



Walsall Council

Planning and Building Control

Planning Committee 16 January 2025

Report of Head of Planning and Building Control

Plans list item number

Item number: 1

Reason for reporting to the planning committee.

Called in by a Councillor Wilson on the grounds that there is inadequate parking that could lead to cars being parked on street detrimental to amenity/highway safety; the proposal would lead to increased traffic in the area over and above that which the existing road network could cope with detrimental to highway safety and the proposal would cause demonstrable harm to the amenities currently enjoyed by occupiers of neighbouring properties.

Application details.

Application reference: 24/1041

Site location: 2 AND 4, HILARY DRIVE, ALDRIDGE, WALSALL, WS9 0DE

Application proposal: Full planning application for a proposed conversion of two dwellings into one with front and side fenestration; and a proposed change of use from dwellings (planning use Class C3) to a residential institution (planning use Class C2) for 4 children.

Application type: Full Application: Change of Use

Link to application documents: <https://go.walsall.gov.uk/planningapps?id=24/1041>

Applicant: Palminder Singh 4 Hilary Drive, Aldridge, Walsall, WS9 0DE

Planning agent: Stephen Cox, Gould Singleton Architects Gould Singleton Architects, Gould Singleton Architects, Earls Way, Halesowen, West Midlands, B63 3HR

Ward: Aldridge Central And South

Red line location



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Recommendation

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

1. The amendment and finalising of conditions;
2. No further comments from a statutory consultee raising material planning considerations not previously addressed.

Site and surroundings

A site visit was carried out on 14/11/2024.

The site comprises a pair of two storey 3-bed semi-detached dwellings of simple design, each with an integral garage and one parking space on the front driveway, with a small front lawn next to the parking area. It is located at the entrance to a small cul-de-sac which has 6 other residential dwellings.

The site is located within walking distance of Aldridge District Centre, approximately 250m from the centre boundary and approximately 0.5m from the commercial area of the District Centre with its range of shops and services. It is also within walking distance of public transport.

The site is not within a Conservation Area, nor in the vicinity of any other heritage assets. It is at low risk of features of coal mining and at low risk of flooding. There are no protected trees in the vicinity of the site.

Relevant planning history

None

Relevant policies

National Planning Policy Framework (NPPF)

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

Human rights and reducing inequalities

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

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

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

Walsall Council Development Plan

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

Our Development Plan includes:

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

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultee comments (planning officer's summary)

Community Protection

No concerns/ no comments.

Ecology Officer

No response received.

Education Walsall

No response received.

Environmental Health

No response received.

Housing Standards

No response received.

Local Highways Authority

Support subject to conditions to secure implementation and drainage of the parking area and extension of the existing dropped kerb access and to limit the number of resident children to four.

Natural England

Appropriate assessment required to conclude that mitigation measures can be secured in respect of the Cannock Chase Special Area of Conservation.

Severn Trent Water

No response received.

Social Services

No response received.

West Midlands Fire Service

No objections. This proposal will need to meet all the functional requirements stated within B5: Access and facilities for the fire service of Approved Document B, 2019 edition incorporating 2020 and 2022 amendments – for use in England.

West Midlands Police

No objections following clarification on a number of initial questions raised. Support advisory notes put forward by the case officer.

Waste Management (Healthy Spaces)

No response received.

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

Objection(s)

1 comments received in support of proposal for the following reason(s):

- No reason provided

5 comments received objecting to proposal support for the following reasons:

- Insufficient parking for staff, even with the driveway proposed
- Insufficient parking on Station Road leads to vehicles parking on-street in the cul de-sac
- Additional on-street parking during construction and operation could leave residents blocked in the grove
- Vehicles parked on-street have led to failed-refuse collections
- Highway safety hazard – parked vehicles block views when exiting the cul-de sac onto Station Road
- Potential noise concerns related to the proposed use
- Unsuitable area for children due to cars travelling down the main road (Station Road) at dangerous speeds. No one has visited to inspect the cul-de-sac to view these concerns raised.
- The current occupants shout all day and night.
- Impacts of building noise
- Negative impact on the street and property values

Determining issues

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

Assessment of the proposal

Principle of Development

The application site is located on a residential street within a wider residential area. Internal alterations are proposed to convert the pair of 3 bed semi-detached dwellings into one detached dwelling for use as a children's care home for 4 children aged between 8 and 16 years of age. There would be a maximum of 5 staff carers on site during the daytime hours and 2 staff during the night. Staff would be supervised by an OFSTED registered manager.

It is considered the proposal has elements of a residential and commercial nature. The Planning statement sets out that the properties will provide the children with a family home and the presence of adults and the children in care being reflective of the numbers of people that could reasonably be expected to reside and come and go throughout the day in a 5 bed family dwelling. The nature of the staff carers being on a rolling rota and the very use of the word 'staff' being reflective of a commercial operation.

There are no specific policies relating to children's care homes in Walsall's Development Plan but Walsall's Site Allocation Document 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. In this instance, the site

is approximately 250m from the boundary of Aldridge District Centre and 0.6km from the retail units and service provision of the District Centre on Anchor Road and High Street.

Saved UDP policy H6 relates to nursing homes and rest homes for the elderly, rather than children's homes, 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. The conversion of the 2no. existing 3 bed semi-detached properties into one 5 bed detached dwelling would accord with this requirement and it is considered the size of the dwelling is sufficient for the maximum of 4 children that would be cared for. It is within walking distance of Aldridge District Centre with a range of convenience shops and services and within walking distance of bus routes in the District Centre and the nearest bus stop being 170m from the site on Station Road.

Paragraph 63 of the NPPF 2024 requires that *the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies*, including looked after children and paragraph 135 states that:

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 not significantly alter the external appearance of the existing dwellinghouse and therefore in appearance would remain sympathetic to the local residential character and it would provide for inclusive and accessible housing for looked after children, addressing an overwhelming demand for the type of accommodation being proposed.

As such, subject to conditions detailed in this report, the change of use from one residential use to another residential use type, in this residential area is considered compatible.

It is however considered reasonable to include a condition to limit the planning use to class C2 as a children's care home only to give the Local Planning Authority to assess the impacts of any future proposed changes of use that could otherwise potentially be carried out within Planning Use Class C2 using permitted development rights.

Cannock Chase SAC and HRA

This proposed application is located within the 15km zone of influence of the Cannock Chase SAC. Natural England responded that suitable mitigation should be secured for the impact of the development on the Cannock Chase SAC. However, in this instance, there is no net increase of dwellings and there would be a reduction in the number of bedrooms across the two existing dwellings from 6 to 5 and it is considered that mitigation may not be required.

The Ecology Officer is currently considering Natural England's assessment. In the event that it is concluded that no mitigation is required, no further action would be required. In the event that it is concluded that mitigation would be required, payment of a mitigation fee of £344.01 per each net new dwelling (the number to be confirmed by the Ecology Officer), would need to be secured through completion of a S111 agreement and payment of the mitigation fee, prior to issuing a planning decision.

Design, Layout and Character

The change of use from a residential use to a different residential use reflects the existing residential character of the locality and is considered compatible.

The only proposed change to the external appearance of the building is the replacement of the 2no garage doors on the front elevation with a window and a front entrance door. Given that there are no significant proposed changes to the external appearance of the existing dwellinghouse, and the number of regular occupants is unlikely to intensify the use of the site above and beyond that of the existing residential character.

The Covering letter states that fenestration detailing will be to the Local Planning Authority's approval for the infilling of existing garages and the placement of the new windows and front door. Facing materials would be required to match the existing dwellings to retain the character of the site and this can be dealt with by imposing a planning condition to secure facing materials that match the existing materials of the dwellings.

It is considered that the proposed change of use would have limited impact on the appearance or character of the site in accordance with the requirements of the Black Country Core Strategy policy ENV2, saved UDP policies GP2 and ENV32 of Walsall's Unitary Development Plan as well as the SPD Designing Walsall DW3.

A safeguarding condition preventing any external advertisements to the property will be attached to any permission that may be granted to retain the residential character.

Amenity of neighbours and future occupiers

The properties surrounding the application site are in residential use. The application site would continue to be in use as a residential building occupied on a regular basis by 4 children and up to 5 adults and it is considered that this level of occupancy is reflective of what would be expected for the existing 2no. 3 bed semi detached dwellings, the building itself providing the same level of visual amenity and similar relationship to neighbouring houses as existing.

A concern has been raised regarding the existing level of noise generated from occupants of the site. Existing noise is not a material planning consideration in the

assessment of the proposed use of the site. A concern has also been raised regarding the potential for noise created from the site by the proposed use for 4 children. The level of noise is anticipated to be no greater than for the existing use of the site, where the 2no. 3 bed dwellings could reasonably be expected accommodate 4no. children as is proposed for the converted 5-bed detached dwelling.

It is considered reasonable to impose a condition limiting the number of residents on site to a maximum of 4, to limit the volume of comings and goings as well as the potential for noise that could be generated by larger numbers of occupants.

West Midlands Police were consulted regarding the proposed use and following clarification of a number of considerations, mainly surrounding the qualifications of staff and ensuring the building has a suitable fire risk assessment (which is a matter to be addressed at the Building Regulations stage of development) they have confirmed no objections to the proposed use and support the inclusion of an advisory note offering guidance to ensure that the proposal meets safety and security requirements for the benefit of residents and surrounding occupiers.

It is considered that the proposed use would provide a suitable living environment for the child occupants of the house and not cause any significant additional harm to the amenity of neighbouring occupants above and beyond that which could normally be expected in a residential area for the existing 2no. 3-bed dwellings or the proposed 5-bed residential care dwelling for up to 4 children. Subject to conditions to limit the number of occupants, the proposal would accord with the amenity requirements of saved UDP policy GP2 and the security considerations of saved UDP policy ENV32.

Highways

The site is located on Hilary Drive which is an adopted, residential cul-de-sac. It has a traditional carriageway with footways on the eastern and southern sides. There is no segregated footway on the development side of the street.

The site has an existing dropped kerb crossing which is to be extended to accommodate the additional parking and the development proposes to increase the frontage parking from two to four spaces.

The majority of comments that have been received from members of the public relate to the fact that existing on-street parking in the cul-de-sac cause access

issues for residents and the Council's refuse collection service and also causes visibility problems when exiting the cul-de-sac onto Station Road. Their concern is that there is insufficient parking for the proposed use, which will lead to increase on-street parking in the cul-de-sac, which would exacerbate the existing problem. It falls outside of the jurisdiction of the Local Planning Authority to assess the current parking concerns and there are other authorities in place to consider this matter. From a planning perspective, Policy T13 of Walsall's Unitary Development Plan which sets out parking standards for developments, requires 1 parking space per 3 beds for residential homes. In this instance, the provision of 4 off-road parking spaces for a 5-bed residential home exceeds this requirement and, on this basis, it is considered that the development would provide sufficient parking within the curtilage of the site for the proposed use.

The Local Highway Authority have assessed the proposal and consider 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 2024 paragraph 115. Their support for the proposed change of use is subject to the inclusion of planning conditions to secure the implementation and drainage of the frontage parking area with 4 spaces, extension of the existing dropped kerb footway crossing to align with the new parking spaces and to limit the number of resident children to 4 at any time.

Ground conditions and environment

There are no significant industrial or commercial noise impacts, or any concerns regarding air quality or contaminated land that are material planning considerations for this application.

Conclusion and reasons for decision

On balance, this application is considered acceptable when assessed against the local and national planning policies and guidance as set out in this report. The site building and the proposed use is considered would have no greater impact on the amenity of neighbouring occupants above and beyond the existing building and use. Consideration has been given to the impact of the proposed use on parking, especially given the number of concerns raised regarding parking in the cul-de-sac. However, in this instance the proposal is compliant with local planning policy

requirements for parking and the Local Highway Authority do not have concerns about the impacts of parking from the proposed use on highway safety.

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

Recommendation

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

1. The amendment and finalising of conditions;
2. No further comments from a statutory consultee raising material planning considerations not previously addressed.

Conditions and reasons

1: This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Site Location Plan, drawing no. 001, submitted 14/08/2024
- Proposed Block Plan, drawing no. 005B, submitted 20/09/2024
- Proposed Floor Plans, drawing no. 006D, submitted 20/09/2024
- Proposed Elevations, drawing no. 007A, submitted 14/08/2024
- Planning Statement, prepared by Gould Singleton Architects, dated September 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).

3. Notwithstanding the details as submitted, prior to occupation of, the development hereby permitted shall not be carried out otherwise than in accordance with providing a minimum of four off road parking spaces measuring 4.8m by 2.4m with the parking area being consolidated, hard surfaced and drained so that surface water run-off from the parking area does not discharge onto the highway or into any highway drain. This parking area shall thereafter be retained for the purposes of parking motor vehicles for the lifetime of the development hereby approved and shall thereafter be retained used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development with the loss of the garage spaces, in accordance with UDP policy GP2, T7 and T13.

4. Notwithstanding the details as submitted, the development hereby permitted shall not be carried out otherwise than in accordance with the existing vehicle footway crossing shall be extended by two additional 900mm flat kerbs and one 900mm transition kerb to align with the additional parking spaces and the extended vehicle footway crossing shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory completion and operation of the access, in accordance with UDP Policy GP2 and in the interests of highway safety.

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

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

6: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details of a residential care home in planning use class C2 for a maximum of four children between the ages of 8 and 16 and for no other purpose (including any other purpose in Schedule 1, Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

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

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

Reason: In the interests of maintaining the character of the area in accordance with saved UDP policy GP2.

Case specific notes for applicant

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
2. The applicant will be required to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information and application forms please visit the Council's webpage under:

Roads, parking and travel-Road licences and permits-Get a dropped kerb for your home.

Security

3. Consider CCTV to all entrances and non-private areas. Their use in this environment protects residents and potential complaints on carers. Any disagreements on incidents can be quickly reviewed, protecting all parties and reducing protracted complaints involving staff and police.

The applicant to refer to crime prevention and home security advice contained within SBD New Homes. Please see :

https://www.securedbydesign.com/images/HOMES_2024.pdf

External LED lights with daylight sensors to external walls, particularly by entrances and parking areas. This is to provide security for residents entering and leaving. (SBD Homes 2024).

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 2024).

PAS 24: 2022 standard doors for houses and apartments.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

End of report