



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 09 March 2023

Plans List Item Number: 6

Reason for bringing to committee

Councillor Application

Application Details

Location: 124, GREAT CHARLES STREET, BROWNHILLS, WALSALL, WS8 6AF

Proposal: CHANGE OF USE FROM PLANNING USE CLASS C3 (DWELLING HOUSES) TO PLANNING USE CLASS C2 (RESIDENTIAL INSTITUTIONS) FOR USE AS A CHILDREN'S HOME

Application Number: 23/0036

Case Officer: Helen Smith

Applicant: Mr Tim Wilson

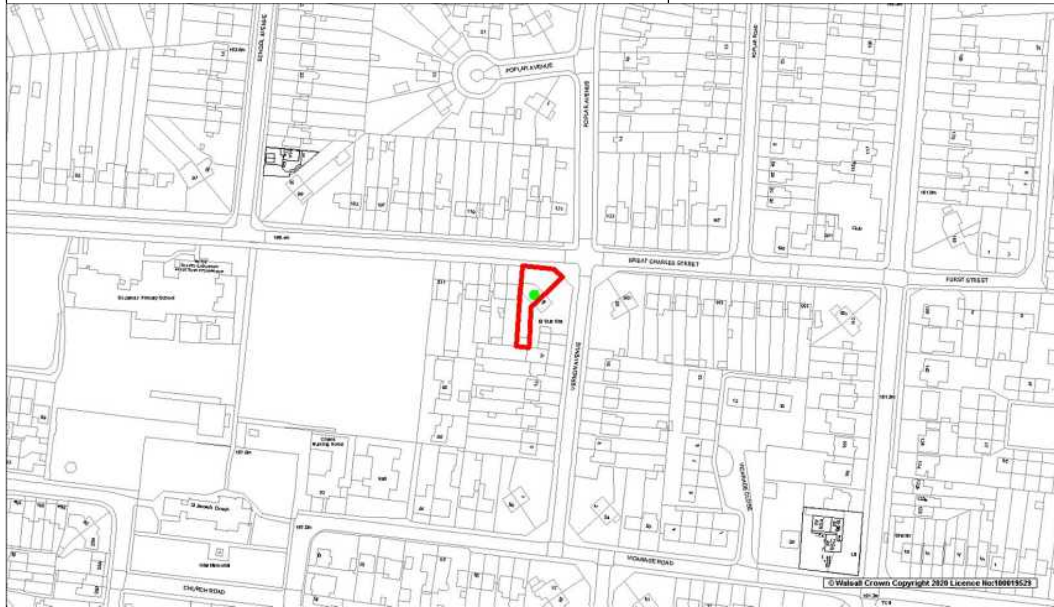
Ward: Brownhills

Agent: Mr Jason Brookes

Expired Date: 09-Mar-2023

Application Type: Full Application: Change of Use

Time Extension Expiry:



Crown Copyright and database rights 2022 Ordnance Survey 100019529

Recommendation

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

Proposal

This application seeks planning consent for a proposed change of use of an existing residential property (Planning Use Class C3 – dwellinghouse) to a children’s home (Planning Use Class C2 – residential institutions). Councillor Tim Wilson is the applicant, property owner and director of Hano Properties Ltd, as declared and named on the submitted application form.

The submission states that the proposal does not include any internal or external alterations to the application property. The application house has previous been extended in the past with a 2 storey side extension.

The ground floor area includes a kitchen/breakfast room, sitting room, hall, utility, WC and office. At first floor there are 4 bedrooms, shower room and bathroom along with a storage area.

The applicant has advised that the proposal is for a maximum of 3 school age children at any one time with school attendance during the school day and extra-curricular activities after school where appropriate.

There would be a manager, deputy manager and senior residential worker on site Mondays to Friday with a senior residential worker and residential worker providing care overnight Monday to Friday. At weekends there would be two staff at the home providing care, namely a senior residential worker and residential worker.

The applicant has advised that the child to staff ratio is required as there is a considerable amount of administrative work essential to this type of business and children will need to be escorted to and from school and extra-curricular activities. The 4th bedroom would be used by the sleeping member of staff whilst the other is working overnight and the shower room would be used by staff whilst the bathroom would be used by the children.

The submission states that the large room near to the entrance was chosen to be an office as it was considered to be the most suitable room in the existing layout. This room could be secured to ensure safe-keeping and confidentiality of records and would not involve the need to walk through the office area to access the kitchen.

The proposal states that 8 full time and 2 part-time jobs would be required by this proposal. Applicant states, parking for 6 cars on the frontage available for staff

Ownership Certificate B has been completed with the requisite notice served.

The application is supported by the following documents;

- Staff Rota Schedule
- Design and Access Statement
- Email dated 31/1/23 from Applicant with additional supporting information
- Flood Map

Site and Surroundings

The application property is currently a two storey extended semi-detached, residential property with existing off-street parking on the frontage and a private rear garden area.

The house occupies a corner position in the street at the junction of Vernon Avenue, Brownhills. The surrounding area is predominantly residential in character consisting of similar pairs of semis and terraced dwellings.

St James Primary School is located 132 metres to the west of the application site

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

The site is located within walking distance of Brownhills District Centre.

The adjoining semi-detached house is 19 Vernon Avenue and is in residential use. To the west of the application property is 122 Great Charles Street, a semi-detached residential property.

The site is located within Flood Zone 1 and the submission of a Flood Risk Assessment is not required for this application.

Relevant Planning History

BC40687P Two storey side extension GSC 02/02/1994

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
- H6: Nursing Homes and Rest Homes for the Elderly
- T7 - Car Parking
- 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
- ENV8: Air 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
- DW8 Adaptability

Consultation Replies

Ecology – No objections and no mitigation requirements for the Cannock Chase SAC

Strategic Planning Policy – Concerns raised that this conversion relates to a semi-detached rather than a detached property in relation to saved UDP Policy H6 part (b) Nursing Homes and Rest Homes as explained in the body of the report.

Fire Officer – No objections

Local Highway Authority – No objections subject to the inclusion of a planning condition limiting the number of children at the property to a maximum of 3.

Environmental Protection – No objections and require the installation of an Electric Vehicle Charging Point.

Environmental Health – No adverse comments received

Police - No adverse comments received

Representations

(Local Planning Authority comments in italics and brackets)

Two neighbours have objected on the following grounds;

- Loss of a 4 bedroom dwelling house in an area with limited housing stock
- Parking and number of staff vehicles
- Refuse will be greater than that for a family and may include clinical waste *(arrangements for the collection of clinical waste can be made separately with Waste Management if required and waste for 3 children and staff is not considered would be beyond that of a residential dwelling)*
- Will adults take overall responsibility and use the 4th bedroom?
- Increased deliveries affecting parking *(deliveries normally only require temporary parking for a short period of time similar to any other residential property)*
- Noise through party wall *(the principle use of the building remains as residential and it is considered that the impacts would be no greater than a large single family in this instance)*
- Councillor application and concerned there would be a conflict of interest *(the Councillor has declared their interest in this planning application which is why the proposal will be considered by Planning Committee)*
- Already 2 children's home in the area and objector suffered an assault and vandalism causing psychological flash-backs and this would be in the middle of a residential area *(not a material planning consideration in this instance as it relates to a separate property and use)*

Determining Issues

- Principle of Development
- Character of the Area
- Amenity of Neighbours and Amenity of Future Occupiers
- Air Quality
- Cannock Chase Special Area of Conservation
- Parking

Assessment of the Proposal

Principle of Development

This existing house is in a sustainable location located within a well-established residential area close to amenities and services available within Brownhills District Centre.

The NPPF seeks to deliver a wide choice of quality homes to create sustainable, inclusive and mixed communities. The NPPF and SAD policy HC2 encourages the provision of residential accommodation through the conversion of existing buildings in sustainable locations.

The proposal makes no external visual changes, so from the street, the application property would continue to have the appearance as a dwelling house. In addition a safeguarding condition preventing any external advertisements to the property maybe imposed. SAD Policy HC3 encourages the provision of housing for people with special needs including groups that require specialist accommodation, in locations that would be acceptable for general housing. Such housing will be particularly encouraged in and close to centres particularly where there is good public transport access. Great Charles Street is served by the no. 24 bus route.

The Council's Strategic Planning Policy Team has raised concerns regarding the proposal. They have confirmed that there are currently no development plan policies specifically about children's homes. However, saved UDP policy H6 - Nursing Homes and Rest Homes for the Elderly refers to some relevant issues. Part (b) states that larger detached properties are the most obviously suitable for these uses. Permission will not normally be granted for the conversion of terraced or semi-detached dwellings capable of single family occupation.

The Planning Policy Team advise that as the application property is semi-detached, the proposal would appear to be contrary to this policy as there is the potential for disturbance to adjoining residents. This proposal related to care being provided to 3 school age children rather than as a nursing home or rest home and it is considered that this policy offers a useful general direction in the determination of this planning application, although has limited weight given as UDP H6 policy does not refer specifically to a children's home.

Whilst the applicant has suggested, the proposed use would appear to fall within class C3(b) of the Use Classes Order (use as a dwellinghouse by not more than six residents living together as a single household where care is provided for residents). In this instance, when assessing the proposal, the 24/7 care is required to look after school age children (who would not be expected to look after themselves), compared to adults, it is considered that Planning Use Class C3(b) is not appropriate in this instance.

Notwithstanding the Policy Team comments it is considered the evolving case law, along with the rotation of care staff and care required for children this proposal falls within a C2 Planning Use rather than a C3(b) use as applied for.

The number of looked after children can be conditioned.

The property would retain four good-sized bedrooms (including one staff bedroom), a kitchen/breakfast room, sitting room, bathroom facilities and a good-sized rear garden, providing sufficient amenity for future occupiers. The proposals aim is to ensure three school age children, requiring assistance are given 24 hour support to help them become a positive part of the community.

Taking into account the aforementioned it is considered that in this instance the principle of the change of use to a care home for 3 school age children is considered appropriate subject to having a minimal impact upon adjacent residential amenity.

Character of the Area

The character of the area is defined by residential uses, dominated by detached houses. The change of use from a residential use, to another residential use, in a residential area is considered compatible with this character. No external alterations are proposed to the existing dwelling and a planning condition can be included to ensure that no external advertisements are added to the property in this instance.

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.

Air Quality

Environmental Protection Team have no objections to the proposal on the grounds of traffic noise, land contamination or air quality in this location.

It is noted however that the proposal includes arrangements for staff to be present at the premises and in this regard should be considered as a workplace. Treating this as a new workplace (the change of use) the Council's Environmental Protection Team recommend that the requirements of the Black Country Air Quality Supplementary Planning Document (SPD) September 2016 are implemented and that as a minimum the applicant is required to install provide facilities for charging of electric vehicles. The installation should be in accordance with the requirements of the Building Regulations Approved Document Part S and this can be included as an informative note for the applicant.

Cannock Chase Special Area of Conservation (SAC)

The Council's Ecologist has advised that the dwelling house, although will become a care home with four bedrooms used for residential care, it will remain a single residential dwelling with no alteration to the rooms. As such the four bedrooms will not be considered as separate units within the dwelling which would result in an increase in residential units, but rather as a single dwelling house being used in a family setting.

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.

Consequently, the Local Planning Authority concludes that the application will not have a significant effect on Cannock Chase SAC and therefore, no mitigation or further action is required in regard to this proposal in respect of the SAC requirements.

Parking

The Local Highway Authority (LHA) has advised that in terms of T13 parking policy, there is no specific category for a Children's Care Home. There is a policy for general Residential Home's which equates to a requirement of one space which is clearly not appropriate in this instance. Therefore, the LHA advises that the parking requirement will be based on what the development actually needs.

The Highway Authority considers that the available six parking spaces on the property frontage is adequate to serve the development, being similar to that of a large family home with multiple cars.

Also, there are no parking restrictions to prevent on street parking if needs which is unlikely to have a significant impact on the operation of street or highway safety.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2021 paragraph 111.

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 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 would not result in a significant loss of amenity for adjoining neighbours. The application has demonstrated sufficient off-street parking to serve the needs of the development.

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 worked with the applicant securing additional information to enable support can be given.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to ...
 - 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/Block Plan, deposited 12/01/23
- Design and Access Statement, deposited 12/01/23
- Staff Rota, deposited 2/2/23
- Floor Plan, deposited 2/2/23
- Email from Applicant dated 31/1/23

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: Prior to first occupation of the development hereby permitted one electric vehicle charging points shall be installed and retained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy (*Please see Note 1 for Applicant*)

4: The development hereby permitted shall not be carried out otherwise than in accordance with the premises known as 124 Great Charles Street, Brownhills shall be used for the purposes of a residential care home for up to a maximum of three school age children 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 thereafter be retained for the lifetime of the development.

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

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

Notes for Applicant

1. Electric vehicle charging points shall be in accordance with the requirements of the Building Regulations Approved Document Part S

END OF OFFICERS REPORT