



Planning Committee

Report of Head of Planning and Building Control on 20 June 2024

Plans List Item Number: 6

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 1 , Parker Street, Bloxwich, Walsall, WS3 2LE

Proposal: FULL PLANNING APPLICATION FOR CHANGE OF USE FROM C3 DWELLING TO C2 RESIDENTIAL CARE HOME FOR UP TO FOUR CHILDREN AND AT LEAST TWO CARERS AT ONE TIME.

Application Number: 24/0270

Case Officer: Leah Wright

Applicant: Iglu Cottages

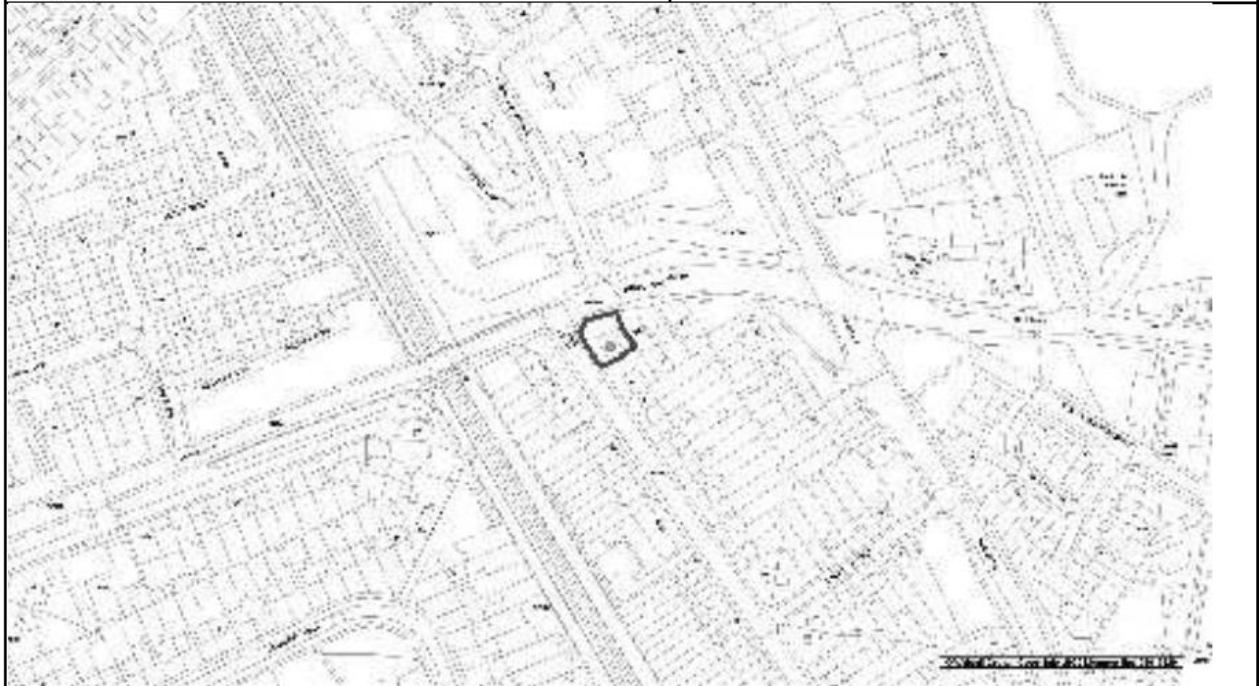
Ward: Bloxwich West

Agent: Karl Grace Design Ltd

Expired Date: 23-May-2024

Application Type: Full Application: Change of Use

Time Extension Expiry: 24-Jun-2024



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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 subject to:

- The amendment and finalising of conditions.

Proposal

This application proposes a change of use from C3 Dwelling to a C2 Residential care home for up to four children and at least two carers at one time. The children will range from 0-18 years old.

The proposed works also include a garage conversion which will aid in providing education, group sessions for independent living and therapeutic sessions.

Site and Surroundings

The subject site comprises a detached dwelling sited to the north-eastern side of Parker Street onto the corner of Parker Street and Sneyd Lane.

The dwelling is a two- storey brick building with a gable roof and an existing two- storey side extension, partly rendered at first floor with a flat roof over.

The property is residential with a C3 use class, surrounded by other residential properties. The property is in fairly close proximity to local shops in Bloxwich High Street.

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

Relevant Planning History

No relevant history.

Relevant Policies

National Planning Policy Framework (NPPF)

[Read more on the 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". 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 considered in reaching the recommendation contained in this report. The articles/protocols identified below were considered of 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

[Read more on the development plan published on the council website.](#)

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 Allocations Document
Unitary Development Plan
Walsall Town Centre Area Action Plan

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.

Consultation Replies

Local Highway Authority - No objection subject to conditions regarding consolidation of parking area, pedestrian visibility splay and cycle shelter.

Environmental Protection - No significant industrial/commercial noise impacts, or any concerns regarding air quality or contaminated land that are material planning considerations for this application.

Severn Trent Water - No objection subject to condition regarding the submission of drainage plans for the disposal of foul and surface water flows.

West Midlands Fire Service -. No adverse comments, however, consideration should be given to the functional requirements of the Approved Document and the impact that this proposal has.

West Midlands Police - No objection, recommend principles of secure by design.

Representations

At the time of writing this report, 6 objections had been received and a separate public petition containing 11 signatures had been submitted. Objections received are summarised as follows (Officer's comments are in italics):

- No notice displayed for change of use (*No notice was displayed; however, 124 neighbouring and nearby properties were consulted which fulfils the statutory requirement of public consultation*).
- No feasible parking (*Parking considered sufficient by Highways, see the below section of this report*).
- Not a good environment, drug deals on daily basis and other crime, next to pub (*Police and Environmental Protection have no objections to application, fear of crime is only a material consideration where there is evidence of such*).
- Noise nuisance and disturbance to residents (*The property would remain in a residential use, the change to C2 is not considered to be over and above what would be expected by any other residential property in the locality*).
- Building work has already started (*No evidence of works needing planning permission started on site*).
- Application says no new materials are to be used externally, however walls and new windows will replace two existing garage doors to the front of the property and others to the rear (*Works are minor and would be considered permitted development. Design is considered further within the report below*).
- Vehicles block existing driveways due to parking situation (*Highways consider development to be acceptable*).
- Outside area for relaxation is not a garden but rough ground (*Plans show that the area will be grassed over*).
- Sneyd Lane is very busy and noisy (*Environmental Protection consider the development to be acceptable in terms of noise*).
- Application says there is a local shop but the nearest is Bloxwich High Street (*The area is considered to be a sustainable location*).
- Can't see any fire prevention specified within the application (*WMFS have no objection to the application*).
- One bathroom for so many residents seems inadequate (*Not a material planning consideration*).
- Property will put area at a higher crime rate and will be a worry affecting daily living situation (*No objection from WMP*).

- Lived near this type of house before and interactions between residents with neighbours and general public have a negative effect on health and well being (*behaviour of people and safeguarding are outside of planning legislation*).

Determining Issues

- Principle / Sustainable Development
- Design / Visual Impacts
- Neighbouring Amenity
- Safety and Security
- Drainage / Flood Risk
- Highways Safety / Access
- Ecology / Biodiversity.

Assessment of the Proposal

Principle / Sustainable Development:

The application site lies within a well-established, built-up, urban area with good access to local transport links serving both local and wider areas.

There are no policies in the development plan specifically about children's care homes. Saved UDP policy H6 is about 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."

Paragraph 135 of the National Planning Policy Framework 2023 states that:

135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposal accords with paragraph 135 in that it would retain the residential character of the area, would not impact on the built fabric of the area, and would provide for inclusive and accessible housing for vulnerable people.

The subject property is a large, detached house. Whilst it is not directly in a centre, it is approximately 0.6m from Bloxwich and is therefore considered a sustainable location. It is considered there is the potential for the proposed use to give rise to noise disturbance. This would be mostly consolidated to the external areas such as private amenity space. Notwithstanding this, it is considered that the number of children proposed to be resident would be no different to the number in a single-family household. The application can therefore be supported on planning policy grounds.

As such, subject to the wider considerations within this report, the works are deemed acceptable in principle.

Design / Visual Impacts:

The works only propose minor external changes by way of replacement doors in lieu of garage doors and replacement windows. There are also minor internal changes proposed to facilitate the change of use to a Children's Home.

The change of use from residential to another residential use, in this residential area is considered compatible.

The subject property would continue to have the appearance of a dwellinghouse and a safeguarding condition preventing any external advertisements to the property will be attached to any permission granted to retain this residential character. As such, subject to conditions, the works are deemed acceptable in respect of design and visual impacts.

Neighbouring Amenity:

The neighbouring properties are residential. The existing building is a detached dwelling 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 any safety issues as a result of this proposal, nor any reasonable fear of crime as a result. The home will be staffed by 6no staff members including managers, who will work in pairs in rotation on 8hr shifts so that there will be a minimum of two staff on duty at any one time. This is considered suitable and sufficient to

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

As such, the proposal would not likely lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impacts.

Safety and Security:

Whilst the fear of crime is a material consideration in planning decisions, the weight that can be given, is dependant on whether there is significant evidence to show that the increased fear of crime would actually occur in relation to this specific proposal and the specific future occupiers.

The police have no objections to the proposal. A condition will be included to ensure that the proposal meets safety and security requirements for residents and surrounding occupiers.

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

Drainage / Flood Risk:

No concerns are raised in respect of drainage / flood risk subject to a condition requiring the submission of drainage plans for the disposal of foul and surface water flows. The works would not increase the level of flood risk vulnerability.

As such, the works are deemed acceptable in respect of drainage / flood risk.

Highways Safety / Access:

Vehicular access to the site is achieved via Parker Street, which provides access to a driveway to the front of the dwelling. Existing dropped kerbs are already in place.

The front driveway has sufficient space for up to 2no. vehicles. Walsall Unitary Development Plan (UDP) Policy T13 requires that a C2 use provides 1 car parking space per 3 bedrooms. In this case, four bedrooms would therefore require 2 car parking spaces. As such, the car parking provision is acceptable and has been supported by the Local Highway Authority. Given the scale of the development it is unlikely to have a detrimental impact on the local highway network.

Appropriate cycle parking needs to be provided and should be located within a secure and sheltered location; this can be secured by a condition.

In line with the comments from the Local Highway Authority it is considered that 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 December 2023 paragraph 115. The proposal is therefore supported from a highways perspective subject to conditions requiring the consolidation of the parking area, a 2.4m x 3.4m pedestrian visibility splay being maintained at all times and full details of a proposed cycle shelter.

Ecology / Biodiversity:

The proposed development is within 15km of the Cannock Chase SAC. In accordance with advice from Natural England, The Cannock Chase SAC Partnerships evidence base and the evidence base which underpins the development plan, any development within 15km of the SAC which is likely to increase recreational disturbance of the area is likely to result in significant harm to the SACs reasons for designation.

The Council's Ecologist has considered that the change of use proposals will not require significant changes to the property or increase the number of residents at the property over that of a typical residential property.

In addition, the proposed change of use will alter the development to a planning use class C2, which falls outside the thresholds to trigger an increase in recreation disturbance for Cannock Chase SAC, as per evidence.

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 proposed usage.

As such, no mitigation or further action is required in regard to this proposal.

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.

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

- 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:

- 23/040/01- Existing Plans and Elevations received 28/03/2024
- 23/040/04-A- Proposed Plans and Elevations- received 28/03/2024
- Planning Statement- received 28/03/2024

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 development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.

3b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

3c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

4a Prior to occupation of the site, the frontage parking area shall be fully consolidated, hard surfaced and drained so that surface water run-off from the area does not

discharge onto the highway or into any highway drain, full details of which shall be submitted to and approved in writing by the Local Planning Authority.

4b The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the parking spaces shall thereafter be retained for the purposes of parking vehicles and for no other purpose for the lifetime of the development

Reason: In accordance with the requirements of saved Unitary Development Plan policies GP2, T7, T13 and ENV40 and in the interest of highway safety.

5a. Prior to commencement of the development hereby permitted, a plan shall be submitted in writing to and approved in writing by the Local Planning Authority showing a 2.4m x 3.4m pedestrian visibility splay at the new access point.

5b. The development hereby permitted shall not be occupied until the approved visibility splay has been constructed.

5c. Nothing shall be planted, erected or grown within the visibility splay that will exceed the height of 600mm.

5e. The development hereby permitted shall not be carried out otherwise than in accordance with the approved plan and the visibility splay shall thereafter be retained for the lifetime of the development.

Reason: In the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan

6a. Prior to the occupation of the development hereby permitted, details of a secure, covered and illuminated cycle shelter, shall be submitted in writing to and approved in writing by the Local Planning Authority.

6b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with the Black Country Core Strategy Policy TRAN4.

7: 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 four 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.

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.

8: 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 in accordance with saved UDP policy GP2.

9. Notwithstanding the information shown on submitted plans, the development hereby permitted shall not be carried out otherwise than to meet the following minimum-security measures and thereafter the security measures shall be retained for the lifetime of the development;

-All external doors to be PAS24; 2022

-All ground floor windows and over accessible roofs to be PAS24; 2022

-All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass.

-Dusk until dawn lights (white light source) to be installed adjacent to each door including either side of garage doors

Reason: To ensure the safety and security of the development and its occupiers, given the isolated nature of the development in compliance with NPPF 12 and saved policy ENV32 of Walsall's Unitary Development Plan

Notes for Applicant

1.Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

END OF OFFICERS REPORT