



REPORT TO PLANNING COMMITTEE

9th December 2020

Application Reference	DC/20/64453
Application Received	6 th July 2020
Application Description	Retention of use from dwellinghouses (Class C3) to Residential Institution (Class C2).
Application Address	1-9 The Old Fire Station Mace Street Cradley Heath B64 6LA
Applicant	Mr Kalbeer Singh
Ward	Cradley Heath & Old Hill
Contribution towards Vision 2030:	 
Contact Officer(s)	Mr Andrew Dean 0121 569 4056 andrew_dean@sandwell.gov.uk

RECOMMENDATION

That retrospective planning permission is granted subject to compliance of the following conditions within an appropriate time period:-

- (i) External lighting scheme
- (ii) Revised boundary treatment to the front elevation.
- (iii) Site management plan.
- (iv) Car parking to be laid out in accordance with the approved plan.
- (v) Confirmation of how gates are operated/managed.
- (vi) Hard and soft landscaping scheme.
- (vii) Bin and cycle storage details to be submitted, approved and implemented.
- (viii) First floor south elevation glazing scheme and implementation.

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because seven material planning objections have been received.

- 1.2 To assist members with site context, a link to Google Maps is provided below:

[1-9 The Old Fire Station, Mace Street, Cradley Heath](#)

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The Site is unallocated within the development plan.
- 2.2 The material planning considerations which are relevant to this application are:-

Planning history (including appeal decisions)
Overlooking/loss of privacy
Access, highway safety, parking and servicing
Noise, disturbance and anti-social behaviour from the scheme

3. THE APPLICATION SITE

- 3.1 The application site is situated on the southern site of Mace Street, Cradley Heath. The site is located in a predominantly residential area with dwellings located to the north, south and west. A health centre is located to the east of the site. The site is within close proximity to Old Hill town centre.

4. PLANNING HISTORY

- 4.1 The site relates to a former fire station used by the West Midlands Fire Service. The site was granted planning approval in 2015 to convert the then discussed fire station into 9 No. residential flats with associated car parking, cycle storage, bin storage and landscaping.
- 4.2 Relevant planning applications are as follows:-

DC/15/58688	Proposed conversion to a residential development comprising of 9 No. 1 and 2 bedroom flats and extension with associated off-street car parking, cycle storage, bin storage and landscaping.	Grant Permission Subject to Conditions. 08.12.2015
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5. APPLICATION DETAILS

- 5.1 The applicant is applying to retain the use of the building as residential institution falling within use class C2. The site consists of 9 self-contained one-bedroom units and a staff office.
- 5.2 The premises provides supported living residential accommodation for adults with disabilities/or mental health needs. The development falls within the C2 use class because 24/7 care/support is provided for residents in the form of six full time staff and eleven part time staff. The submitted statement from the care provider confirms the care/support provided to residents takes the form of assistance to cook, clean, attending medical appointments, administering medication, finances, washing, shopping, maintaining a tenancy, emotional support and visiting places of interest within their local community.

6. PUBLICITY

- 6.1 The application has been publicised by neighbour notification letter, with 7 letters of objections being received from local residents.

6.2 Objections

- (i) Anti-social behaviour from residents in terms of playing loud music both in the apartments and rear yard area which included lyrics with offensive language, residents frighten locals by jumping out from behind their gates, violent behaviour has been witnessed, local residents have been subject to verbal abuse/threatening behaviour from residents and ball games causing disturbance. On a number of occasions police and ambulance service have been in attendance. Concerns are raised with regards to the management of the facility, the appropriateness of the use in a community setting with the anti-social behaviour causing anxiety issues for objectors.
- (ii) Staff are rude and unhelpful when dealing with resident's concerns.
- (iii) Lack of information. Residents were not aware when construction works were on going that the former fire station was being converted into a care facility with a local estate agent stating they have all been sold to one person.
- (iv) The building has never been used for flats falling within use class C3 which was approved under application reference DC/15/58688.
- (v) Highways concerns, carers are not using the grounds to park vehicles, they instead park on Mace Street and Church Street.
- (vi) Nobody from the building or who runs the building has been in touch with local residents to inform them of its use or to provide details of who to call and raise a complaint.

- (vii) The high sided fences which surround the site are out of character with the area, it is unsightly and raises suspicion of who is living there.
- (viii) Since the use has commenced, litter has increased in the area. This includes cigarette butts from staff and residents standing next to vehicles.
- (ix) 24/7 lighting of the building increases light pollution in the area.
- (x) The objector is surprised that the unauthorised use was a genuine oversight by the applicant as he had told local residents that his preference was for the apartments to provide accommodation for working professionals.
- (xi) The works were never completed in accordance with the approved plans.
- (xii) Witnessing medication being administered to a resident through an open ground floor window.
- (xiii) The submitted plans show the inclusion of balconies and terraces to the first level of the building which would cause a loss of privacy and increased overlooking to local residents.
- (xiv) During the night, the site has only one carer for all the residents.
- (xv) Residents have witnessed the perimeter gate open and one of the entrance doors to the flat open with no sign of carers. They fail to see how this constitutes a secure building.
- (xvi) Having bins up against the fence along with items of garden furniture would give access to easily climb over.
- (xvii) A strong smell of drugs can be smelt when walking past.
- (xviii) Concerns that criminals and paedophiles are being cared for at the property.

Immaterial planning considerations relate to loss of property values.

Following receipt of amended plans and further information regarding the use being provided by the applicant, a further neighbour consultation was under taken. A further 3 updated objections were received from residents who had previously commented reiterating the concerns stated above and adding that they do not feel it is fair that the care provider has added at the end of their statement that 9 vulnerable people have the potential to be made homeless if this application does not exceed.

6.3 Responses to objections

I respond to the objector's comments in turn;

- (i) The Pollution Control Officer has raised no objections to the application on noise grounds. Disturbance caused through the playing of loud music can be dealt with as statutory nuisance by the Environmental Enforcement Team. Matters of anti-social behaviour through threatening or violent behaviour are a police matter. A

revised boundary treatment to the frontage of the property would address the concerns of tenants jumping out from behind gates as well as improve the integration of the building within the street scene. The care provider has stated two individuals were incorrectly placed with them at the fire station which resulted in a number of issues. These residents are no longer at the property and the care provider has reviewed their assessment process for anybody who wishes to live at the property. The care provider has stated they do not provide accommodation for tenants who have a criminal record. A condition for a site management plan to be provided to include details of shift changes, staffing numbers, complaint procedures and tenancy agreements has been included in the recommendation. It is worthy of note that many of these issues (i.e. behaviour of tenants) are outside of the planning remit and are enforceable under other legislation. The primary determining factor in this application is whether or not this residential use is appropriate in this locality.

- (ii) This comment has been forwarded to the applicant.
- (iii) The applicant had planning approval to convert the building from a fire station to 9 No. 1 and 2 bed flats granted under application reference DC/15/58688. However, the applicant instead converted the property into a C2 (residential institution use) without acquiring the appropriate planning approval. Following a complaint to the planning department regarding the property and the use, an enforcement case was opened under reference ENF/20/11244 to investigate. The applicant has submitted this planning application to attempt to regularise the use.
- (iv) See above comment.
- (v) The Head of Highways has raised no objections to the application subject to the parking layout within the site being installed and used. A condition for these works to be undertaken has been included within the recommendation.
- (vi) This comment has been forwarded to the applicant.
- (vii) I agree the boundary treatment to the front of the property is inappropriate and disconnects the building from the street scene. A condition for details of an amended boundary treatment to the front of the building has been included within the recommendation.
- (viii) The care provider is aware of this issue and stated a cigarette bin will be provided and staff/tenants made aware of their responsibility to ensure litter is not dropped.
- (ix) Light pollution can be investigated by the Environmental Enforcement Team. To address this issue, a condition for an external lighting scheme has been included within the recommendation.
- (x) I am unable to comment on this statement.
- (xi) This statement is correct, the scheme approved under application reference DC/15/58688 was not developed in accordance with the

- approved plans. This includes car parking, external amenity space, bin storage, cycle storage and the south elevations first floor windows.
- (xii) The care provider has confirmed this action was undertaken because the staff member could not enter the residents flat because of Covid restrictions.
 - (xiii) Amended plans have been received to remove the proposed balconies and the roof terrace to protect the privacy of neighbours.
 - (xiv) A condition for a site management plan has been included within the recommendation to confirm matters such as details of shift changes and staffing numbers on shifts.
 - (xv) The site does not form a secure residential institution. Residents are free to leave the premises with support being given for tasks such as cooking, cleaning, medication, washing shopping etc.
 - (xvi) In accordance with police comments, a condition for a revised bin and cycle store location has been conditioned.
 - (xvii) The taking of illegal substances is a matter for the police.
 - (xviii) The care provider has confirmed that no residents at the fire station are criminals or paedophiles. This application is not for a bail hostel which would be a Sui Generis use.

7. STATUTORY CONSULTATION

- 7.1 **Planning Policy** – No objections. SAD policy H4 is applicable. Guidance under this policy states that the Council will encourage the provision of housing to cater for the special needs of people.

From reviewing the supporting planning statement and plans, the proposed development meets the guidance set out in the policy in that it is compatible with adjacent uses, the existing property is suitable for such a proposal and its location is close to existing facilities of the local centre, Old Hill town centre.

7.2 Highways - no objections.

Based on the information provided a maximum of 5 staff would be on site at any one time, 9 spaces should be sufficient, this also allows some visitor provision. Highways requested confirmation that the car parking layout shown has been provided and how the gates are operated/managed. As the layout has not been provided both these elements have been conditioned.

- 7.3 **Public Health (Air Quality)** – No objections subject to electric vehicle charging points being provided. However, as this condition was not included on the previous approval, it would therefore be unreasonable to include it on this application.

7.4 **Public Health (Contaminated Land)** – No objections subject to a desktop study. However, as this condition was not included on the previous approval, it would therefore be unreasonable to include it on this application.

7.5 **Public Health (Air Pollution and Noise)** – No objections.

Following objections from neighbours regarding the playing of loud music, further clarification was sought from the Pollution Control Officer regarding noise. Following a review of their records it was noted single complaints were received about the playing of loud music in June 2020, July 2018 and December 2017. In none of these cases did the complainants return the diary sheets they were asked to complete, and no action was taken.

The officer stated as far as I am aware there is insufficient history of noise problems for me to object to the proposal. The investigation of domestic noise nuisances is dealt with by the Environmental Enforcement Team. The design and access statement refers to the provision of 24/7 care and support, so staff should be able to deal with problems of loud music and shouting. If it is possible to attach a condition to any approval requiring a noise management plan, setting out the management arrangements for controlling noise from residents.

In my opinion a condition for a noise management plan would not meet the tests of a sound planning condition and would be unenforceable. There are other legislation and procedures in place to deal with statutory noise nuisance via the Environmental Enforcement Team.

7.6 **West Midlands Police** – No objections to the application subject to crime reduction measures being installed. This includes external lighting, alarms and CCTV if on the site should be approved by NSI, SSAIB or both and entrance door-sets to PAS 24 standards. Furthermore, it is recommended that nothing is located next to exterior fencing as it can provide a climbing aid and restrict natural surveillance.

The police have also highlighted recent calls to the premises are as below.

Oct 2020 - Concern for welfare. Older resident.

Sept 2020 - Concern regarding the history of 2 residents. Also reference to accommodation for those with mental health issues.

Sept 2020 - 28-year-old resident involved in incident elsewhere. Mental health issues.

June 2020 - Attempt damage, attempt assault attending police officers. (Same offender as above).

June 2020 - concern for resident welfare.

May 2020 - Common assault on staff member and another resident during argument between two residents. (One 60 years old).

May 2020 - Ambulance requiring police assistance with known violent individual.

April 2020 - Verbal threats between residents

Feb 2020 - Assault and Damage. Resident with mental health issues pushed staff member and ripped key safe off wall in office.

Another call regarding a female resident self-harming.

Dec 2019 - Resident thrown items at office and threatened staff member.

Dec 2019 - Missing then found resident.

Dec 2019 - Concern for resident welfare.

July 2019 - 60 year old male resident with mental health issues assaulted a police officer.

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

- 8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

9. LOCAL PLANNING POLICY

- 9.1 The following policies of the Council's Development Plan are relevant:-

BCCS - HOU1 – Delivering Sustainable Housing Growth

ENV3: Design Quality

SAD H4 – Housing for People with Specific Needs

SAD EOS9: Urban Design Principles

- 9.2 HOU1 refers to delivering sustainable housing growth through allocated sites, in this instance the provision of the residential accommodation to meet specific needs within the community assists with meeting this target.
- 9.3 SAD policy H4 encourages the provision of housing to cater for the special needs of people. The proposed development meets the guidance set out in the policy in that it is compatible with adjacent uses, the existing building is suitable for such a proposal and the location of the property is close to existing facilities of Old Hill town centre.
- 9.4 ENV3 and SAD EOS 9 refer to well-designed schemes that provide quality living environments. The layout of the flats has previously been approved with the difference being flat 1 has been converted from a two-bedroom unit to a one-bedroom unit. The site office has been accommodated in the lost bedroom space. The scheme is acceptable in terms of design subject to an amended boundary treatment to the Mace Street frontage and implementation of the amenity space and car parking around the building.

10. MATERIAL CONSIDERATIONS

10.1 The material considerations relating to Government Policy (NPPF) and proposals within the Development Plan have been referred to above in Sections 8 and 9. With regards to the other considerations these are highlighted below:

10.2 Planning history

The principle of a residential use on the site has been set by the granting of planning approval DC/15/58688.

10.3 Overlooking/loss of privacy

The proposed balcony and roof terrace shown on the floor plans were not approved under the previous planning permission (DC/15/58688), amended plans were received to remove these elements. The scheme as approved included first floor bay windows to the rear elevation facing the residential properties on Church Street. These windows were designed to protect their privacy. However, it has been noted that these windows have not been installed in accordance with the approved plan and hence a condition to address this issue has been included within the recommendation.

10.4 Access, highway safety, parking and servicing

The Head of Highways has raised no objections to the application, a condition for the car parking to be laid out in accordance with submitted scheme has been included within the recommendation as well as details of how the gates are operated/managed.

10.5 Noise, disturbance and anti-social behaviour from the scheme

The objector's concerns in respect of anti-social behaviour by residents are noted, however the Police and Pollution Control Team (noise) have not objected to the proposal and have not raised specific concerns in respect of such matters. In reference to noise from the premises by the playing of loud music, the Environmental Protection Team have powers to deal with this matter as a statutory noise nuisance. The care provider has confirmed the premises would not contain any tenants with a criminal record and the two residents who were causing the concerns have been removed from the site and will not be returning. As the site is staffed at all times, the matters regarding anti-social behaviour experienced can be rectified by responsible management of the property. A condition for a site management plan to be provided to include details of shift changes,

staffing numbers, complaint procedures and tenancy agreements has been included in the recommendation.

11. IMPLICATIONS FOR SANDWELL'S VISION

11.1 The proposal supports Ambitions 7 and 10 of the Sandwell Vision 2030:-

11.2 Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

11.3 Ambition 10 – Sandwell has a national reputation for getting things done, where all local partners are focussed on what really matters in people's lives and communities.

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 In reflecting on the principle of the change of use to a residential care home (Use Class C2), policy SAD H4 'Housing People with Specific Needs' lists a number of criteria which can be applied to such housing provision. The residential use is compatible with the surrounding area; the site and suitability is appropriate for such use; and the site is within close proximity of transport links and facilities in Old Hill town centre. On balance, taking the above considerations into account, I am of the opinion the proposal would provide suitable accommodation for people with specific needs and with the effective management of the site, residential amenity of neighbouring properties can be protected. Whilst I sympathise with many of the issues raised by the objectors, my recommendation is based on an unprejudiced assessment of a residential use in this locality.

13. STRATEGIC RESOURCE IMPLICATIONS

13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

14.1 This application is submitted under the Town and Country Planning Act 1990.

15. EQUALITY IMPACT ASSESSMENT

15.1 There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.

16. DATA PROTECTION IMPACT ASSESSMENT

16.1 The planning application and accompanying documentation is a public document.

17. CRIME AND DISORDER AND RISK ASSESSMENT

17.1 Relevant conditions relating to external lighting and a revised bin/cycle storage location have been included following advice from West Midlands Police.

18. SUSTAINABILITY OF PROPOSALS

18.1 Refer to the National Planning Policy Framework (8), Development Plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

19.1 Refer to the summary of the report (12).

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

20.1 There would be no impact.

21. APPENDICES:

Site Plan

Context Plan

2015-00SK AL (2) 007 REV A (A1)

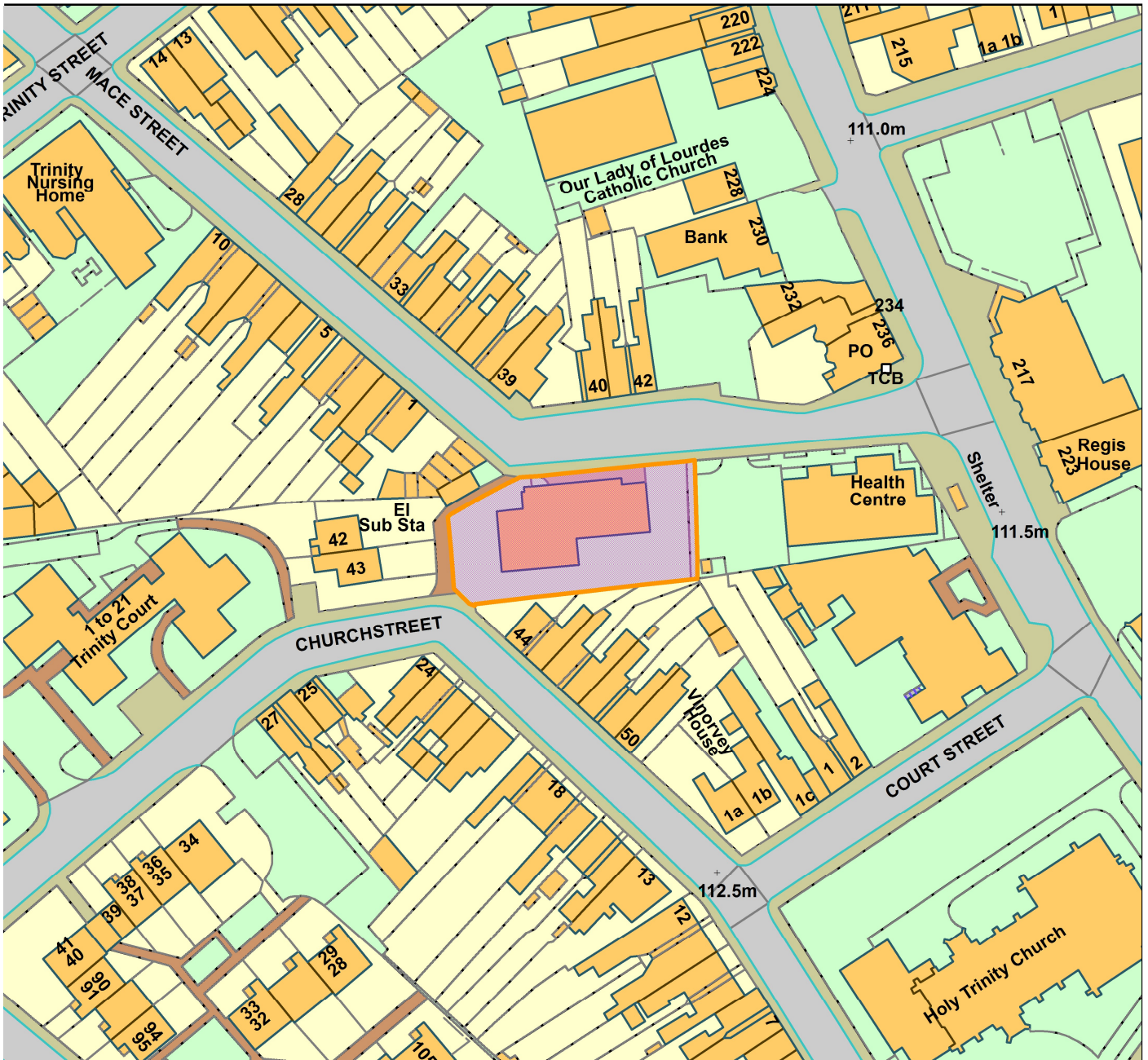
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2015-00SK AL (2) 009 REV A (A1)

2015-00SK AL (2) 006 REV A (A1)

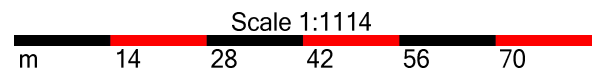
DC/20/64453

1-9 The Old Fire Station, Mace Street, Cradley Heath



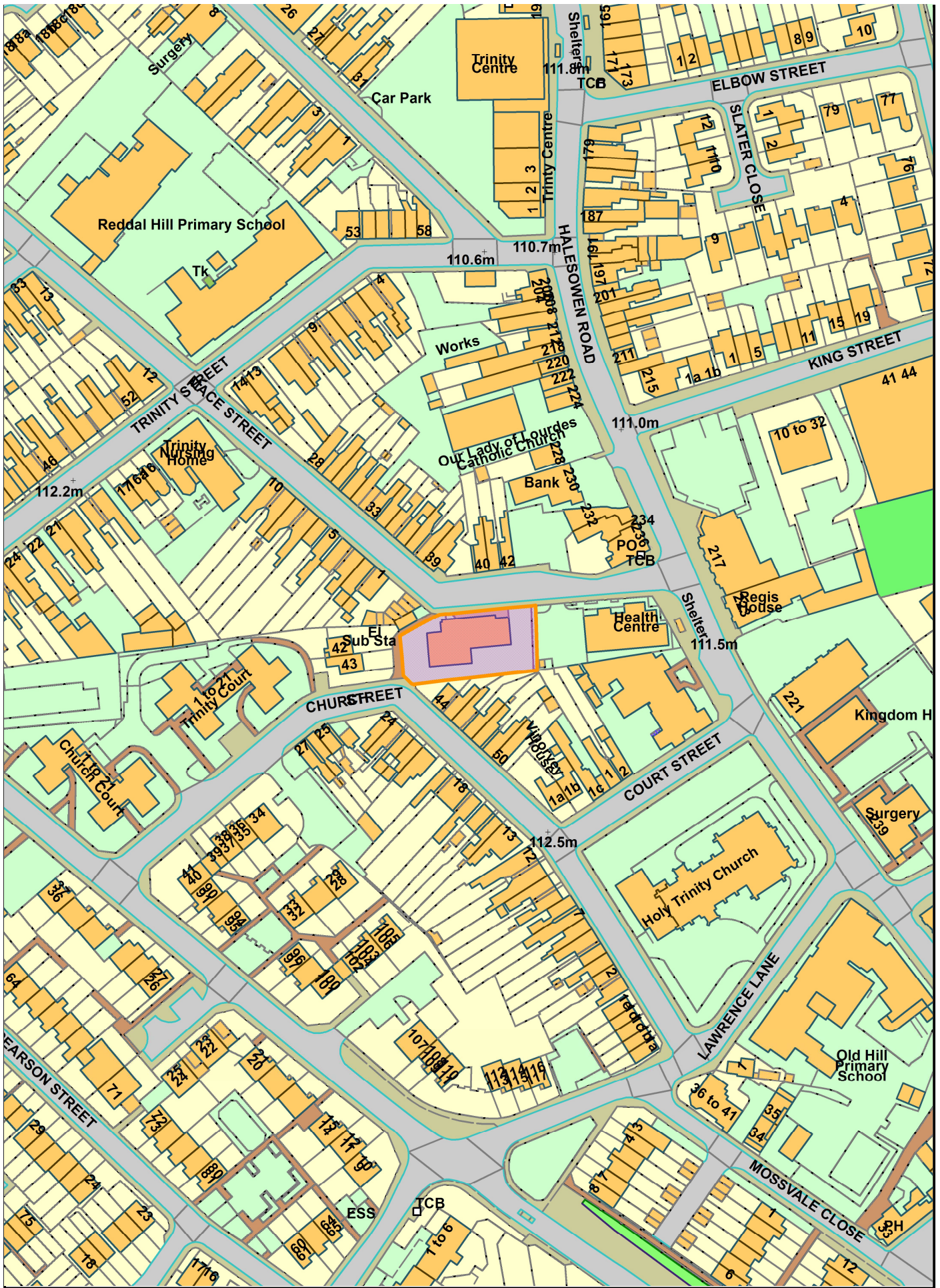
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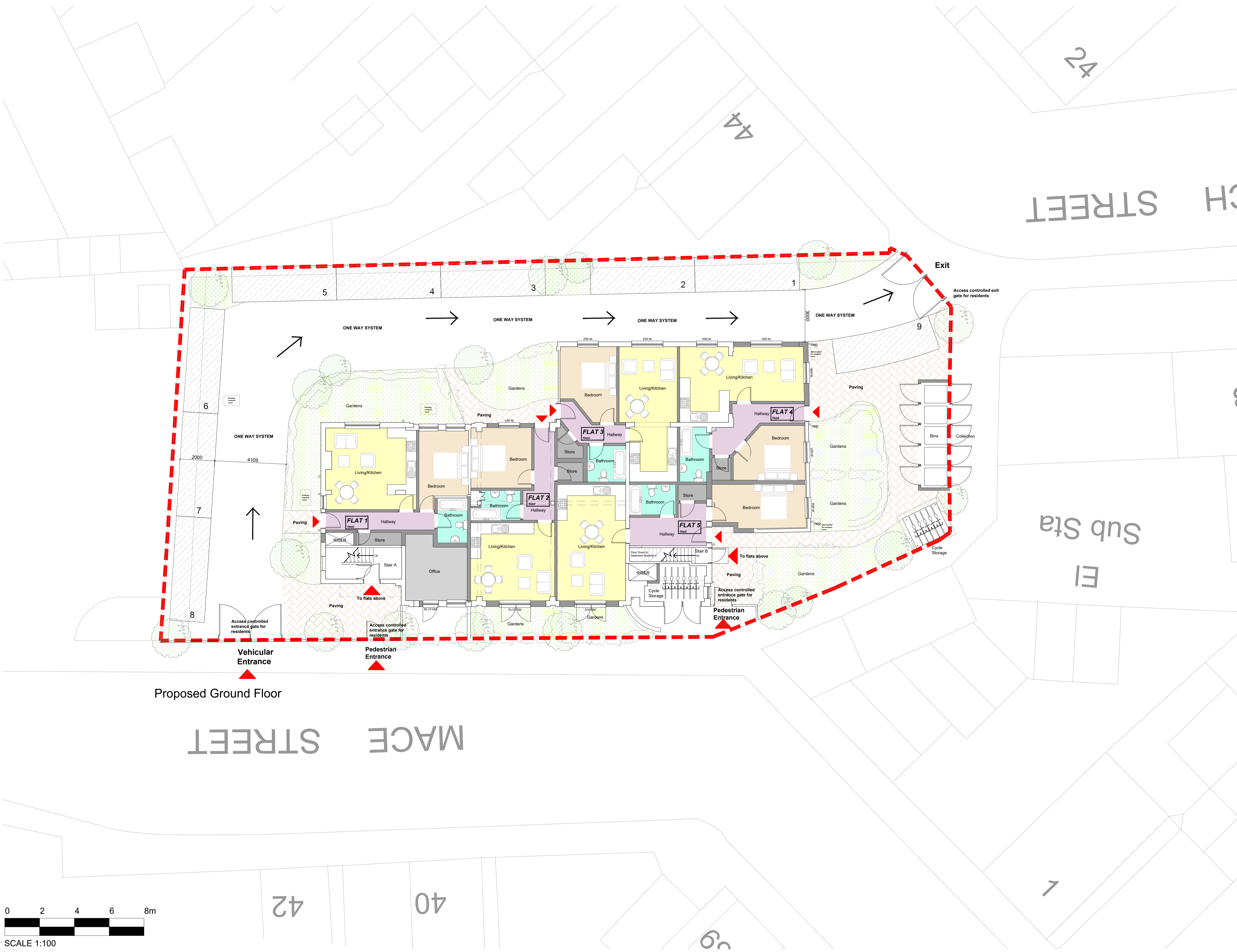
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	25 November 2020
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 SCALE 1:100
 Proposed Ground Floor Plan @ 1:100

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All information provided is for information purposes only and are subject to change once further accurate surveys have been carried out.

- Significant hazards are defined as -
- Those not likely to be obvious to a competent contractor or other designers.
 - Those of an unusual nature.
 - Those likely to be difficult to manage effectively.

Revisions

— Site boundary line
 — New wall construction



Accommodation Schedule

Apartment no.	Type	GIA (sqm)
1	1 bed	51 (sqm)
2	1 bed	49 (sqm)
3	1 bed	50 (sqm)
4	1 bed	55 (sqm)
5	1 bed	56 (sqm)
6	1 bed	48 (sqm)
7	1 bed	48 (sqm)
8	1 bed	48 (sqm)
9	1 bed	62 (sqm)

A	Balcony terrace removed. Office added. Vehicular gates flipped as requested.	Jsb	16.10.20
Rev:	Details:	By / Chk:	Date:

Jsb:architects

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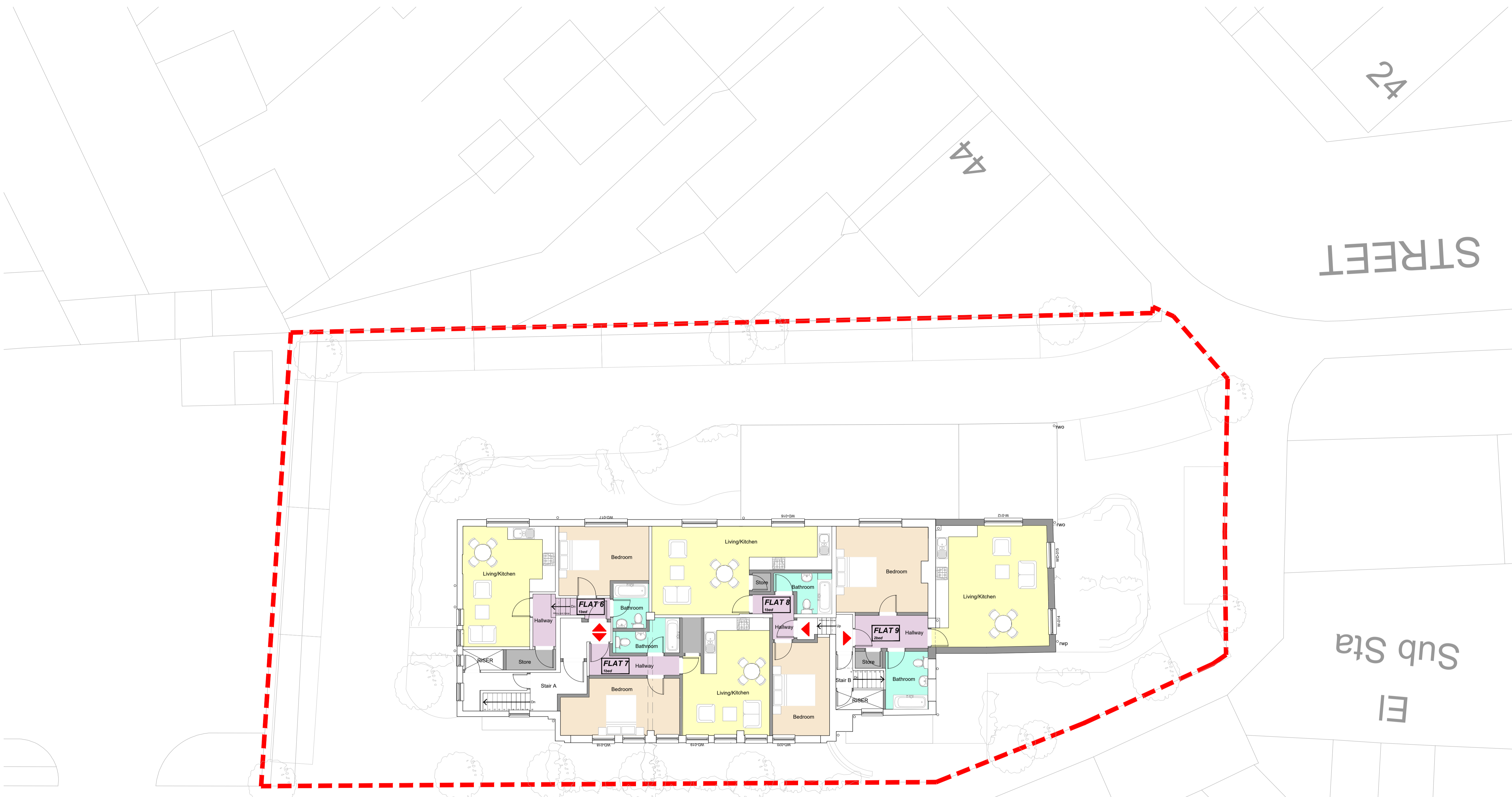
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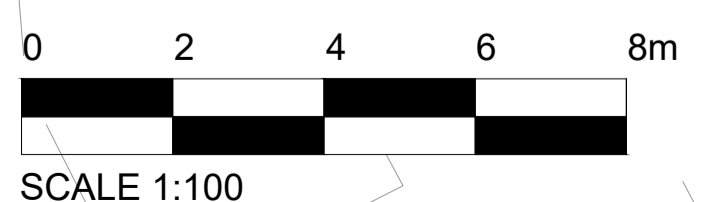
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2015-00SK AL (2) 007 A



Proposed First Floor



Proposed First Floor Plan @ 1:100

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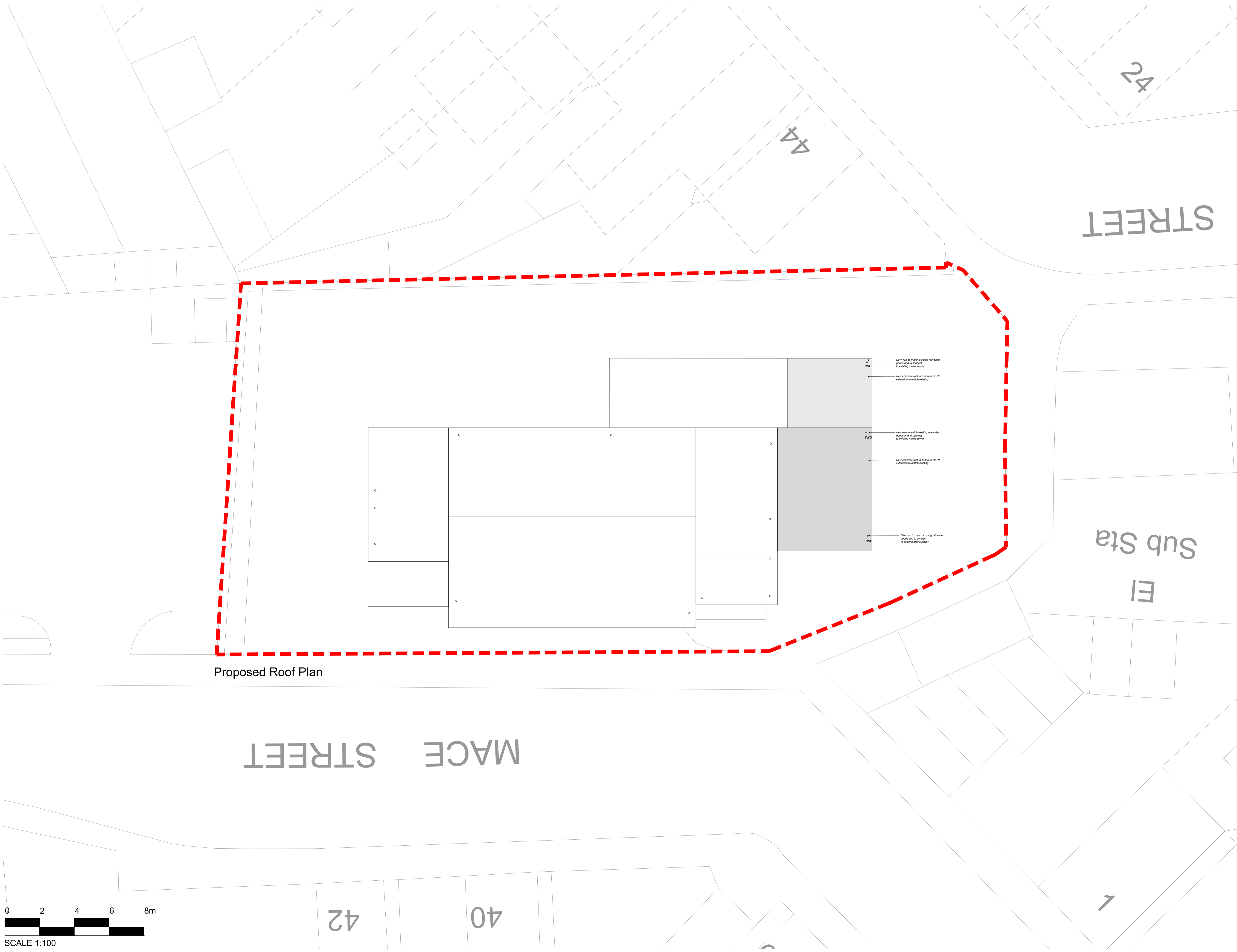
Drawing Title:
Proposed First Floor

Scale: 1:100@ A1 @ A1

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Proposed Roof Plan @ 1:100

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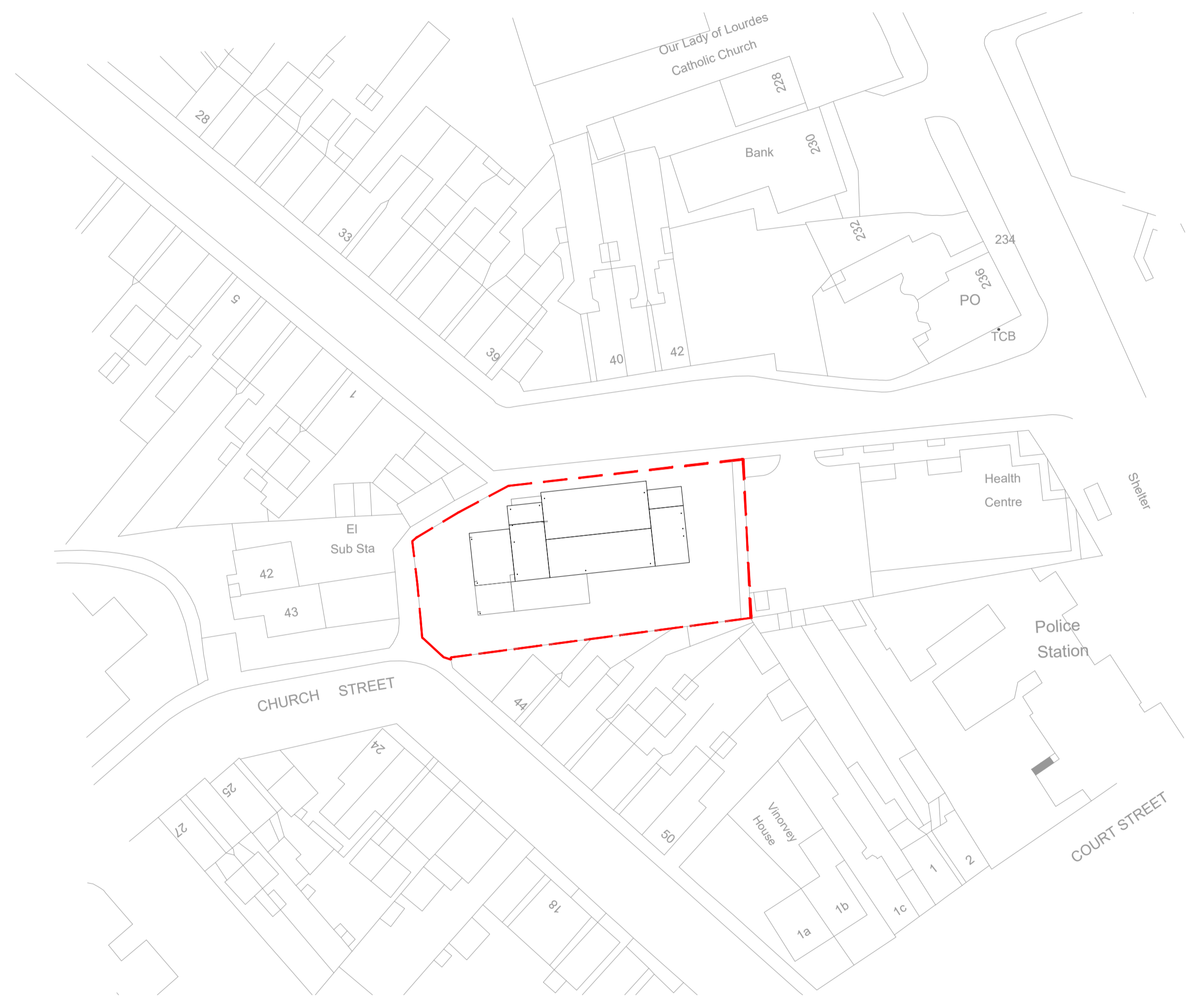
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Proposed Site Plan @ 1:500

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Drawing Title:
Proposed Site Plan

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PLANNING

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Do not scale from this drawing - Refer to figured dimensions only.
Contractor to notify Architect of any discrepancies or site variations immediately.

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