

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 22 June 2023

Plans List Item Number: 3

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 156, TYNDALE CRESCENT, GREAT BARR, BIRMINGHAM, B43 7HU

Proposal: PART RETROSPECTIVE: PROPOSED CHANGE OF USE FROM DWELLING HOUSE (PLANNING USE CLASS C3 - DWELLINGHOUSES) TO SMALL CARE HOME (PLANNING USE CLASS C2 - RESIDENTIAL INSTITUTIONS) AND RETENTION OF BAY WINDOW, PORCH INFILL AND INTERNAL ALTERATIONS. THE C2 USE HAS NOT COMMENCED.

Application Number: 23/0394

Case Officer: Helen Smith

Applicant: Crestos Care

Ward: Pheasey Park Farm

Agent: Visionary Planning UK

Expired Date: 15-Jun-2023

Application Type: Full Application: Minor Use Class C2 (Residential institutions)

Time Extension Expiry:



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Recommendation

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

Petition

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



Reference number: 23/0394

To Whom it may concern,

We would like to appeal the decision for 156 Tyndale Crescent to be changed from a dwelling house to a small care home based on the points below:

1. The impact this change may have on the value of our properties
2. We do not think this is an appropriate place to have a care home
3. The additional vehicles that may need to park in the street and how this will impact us if we have visitors who also need to park

Please find attached signatures from the list of neighbours who are also against this decision.

Proposal

This planning application is part retrospective (for physical changes) and is for the proposed change of use from a dwelling house (planning use class C3 - dwellinghouses) to a small care home (planning use class C2 - residential institutions) along with the retention of new bay window extension, porch infill and internal alterations. The proposed C2 use has not commenced.

A previous application for a Lawful Development Certificate for Planning Use class C3(b): defined as up to six people living together as a single household where care is provided was refused consent as it would not have complied with the planning use classes order legislation. This was refused consent on the basis that the proposal reflected a change of use under planning use class C2 – Residential Institutions and a full planning application was required.

The internal layout has been reconfigured to provide two separate lounges at ground floor with one providing access to a bedroom and WC. At first floor two bedrooms and a WC would be provided leading off the larger bedroom of the two. Off-street parking for 3 vehicles is available on the hard-surfaced frontage.

The planning statement provided in support of this application states that the current use of the property is a permanent residence for up to two adults (aged 18-64) with learning disabilities, receiving 24/7 care, with the carers residing elsewhere. The statement says that the individuals would stay in the property long term.

No office is provided within the property.

The planning statement confirms that 2 carers would be working in a 3-shift pattern 24 hours a day as follows;

08:00 to 14:00 hrs

14:00 to 20:00 hrs

20:00 to 08:00 hrs

The Applicant has confirmed that there would be 2 carers per shift so there would be 6 carers in total over 24 hour period with 3 change overs per day. The planning agent has advised that the carers mostly travel to work by bus.

All staff have skills for care standard certificate or NVQ.

The statement comments that their client provides specialist support in a community living environment, with a caring and therapeutic approach to meet the needs of people who have learning disabilities, cognitive impairment, complex needs, and autism. In addition, the submission considers that the occupants are ideally suited for community service to enable people to live a successful life in the community with 24/7 staff support. The service is for people who require staff supervision and support to manage themselves, on a day-to-day basis.

The statement advises that their clients' specialist services provide care and support for adults with learning difficulties who are unable to live on their own without staff support and this service allows them to live in their own home to meet their physical, emotional, vocational, education, spiritual, safety and social needs 24 hours per day.

The applicants state that everyone in their care is encouraged to take part in as many everyday activities as they can, whatever their needs and that the support provided focuses on giving their residents as much control as possible over their lives, from doing household chores to supporting people to eat and drink on their own.

The statement goes on to advise that a range of support is offered, based on people's individual needs, and can include support with:

- Managing risk/staying safe
- Learning new skills
- Household tasks
- Personal care
- Taking medication
- Money management
- Avoiding social isolation
- Building links with friends, family, and the community
- Social and leisure activities
- Making healthy lifestyle choices
- Attending GP and medical appointments

Site and Surroundings

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

The surrounding area is predominantly residential in character consisting of similar pairs of semi's and terraced dwellings.

The Pheasey Community Hub is located 68 metres to the east of the application site

The site does not lie within the Cannock Chase Special Area of Conservation (SAC) 15km Zone of Influence.

The site is located within walking distance of Collingwood Drive Local Centre and there is access to regular bus services from the application site near to the community hub. Bus service 25 to Kingstanding is a limited frequency service running hourly during daytime shopping hours only however there are more frequent bus services nearby. Bus route no's 997 and 33 operate to and from Birmingham with stops on Collingwood Drive and Hillingford Avenue. The 934 bus operates to Walsall from Collingwood Drive.

The adjoining house is 158 Tyndale Crescent and is in residential use. To the south-east of the application property is 154 Tyndale Crescent, a semi-detached residential property.

Relevant Planning History

22/1578 - Certificate of Lawful Existing Use for Planning Use class C3(b): defined as up to six people living together as a single household where care is provided.

The current residence consists of two persons receiving 24-hour care provided by staff residing elsewhere – Refused 28/3/23

22/0275 - Lawful Development Certificate for proposed single storey side and rear extension – Approved 31/3/22

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

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

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

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

Black Country Core Strategy

- CSP4: Place Making
- DEL1: Infrastructure Provision
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- 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
- DW10 Well Designed Sustainable Buildings

Consultation Replies

Fire Officer – No objections

Local Highway Authority – No objections subject to the inclusion of a planning condition restricting occupancy to two care home residents.

Environmental Health – No objections

Environmental Protection – No objections

Housing Standards – To be updated at Planning Committee

Police – No objections and recommend the principles of Secured by Design. An informative note can be included for the applicant.

Strategic Planning Policy – No objections

Representations

(Local Planning Authority Comments in brackets and italics)

A public petition with 17 signatories has been received objection on the following grounds;

- Impact on property values *(not a material planning consideration in this instance)*
- Inappropriate location for a care home
- Parking impacts

9 further objections have been received from residents on the following grounds;

- Inappropriate use in a residential area
- Impact on property values *(not a material planning consideration in this instance)*
- Insufficient parking
- Noise
- Insufficient access or space for emergency vehicles
- Increased traffic with staff and visitor parking
- One way/blackout glass installed in the development *(not a material planning consideration)*.
- Residents' safety concern
- Already listed on the CQC website as registered 23/3/23 with mental health stated *(whilst noted this is not a material planning consideration)*.

Determining Issues

- Principle of Development
- Character of the Area
- Amenity of Neighbours and Amenity of Future Occupiers
- Air Quality
- Access and 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 Collingwood Drive Local 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 has made minor external visual changes by adding a bay window extension and porch infill to the front both of which have a residential character. The application property would continue to have the appearance as a dwellinghouse and a safeguarding condition preventing any external advertisements to the property may be 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. Bus service 25 to Kingstanding is a limited frequency service running hourly during daytime shopping hours only however there are more frequent bus services nearby. Bus route no's 997 and 33 operate to and from Birmingham from Collingwood Drive and Hillingford Avenue. The 934 bus operates to Walsall from Collingwood Drive.

When the local planning authority assessed the lawful development certificate at this property, the proposal fell outside of planning use class C3(b), due to caselaw defining what makes a family living together and level of staffing. The proposal is considered to fall within a planning use class C2 planning use rather than a C3(b) use class which does require planning approval.

The property would retain all primary facilities along with a good sized rear private garden providing sufficient amenity for future occupiers. The proposals aim is to ensure that up to two residents 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, the principle of the change of use to a C2 care home for up to two residents is considered appropriate in this sustainable residential setting 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 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, minor external alterations and additional extensions that are already completed are considered do not harm the character of the surrounding area and are similar to other residential extensions in the locality.

Amenity of Neighbours and Amenity of Future Occupiers

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

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

Air Quality

Environmental Protection officers have no objections to the proposal and have advised that an informative note should be included as the installation of an EV charging point may be required under Building Regulations Part S.

Access and Parking

The Local Highway Authority has advised that in terms of UDP saved T13 parking policy, Residential Homes require 1 space per 3 bedrooms and therefore, in parking policy terms, the development requires a single parking space.

It is noted however that parking for two cars is possible on the extended hard standing front drive area and there is unrestricted on street parking available if required. The level of parking is considered acceptable in this instance for the proposed development. A planning condition restricting the care home occupancy to a maximum of 2 residents is recommended by the Local Highway Authority.

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 and the

inclusion of a planning condition to restrict occupancy of the care home to a maximum of two 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

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: -

- Site and Block Plan, drawing no. 60060-03-01, deposited 31/3/23
- Existing Elevations, drawing no. 60060-03-03, deposited 31/3/23
- Existing Floor Plans, drawing no. 60060-03-02, deposited 31/03/23
- Planning Statement by Visionary Planning, deposited 31/03/23

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 the occupation of the development hereby permitted one electric vehicle charging points shall be installed and shall thereafter 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 approved details of a residential care home for up to a maximum of two adults between the ages of 18 and 64 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.

5. 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

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

2. Police

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>

END OF OFFICERS REPORT