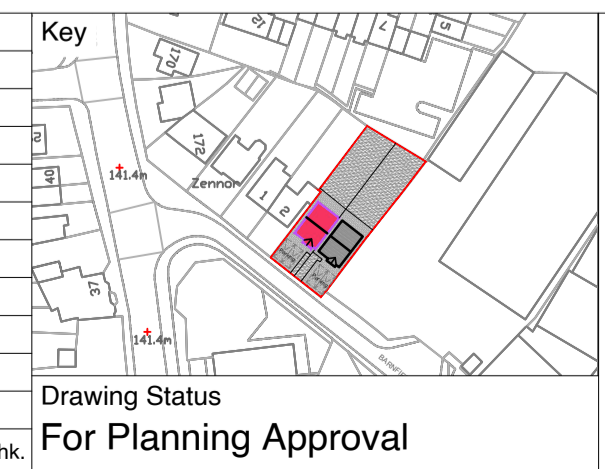
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1:50 Paper Scale Check (mm)

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Rev.	Date	Reason for issue	Chk.	Rev.	Date	Reason for issue	Chk.
PL3	02/01/24	No. residents reduced to 2	EG				
PL2	19/09/24	Client amended	EG				
PL1	12/07/24	Planning Application Submission	CB				



Legend

- Main entrance.
- Proposed structures.

Project	Number	Revision	Scale at A1	Date	Drawn By
0549	11-00	PL3	1:50	12/07/24	KHH

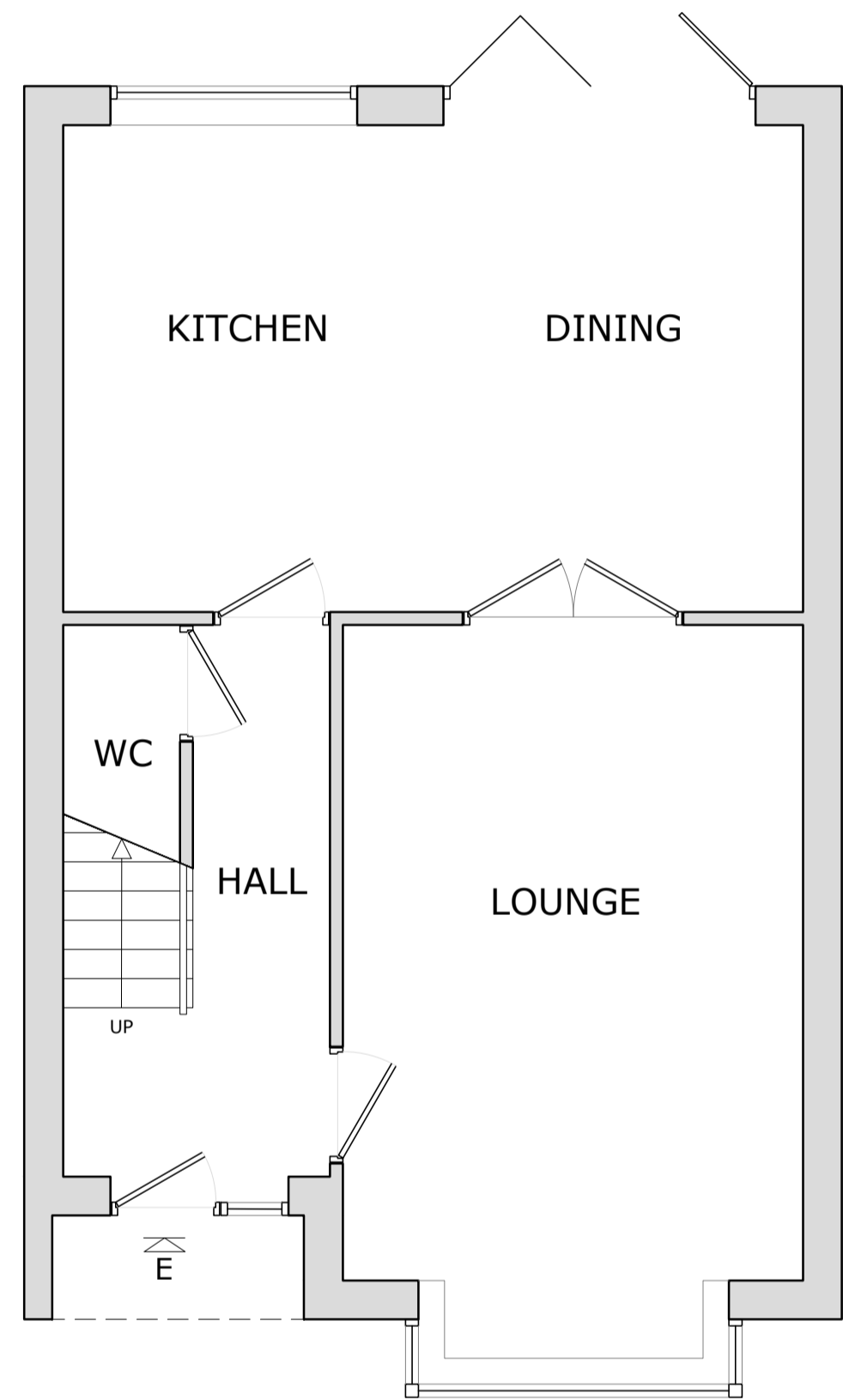
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Project
Barnfield Road, 2 No. Care Homes

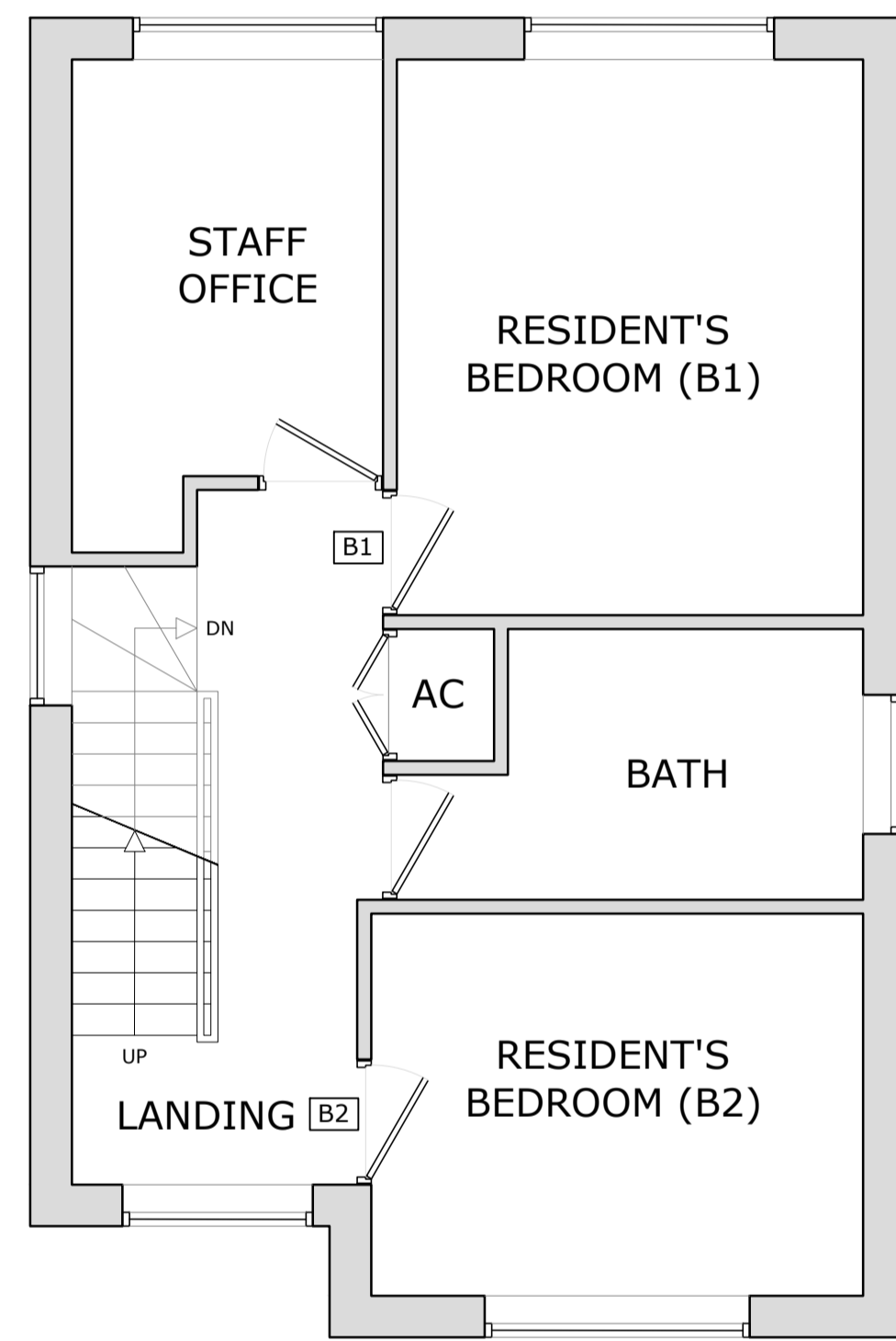
Client
New Chapters Care Group

Title
Proposed GA Plans, Plot 1

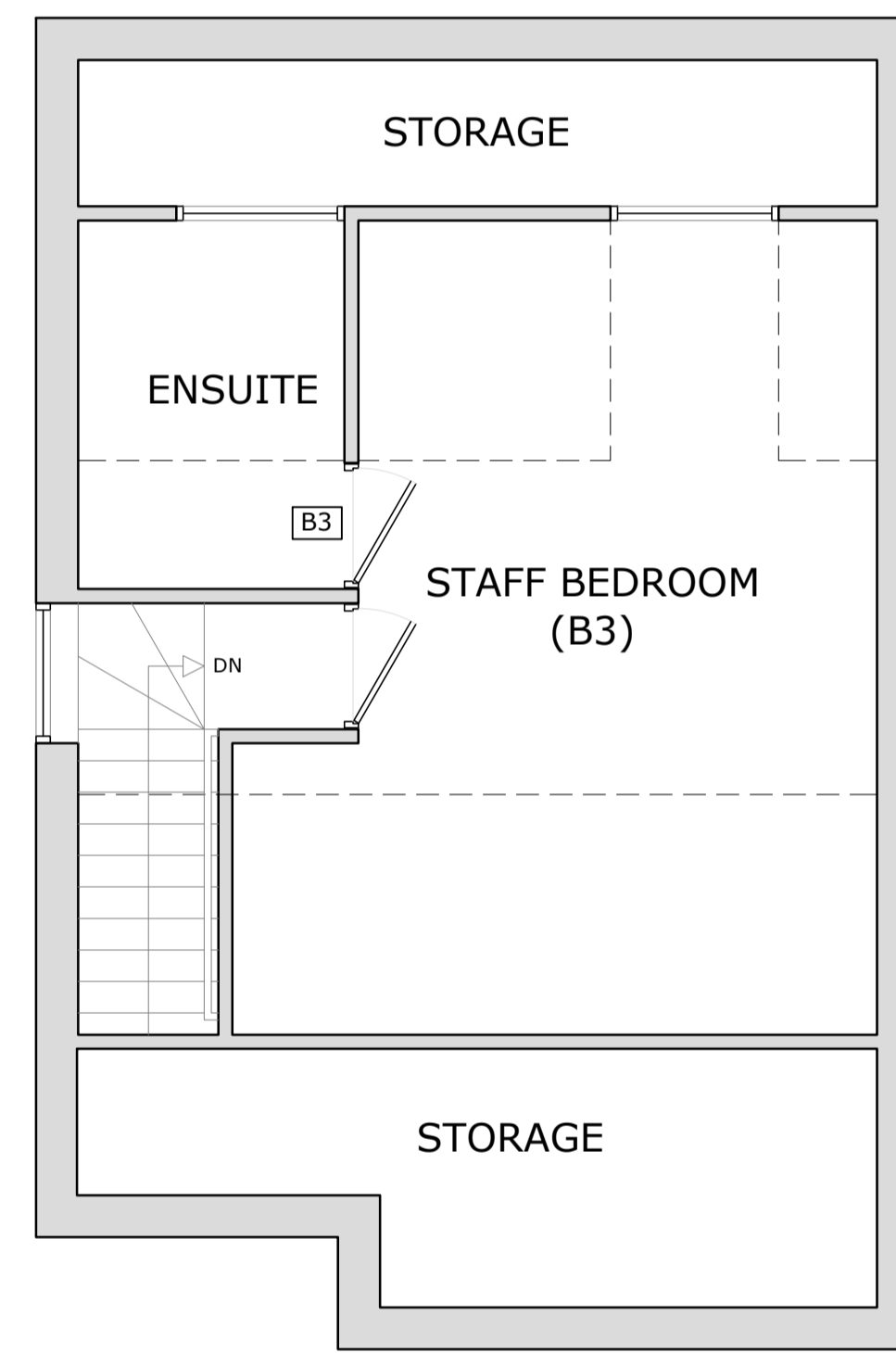
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Proposed Ground Floor Plan
Plot 2



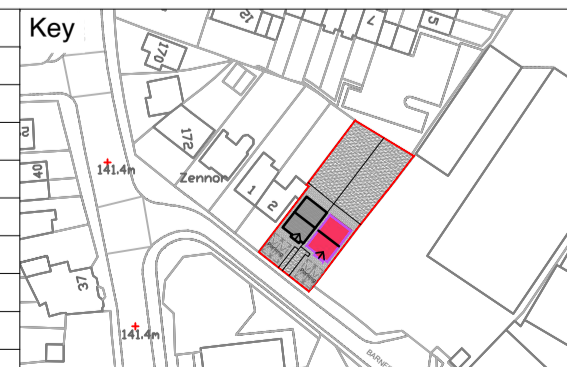
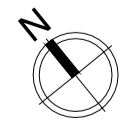
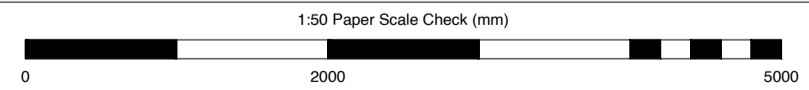
Proposed First Floor Plan
Plot 2



Proposed Second Floor Plan
Plot 2

General Notes

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Legend

- Main entrance.
- Proposed structures.

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PL3	02/01/24	No. residents reduced to 2	EG				
PL2	19/09/24	Client amended	EG				
PL1	12/07/24	Planning Application Submission	CB				

Drawing Status
For Planning Approval

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Project
Barnfield Road, 2 No. Care Homes

Client
New Chapters Care Group

Title
Proposed GA Plans, Plot 2

Project	Number	Revision	Scale at A1	Date	Drawn By
0549	11-01	PL3	1:50	12/07/24	KHH

DC/24/69752 – Land adjacent to 2 Barnfield Rd, Tipton:

List of conditions:

1. Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the L_{max} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
2. Before the use is commenced a management scheme shall be submitted to and approved in writing by the local planning authority, identifying management of the property, including staffing, waste disposal, parking, noise control and procedures for complaints. When approved the management scheme shall thereafter be implemented.
3. Before the development is brought into use a scheme showing details of the height, type and position of all site and plot boundary walls or fences to be erected on the site shall be submitted in writing to and approved by the local planning authority. The approved boundary walls or fences shall be erected before the development is first occupied or brought into use.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) each of the premises shall only be used as a residential home for two residents and up to five staff and for no other purpose (including any other use falling

within Class C2 of the Order, but may revert back to C3 (dwellinghouse) on cessation of the use).

5. The existing space at the front of the properties for the parking and manoeuvring of vehicles shall be retained as such.