

**20/00639/COU**

**Mr M Mehan**

**WOMBOURNE**

**NON MAJOR**

**Cllr Robert Reade  
Cllr Barry Bond  
Cllr Dan Kinsey**

**Bearnett House Nursing Home Bearnett Drive Lloyd Hill WV4 5NN**

**Use of premises as a Residential Institution (Use Class C2)**

## **1. SITE DESCRIPTION AND PLANNING HISTORY**

### **1.1 Site Description**

1.1.1 Bearnett House Nursing Home is situated off Bearnett Drive in Lloyd Hill, Wombourne. The building sits in the middle of a small residential estate, comprised of detached style houses and bungalows.

1.1.2 The former care home was registered to accommodate 25 people, over two floors and there was a communal lounge, a dining area, a library and conservatory and a garden.

1.1.3 The site is Grade II Listed and there are Tree Preservation Orders on trees in the grounds. As the application is for the change of use of the building, these are not affected by the proposal.

### **1.2 Relevant Planning History**

1986: Alterations to form an Elderly Persons Home, approved [86/00148/FUL & 86/00008/LBC]

1986: External fire escape and lift, approved [86/00756/FUL and 86/00025/LBC]

1990: Extensions to Nursing Home, approved [90/00035/LBC and 90/00790/FUL]

2020: Use of the former nursing home as a children's home - Use Class Order C2 - Residential Institutions, certificate of lawfulness refused [20/00509/LUP]

1.2.1 The 2020 application [20/00509/LUP] was a certificate of lawfulness application which concluded that planning permission would be required to change the use of the property into a children's home, as there is a restrictive condition on the 1986 consent that states:

*'The premises shall be used for Elderly Persons Homes and for no other purpose (including any other purpose in Class XIV of the Schedule to the Town and Country Planning (Use Classes) Order 1972' [Condition 1 of 0148/86]'*

## **2. APPLICATION DETAILS**

### **2.1 The Proposal**

2.1.1 The application proposes to change the use of the site into a children's residential home.

2.1.2 The site would be run by Aston Children's Care and would provide permanent accommodation for 9 children with learning disabilities. A further 3 beds would be provided for respite care.

2.1.3 Staffing levels will be 1:1 in the daytime [awake hours] and reduced overnight. The planning statement provides that the 'day-time' one to one care staff would be on site from 07.00 until 22.00, with the night-time staff being present from 21.45 to 07.15. These short overlaps would be in place in order to enable a managed 'hand over' at the beginning and end of their shift. In addition to the care staff, a general manager and catering staff would also attend the site as necessary throughout the week.

2.1.4 There is an existing car park with 8 spaces.

## **2.2 Agents Submission**

2.2.1 A planning statement has been submitted with the application.

## **3. POLICY CONTEXT**

3.1 Within the Development Boundary and is Grade II Listed

3.2 South Staffordshire Core Strategy

NP1 - The Presumption in Favour of Sustainable Development

CP1 - The Spatial Strategy

CP2 - Protecting and Enhancing the Natural and Historic Environment

Policy EQ3 - Conservation, Preservation and Protection of Heritage Assets

Policy EQ9 - Protecting Residential Amenity

Policy H5 - Specialist Housing Accommodation

Policy EV12 - Parking Provision

Appendix 5 - Car Parking Standards

3.3 National Planning Policy Framework 2019

## **4. CONSULTATION RESPONSES**

**Councillor Kinsey** [02/09/2020]: *Request for planning committee meeting.*

**Parish Council** [02/09/2020]: *No objections*

**Environmental Health**: *No comments received*

**County Highways** [20/08/2020]: *No objections*

**Neighbours** [31/07/2020-31/08/2020]: 67 representations have been received raising concerns over the proposed development. The comments mainly revolve around fears over potential occupants, future use of the site, parking/travel movements and the impact on neighbouring amenity.

The Council sent letters to 35 properties who surround the site. A site notice and advert was posted on the 03/08/2020 and 04/08/2020.

## **5. APPRAISAL**

5.1 The application has been referred to planning committee by Councillor Kinsey over concerns of the impact of the proposal on neighbouring amenity.

## **5.2 Key Issues**

- Principle of development
- Impact on neighbour amenity
- Impact on character of the area/heritage asset
- Highways/access
- Representations

## **5.3 Principle of development**

5.3.1 The application site relates to a nursing home in a residential area. The building is within the development boundary of Lloyd Hill, which is near to Wombourne and Lower Penn.

5.3.2 Policy H5 of the local plan provides that the Council will enable and support the provision of specialist housing accommodation in South Staffordshire and proposals which would lead to a loss should be resisted.

5.3.3 Bearnett House Nursing Home is unoccupied and the application to re-use the site for an alternative specialist housing provision is in accordance with Policy H5.

5.3.4 The change of use of the building for a children's home is therefore acceptable, provided the use of the site would not have a detrimental impact on the character of the area, amenity of neighbouring residents or on highway safety.

## **5.4 Impact on neighbouring amenity**

5.4.1 Policy EQ9 of the local plan seeks to protect the amenity of existing and future occupiers.

5.4.2 There has been large amount of comments received from neighbouring residents with concerns over noise, disturbance and fears over the occupants to be housed.

5.4.3 The nature of the proposal has been discussed with the applicant/agent in depth and they have confirmed that the site is to house children with learning disabilities, and as such it has been agreed that a planning condition will be added to this effect, limiting both the use and the occupancy level. This will ensure that the use of the site remains small-scale in nature and no material impact will be caused on the quiet residential nature of the cul-de-sac

5.4.4 Subject to the imposition of planning conditions restricting the use and occupancy levels, I find no conflict with Policy EQ9.

## **5.5 Impact on character of the area/Heritage Asset**

5.5.1 Chapter 16 of the National Planning Policy Framework and Policy EQ3 of the adopted Core Strategy state that care and consideration must be taken to ensure no harm is caused to the character or appearance of a heritage asset.

5.5.2 Policy EQ11 of the local plan states that proposals should respect local character and distinctiveness including that of the surrounding development and landscape.

5.5.3 This application is solely for the change of use to allow the provision of care for children and young people and there are no changes proposed to the building externally or internally at this stage. The applicant is aware that the building is Grade II Listed, and if any internal or external changes are required in the future, a listed building consent application would need to be submitted to the Council.

5.5.4 There is no conflict with local plan policies EQ3 and EQ11

## **5.6 Highways/access**

5.6.1 There are no changes proposed to the existing access or parking areas [8 spaces]. Within the local plan there are no minimum parking standards for care homes and as such each case will need to be assessed on its own merits.

5.6.2 Bearnett House Nursing Home was registered to house 25 occupants and in addition to this there would have been for example, nursing staff, general manager, caterers, hairdressers, along with family members who would visit.

5.6.3 Whilst the staffing levels for the children would be higher in the daytime, level of 1:1 then a general nursing home use there is a significant reduction in occupancy levels. In comparison to the previous use, the proposal is small scale, providing 9 beds for permanent residents and 3 beds for respite care. The agent has provided information that the children who would be resident at the home would be educated off site, and whilst there could potentially be visits to the site by therapists these are very rare and would only be required to meet any specific needs that individual children might have.

5.6.4 It is therefore considered that the proposed use would not result in a higher level of traffic movements or parking levels in comparison to the existing use of the site.

5.6.5 No concerns have been expressed by the County Highways Department.

## **5.7 Representations**

5.7.1 The comments expressed by interested parties have been addressed in the main body of the report.

## **6. CONCLUSIONS**

6.1 The application accords with the relevant policies of the local plan. I therefore recommend that the application be approved subject to planning conditions restricting the use and occupancy level.

## **7. RECOMMENDATION - APPROVE Subject to Conditions**

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

2. The development shall be carried out in accordance with the approved drawings: 2020 - EXPL01 received 19/09/2020.
3. The building shall only be used for the provisions of providing permanent and respite care for young people between the ages of 8 to 18 with learning disabilities.
4. The children's home will be occupied by a maximum of 12 children [permanent and respite care].

#### Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
4. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
5. Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.



Bearnett House Nursing Home , Bearnett Drive, Lloyd Hill WV4 5NN