

Report to Planning Committee

28 June 2023

Application Reference	DC/23/67957
Application Received	07 February 2023
Application Description	Proposed replacement sections, refurbishment and associated works in connection with the existing care home (Use Class C2) to include: external alterations, two storey front/side extension with photovoltaic solar panels on roof and glazed canopy over main entrance, single storey extension overlooking courtyard garden area, two storey enclosed staircase to rear, outbuildings to include Occupational Therapy cabin, maintenance shed and bin store, installation of EV charging points to car park, boundary wall/fencing and landscaping.
Application Address	Beech Croft Residential Home Salop Drive Oldbury B68 9AG
Applicant	Cygnets Behavioural Health Limited
Ward	Bristnall
Contact Officer	Mr Andrew Dean andrew_dean@sandwell.gov.uk



1 Recommendations


1.1 That planning permission is granted subject to conditions relating to:

- i) External materials.
- ii) Electric Vehicle Charging points.
- iii) Low NOx boilers.
- iv) Construction management plan compliance.
- v) External lighting scheme.
- vi) Contaminated Land.
- vii) Privacy scheme for room windows FF31 and FF25.

2 Reasons for Recommendations

2.1 The proposed extension and alterations to the existing care home are acceptable in design and scale and raise no concerns from a residential amenity perspective.

3 How does this deliver objectives of the Corporate Plan?

	Strong resilient communities
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4 Context

4.1 At the last committee meeting, members resolved to visit the site and further clarification was requested regarding the therapy cabin (see 8.3 below). In addition, following the last committee meeting the applicant has also invited neighbours to attend a drop-in session ask questions and see the proposed plans. From the information submitted this was held on Tuesday 20 June, from 3pm to 7pm at Hurst Road Community Centre.

4.2 The application is being reported to your committee at the request of Councillor Fenton and because 20 objections and a 67-signature petition against the proposal have been received.



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

[Beech Croft Residential Home](#)

5 Key Considerations

- 5.1 The site is unallocated in the Development Plan.
- 5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)
Planning history (including appeal decisions)
Overlooking/loss of privacy
Loss of light and/or outlook
Design, appearance and materials
Access, highway safety, parking and servicing

6. The Application Site

- 6.1 The application relates to a residential care home located on the western side of Salop Drive, Oldbury. The application site is surrounded on three side by residential properties with a garage court and an allotment site located on the opposite side of Salop Drive.

7. Planning History

- 7.1 The site has been subject to a number of applications for extensions dating back to the mid 1990's, all of which have been granted approval. Demolition consent was granted for the single-story element at the front of the care home to be demolished in December 2022. The care home is a historic use of the site.
- 7.2 Relevant planning applications are as follows:



PD/22/02285	Proposed demolition of front single storey building.	Grant Demolition Consent 19.12.2022
DC/12/54459	Proposed laundry extension.	Grant Permission 09.05.2012
DC/00/36733	Dining room extension.	Grant Permission 17.08.2000
DC/96/32532	Single storey bedroom, office and lounge extensions.	Grant Permission with External Materials 16.08.1996

8. Application Details

- 8.1 The applicant is proposing extensions, the refurbishment and associated works in connection with the existing care home (Use Class C2) to include: external alterations, two storey front/side extension with photovoltaic solar panels on roof and glazed canopy over main entrance, single storey extension overlooking courtyard garden area, two storey enclosed staircase to rear, outbuildings to include Occupational Therapy cabin, maintenance shed and bin store, installation of EV charging points to car park, boundary wall/fencing and landscaping.
- 8.2 The proposed two storey front/side extension would be L shaped in design and would connect the existing two storey elements of the care home. The extension would also include a single storey element facing onto the enclosed court yard. The extension measured external would measures 31.5 metres by 22 metres with an overall height of 7.1 metres.
- 8.3 **The proposed wooden cabin would measure 6.6 metres by 4.3 metres with an overall height of 3.2 metres. The agent has submitted further information to confirm the proposed occupational therapy cabin would replace an existing shelter/veranda and maintenance shed that is currently located in approximately the same location as the proposed cabin. The structure would comprise of a fully insulated timber frame**



construction including ~200m thick wall with 150mm insulation, vapour barriers, finished with plasterboard internally and externally clad in timber cladding. The cabin would provide a multi-use space to allow therapy to take place dependent on the resident's requirements. Typically, this will include arts & crafts, education workshops, group sessions and other similar activities to promote good mental health.

- 8.4 The proposed maintenance shed would measure 5.3 metres by 4.1 metres with an over height of 2.77 metres. The proposed bin store would be adjacent to the maintenance shed and measure 2.2 metres by 4 metres with an over height of 2.2 metres. The elevations of both structures would be timber cladding.
- 8.5 The applicant has submitted an amended plan to reduce the height of the proposed rear boundary fence from the originally proposed 3 metres to 2.4 metres. The windows serving rooms G28 and F25 have also been moved to the right by 0.5 metre to not directly overlook the rear elevation of the flats at the rear.
- 8.6 Minor other alterations to the existing building include the replacement of windows, the removal of an existing metal fire escape, removal of roof plant and water tanks and solar panels to the roof of the proposed two storey extension.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter, with 20 objections and a 67-signature petition being received. All objections and the petition raised concerns regarding the potential use of the property.

9.2 Objections

Objections have been received on the following grounds:



- i) The proposal would result in a loss of privacy and overlooking to neighbouring properties.
- ii) The proposal would result in a loss of outlook.
- iii) The proposed fence is large and out of character for a residential area.
- iv) Concerns regarding the risk solar panels poses in terms of health.
- v) The proposal raises concerns from increase noise and disturbance.
- vi) Some residents were not notified of the application.

Non-material objections have been raised regarding loss of property value.

In terms of the use of the property, residents raised concerns regarding a lack of information regarding the proposed use of the building by the applicant. Residents researched the applicant and were concerned that potential residents could be criminals or people committed under the Mental Health Act. This has resulted in a fear of crime/safety concerns for residents.

9.3 Responses to objections

I respond to the objector's comments in turn:

- i) Taking into consideration the existing building/separation distances and the already demolished single storey section, I do not consider the proposed development would result in a significant loss of privacy or increased overlooking to neighbouring properties. To ensure privacy is protected for the flats on Salop Drive located on a lower ground level, a privacy scheme for bedroom windows F31 and F25 has been included within the recommendation. This scheme would consist of a privacy film being added to $\frac{3}{4}$ of the windows to prevent overlooking.
- ii) Taking into consideration the existing building and already demolished single storey section, I do not consider the proposed



- development would result in a significant loss of outlook to neighbouring properties.
- iii) The applicant has reduced the height of the fence from the originally proposed 3 metres to 2.4 metres. Given the levels change on the site, I do not consider this to be overly high to result in a loss of amenity to neighbours.
 - iv) I am not aware of health issues relating to solar panels and are common place on the roofs of residential properties. The solar panels would be located on the flat roof of the proposed two storey extension.
 - v) I suspect this point was raised regarding the potential use of the building by the applicant. In terms of the proposal, I do not consider the proposed extension and other proposals within the description of development would result in significant noise disturbance to residents. A condition for a construction management plan has been included within the recommendation.
 - vi) All neighbours with a physical boundary to the site were consulted on the application in accordance with the requirement of The Town and Country Planning (Development Management Procedure.

In terms of the use, a change of use of the property has not been included within the description of development by the applicant. Firstly, it should be noted that the current use of Beech Croft Care Home falls within Use Class C2 (Residential institution). This use class includes a range of different uses which includes residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. Residents fear the applicants will use the property as a C2A (Secure Residential Institution) which includes uses such as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.

Following concerns being raised by residents, the applicant provided an operator statement which was sent to all objectors to the application. The applicant also confirmed they would be undertaking a leaf drop to residents. The applicants state the use would be for care facility for



women suffering from mental health issues and the use of the property would not be for the primary provision of confinement. No specialist internal or external security features would be required or installed, and no onsite security would be provided. Following additional concerns from a resident, the applicant has provided the below statement.

This is not a low secure unit, it is an acute service. Acute services provide a safe and stabilising environment for individuals who are experiencing an acute episode of mental illness.

The ethos is about assessing and treating service users in the least restrictive environment and planning for discharge in a robust and timely fashion. With a focus on stabilisation, we support service users to manage their mental health, reinforce daily living skills and prepare for independent life back in the community. Our team works closely and collaboratively with service users, their families and the referrer to provide a seamless pathway from referral to discharge. Our approach is recovery focused and supported by a comprehensive multi-disciplinary team, contributing to shorter lengths of stay.

In keeping with the NHS definition an acute service is: ‘... a therapeutic environment [to] provide the best opportunity for recovery. It is important that care is purposeful, patient-orientated and recovery-focused from the outset, so that people have a good experience of care and do not spend more time in hospital than necessary.’ (Therapeutic inpatient mental health care, <https://www.england.nhs.uk/mental-health/adults/crisis-and-acute-care/>)

There is a possibility some patients may be referred for treatment because they are detained under the Mental Health Act and this is often because they are at risk of self-harm or suicide. This is very much a protective measure to ensure their own safety and can be part of the process in supporting them safely along their care pathway. The service will also support ‘informal’ patients, who are individuals who are admitted voluntarily and are seeking support to overcome their mental health challenges. The fact that these two different admission criteria can be



accepted in this setting distinguishes the difference between this type of care setting and that of a secure facility.

This does not constitute a 'low secure unit' and therefore isn't a change in specification because:

- *It is not one of security, detention and containment.*
- *The operational standards are in place for the safety of residents who live and receive care on site.*
- *Security considerations are wholly subsidiary with no specialist internal or external security features included or needed for the proposed use.*

Cygnets are mindful of their neighbours, staff and other residents, and will not accept referrals from anyone who poses a risk to the community. It is not a step-down service for ex-offenders nor is it a rehabilitation centre for alcohol or substance misuse. The service is very much about supporting women through treatment for mental health challenges, so they will be seeking to feel well again and recover in a place of safety.

In relation to the above statement from the applicant, there will be circumstances whereby, it would now appear, some residents may be referred for treatment because they are detained under the Mental Health Act, however, from the information provided this is not because they would be a danger to the wider society and would in fact be a risk to themselves. The Local Planning Authority are therefore still of the opinion this would fall under care (Use Class C2) and it doesn't suggest the facility would be any more secure than any other type of care home. Therefore, under the Town and Country Planning Act (Use Classes Order) 1987 (As Amended) there would be no material change of use and the application is to be assessed on the current description of development.

However, should there be a material change of use occur in the future, the Local Planning Authority can investigate the matter using Planning Enforcement powers.



The submitted petition makes reference to the absence of a Section 106 agreement. Section 106 agreements are now largely used to secure affordable housing and when there is a need to make a development acceptable in other planning terms. In this instance, the Local Planning Authority are unable to restrict the use of an existing property to other uses within the same use class, which is a permitted change.

10. Consultee responses

10.1 **Highways** – No objections.

10.3 **Public Health (Air Quality)**

No objection subject to conditions relating to electric vehicle charging points, low NOx boilers and a construction management plan.

10.4 **Public Health (Contaminated Land)**

No objection subject to the standard contaminated land condition.

10.5 **Public Health (Air Pollution and Noise)**

No objection subject to conditions contained within the recommendation relating to a construction management plan compliance and an external lighting scheme.

10.6 **West Midlands Police** – No objection.

11. National Planning Policy

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

12. Local Planning Policy



12.1 The following polices of the council's Development Plan are relevant:

ENV3: Design Quality

ENV8: Air Quality

SAD EOS9: Urban Design Principles

12.2 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The layout and design of the proposal are considered to be acceptable.

12.3 ENV8 refers to mitigation measures to offset air quality issues, in this instance a condition for electric vehicle charging points has been included within the recommendation and the applicant would be providing solar panels on the roof to generate electricity.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Proposals in the Development Plan

The site is unallocated in the development plan.

13.3 Planning history (including appeal decisions)

The application relates to extensions and alterations to an existing historic residential care home which falls under the C2 (Residential Institutions use class).

13.4 Access, highway safety, parking, servicing and traffic generation

The Head of Highways has reviewed the proposal and raised no objections to the application on highway safety grounds.



13.6 Loss of light and/or outlook, Overshadowing and loss of privacy.

Taking into consideration the existing building/separation distances and the already demolished single storey section, I do not consider the proposed development would result in a significant loss of privacy or increased overlooking to neighbouring properties. To ensure privacy is protected for the flats on Salop Drive located on a lower ground level, a privacy scheme for bedroom windows F31 and F25 has been included within the recommendation. This scheme would consist of a privacy film being added to $\frac{3}{4}$ of the windows to prevent overlooking.

In terms of the proposed cabin, taking into consideration the location of the structure on an existing patio area which already contains a shed/ veranda, coupled by the fact the nearest residential dwellings are located on a higher ground level than the proposed cabin, I do not consider a significant loss of privacy would occur. Public Health have raised no objections to the application in terms of noise and disturbance.

13.7 Public visual amenity

I am satisfied the proposed two storey front extension/side extension and alteration to the existing building proposed by the application would modernise the dated structure and improve its appearance in the street scene.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant polices and there are no material considerations that would justify refusal.

15 Implications



Resources:	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.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.
Social Value	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

16. Appendices

0002 REV G - AMENDED PROPOSED SITE PLAN

2003 REV F - AMENDED PROPOSED GROUND FLOOR PLAN

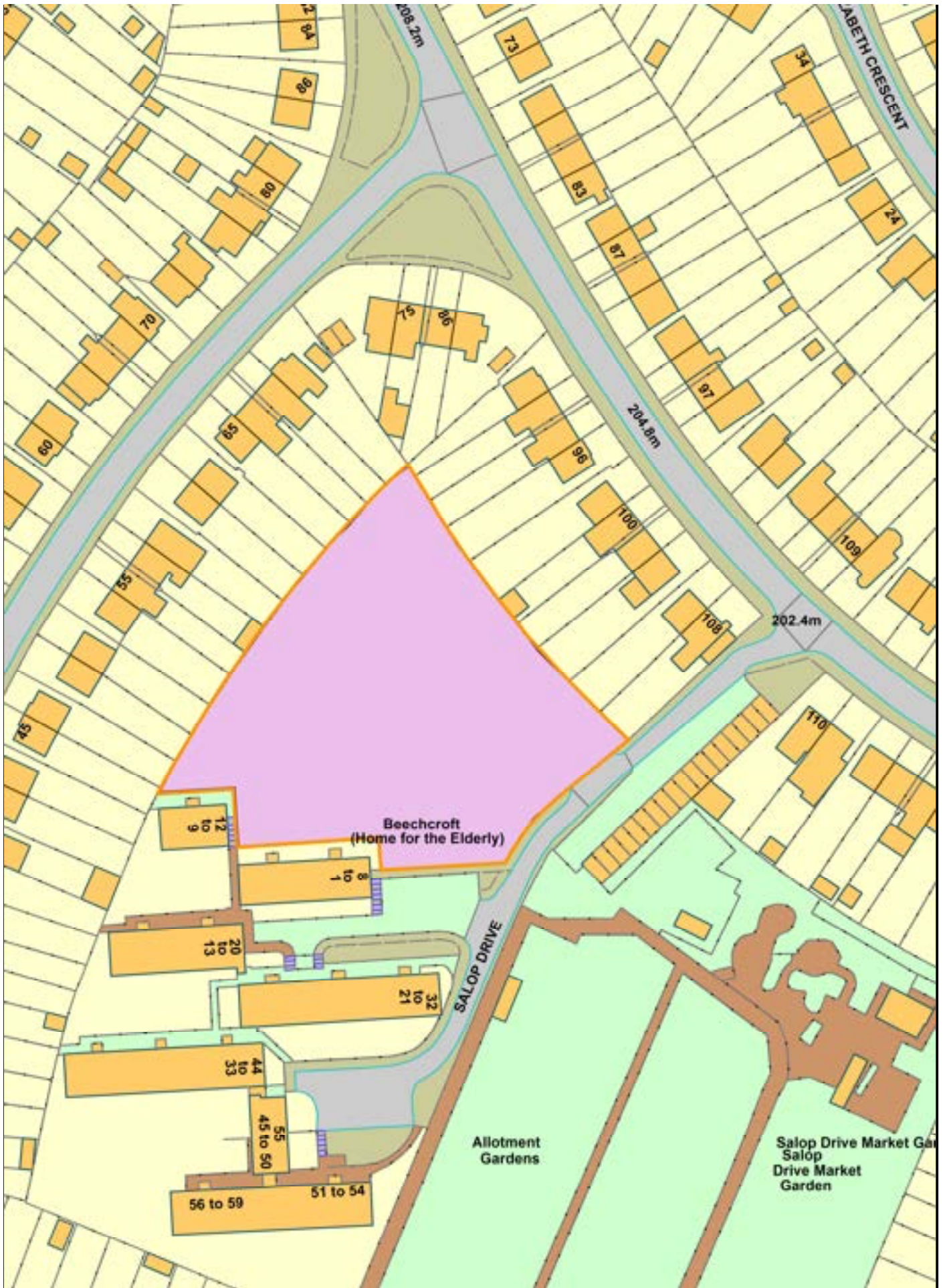
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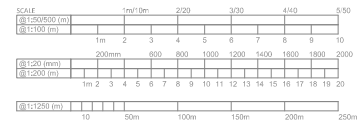
2006 REV H - AMENDED PROPOSED ELEVATIONS - SHEET 1

2007 REV F - AMENDED PROPOSED ELEVATIONS - SHEET 2

2060 REV A - BIN STORE/MAINTENANCE SHED







PROPOSED SITE LOCATION PLAN | SCALE 1:250

PROPOSED SITE PLAN | SCALE 1:200

Dashed red line shows extent of Demolition (separate application).

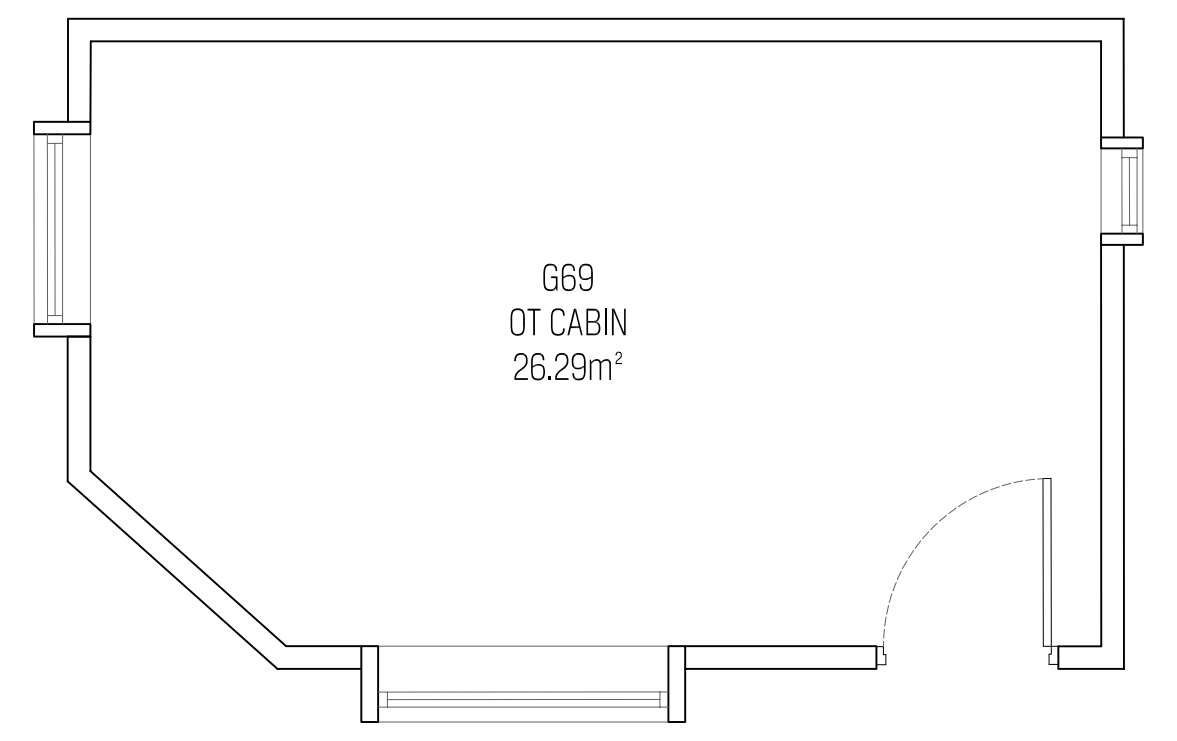
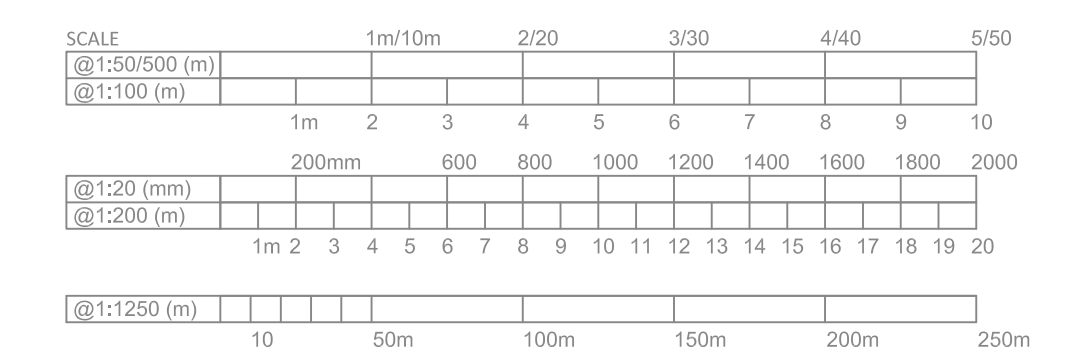
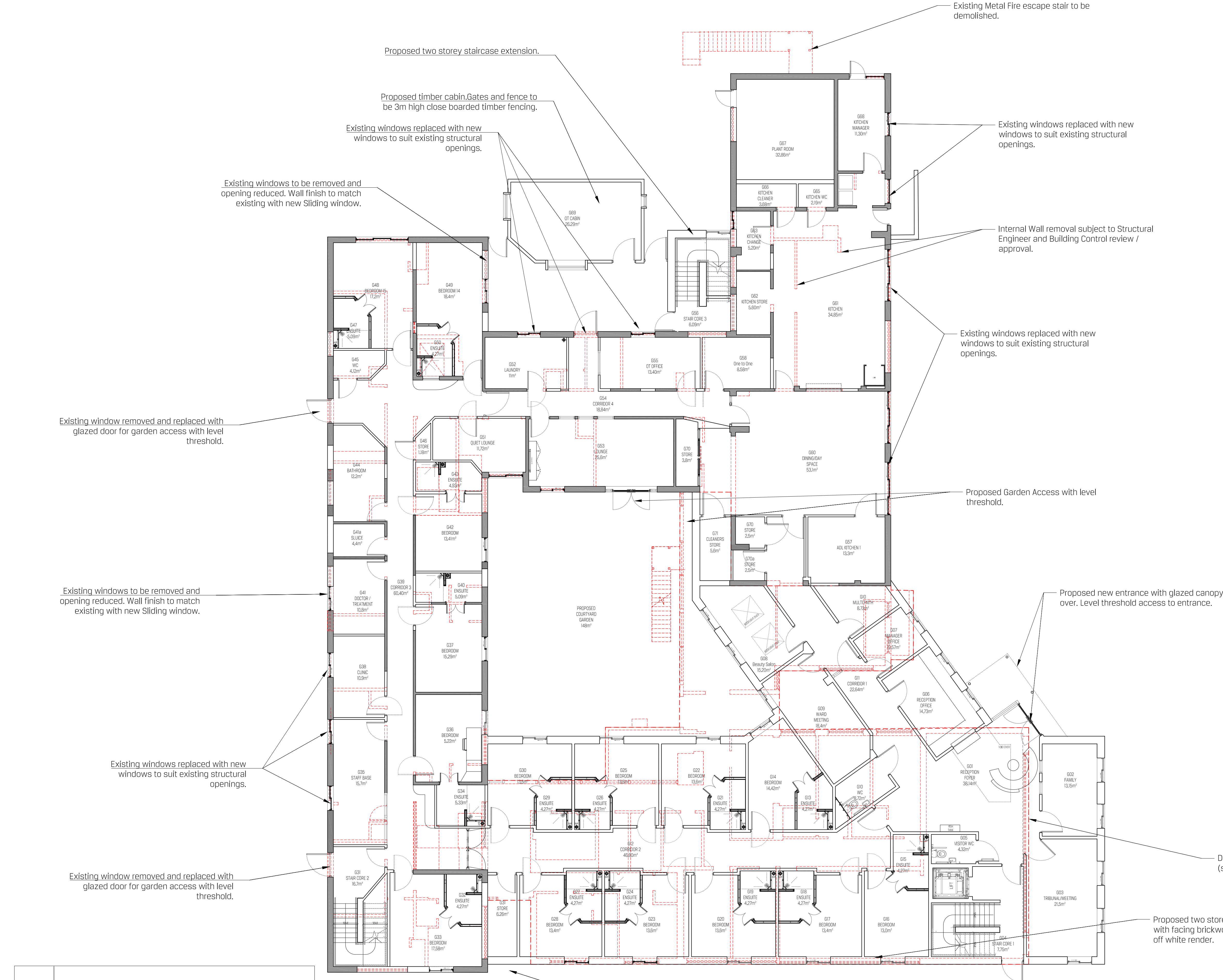


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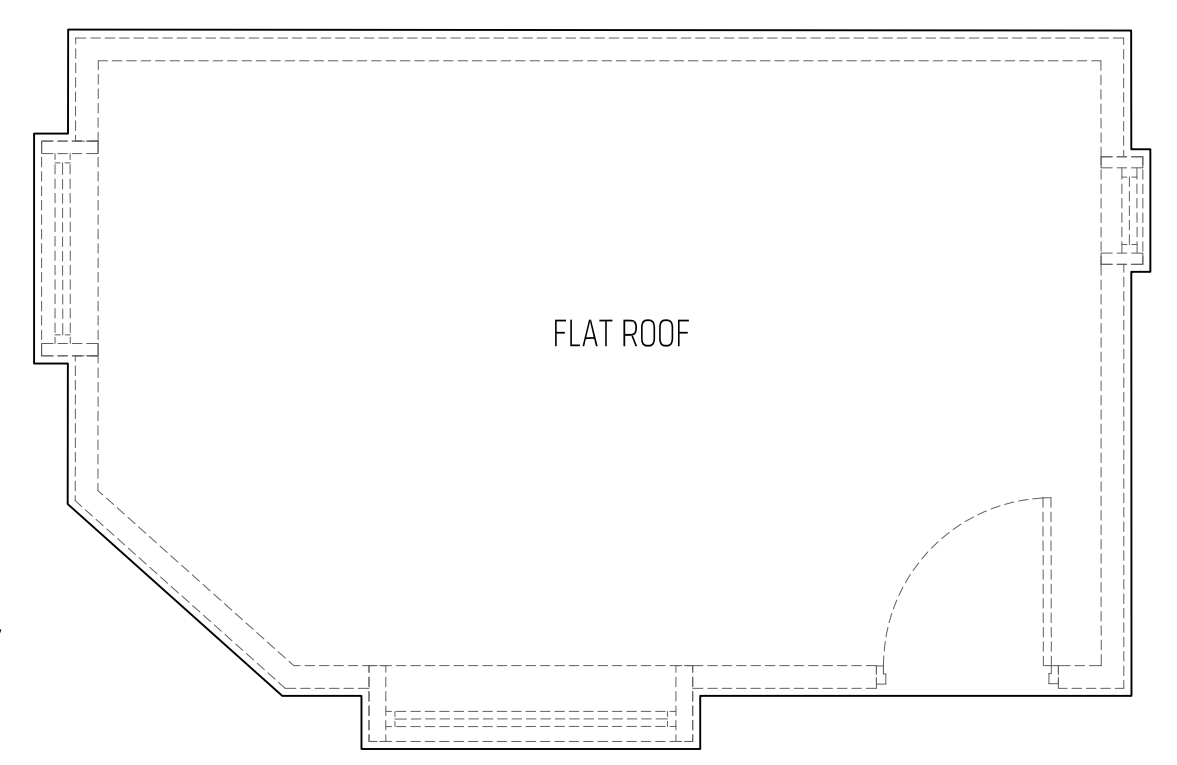
Cygnal
Health Care

SHACKARCHITECTURE
A Unit 6, The Curve, 138 Telegraph Road, Hove, East Sussex, TN11 2JG
T +44(0)1323 342 950 E info@shackarchitecture.com W www.shackarchitecture.com

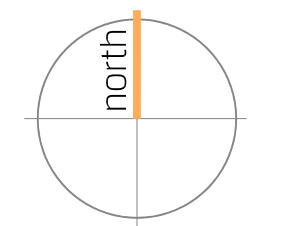
Client: CYGNET HEALTHCARE
Project: OLDBURY
Title: PROPOSED SITE PLAN
Dwg. No: 600026 - SHACK - V1 - 00 - DR - A - 0002 Rev H
Scale: VARE5@A1 Project No: SHACK598



OT CABIN GROUND FLOOR PLAN | SCALE 1:50



OT CABIN ROOF PLAN | SCALE 1:50



PROPOSED GROUND FLOOR PLAN | SCALE 1:100

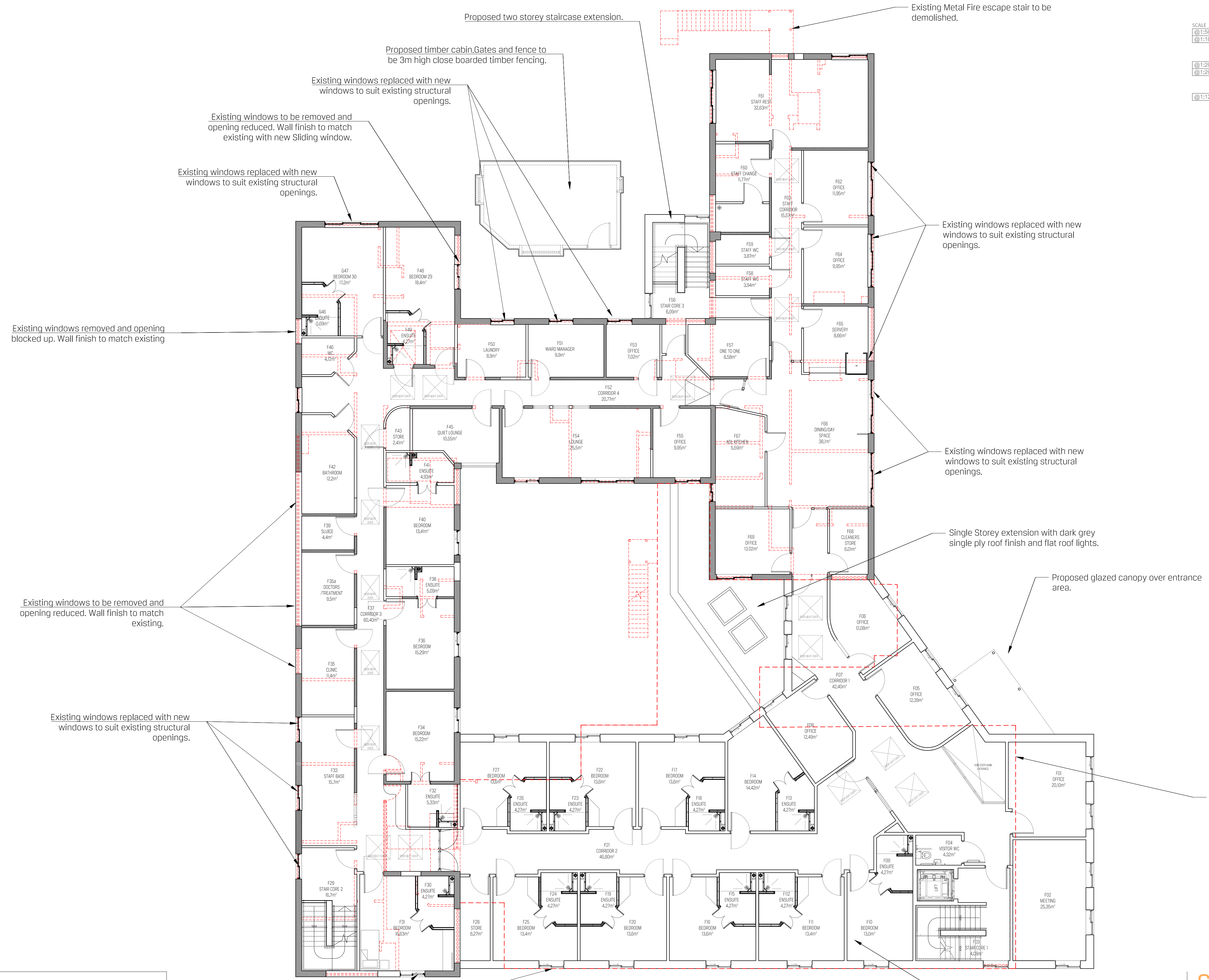
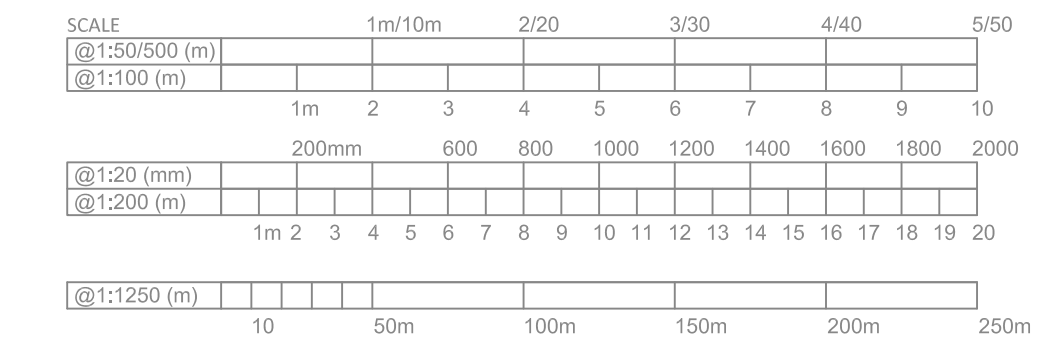
- GENERAL NOTES:
- All windows to be renewed to dark grey aluminum glazing.
 - Where making good all wall finishes to match existing finish.
 - all areas of hanging tile facade to be replaced with off white render finish.

PLANNING	F	WINDOW TO G28 & F25 REPOSITIONED	GL	GL	13.04.23
	E	ISSUED FOR PLANNING	GL	GL	20.01.23
	D	ISSUED FOR COMMENT	GL	GL	17.01.23
	C	REVISED TO SUIT CLIENT COMMENTS	GL	GL	10.01.23
	B	ISSUED FOR COMMENT	GL	GL	03.01.23
	A	ISSUED FOR COMMENT	GL	GL	14.12.22
	REVISION		DRAWN	CHECKED	DATE
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SHACKARCHITECTURE

A Unit 5, The Curve, 139 Telegraph Road, Heswall, Wirral, CH60 7SE
T +44(0)151 342 6516 E info@shackarchitecture.com W www.shackarchitecture.com

Client CYGNET HEALTHCARE
Project **OLDBURY**
Title PROPOSED GROUND FLOOR PLAN
Dwg. No. 600026 - SHACK - VI - 00 - DR - A - 2003 Rev F
Scale VARIES@A1 Project. No. SHACK598



Window to rooms F31 and F25 to be fitted with privacy film to 2/3 window height.

- GENERAL NOTES:**
- All windows to be renewed to dark grey aluminum glazing.
 - Where making good all wall finishes to match existing finish.
 - all areas of hanging tile facade to be replaced with off white render finish.

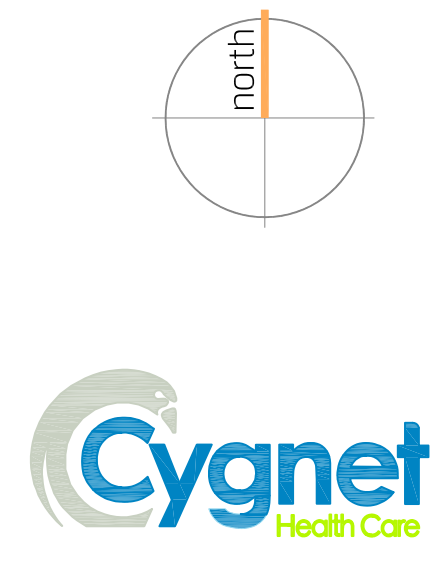
PROPOSED FIRST FLOOR PLAN | SCALE 1:100

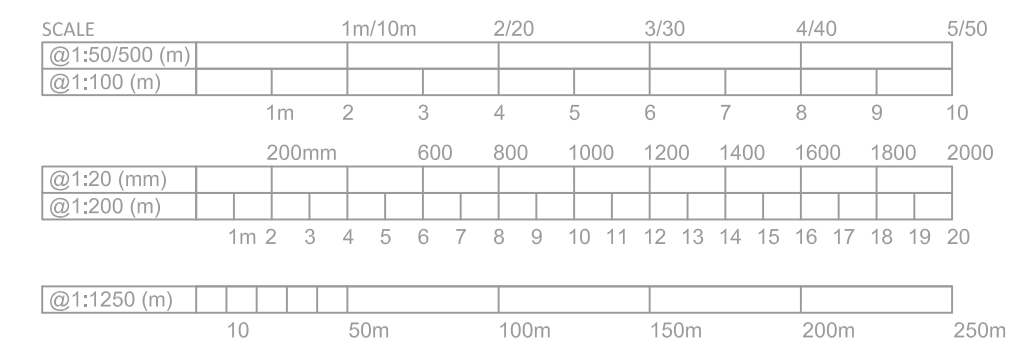
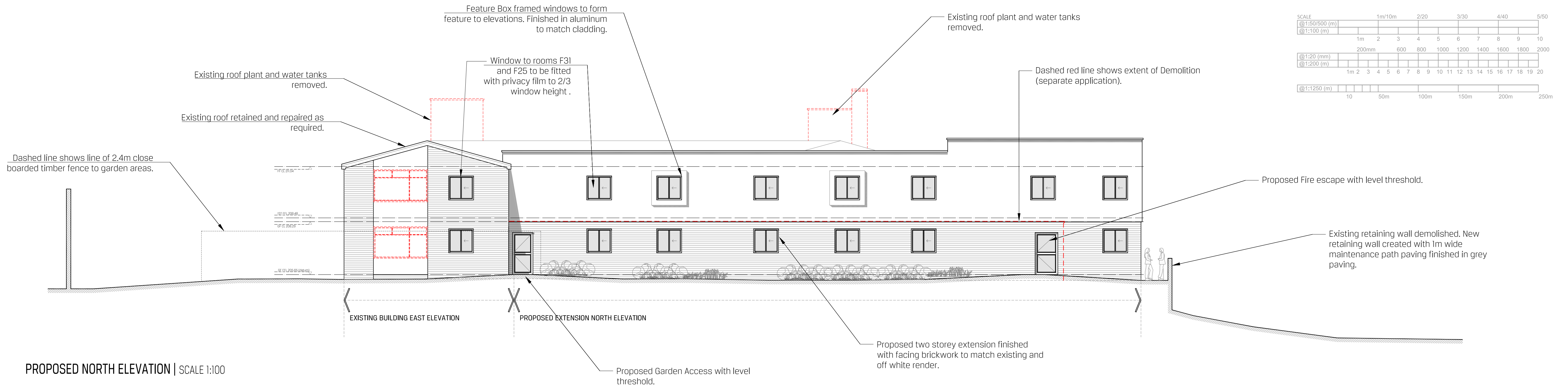
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	D	ISSUED FOR COMMENT	GL	GL	17.01.23
	C	REVISED TO SUIT CLIENT COMMENTS	GL	GL	10.01.23
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	A	ISSUED FOR COMMENT	GL	GL	15.12.22
		REVISION	DRAWN	CHECKED	DATE

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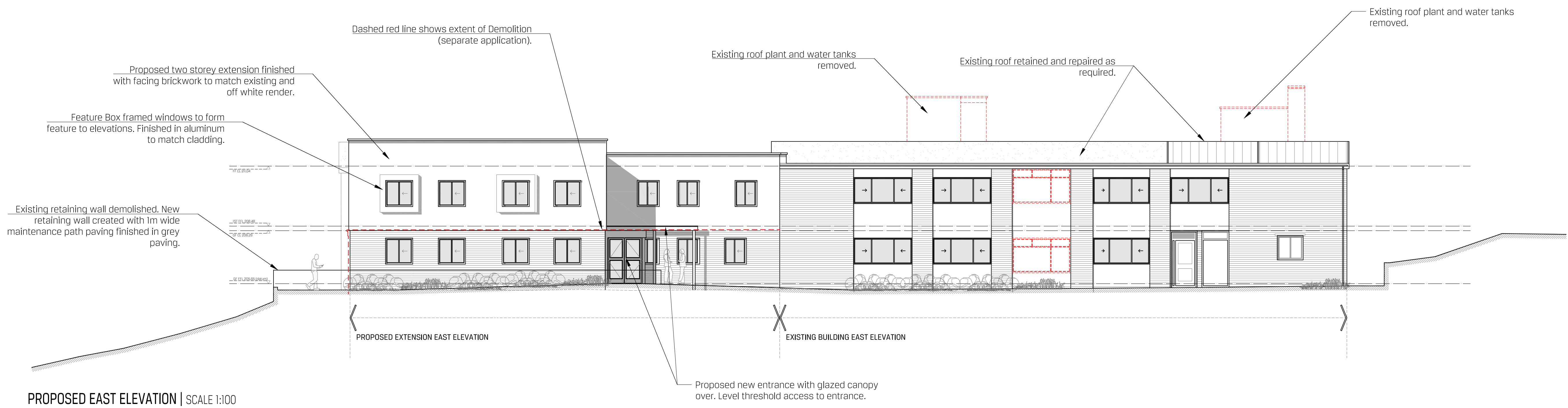
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Client: **CYGNET HEALTHCARE**
 Project: **OLDBURY**
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 Dwg. No. **600026 - SHACK - V1 - 01 - DR - A - 2004** Rev G
 Scale: **VARIES@A1** Project No. **SHACK598**





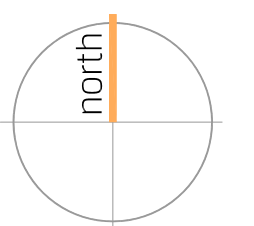
PROPOSED NORTH ELEVATION | SCALE 1:100



PROPOSED EAST ELEVATION | SCALE 1:100

- GENERAL NOTES:
- All windows to be renewed to dark grey aluminum glazing.
 - Where making good all wall finishes to match existing finish.
 - all areas of hanging tile facade to be replaced with off white render finish.

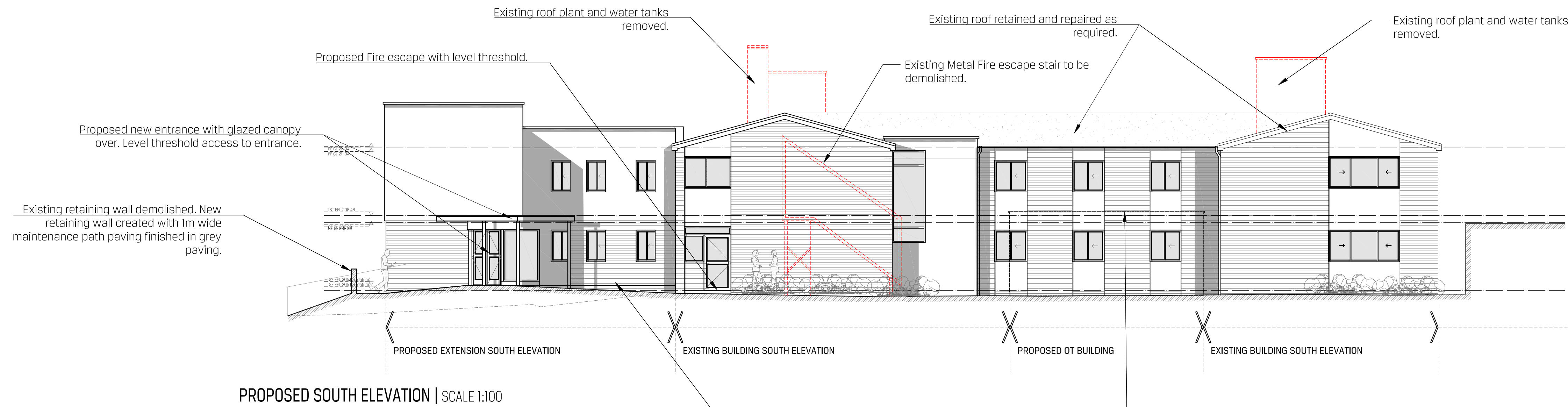
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	D	ISSUED FOR COMMENT	GL	GL	17.01.23	
	C	REVISED TO SUIT CLIENT COMMENTS	GL	GL	10.01.23	
	B	ISSUED FOR COMMENT	GL	GL	03.01.23	
	A	ISSUED FOR COMMENT	GL	GL	15.12.22	
	REVISION		DRAWN	CHECKED	DATE	
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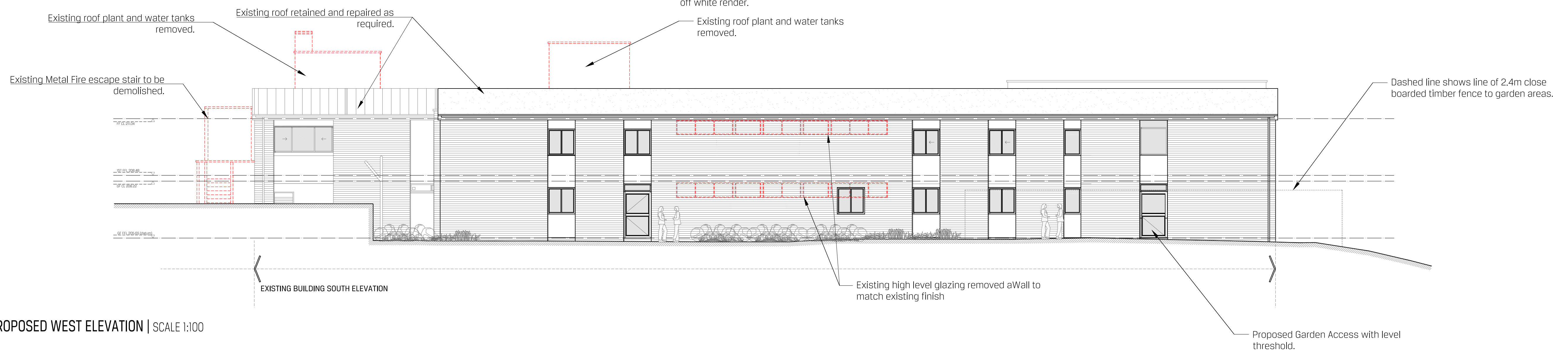
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A Unit 5, The Curve, 139 Telegraph Road, Heswall, Wirral, CH60 7SE
T +44(0)151 342 6516 E info@shackarchitecture.com W www.shackarchitecture.com

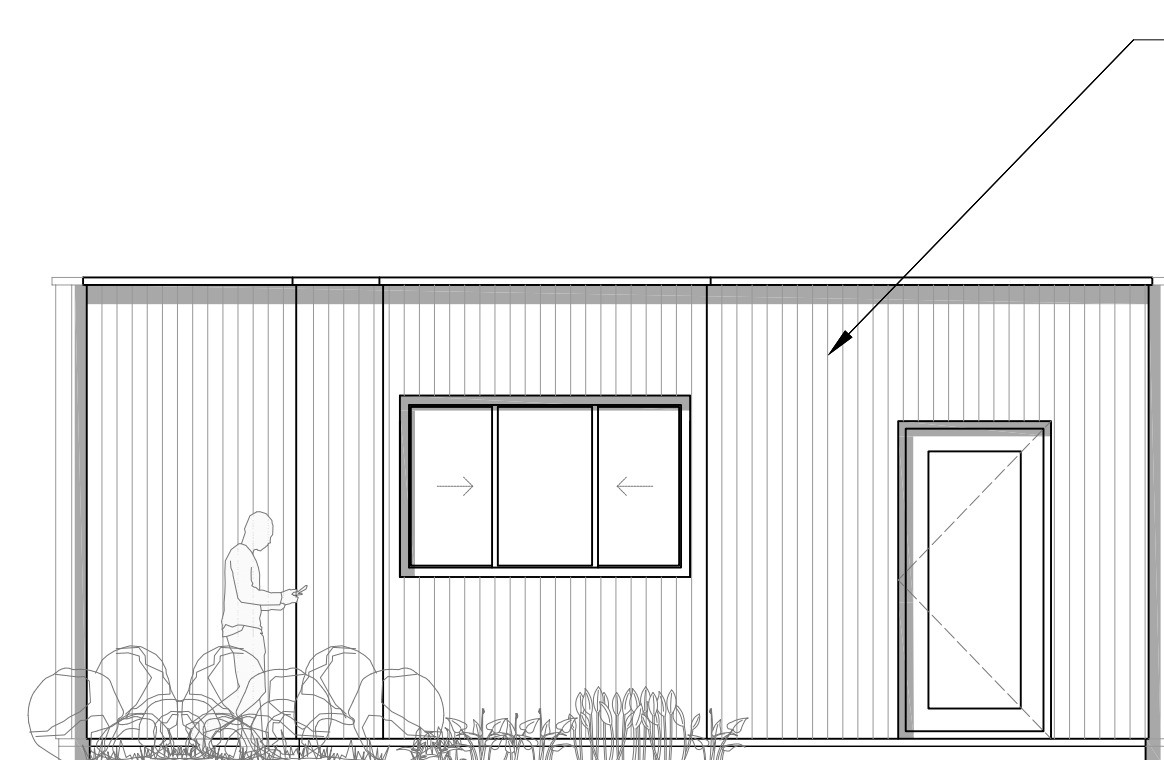
Client: CYGNET HEALTHCARE
Project: OLDBURY
Title: PROPOSED ELEVATIONS SHEET 01
Dwg. No. 600026 - SHACK - VI - XX - DR - A - 2006 Rev H
Scale: VARIES@A1 Project No. SHACK598



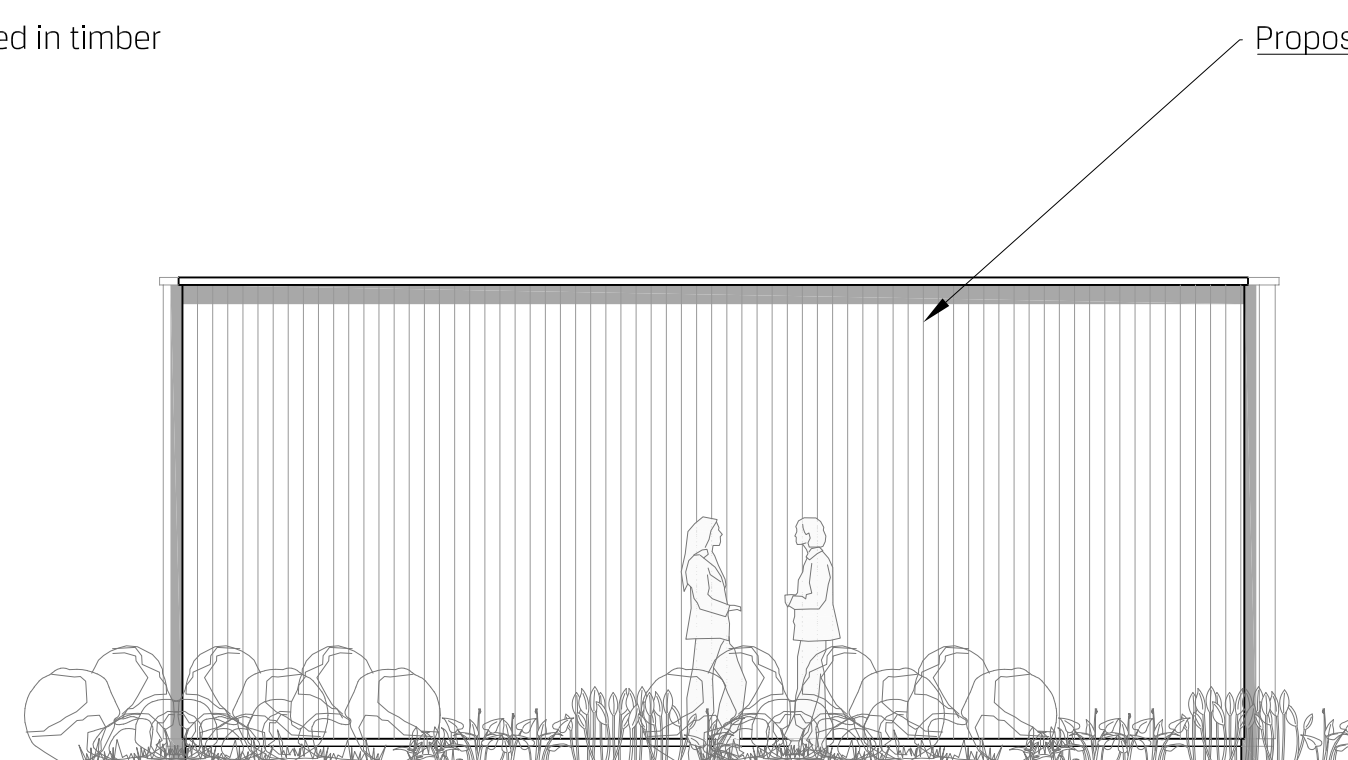
PROPOSED SOUTH ELEVATION | SCALE 1:100



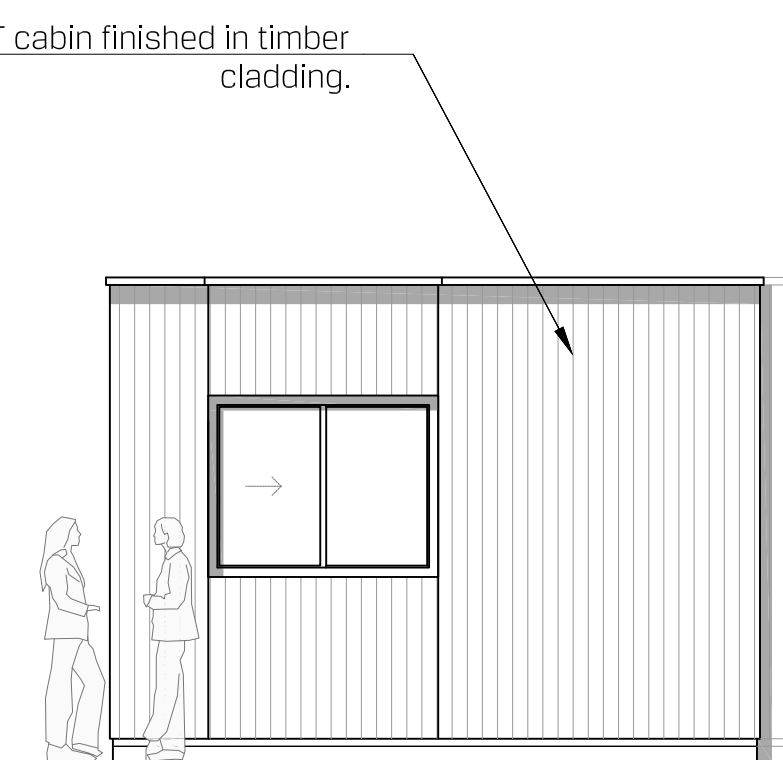
PROPOSED WEST ELEVATION | SCALE 1:100



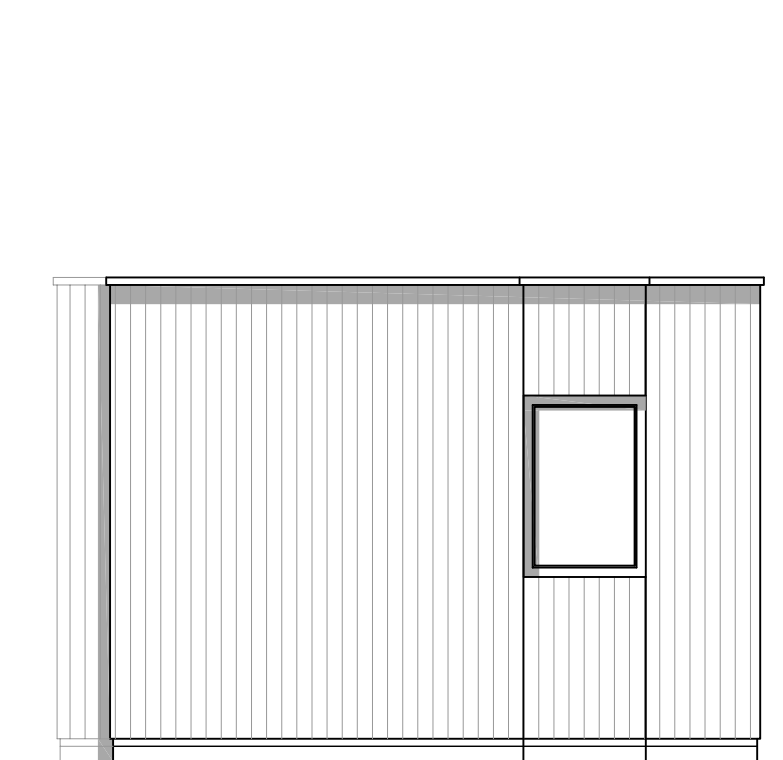
OT CABIN FRONT ELEVATION | SCALE 1:50



OT CABIN REAR ELEVATION | SCALE 1:50



OT CABIN SIDE ELEVATION 01 | SCALE 1:50

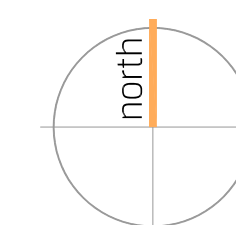


OT CABIN SIDE ELEVATION 02 | SCALE 1:50

- GENERAL NOTES:
- All windows to be renewed to dark grey aluminum glazing.
 - Where making good all wall finishes to match existing finish.
 - all areas of hanging tile facade to be replaced with off white render finish.

PLANNING	F	FENCE HEIGHT REDUCED TO 2.4M HIGH	GL	GL	04.04.23
	E	REVISED TO SUIT PLANNING COMMENTS	GL	GL	17.02.23
	D	ISSUED FOR PLANNING	GL	GL	20.01.23
	C	ISSUED FOR COMMENT	GL	GL	17.01.23
	B	REVISED TO SUIT CLIENT COMMENTS	GL	GL	10.01.23
	A	ISSUED FOR COMMENT	GL	GL	15.12.22
	REVISION	DRAWN	CHECKED	DATE	

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A Unit 5, The Curve, 139 Telegraph Road, Heswall, Wirral, CH60 7SE
T +44(0)151 342 6516 E info@shackarchitecture.com W www.shackarchi.net

Client CYGNET HEALTHCARE

Project OLDBURY

Title PROPOSED ELEVATIONS SHEET 02

Dwg. No. 600026 - SHACK - VI - XX - DR - A - 2007 Rev F

Scale VARIES@A1 Project No. SHACK598

Planning Addendum Note - DC/23/67957



Background & Context

This planning addendum note has been prepared in response to the applications deferral at planning committee on 10 May 2023. The application was deferred to allow members to undertake a site visit and to consider the potential impact the proposed therapy cabin could have on the nearest neighbours. It is agreed that the application will be presented back at planning committee on 28 June 2023, with the members undertaking a site visit on the same day.

Separate to this addendum note, Cygnnet (the applicant) will be undertaking a resident leaflet drop providing further details about the proposal and inviting them to a resident drop-in session at Hurst Road Community Centre ahead of planning committee. Planning committee members and Ward Cllrs will also be invited to the session.

Occupational Therapy Cabin

The proposal for replacement sections, alterations to existing elevations, refurbishment, and all associated works to the existing care home at Salop Drive include an occupational therapy cabin in place of the existing shelter/ veranda and maintenance shed that is currently located in the courtyard area towards the north of the site.

The existing shelter/ veranda is shown in the below images and plans (updated to clearly show the extent and demise of the existing structures) and photos enclosed with this planning note.

Image 1.1 & 1.2 –Google Earth Screenshot and plan extract



The above and enclosed are a useful and important visual aid and confirm that the proposed cabin will broadly sit in the same location as the existing structures which are to be demolished. The proposed cabin therefore does not represent development or activity in connection with the care home taking place any closer to the neighbouring residential properties compared to the existing arrangements.

The proposed cabin is 9m away from the nearest garden boundary (63 Edmonds Road), 22m from the nearest patio area and 30m from the nearest habitable rooms. These are the same separation distances that apply to the existing shelter/ veranda. Between the cabin and nearest residential boundary is an area of banked grass with planting. This remains unaffected by the proposals and is an important physical barrier between the application site and neighbouring uses.

Planning Potential Ltd



Report Reference:
22/6817

As a health care provider, Cygnet must be conscious of the privacy and dignity of all residents. The proposed cabin has sign off from the relevant internal bodies with respect to this. This is an operational matter and not that of planning. Regardless, it demonstrates that the proposals have been assessed with regards to the delivery of suitable care and arrangements. It is not in Cygnets interest to provide services whereby their residents do not feel comfortable by virtue of lack of privacy afforded to individuals.

Turning attention to proposed therapy cabin itself, it will provide a multi-use space to allow therapy to take place dependent on the resident's requirements. Typically, this will include arts & crafts, education workshops, group sessions and other similar activities to promote good mental health. It is not a contentious or 'dirty' use that is expected to give rise to amenity concerns. The cabin will have a maximum capacity and all sessions/ activities will be run with the supervision and guidance of support staff. The cabin will not be used as a private space for residents. Unlike the main building, the cabin will also not be used during the night shift, with activities scheduled during sociable day time hours.

The proposed cabin is a single storey structure with a flat roof. It is 6.6m long and 4m wide. It comprises a fully insulated timber frame construction including ~200mm thick wall with 150mm insulation, vapour barriers, finished with plasterboard internally and externally clad in timber cladding. Unlike a conventional shed or garden cabin, it has to comply with relevant regulations including acoustic performance. This is significant, as the cabin actually has the propensity to reduce the potential concerns surrounding amenity by providing a high specification building envelope for residents to use under staff supervision, as opposed to the existing shelter/ veranda which offered little to nothing in terms of providing a controlled environment for residents.

Planning Assessment

It is important to remind decision makers that the application, including the proposed occupation therapy cabin, has been reviewed and interrogated by all consultees inc. from public health (noise pollution) or design & amenity consideration, with no objection to the proposals. The absence of statutory objections is a significant indicator that the proposals are likely to be acceptable with regards to all material considerations, including potential impact on neighbouring amenity by way of noise or impact on privacy (i.e. the reason for deferral).

It remains the case that the proposals are compliant with policy and with no material considerations to justify refusal. We were and remain grateful for your positive recommendation and ask that this addendum note is used to supplement the committee presentation, to help address the previous reason for deferral.