

Planning Committee

Report of Head of Planning and Building Control on 05 October 2023

Plans List Item Number: 3

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 4, CALTHORPE CLOSE, WALSALL, WS5 3LT

Proposal: CHANGE OF USE OF THE EXISTING C3, DWELLING HOUSE TO CLASS C2, A PROVISION OF RESIDENTIAL ACCOMMODATION AND CARE FOR CHILDREN WITH LEARNING DIFFICULTIES

Application Number: 23/0930

Case Officer: Fiona Fuller

Applicant: Paul Singh

Ward: Paddock

Agent:

Expired Date: 21-Sep-2023

Application Type: Full Application: Change of Use

Time Extension Expiry: 07-Nov-2023



Recommendation

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 two-storey detached dwelling house (planning use class C3 - dwellinghouses) to a children's care home (planning use class C2 - residential institutions) with interior alterations.

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

Ground Floor – Reception Hall with stairs to first floor, 2 reception rooms, a W/C, kitchen, and staff office.

First Floor – 3 bedrooms for children and young people and 1 bedroom for staff and 1 bathroom.

Off-street parking can be provided for on the front driveway for 3-4 cars without causing issues to roadside parking.

The planning statement supports this application. The planning statement asserts that there would be care and support for up to 4 children, ages up to 18 years with emotional behavioural difficulties and/or mild learning difficulties. All staff would receive robust training.

The planning statement advises that they would look to provide a nurturing environment to help and support all the children and young people to overcome their traumatic past and develop skills and coping techniques that will better shape their future. Their aim is to work as a unit; the home, team members, managers, and professionals 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.

There would be up to 4 staff members present on a rotated basis providing 24-hour care and supervision to a maximum of 3 children or young people. The home will operate the following shift patterns; Early: 7am to 3pm, Late: 2.30pm-10.30pm, Long day: 7am to 10:30pm. Sleep in/Night Wake: 10.30pm to 7.30am (following day), and the Homes Manager is able to operate their 8 hours accordingly, which majority of the time may be office hours from 9am to 5pm.

Site and Surroundings

The application property is a detached property near a roundabout intersection of Woodside Road, Woodside Close and Calthorpe Close.

The application site is located approximately 2 miles from Walsall Town Centre which is located to the north-west. There are regular bus services from Birmingham Road (bus routes 77 (Walsall to Erdington), 77A (Walsall to Erdington) and 51 and X51 (between Walsall and Birmingham, and Birmingham and Cannock).

The area is residential in nature consisting mainly of larger detached two storey of red brick construction with tiled roofs.

Relevant Planning History

None at the application site, however the redevelopment of the adjacent dwelling at No 2 Calthorpe Close was recently granted by the local planning authority.

21/0247	2, CALTHORPE CLOSE, WALSALL, WS5 3LT	Full Application: Minor Use Class C3 (Dwellinghouses)	Proposed New Build Dwelling	Grant Permission Subject to Conditions	30-01-2023
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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.

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

Designing Walsall

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

Consultation Replies

Housing Standards - If the property will be occupied by 5 or more unrelated people it will require a HMO license unless the property is subject to CQC or OFSTED regulation.

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 adverse comments

Local Highway Authority – The development proposals would require 2no car parking spaces in line with Walsall UDP Policy T13. An existing driveway to the front of the dwelling has parking for 3no. cars. The Highway Authority therefore has no objections.

Public Health – No objection

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

Strategic Planning Policy – Support, see assessment section principle of development.

Representations

(Local Planning Authority comments in italics and brackets)

Councillor Gurmeet Singh Sohal sent two letters of objection about the proposal on the following grounds.

The proposed change is contrary to local planning policy

Non-compliance with national policy

Inadequate parking and access and will undermine the standard of amenity currently enjoyed and expected by its residents.

One public petition objecting to the proposal has been submitted with 70 from signatories on the following grounds;

- Inappropriate and out of character use contrary to NPPF para 130a. *(Use class C2 is residential in nature and would accommodate the proposed use, refer to principle of development section in the assessment report)*
- Increased local crime rates, risk to safety, anti-social behaviour and property security *(evidence provided of different property in different location which is not considered relevant to this application, the future occupiers would have 24-hour care and support)*
- Unsustainable development contrary to Policy H3 of Walsall's SAD. Insufficient public transport provision. *(refer to principle of development section in the assessment report)*

Objections from 22 residents were received following the notification of the proposal on the following grounds:

- Non-compliance with local and national policy. *(refer to principle of development section in the assessment report)*
- Property deeds state the property should be used as a single dwelling *(Planning Use C2 would likely comply with this requirement however restrictive covenants are not a material planning consideration in this instance)*
- Noise and disturbance *(see assessment section of this report)*
- Increased parking and traffic with staff coming and going *(see assessment section)*
- Overlooking *(see assessment section of the report)*

- Safety and fear of crime and anti-social behaviour (*no evidence has been put forward to substantiate this claim regarding the future occupiers of the property*)
- Unsuitable location and should be elsewhere, out of keeping with the area, lack of amenities for residents (*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*)
- Lack of information, site notices not displayed, lack of notification (*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 site notices are not a statutory requirement for this location or type of application, statutory consultations have been carried out*)
- 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*)
- Anxiety, impact on health and increased stress especially for elderly residents (*not a material planning consideration in this instance*)
- Quiet family community with no other businesses on the cul-de-sac (*the proposed use falls within a residential planning use class*)

Determining Issues

- Principle of Development
- Character of the Area
- Amenity of Neighbours and Amenity of Future Occupiers
- Safety and Security
- 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. Specialist housing where care is provided to residents, or where residents are not able to drive, will only be supported in locations that enjoy good public transport access. The proposal is within a sustainable location and provides for specialist accommodation in

a residential setting, as such the proposal would accord strongly with the provisions of policy HC3.

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 130 of the National Planning Policy Framework 2023 states that:

130. 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 130 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.

It is noted that the application includes details of the number of children to be accommodated and the staffing arrangements. The application property is a detached house in Paddock Ward in a sustainable location. The proposed use can be supported on strategic planning policy grounds.

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 would do not harm to the character of the surrounding area. The application property would continue to have the appearance as a dwelling house.

Amenity of Neighbours and Amenity of Future Occupiers

The neighbouring properties are residential. No built changes are proposed to the dwelling therefore there would be no change in the impact in terms of overlooking, daylight sunlight or privacy concerns for surrounding properties. 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 up to three residents on a 24-hour basis.

Residents have raised concerns, that the type of clientele would be inappropriate. 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. An additional condition is proposed that would further 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.

Access and Parking

The Local Highway Authority comments that the dwelling has parking space for three motor cars on the property frontage. Policies states that a property of this size should have two parking spaces.

The application includes information setting out the way the proposed Care Home will operate. It states that there will be up to 3 residents (up to 18 years old) at the site with 4 staff present during a rotated basis with a shift pattern.

In terms of T13 Parking Policy a three-bedroom 'Residential Home' requires at least 1 parking space. The property has at least 3 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. A condition is proposed to ensure that this level of parking is retained.

Taking into account the modest scale of the proposal, with only 3 children residing there who clearly will not be car owners and up to 4 staff over shifts, it is considered that the vehicle movements, traffic and parking demand associated with the proposal would not be 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. For the reasons above, the development is acceptable in accordance with the NPPF 2023 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 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 three residents can be included.

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 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:

- 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:

- Planning Statement (Amended) – dated 22/09/2023
- Drawing No. ANS/323/02 (Amended) – Drawing Title: Proposed Plans (includes site plans)– Dated 25/07/23
- Drawing No. ANS/323/02 (Amended) – Drawing Title: Existing Plans (includes site plans)– Dated 25/07/23

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).

3a. Prior to occupation of the development hereby permitted a minimum of 3no. off road vehicular parking spaces each measuring a minimum of 2.4m by 4.8m shall be provided on the drive within the curtilage of the application dwelling. The parking spaces shall be consolidated hard surfaced and drained to prevent surface water from the driveway running on to the public highway or into any highway drain.

3b. The off-road vehicular 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.

4: 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 three children between the ages up to 18 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.

5. 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.

6. 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

Police Informative:

- Limited information. Care for children with learning difficulties.
- Apparently kitchen with 3 rooms and garage to ground floor.
- 4 bedrooms to first floor.
- Proposed 3 children
- 1 office and 1 staff bedroom.
- 2 full and 1 part time staff. Over 24 hours?
- Little information on likely residents for this accommodation, children etc.
- No age is referred to. Up to 18 years?
- A new residential care home is required to register with the Care Quality Commission.
- Health and Social Care Act 2008, 2012, 2022 (Regulated Activities) Regulations 2014.

- Some providers must have a registered manager as a condition of their registration.
 - <https://www.cqc.org.uk/>
 - <https://www.cqc.org.uk/guidance-providers/registration/register-new-provider>
- Supported accommodation, regulations housing and support for looked after children and care leavers aged 16 to 17.
- Ofsted to start registering supported accommodation providers from April - GOV.UK (www.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 New Homes.
- Please see : HOMES_GUIDE_2023_web.pdf (securedbydesign.com)
- External LED lights with daylight sensors to external walls, particularly by entrances and parking areas.
- 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>

Public Petition

4 Calthorpe Close - Statement and Position of Objection Continued.

1. Inappropriate Use Contrary to NPPF Policy 130(a)
2. Fear of Crime and anti-social behaviour
3. Unsustainable Development Contrary to Policy HC3 of Walsall's SAD

NAME	ADDRESS	SIGNATURE
Pam Key	27 Calthorpe Close	[REDACTED]
Shirley Atkinson	29 - - -	
Suzie Cooper	24 - - -	
Alicia Allen	24 - - -	
Wesley Thomas	22 Calthorpe Close	
Margaret Thomas	22 - - -	
Geoff Morris	16 - - -	
John Morris	16 " "	
Susan Sanders	4 Calthorpe Close	
Jane Smith	14 Calthorpe Close	
Paul P. Lee	3 Calthorpe Close	
Simon PATER	3 CALTHORPE CLOSE	
CHANN BRIDG	5 CALTHORPE CLOSE	
KATHERINE ROBERT	12 CALTHORPE CLOSE	
SIMON ROBERT	12 CALTHORPE CLOSE	
AMANDA	8 CALTHORPE CLOSE	
MICHAEL	5 CALTHORPE CLOSE	
L. SIMS	2 CALTHORPE CLOSE	
MS BURN	2 Calthorpe Close	
BS BURN	2 Calthorpe Close	
KELLY KAINS	2 CALTHORPE CLOSE	
JOYCE WATKINS	1 CALTHORPE CLOSE	

(2)

END OF OFFICERS REPORT