Walsall Council

Planning Committee

Report of Head of Planning and Building Control

Plans list item number

Item number: **1**

Reason for reporting to the planning committee.

1) A petition of 84 signatures has been submitted contrary to officers' recommendation, titled, "Petition to oppose the application of 72 Ashmore Lake Road, WV12 4LN from turning into a supported living accommodation and to remain as a residential property."

Application details.

Application reference: 25/0404

Site location: 72 , Ashmore Lake Road, Willenhall, Walsall, WV12 4LN

Application proposal: Full planning application for the demolition of the side garage and outbuildings, single storey side and rear extension and conversion to form 3 no. flats (Use Class C3) to provide supported living accommodation for 3 adults aged 18-65.

Application type: Full Application: Minor Use Class C3 (Dwellinghouses)

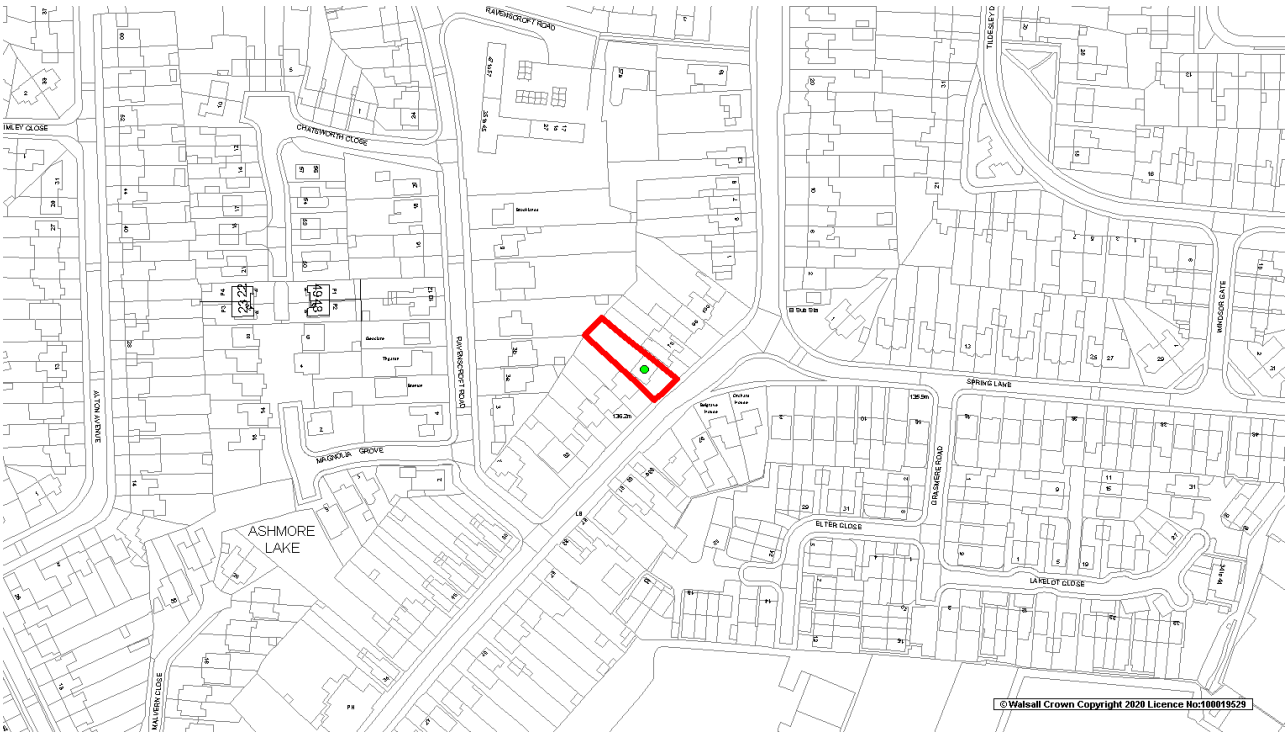
Link to application documents:https://go.walsall.gov.uk/planningapps?id=25/0404

Applicant: Steve Hindle, Country Barn Estates Country Barn Estates, 1 Battle Barns, Kidderminster Road, Dodford, B61 9AG

Planning agent: Richard Partington Architect Richard Partington Architect, 6 Oaks Drive, Four Oaks, Sutton Coldfield, B75 5AP

Ward: Short Heath

Red line location



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Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S111 to secure Cannock Chase SAC mitigation and subject to:

1. No new material considerations being received within the consultation period;
2. The amendment and finalising of conditions.

Site and surroundings

A site visit was carried out on 2nd July 2025.

The site is a 3-bed detached dwelling of simple design with a pitched roof. It is within a residential street in a wider residential area. It has a rear garden and parking on the front driveway for up to 3 vehicles. The site is approximately 1.5km from Willenhall District Centre and 1km from Lane Head Local Centre and is on a bus route serving Walsall and Willenhall with a bus stop outside a few houses along the street.

It is not within a conservation area or in the vicinity of any heritage assets. It is in Flood Zone 1 so low risk of flooding and in a low coal risk area.

Relevant planning history

None

Relevant policies

National Planning Policy Framework (NPPF)

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". The NPPF is a material consideration in the determination of a planning application.

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Walsall Council Development Plan

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocation Document (SAD)
- Saved policies of Walsall Unitary Development Plan (UDP)
- Walsall Town Centre Area Action Plan (AAP)

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.
Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultee comments (planning officer's summary)

Ecology Officer

No objections subject to conditions to secure landscaping to be undertaken as per the Plan and Proposed Habitat Plan dated 7th April 2025, the standard BNG condition to be included, plus conditions for the protection and enhancement for protected species.

Environmental Health

No response received.

Environmental Protection

No objection.

Local Highways Authority

No objection. No conditions recommended.

Mining Remediation Authority

No objection subject to a condition to secure a scheme of intrusive investigations as set out in the coal mining report, implementation of any remediation that may be required and a validation statement to confirm any required works have been implemented.

Public Health

No objection.

Waste Management

No response received.

West Midlands Fire Service

No objection. Advisory notes provided.

West Midlands Police

No objection. Security recommendations provided.

Neighbour and interested parties' comments (planning officer's summary)

Objection(s)

17 separate individual comments received objecting to the proposal for the following reason(s):

Character

- Not in keeping and does not fit with the local area.
- There are sufficient supported residential properties in the area
- The site is not big enough to support the proposed development
- The site should be a family home/ there is a local need for 3 bed-family homes

Issues regarding other uses in the area

- We do not want another HMO

- Existing HMOs in the area create anti-social behaviour and drug dealing/ impact on public safety
- We have enough issues as it is from the pub and other supported living addresses within proximity to the address

Parking and Highway Safety

- Insufficient parking for staff, visitors and family members of the clients could lead to on-street parking
- Additional traffic and on street parking could impede access and pose dangers for neighbours, pedestrians, cyclists and emergency vehicles
- The road at this point is narrow
- Sited on a bend in the road
- Traffic travels at excessive speed along this road – impact on safe access to the site
- Where are the bins (9 in total) going to be stored? How are the refuse workers going to deal with all these bins on the pavement, which is narrow, on recycling day?
- Cannot guarantee the staff will use public transport

Neighbour amenity

- Impact on neighbouring privacy and outlook. The first-floor flat will look directly into neighbouring gardens.
- Anti-social behaviour
- Potential racism from residents towards neighbours.
- Increase in crime due to the type of people which will be visiting the property which is a risk to children and elderly
- Who will be responsible for maintenance of the house and garden?
- We don’t know who will be located to the property nor their backgrounds

Other

- How will the property be managed due as occupiers are statemented as 'disabled'?
- Can the usage of the property be altered at any point/confirmation needed the property will remain as the application states. Fear the property will start with three adults who need constant care and will later change to accommodation for ex-offenders/ drug addicts/ asylum seekers.
- The developer does not live locally – lack of care for the property or who lives there
- will look to move out of this area altogether if this goes through and is passed

- House prices will drop
- Existing problems where people leave unwanted rubbish on the gardens or footpaths causing an environmental waste, hygiene and pest control problem. Could be exacerbated by this development.
- There is a statement in the application that says there is no flooding in the area. This is false, there are properties nearby suffer flooding, and one has to operate two pumps to deal with the condition.

Support

No comments received in support of the proposal.

Determining issues

1. Principle of development
2. Cannock chase SAC and HRA
3. Design, layout, and character
4. Amenity of neighbours and future occupiers
5. Highways
6. Ecology and Biodiversity Net Gain
7. Ground conditions and environment

Assessment of the proposal

Principle of development

Planning permission is sought for the demolition of an existing attached side garage and outbuildings to make way for a single storey side and rear extension to facilitate the conversion of the building into 3 flats. The flats would provide supported living accommodation for a maximum of 3 adults, one adult per flat, with the support of one or two care staff in attendance on the site for 12-14 hours per day with one member of staff present occasionally overnight.

The purpose of such accommodation is to support people who may have physical or learning difficulties, to live within the community either in a residential, transitional residential or supported living setting. The residents would have their own private living spaces with a bedroom, shower room, living room and kitchen, so they can be encouraged and assisted to greater independence, with staff attending to guide and support the occupants as opposed to being their carers.

The extant use of the building is a C3(a) planning use class, which is a residential dwellinghouse. Each flat could also be considered to be a C3(a) residential dwellinghouse planning use, however, the ‘supported living’ element of the scheme and the fact that the building would be operated by a management company for the purpose of supported living does not strictly fall within the definition of a C3 use.

The proposed use includes elements of use class C3(b) which is:

> *“Dwellinghouses covering up to six people living together as a single household and receiving care.”*

However, in this instance, as each resident would have a private residence within the building they cannot be considered to be a single household.

The proposed development is not a C2 Residential Institution as the residents would live independently in individual flats and the purpose of staff on site is to guide and support the residents towards independent living rather than act as carers.

As the proposed use does not clearly fall within the definition of any planning use class, it is considered to be a sui generis use.

Whilst it is acknowledged that there is a need for 3-bed family homes, a point raised by a number of neighbouring occupants, there is also a need for homes for other groups within the community. Paragraph 63 of the NPPF 2024 requires that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, and the description of these groups specifically includes ‘people with disabilities’.

The proposed development would promote the health and well-being of future occupants whilst providing a high standard of amenity in a sustainable location. The proposed development would be sympathetic to local character and history, as there are limited changes to the external appearance of the building and it would remain a residential use in a residential area. This accords with the requirements of the NPPF paragraph 135. Paragraph 135 part f) requires that planning decision should ensure that developments create places that are safe, inclusive and accessible and where crime and disorder, and the

fear of crime, do not undermine the quality of life or community cohesion and resilience. Despite the many concerns that have been raised regarding the background or behaviour of the residents, there is no evidence to suggest that the proposed future residents would pose any greater potential of displaying antisocial behaviour or creating a fear of crime in the locality above any beyond the potential future occupants of any dwellinghouse in the locality.

It should also be noted that contrary to some of the concerns raised, the dwelling is not intended for use as an HMO where occupants use shared facilities such as a kitchen, potentially living areas or bathrooms. Currently in Walsall permitted development rights allow for a residential dwelling to be converted to an HMO for between 3 and 6 individuals without the requirement for planning permission. An Article 4 direction removing this permitted development right was approved at June Cabinet 2025 and will be implemented on 1 October 2025. This means that if there was ever an intention to use the dwelling as an HMO, the owner would need to obtain a planning permission, alongside the necessary licencing regime.

It is acknowledged that the internal creation of 3 flats that are intended in this instance to be used for supported living, would have different impacts if the individual units were to be sold or leased separately in the future as regular C3(a) dwellinghouses which could have a greater level of occupancy and increased parking requirements. It would likely be considered an over-intensification of the site to have 3 separate households occupying the building. There are no permitted development rights that allow for a change of use from a sui generis use to any C3 residential use class and therefore if the current applicant or a future applicant wished to use the building for any purpose other than the proposed 3 units to be used for supported living purposes, they would need to apply for planning permission that would allow the Local Planning Authority to consider the impacts of any changes of use. This addresses the concerns of some local residents regarding potential changes of the use of the site in the future.

In summary the principle of development to create much needed homes for adults requiring transitional support towards independent living is policy compliant and acceptable in this location.

Cannock Chase SAC and HRA

Whilst the proposed use of the building is for supported living, and the residents may choose to socialise together at times, the fact remains that three flats would be created that would be occupied independently of one another. Therefore, this proposed application is located within the 15km zone of influence of the Cannock Chase SAC and proposes a net increase of 2 dwellings. The Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations") place a duty on competent authorities (in this case Walsall Council) to consider the potential for effects upon sites of European importance prior to granting consent.

The applicant's submitted Habitat Regulation Assessment demonstrates that this development would result in an increase in recreational disturbance and significant harm of the SAC.

A mitigation payment per each net new dwelling is required in accordance with Black Country Core Strategy Policy EQ2 and the Habitat Regulations. The payment is non-negotiable.

The applicant has agreed to provide the SAC mitigation. If members are minded to support this application, the SAC mitigation payment must be made and secured with a S111 agreement prior to a decision being issued.

Design, layout, and character

The proposed extension and internal works would have limited impact on the appearance of the dwellinghouse from the public vantage point. The proposed side extension would replace the existing attached side garage and a similar separation distance to the neighbouring dwellinghouses would be retained as existing.

The extension at the rear and internal works to separate the building into three independent units would also be of limited visibility from the public vantage point.

It is considered the proposed development would have no harmful impact on the character of the locality in accordance with the requirements of BCCS policy ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall DW3.

Amenity of neighbours and amenity of future occupiers

The proposed extension is complaint with the Council's adopted 45-degree code as set out in the SPD Designing Walsall Appendix D. It is therefore considered that the side and rear extension would have limited additional impact on the amenity of any neighbouring occupant by way of visual impact or shading.

A concern has been raised about the impact of the proposed development on neighbouring privacy, specifically the first floor flat overlooking the neighbouring garden. There are no new windows proposed at first floor level so there would be no potential created for additional overlooking from habitable room windows above and beyond the existing situation.

Internally each flat would meet the requirements of the Nationally Described Space Standard which is intended as guidance and is not statutory. The rear garden exceeds both the 68m^2 requirement of private amenity space for a dwelling house and the 20m^2 per person requirement where private amenity space is shared, as set out in the SPD Designing Walsall Appendix D. This addresses a concern raised that the site is not big enough for the proposed use. It is considered that the accommodation would provide a suitable standard of living for the residents.

A query has been submitted regarding what external changes are going to be instigated to legally and effectively give access to all potential residents. As the residential use does not require permission this is not a consideration for the purpose of this assessment but will be a matter for the applicant to address to fulfil the requirements of the care provision company and at the building regulations stage of development.

Concerns about the impact of the proposal on house prices are noted but are not a material consideration for the purpose of this assessment. Concerns about existing problems in the area such as dumped rubbish, noise or antisocial behaviour are not material to the assessment of this application. The site owner would have responsibility for the upkeep of the site in the same way as is the case for any local residence. It is considered that the proposed residential use would create no greater potential for such problems than could be posed by occupants of any residence and there are other authorities in place that this can be reported to in the event of such behaviour occurring.

The proposed development including the separation of the building into 3 flats and the side and rear extension would accord with the requirements of saved UDP policy GP2 and there is no evidence to support the claim that future occupants of the dwelling would cause harm to the amenity of neighbouring occupants above and beyond that which could arise from any residential dwelling.

Highways

The site benefits from an existing dropped kerb access point with Ashmore Lake Road and there are no proposed changes to the access. The applicant proposes to create three car parking spaces within the existing front area which would meet the requirements of saved UDP policy T13 for a three-bedroom home, which would be a requirement of 2 spaces.

Concerns have been raised about the impact of the proposed development on access and safety for neighbours, pedestrians, cyclists and emergency vehicles, in view of the fact that the site is located on a narrow part of the road at a bend, and that insufficient parking for staff or visitors could push more vehicles onto the highway.

The Local Highway Authority acknowledge that it is highly unlikely that the residents will drive and that the car parking will be used by members of support staff with up to two staff attending the site during the day and on occasion a single member of staff in the evening, this would retain an additional space for visitors. The Highway Authority has no objections to the car parking layout and considers that there would be no additional traffic impact. Bus services and bus stops are located within 50m walking distance of the site on Ashmore Lake Road.

The Local Highway Authority recommend approval in accordance with the requirements of the NPPF and saved UDP policy T13.

Concerns have been raised regarding bin storage and how refuse workers are going to deal with all these bins on the pavement, which is narrow. The proposed plans show bin storage in the rear garden, which is acceptable as a side passage is retained to move the bins to the front on collection day. Waste management have not yet provided a response to their consultation. A reminder has been sent on 30/06/2025 and a reconsultation on 08/07/2025.

Ecology

The Ecology Officer has confirmed there are no objections subject to conditions to secure that landscaping is to be undertaken as per the Plan and Proposed Habitat Plan dated 7th April 2025 and the standard BNG condition to be included in any permission that may be granted.

A Preliminary Ecological Appraisal submitted with this application provided recommendations including the planting of native species incorporated into the landscaping scheme, plus installation of a bird box and bat box, hedgehog highways and no clearance of vegetation during the nesting bird season which can be secured by planning conditions. A condition has also been recommended regarding minimised lighting, but as no lighting has been proposed for this scheme, a condition to this effect would not meet the test of relevancy and therefore this will be included as an advisory note.

Flood Risk / Drainage

A concern has been raised regarding existing flooding in the locality. The site is not in a high-risk flood area and the existing drainage arrangements would be retained. The proposed development would therefore not create any increased risk of flooding above and beyond the existing situation in accordance with the requirements of saved UDP policy ENV40.

Ground conditions and environment

Environmental Protection is 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 for this application and therefore the proposed development would comply with the requirements of saved policies GP2 (Environmental Protection) and ENV10 (Pollution) of Walsall's UDP.

Conclusion and reasons for decision

On balance, this application is considered acceptable when assessed against the local and national planning policies and guidance as set out in this report. All points raised by neighbouring occupants have been considered and addressed in this report with a specific focus on the impact on neighbouring amenity and highway safety.

Taking into account the above factors it is considered that the application should be recommended for approval.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S111 to secure Cannock Chase SAC mitigation and subject to:

1. No new material considerations being received within the consultation period;
2. The amendment and finalising of conditions.

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:

- Existing Plans and Elevations, drawing no. 01, submitted 07/04/2025
- Proposed Plans and Elevations, drawing no. 02 Rev A, submitted 07/04/2025
- Design and Access Statement, submitted 07/04/2025
- Coal Mining Risk Assessment, conducted by Envirosolution, dated 02/05/2025
- Proposed Habitat Map, submitted 07/04/2025
- Habitat Regulation Assessment, submitted 06/05/2025

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).

3a: Prior to the commencement of the development hereby permitted;

i. a scheme of intrusive investigations shall be carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

ii. any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework, saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

4: Prior to the occupation of the development hereby permitted, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted in writing to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework, saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

5: Prior to occupation of the development hereby permitted, an integrated house sparrow terrace nest box shall be installed on the northeast elevation of the new extension; at least one bat box shall be fixed to a mature tree on the site and hedgehog highways shall be installed into any fencing and shall thereafter be retained. The bat box shall be located at a point not lower than 4metres from ground where there are no branches below the box that

would impede the direct flight of bats into and out of the bat box. The bat box shall be made of timber or woodcrete.

Reason: To conserve local bat, bird and hedgehog populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

6: Notwithstanding the information provided vegetation clearance should not take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a comprehensive check for active birds' nests immediately before the clearance and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To protect breeding birds from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and countryside Act 1981, as amended and in accordance with Saved UDP policy ENV23 and BCCS policy ENV1.

7a: Prior to occupation of the development hereby permitted the approved landscaping details shown on 'Proposed Habitat Map, submitted 07/04/2025' shall be carried out.

7b. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

8: The walls and roof of the development hereby permitted shall not be carried out otherwise than in accordance with facing materials that match, in size, colour and texture, those which are used in the existing building at the time of the planning decision and the facing materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

9:The development hereby permitted shall not be carried out otherwise than in accordance with the approved details of supported living accommodation in planning use class C3(b) for a maximum of three adult residents 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.

Reason: To protect the amenity of neighbouring occupants and to control the level of parking demand and vehicle movements at the property in accordance with saved UDP policies GP2, T7 and T13 and in the interests of highway safety.

Case specific notes for applicant

Ecology

Lighting proposed for the development should be minimised in accordance with the guidance available within Guidance Note 08/18 Bats and artificial lighting in the UK, bats and the Built Environment series, BCT, 2018.

West Midlands Fire Service

Adherence is required to Approved Document B Volume 1 2019, Dwelling Houses, Access and facilities for the fire service B5, Section 13: Vehicle access.

West Midlands Police

Strongly advise the following crime prevention recommendations:

- **Construction Site Security** – Construction sites no matter how big or small continue to be targeted by criminals. A secure, robust fit for purpose boundary treatment during the construction phase will assist in having the first and most important layer of defence. Further information can be obtained from the following links.

Secured By Design Construction site security guide
National Business Crime Centre Construction Site Security Guidance

- The proposed demolition of the side garage and outbuildings, single storey side and rear extension and conversion to form 3 no. flats (Use Class C3) to provide supported living accommodation for 3 adults aged 18-65, is built in accordance with the secured by design guidelines and police preferred specification products as laid out in the Secured by Design Residential Guide 2025 (link below). The design guide will ensure the extension and conversion is designed and built to a police force preferred standard design and layout that aids in deflecting crime and ASB.

- Security rated locks are installed to any external doorsets that lead into the new side and rear extension.

- LED Dusk to Dawn lighting is installed to the front, rear and side of the new extension. Lighting is a proven deterrent to crime as it removes offender anonymity.

- Further, detailed information can be obtained from the below links.

Links

- Secured By Design Residential Guide 2025
- LightingAgainstCrime.pdf
- Secured by Design - Bike Storage at Home

End of report