



Planning Committee

Report of Head of Planning and Building Control on 20 July 2023

Plans List Item Number: 3

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 6, THE OAKS, BLOXWICH, WALSALL, WS3 2NY

Proposal: RETROSPECTIVE: PROPOSED CHANGE OF USE FROM DWELLING HOUSE (PLANNING USE CLASS C3 - DWELLINGHOUSES) TO CHILDRENS' CARE HOME (PLANNING USE CLASS C2 - RESIDENTIAL INSTITUTIONS) FOR UP TO 2 CHILDREN AGES 8 TO 17 ALONG WITH INTERIOR ALTERATIONS.

Application Number: 23/0495

Case Officer: Helen Smith

Applicant: Quintella Thompson

Ward: Bloxwich West

Agent: Indigo Architecture

Expired Date: 16-Jun-2023

Application Type: Full Application: Change of Use

Time Extension Expiry:



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Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to
 - No new material considerations being received within the consultation period;
 - The amendment and finalising of conditions;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed;

Proposal

This planning application is for a change of use from a single dwelling house (planning use class C3 - dwellinghouses) to a children's care home (planning use class C2 - residential institutions) with interior alterations. It is understood that works have commenced, and children have been moved in at the applicants' own risk.

The submitted planning statement proposes no external changes to the property are proposed with minor internal refurbishment to bring the property in line with Building Regulations and/or Care Standards.

The proposed floor plans include the following facilities.

Ground Floor – Kitchen, living room, hall, W.C., storage room and staff room.
First Floor – 2 x residents' bedrooms, bathroom, en suite and staff office.

Off-street parking for 2 vehicles is available on the hard-surfaced frontage.

The planning statement provided in support of this application states that the proposed development would provide care and support for up to two children mixed gender, ages 8 to 17 with learning disabilities and a wide range of behavioural difficulties. The statement says that the providers have the knowledge and skills base to work with children/young people who are remanded into the care of the local authority. All staff would receive robust training. The planning statement lists the following types of placements and behaviour accepted subject to risk assessment as follows.

- Emergency placements
- Young people remanded into the care of the local authority.
- Young people who have emotional and behavioural difficulties
- Challenging behaviours resulting in young people having an educational statement.
- Young people with autism, ADHD, low functioning
- Young people on a Deprivation of Liberty Safeguards (DoLS) order

The planning statement advises that their aim is to ensure that every child/young person is safe and free from harm by providing individualised care to assist with future independence so that they can care for and support themselves and that they are emotionally resilient enough to cope with life's unexpected difficulties.

The proposal states that there would be 3 staff members present during the day and 2 during the night providing 24-hour care and supervision. The following shift system would apply which indicates that from 10pm there would be 1 member of staff;

2 x staff 8am to 10pm
1 x staff 9am to 5pm
1 x staff 10pm to 8am
1 x staff sleeping in 10pm to 8am

Site and Surroundings

The application property is a two storey, detached dwelling house located on a well-established housing estate. There is off street parking available for two cars on the frontage and a private rear garden. The Oaks is a cul-de-sac.

The Oaks is an unclassified residential cul-de-sac in a traditional layout with a standards carriageway and footway on either side.

The surrounding area is predominantly residential in character consisting of similar detached houses and pairs of semis. The houses to either side of the application property, no's 4 and 8 The Oaks, are in residential use.

The site lies within the Cannock Chase Special Area of Conservation (SAC) 15km Zone of influence.

The site is located within walking distance from Bloxwich District Centre and there is access to regular bus services from the application site. Bus route 70 (Walsall to Bloxwich) is available from Central Drive and from Bell Lane there is the no. 9 (Wolverhampton), 31 (Bloxwich to Walsall), 70 (Walsall to Bloxwich), and the X51 (Birmingham to Cannock) bus routes. Bloxwich Railway Station is within walking distances with regular train services between Rugeley, Cannock, Walsall and Birmingham City Centre.

Relevant Planning History

07/0622/FL/H3 - Change garage to living room – granted subject to conditions 22/5/07.

07/0076/FL/H3 - Change Garage to Living Room – refused permission 5/3/07.

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF (para 55) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- H6: Nursing Homes and Rest Homes for the Elderly
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- DEL1: Infrastructure Provision
- TRAN2: Managing Transport Impacts of New Development
- ENV3: Design Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing
HC3: Affordable Housing and Housing for People with Special Needs
T4: The Highway Network

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW7 Diversity
- DW10 Well Designed Sustainable Buildings

Consultation Replies

Ecology - No objections

Environmental Health – No adverse comments received

Environmental Protection – No objections and are of the opinion there are no significant industrial/commercial noise impacts, or any concerns regarding air quality or contaminated land that are material planning considerations.

Fire Officer – No objections and comment that consideration of the functional requirements of Approved Document B

Local Highway Authority – No objection on highway grounds subject to the inclusion of a planning condition restricting the use to a maximum of 2 children (8 to 17 years old) at any one time.

OFSTED – No adverse comments received.

Police – No objection and recommend the principles of Secured by Design which can be included as an informative.

Social Services – No adverse comments received.

Strategic Planning Policy – No objections

The Coal Authority – No objections and recommend the inclusion of an informative note.

Representations

(Local Planning Authority comments in italics and brackets)

Councillor Allen has objected to the proposal on the following grounds;

- Works have already commenced and the property is already advertised on the providers website *(the planning agent has advised that their client previously incorrectly understood the operation of a small care home such as this would sit under Use Class C3 – dwelling houses and not require planning permission. The application has since been made and any development carried out without consent has been undertaken at the applicant's own risk)*
- Fear of crime and anti-social behaviour *(No evidence has been put forward to substantiate this claim regarding the future occupiers of the property)*
- Highway safety and inappropriate parking evidenced by neighbours

Councillor Harrison has objected to the proposal on the following grounds;

- Fear of crime due to the nature of clientele and the care provider support *(No evidence has been put forward to substantiate this claim regarding the future occupiers of the property. The Local Planning Authority is required to consider the proposed change of use class rather than the occupiers)*
- Noise
- Inadequate parking and already creating a traffic/parking problem

A public petition objecting to the proposal has been submitted with 172 signatories on the following grounds;

- Increased drug use, discarded needles, unsanitary conditions and potential outbreak of disease *(No evidence has been put forward to substantiate this claim regarding the future occupiers of the property)*
- Increased local crime rates, risk to safety, anti-social behaviour and property security *(No evidence has been put forward to substantiate this claim regarding the future occupiers of the property)*
- Expose young people in the area or visiting to illicit substances, criminal and anti-social behaviour *(the two future occupiers would have 24-hour care and support and no evidence has been put forward to substantiate this claim regarding the future occupiers of the property)*
- Anxiety for elderly local residents regarding the safety of their homes *(the two future occupiers would have 24-hour care and support; no evidence has been put forward to substantiate this claim regarding the future occupiers of the property)*
- A transient population with little or no regard for the surrounding community, increasing risks to declining cleanliness and maintenance of the area *(No evidence has been put forward to substantiate this claim regarding the future occupiers of the property and transience is not a material planning consideration)*
- Increase in vehicles with limited parking causing access issues into a small cul-de-sac *(the Local Highway Authority have no objections to the proposal on highway grounds)*
- Increased Police, NHS and local authority activity that could occur due to missing children, crime and anti-social behaviour *(the two resident children*

- would have 24-hour care and support and no evidence has been put forward to substantiate this claim regarding the future occupiers of the property)*
- Huge negative impact on property values of homes in the Oaks and the surrounding area (*property value is not a material consideration in this instance*)

Objections from 103 residents were received following the first notification of the proposal on the following grounds;

- Property deeds state the property should be used as a single dwelling (*Planning Use C2 would comply with this requirement however restrictive covenants are not a material planning consideration in this instance*)
- Unauthorised works have commenced before any consents have been granted and children and carers are already in situ (*any works carried out without consent are at the applicant's own risk*)
- Noise and disturbance
- Increased parking and traffic with staff coming and going
- Safety and fear of crime
- Problems at other New Era properties (*not a material planning consideration, no evidence has been put forward to substantiate this claim regarding the future occupiers of the property*)
- Unsuitable location and should be elsewhere (*The proposal is a form of residential use in a residential location*)
- Loss of property financial value (*not a material planning consideration in this instance*)
- Anti-social behaviour/vandalism/verbal abuse (*no evidence has been put forward to substantiate this claim regarding the future occupiers of the property*)
- Disgusting and unsafe for children
- Schools and nurseries nearby
- No confidence in the provider and concerns about the types of services they provide (*the Local Planning Authority can only consider the suitability of the proposed Land Use and not the competency of the service providers*)
- Challenging behaviour and mental health issues (*This is not a material planning matter to consider*)
- More council tax for fewer services (*This is not a material planning matter to consider*)
- High level of criminal activity in the area (*no evidence has been put forward to substantiate this claim regarding the future occupiers of the property*)
- Increased crime (*no evidence has been put forward to substantiate this claim regarding the future occupiers of the property*)
- Lack of information (*There is sufficient information submitted for the Council to process this planning application to change from one type of residential use to another residential use*)
- Removal of property from Bloxwich Housing stock (*the property would be in residential use under Planning Use Class C2*)
- Overlooking
- Sex offenders, gang members and people related to gun and knife crime would be housed after 6 months of holding a licence. (*No evidence has been put forward to substantiate this claim regarding the future occupiers of the property and if the provider wished to house these types of residents in the future, they would require planning permission*)

- Unable to secure a mortgage or rent as a result (*not a material planning consideration in this instance*)
- Light pollution from vehicles and security lighting
- Site notices not displayed (*not a statutory requirement for this location or type of application*)
- Impact on health and well-being (*not a material planning consideration in this instance*)
- Access for emergency vehicles and bin lorries
- Moving children to a deprived area that lacks facilities.
- Rehabilitation of sex offenders is not possible (*no evidence has been put forward to substantiate this claim regarding the future occupiers of the property*)
- Concerns about the type of children to be housed. (*This is not a material planning consideration and the planning application can only consider the land use planning matters*)
- Drugs and litter of associated paraphernalia (*no evidence has been put forward to substantiate this claim regarding the future occupiers of the property*)
- Anxiety, impact on health and increased stress especially for elderly residents (*not a material planning consideration in this instance*)
- Rear garden small and contains a mine shaft (*There is no building in the rear garden, so this is not a material planning consideration in assessing a change of use*)
- History of drug abuse in King Georges V Park which is nearby (*no evidence has been put forward to substantiate this claim regarding the future occupiers of the property*)
- Has the nod been given as works have commenced (*planning permission has not been granted at this stage and the applicants have been advised that any development is at their own risk*)
- Recently had an unsavoury character housed in the area causing problems (*not a material planning consideration*)
- Ownership certificate 21 day statement false as the previous owner moved out on 18/5/23 and the application was dated 19/4/23 (*an amended certificate of ownership has been requested from the planning agent who has advised they were not aware of the completion date on the property*)
- Similar applications to Stockton Council and Bolton Council were refused permission so how can this be supported (*all planning applications are determined on their individual merits and do not create precedents. Stockton and Bolton will have their own planning policies and guidance*)
- Litter (*no evidence has been put forward to substantiate this claim regarding the future occupiers of the property*)
- Single lady and will feel vulnerable. (*Not a material planning consideration*)
- No one has visited the cul de sac (*The site has been visited*)
- Burden on public resources (*comment noted however no evidence has been provided that this would be the case*)
- Walsall Council is driving decent people out (*the Local Planning Authority is required to determine planning applications in line with planning legislation, National and Local Planning Policies and guidance and Government guidance*)
- Some of the highest Council Tax bills in Walsall (*not a material planning consideration*)
- Already advertised as “Oak View” on the providers website and “Meadow View” on the additional information provided (*noted*)

- No details of room layout and number of bedrooms (*floor plans have since been provided and a re-consultation made*)
- Quiet family community with no other businesses on the cul de sac (*the proposed use falls within a residential planning use class*)
- Child heard in garden saying they wanted to go home, and the police were called. Child calmed down and there was a breach of confidentiality as the conversation was overheard (*not a material planning consideration*)

Following a re-notification of additional information received, objections from 29 residents were received which repeat what has been said before and include the following additional comments.

- Residents have raised the following concerns, that the type of clientele inappropriate including people with drug affiliation, bailed individuals, sexual offenders, criminals, kids with mental health issues and violent episodes (*The planning authority wishes to remind members and the public that this is not a material planning consideration. The Local Planning Authority is required to consider land use matters which in this application is for change from one form of residential use to another form of residential use in a residential location. Like with any residential property, the planning legislation does not have control over who may or may not live in that property*)
- Concerns for residents' mental well-being (*not a material planning consideration*)
- No bespoke management plan or monitoring (*this would be a matter for social services and associated services rather than the Local Planning Authority*)
- How will residents address complaints and concerns (*this would depend on the nature of the complaints and concerns however this is not a material planning consideration*)
- Nothing has been done to reassure residents (*the Local Planning Authority is required to assess the application put before them and the information provided is shared with residents as part of the public process*)
- Shift patterns do not align with the application (*this has been amended following officer query and the additional details are included in this report*)
- Bloxwich not a great place to live and when googled is one of the top 5 most dangerous places to live in the West Midlands and instead of housing troubled children/young adults in the area you need to work on making it safer for all (*comment noted however the Local Planning Authority can only consider the planning merits of a development put before them and in accordance with Planning Legislation and Policy*)
- Child almost run-over due to lack of care (*this would be a matter for social services and the applicants*)
- Commercial use is unsuitable (*Planning Use Class C2 relates to residential use rather than commercial use*)
- A strategy by WMBC to meet Government targets for this type of use (*comment noted however the Local Planning Authority are required to consider the planning merits of an individual planning application*)
- Renewed application is a result of information leaked to the applicant (*there is only one planning application where additional information requested has been provided. The planning process is public, and the information provided is in the public domain*)
- Resident running around the close screaming and very distressed on 23/6/23 before being rounded up and restrained by 3 staff members (*this would be a*

matter for social services and the applicants and not a material planning consideration)

- Concerns that there are safeguarding issues for residents (*this would be a matter for social services and the applicants and not a material planning consideration)*
- Business is operation without planning permission and their insurance must be void (*not a material planning consideration)*
- Police have visited twice, and the police helicopter could be called out if they abscond.
- Pallets dumped on frontage and weeds growing since the property was sold and rear garden looks a mess affecting the area (*not a material planning consideration)*
- DoLS (*Deprivation of Liberty Safeguards*) Orders can only be given to people over the age of 16 (*not a material planning consideration)*
- Floodlights and shouting are waking neighbours, and which is becoming a regular occurrence (*not a material planning consideration)*
- Bins are not being emptied which is an environmental issue (*not a material planning consideration)*
- Carers shout greetings, have loud conversations, bang car doors, and look in neighbours' windows when they walk along the close (*not a material planning consideration)*
- Verbal abuse from visitors over parking and threats to park across residents' drives (*not a material planning consideration and any highway obstruction could be reported to local police)*
- Parking on footpath (*residents need to refer parking on the footway to the Police to investigate in this instance as there are no parking restrictions in the street)*
- Why can the applicant change their description to retrospective when by law you are required to apply for planning permission first (*any development commenced without planning permission is carried out at the developers own risk and is not unlawful at this stage. The change of description is for accuracy as the use has commenced)*

Determining Issues

- Principle of Development
- Character of the Area
- Amenity of Neighbours and Amenity of Future Occupiers
- Safety and Security
- Cannock Chase Special Area of Conservation
- Access and Parking

Assessment of the Proposal

Principle of Development

There are no policies in the development plan specifically about children's care homes.

However saved UDP policy H6 refers to nursing homes and rest homes for the elderly but contains advice about parking and the types of property that will be suitable. Paragraph (b) VIII states that large, detached properties are the most obviously suitable for these uses. Paragraph (b) X states that the Council will take account of the accessibility of a property to local amenities and public transport.

SAD policy HC3 states that the Council will encourage the provision of housing for people with special needs, including single people, the elderly, people with disabilities and any other groups who require specialist accommodation, in locations that would be acceptable for general housing. Such housing will be particularly encouraged in and close to centres, provided the sites are not required for centre uses.

The minister of state for housing and planning made a written statement to Parliament on 23rd May about planning for accommodation for looked after children:

<https://questions-statements.parliament.uk/written-statements/detail/2023-05-23/hcws795>. This states:

“I ...wish to set out the Government’s commitment to support the development of accommodation for looked after children, and its delivery through the planning system.

The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children’s communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love.

Today we use this joint statement to remind Local Planning Authorities that, as set out in paragraph 62 of the National Planning Policy Framework, local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions.

Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children’s Homes Regulations) to demonstrate this.”

The application property is a detached house close to Bloxwich district centre and Bloxwich Railway Station. The proposed use can therefore be supported on strategic planning policy grounds.

It should also be noted that, prior to the construction of the application property, the site lay within the grounds of Croxdene House, which was latterly used as a children’s home.

Character of the Area

The character of the area is defined by residential uses, dominated by detached and semi-detached houses. The change of use from residential to another residential use, in a residential area is considered compatible with this character. The internal layout changes are considered would do not harm to the character of the surrounding area. The application property would continue to have the appearance as a dwelling house

and a safeguarding condition preventing any external advertisements to the property may be imposed.

Amenity of Neighbours and Amenity of Future Occupiers

The neighbouring properties are residential. The existing building is a house and would continue to be used for residential living accommodation with the same level of amenity and similar relationship to neighbouring houses as is already the case. The level of noise is anticipated to be no greater than would be expected than any other residential property in the locality.

No evidence has been provided to demonstrate that there would be safety issues as a result of this proposal. There would be staff support and supervision for the two residents on a 24 hour basis.

Residents have raised the following concerns, that the type of clientele would be inappropriate including people with drug affiliation, sexual offenders, criminals, kids with mental health issues. The planning authority wishes to remind members and the public that this is not a material planning consideration. The Local Planning Authority is required to consider land use matters which in this application is for change from one form of residential use to another form of residential use in a residential location. Like with any residential property, the planning legislation does not have control over who may or may not live in that property.

Safety and Security

Whilst the fear of crime is a material consideration in planning decisions, the weight that can be given, is often limited unless there is significant evidence to show that the increased fear of crime would actually occur in relation to this specific proposal.

The Police have no objections to the proposal and recommend the principles of Secured by Design are implemented which can be included as an informative note.

The parking issues, behaviour of people in the street and safeguarding are all matters outside the scope of the planning legislation to consider.

Cannock Chase Special Area of Conservation

The Council's Ecologist considers whilst the use of the building will be altered there will be no changes to the number of bedrooms and in so the number of residents utilising the building.

While the development has the potential to result in recreational impacts to Cannock Chase SAC. From the above it is determined that the application will not result in a net increase in residential units or recreational impacts to the protected site from the current building and its residential usage. In this instance no mitigation or further action is required in regard to this proposal.

Access and Parking

The Oaks is an unclassified residential cul-de-sac in a traditional layout with a standards carriageway and footway on either side.

The Local Highway Authority comments that the dwelling has parking space for two motor cars on the property frontage. No additional parking is proposed. The previous integral garage was converted to a habitable room under 07/0622/FL/H3 effectively removing a third parking space.

Additional information has been submitted setting out the way the proposed Care Home will operate. It states that there will be up to 2 residents (8 to 17 year old) at the site with 3 staff present during the daytime and two over night with a shift change over at 07:30 am and 10:00pm.

In terms of T13 Parking Policy a two-bedroom Care Home requires at least 1 parking space. The property has 2 spaces available on the property frontage so in context of the policy the requirement is met.

Also, for comparison the extant 4-bedroom dwelling requires 3 parking spaces in policy terms.

Therefore, in Parking Policy terms the extant and proposed uses have similar parking demands.

Taking into account the modest scale of the proposal, with only 2 children residing there who clearly will not be car owners and 5 staff over shifts, the Highway Authority considers that the vehicle movements, traffic and parking demand associated with the proposal would not be too dissimilar to that of a large family home but with vehicle movements mainly concentrated around the shift change over times in the am and pm.

In order to justify an objection of highway grounds the Highway Authority would have to demonstrate that the proposal will have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network. The Highway Authority considers, for the reasons above, the development is acceptable in accordance with the NPPF 2021 paragraph 111.

A planning condition restricting the care home occupancy to a maximum of 2 residents is recommended by the Local Highway Authority.

Residents have provided a number of photographs detailing parking in the street and a parked vehicle overhanging the footpath. There is no evidence provided to confirm that these vehicles parked on the street are linked to the application site. The proposal is compliant with parking policy and any blockages of the footpath would be a police matter.

Conclusions and Reasons for Decision

In weighing the key material considerations, consultee and neighbour responses against the national and local planning policies and guidance, it is considered that the proposal would be an acceptable use of this previously developed site within an existing residential area.

There is no significant evidence that the proposal would increase crime and anti-social behaviour in the area or give rise to an unacceptable level of noise and disturbance. The proposal is considered would not result in a significant loss of amenity for adjoining neighbours. The application has sufficient off-street parking to meet policy requirements and the inclusion of a planning condition to restrict occupancy of the care home to a maximum of two residents can be included.

Residents have raised the concerns that the type of clientele would be inappropriate including people with drug affiliation, sexual offenders, criminals, kids with mental health issues. The planning authority wishes to remind members and the public that

this is not a material planning consideration. The Local Planning Authority is required to consider land use matters which in this application is for change from one form of residential use to another form of residential use in a residential location. Like with any residential property, the planning legislation does not have control over who may or may not live in that property.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report.

Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the limited information provided initially and a planning statement and existing and proposed floor plans have since been provided which enable support to be given to the scheme.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to
 - No new material considerations being received within the consultation period;
 - The amendment and finalising of conditions;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed;

Conditions and Reasons

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents: -

- Location Plan, drawing no. 0457_01-00_Rev PL1, deposited 21/04/23
- Existing GA Floor Plans, drawing no. 0457_03-00_Rev PL1, deposited 19/06/23
- Existing and Proposed Site Plan, GA Plans, drawing no. 0457_08-00_Rev PL1, deposited 21/04/23
- Proposed GA Floor Plans, drawing no. 0457_03-01_Rev PL1, deposited 19/06/23
- Planning Statement, deposited 16/6/23

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details of a residential care home for up to a maximum of up to two children between the ages of 8 and 17 years and for no other purpose (including any other purpose in Schedule 1, Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and not to be subdivided or split into flats for the lifetime of the development hereby permitted.

Reason: To control the level of parking demand and vehicle movements at the property in accordance with UDP Policy T7 and T13 and in the interests of highway safety.

4. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and there shall at no time be any advertisement(s) displayed to the frontage of the property.

Reason: In the interests of maintaining the character of the area.

Notes for Applicant

The Coal Authority

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings

and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024

Fire Officer Informative

Consideration should be given to the functional requirements of the Approved Document and the impact that this proposal has.

Police Informative

If young residents I recommend liaison with Walsall Children's Services. Children's homes require registration with Ofsted under The Care Standards Act 2000. Staff 24/7.

<https://www.gov.uk/government/publications/ofsted-and-cqc-joint-registration-guidance-childrens-homes-and-health-care/childrens-homes-and-health-care-registration-with-ofsted-or-cqc>

Applying to register a children's home: top tips - Ofsted: social care (blog.gov.uk)

The below information for the applicant should they be successful.

The applicant to refer to crime prevention and home security advice contained within SBD Homes.

Please see: HOMES_GUIDE_2023_web.pdf (securedbydesign.com)

External LED lights with daylight sensors to the external walls, by entrances and parking.

This to provide security for residents entering and leaving. (SBD Homes 2023 page 47, 27.2).

Advice on alarms and CCTV <https://www.policesecuritysystems.com/>

Alarm and cctv installers should be approved by NSI, SSAIB or both

See <https://www.nsi.org.uk/> and <https://ssaib.org/>

Dwelling entrance door-sets (SBD Homes 2023 page 36, 23, 1-9).

PAS 24: 2022 standard doors for houses and apartments.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

Petitions

Example of petition letter submitted by 172 people on next page

Date: 30 5 23

Name: [REDACTED]

Ref: 23/0495

Address: 20 MOSSLEY Close

Development Management
Walsall Council
The Civic Centre
Zone 2B
Darwell Street
Walsall
WS1 1DG

Bloxwich

Post Code: WS3 2UT

Telephone: [REDACTED]

For the attention of Helen Smith

Dear Sirs

Change of Use from dwelling house (C3) to Children's Care Home (C2) at 6 The Oaks, Bloxwich, WS3 2NY

I would like to register my formal objection to the above change of use application submitted by New Era Residence in regard to 6 The Oaks, Bloxwich, WS3 2NY.

The application states that the premises could be used as a temporary home for people with gang affiliation and criminal involvement, challenging behaviours, mental health issues, drug and alcohol misuse/abuse or low level sexual behaviour.

My concerns are:

- An increase in drug use. This would also have an impact on local services, with discarded needles, unsanitary conditions and potential outbreak of diseases
- Research has shown that these properties have a significant effect on the local crime rates, thereby causing:
 - Significant risk to the safety and security of my property.
 - Significant risk to my personal safety
 - A serious risk of increased anti social behaviour
- This would also expose young people living in the area, and visiting the neighbourhood to illicit substances, criminal and anti social behaviour
- I have concerns for the elderly local residents, as this would cause extreme anxiety for them, not knowing if it is safe for them to leave their homes
- A transient population with little or no regard to the surrounding community, increasing the risks of declining cleanliness and maintenance of the area
- An increase in vehicles. Parking is very limited as it is, and this would cause additional access issues to a small Cul de Sac.
- I also have concerns about the increase in police, NHS and Local Authority activity that could occur due to missing children, crime and anti social behaviour reporting
- This will also have a huge negative impact to the value of our homes in The Oaks and the surrounding neighbourhood.

I hope that the above concerns will be taken seriously and thoroughly addressed.

Yours faithfully,

[REDACTED]

c.c. Cllrs Harrison, Allen and Follow.

END OF OFFICERS REPORT