

Report to Planning Committee

10 May 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 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.

4.2 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 14 metres by 8.3 metres with an overall height of 3.2 metres.
- 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.*

Cygnet 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 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.

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 policies 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.

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

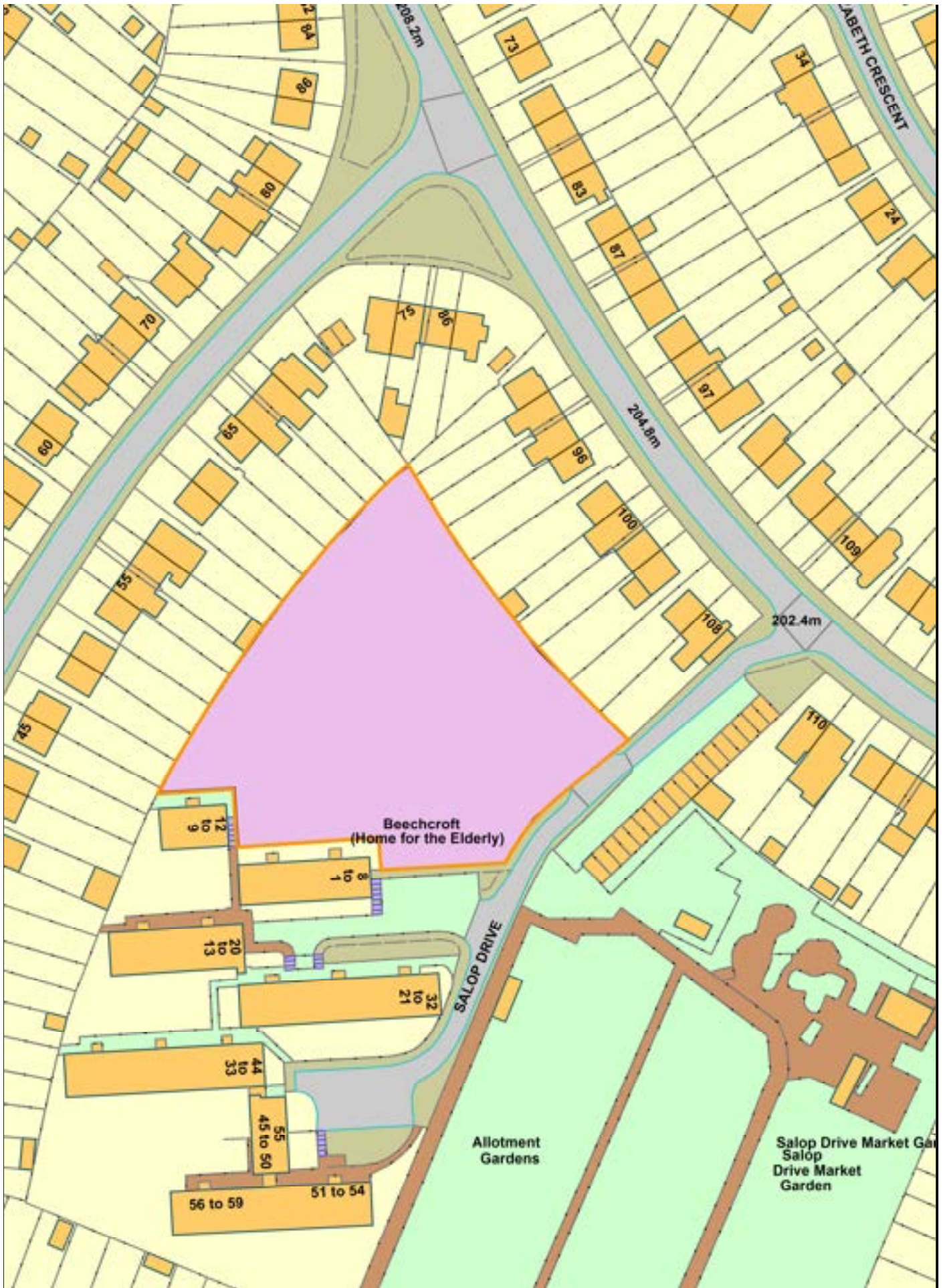
2004 REV G - AMENDED PROPOSED FIRST FLOOR PLAN

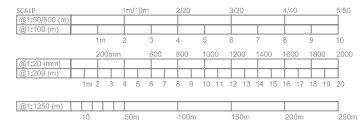
2006 REV H - AMENDED PROPOSED ELEVATIONS - SHEET 1

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).



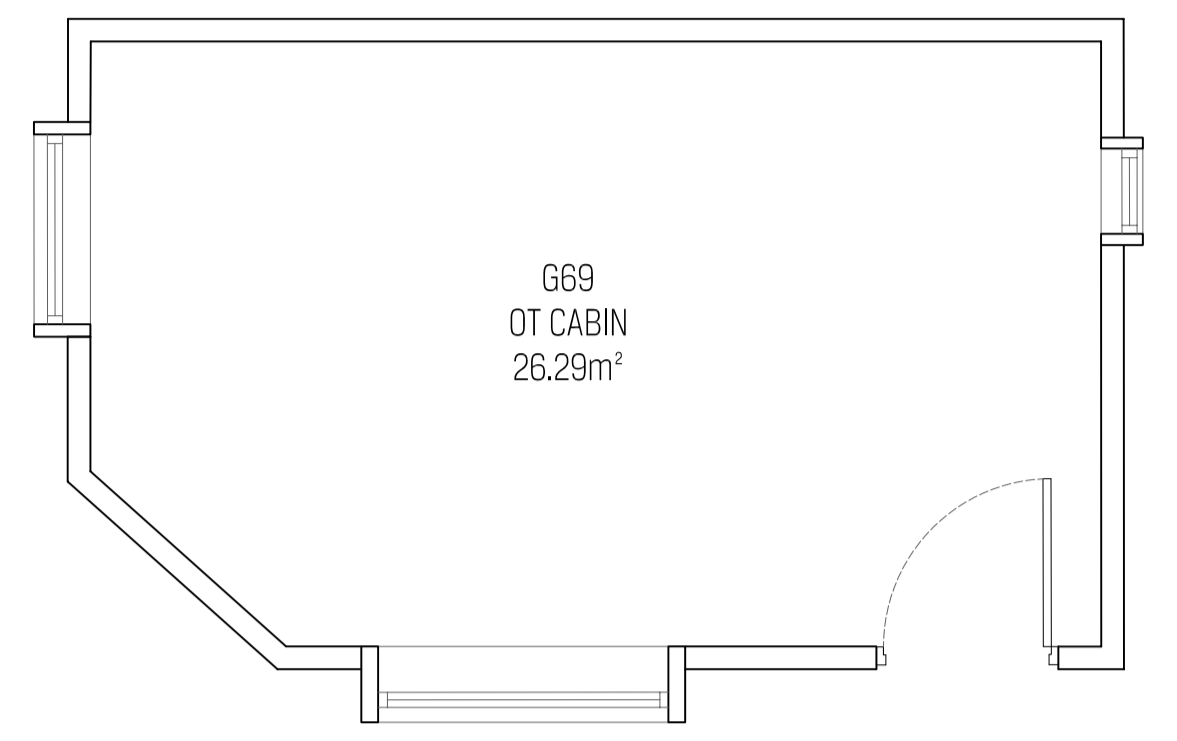
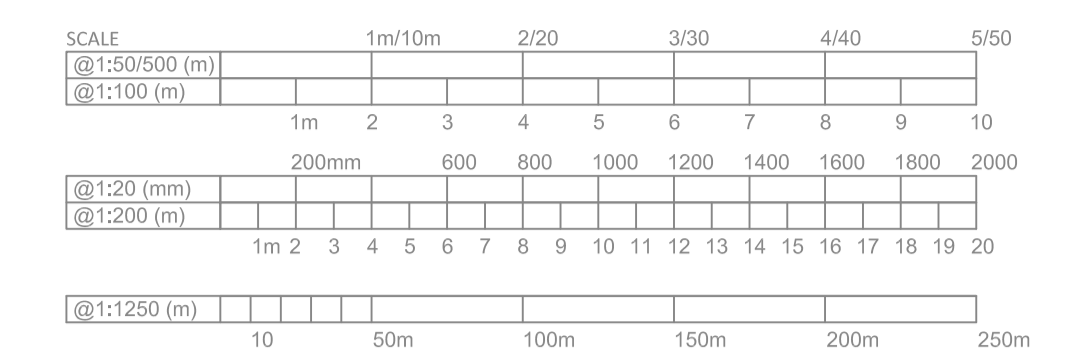
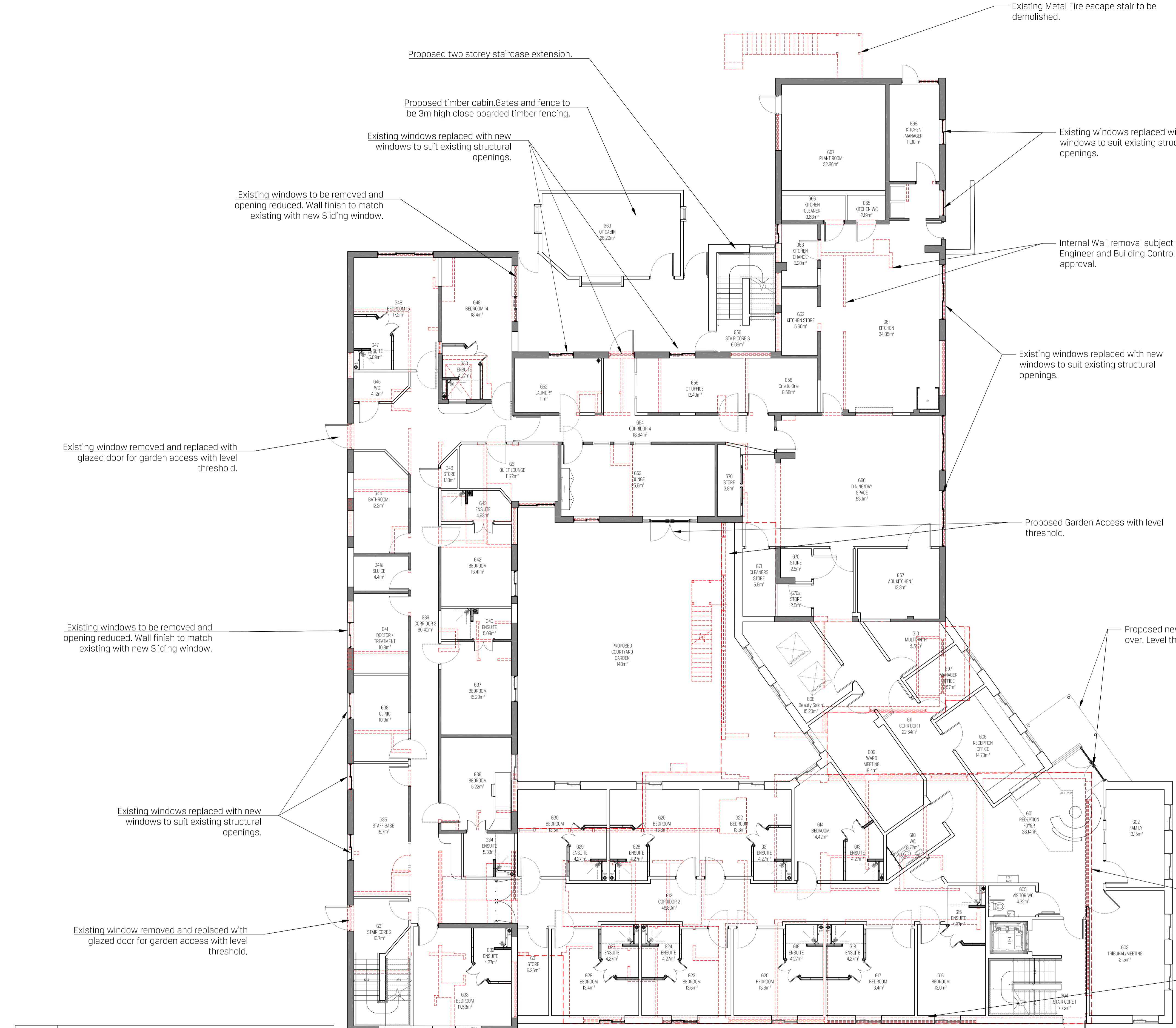
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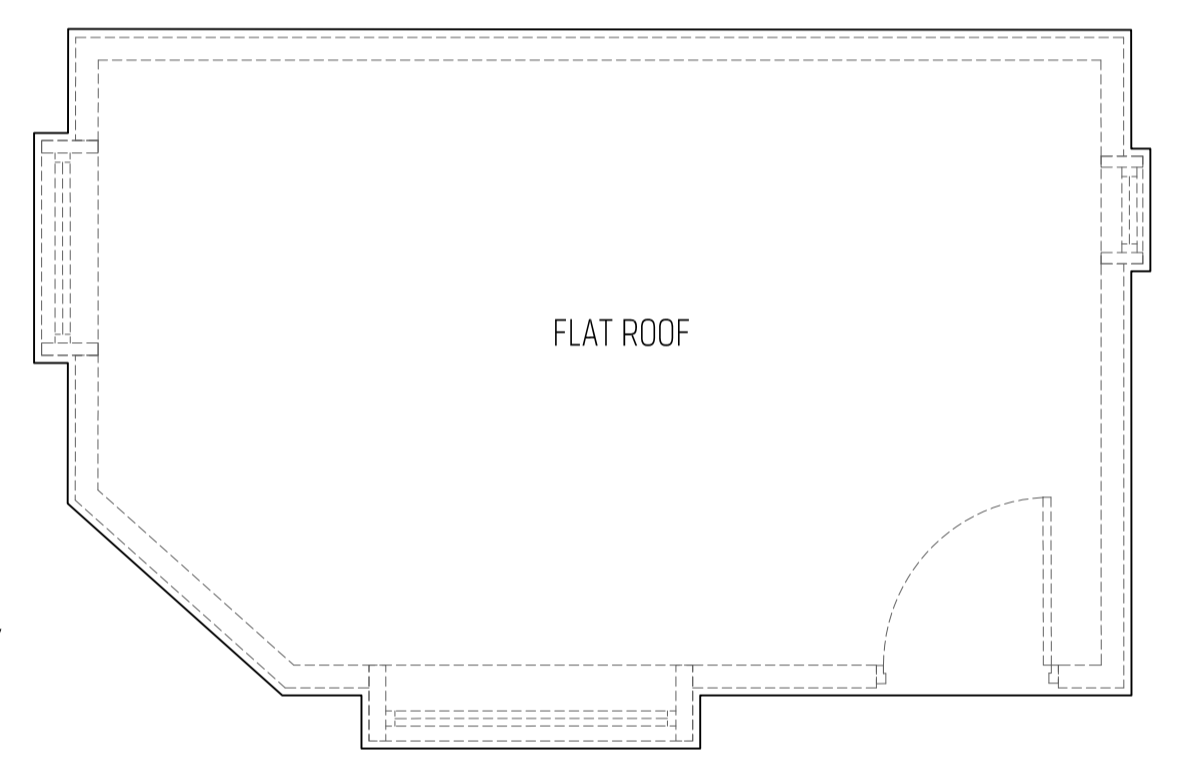
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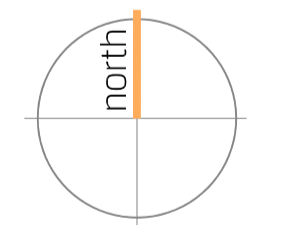
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 Project: OLDBURY
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 Dwg. No: 600026 - SHACK - V1 - 00 - DR - A - 0002 Rev H
 Scale: VARE5@A1 Project No. SHACK598



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
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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	14.12.22
REVISION		DRAWN	CHECKED	DATE	

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Client **CYGNET HEALTHCARE**

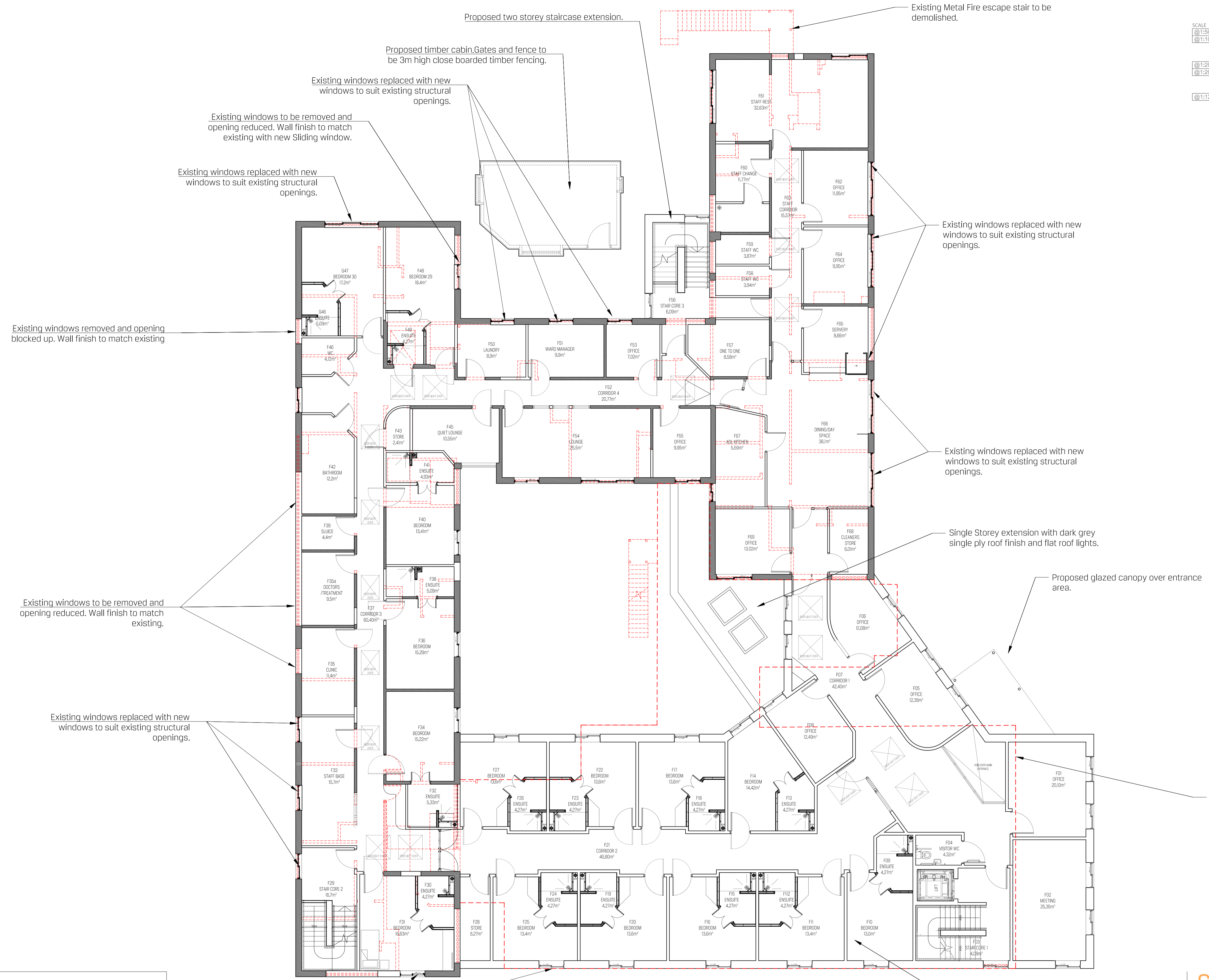
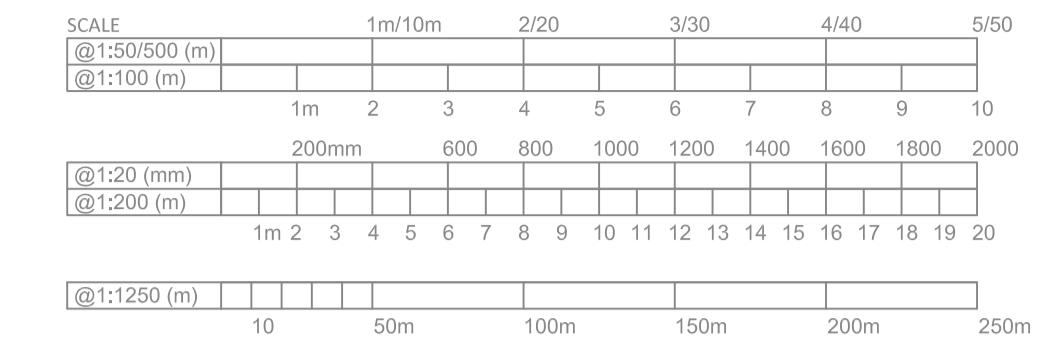
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Title **PROPOSED GROUND FLOOR PLAN**

Dwg. No. **600026 - SHACK - VI - 00 - DR - A - 2003 Rev F**

Scale **VARIABLES@A1** Project. No. **SHACK598**





PROPOSED FIRST 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.

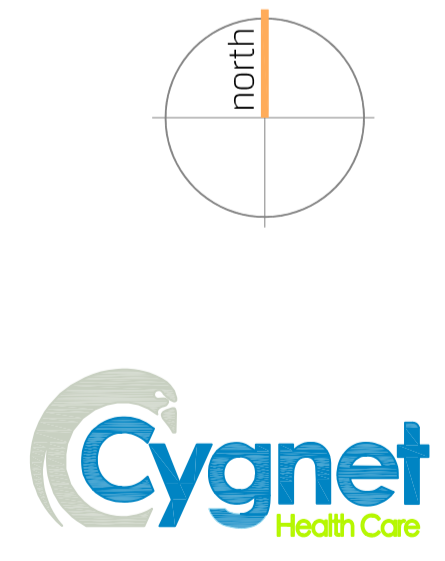
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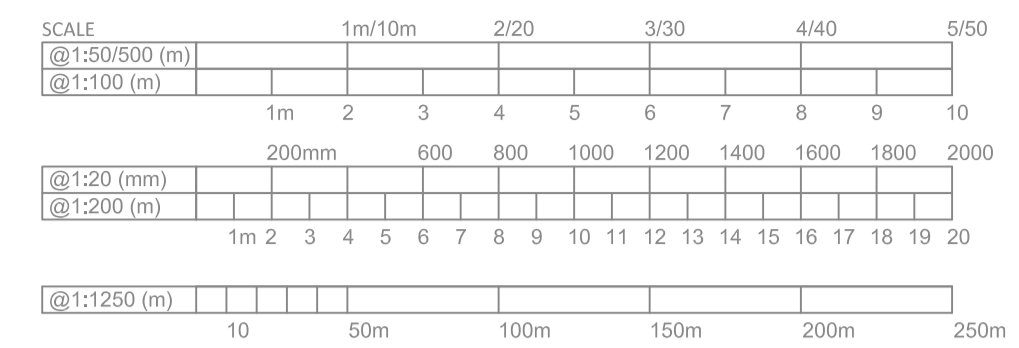
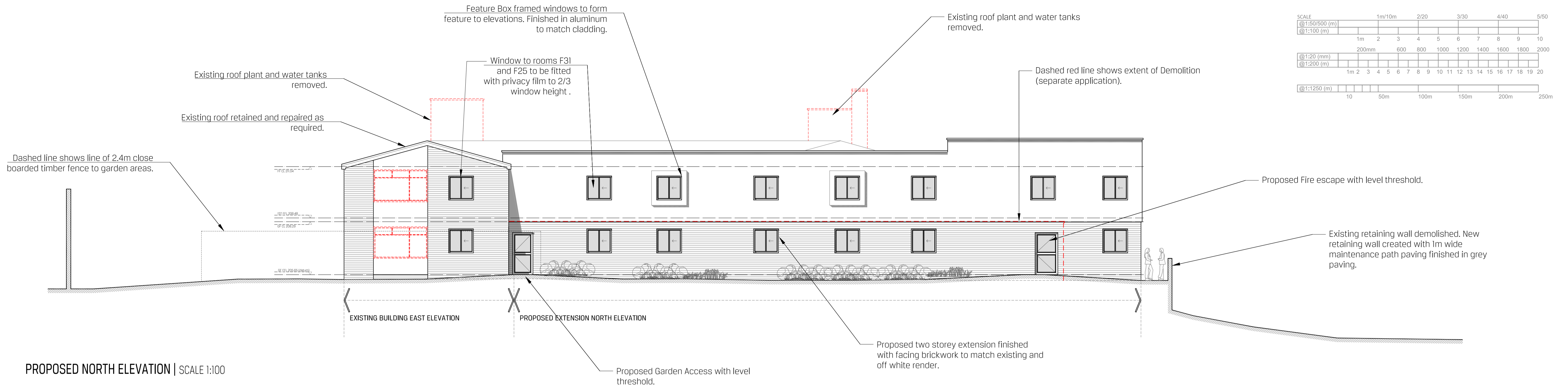
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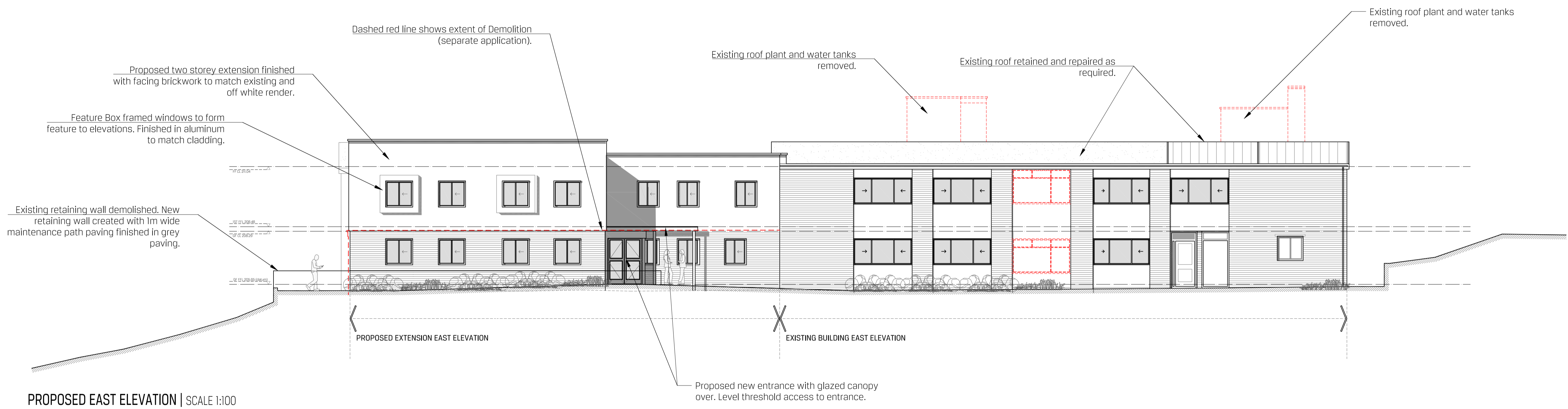
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Client: **CYGNET HEALTHCARE**
 Project: **OLDBURY**
 Title: **PROPOSED FIRST FLOOR PLAN**
 Dwg. No. **600026 - SHACK - V1 - 01 - DR - A - 2004** Rev G
 Scale: **VARIABLES@A1** Project No. **SHACK598**





PROPOSED NORTH ELEVATION | SCALE 1:100

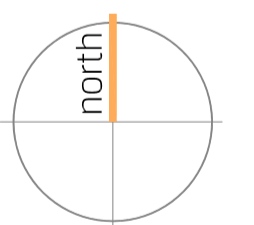


PROPOSED EAST ELEVATION | SCALE 1:100

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.

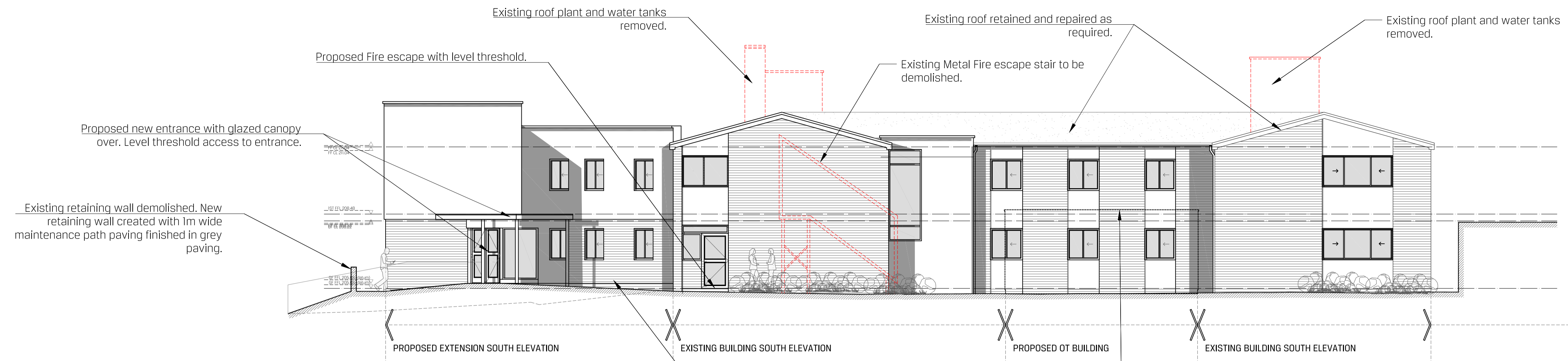
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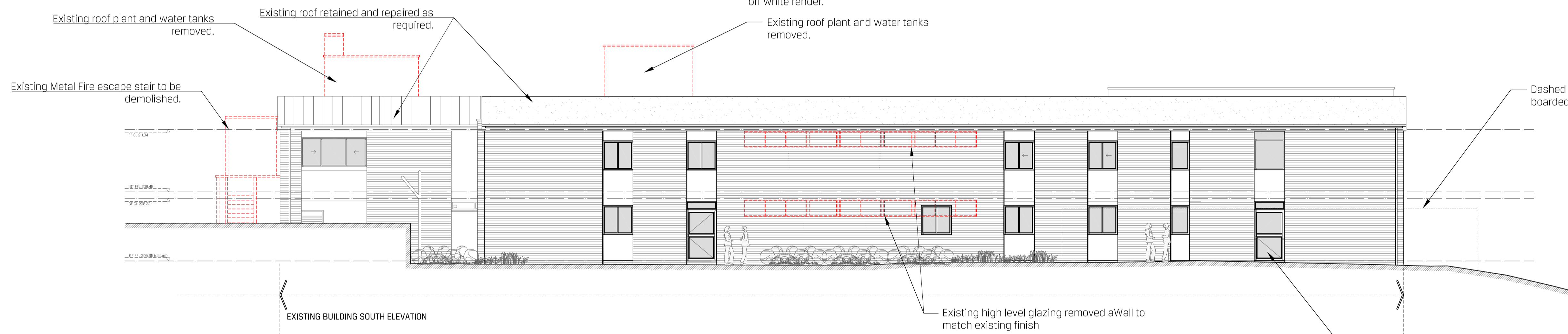
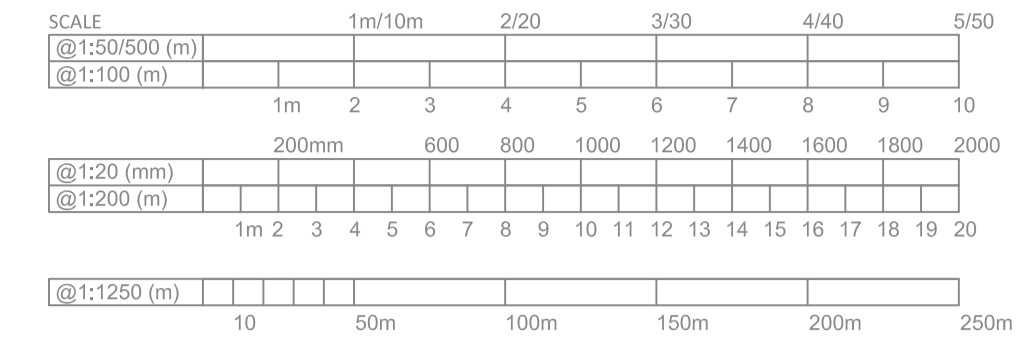
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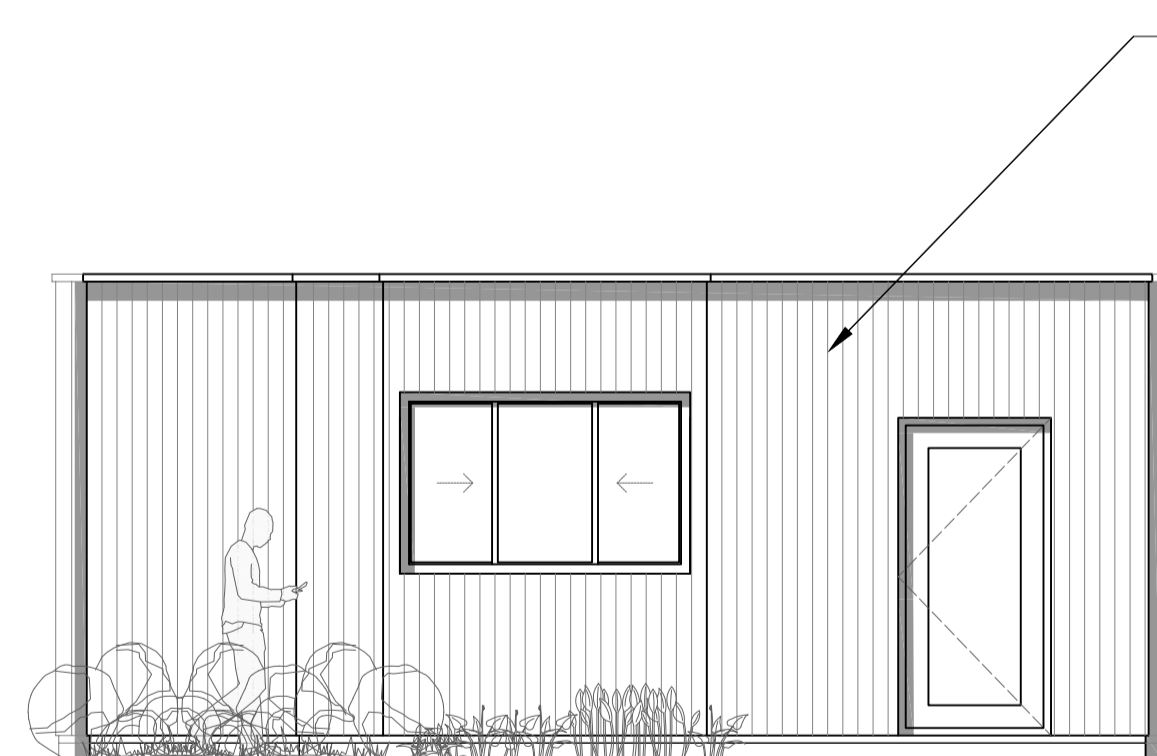
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Project: OLDBURY
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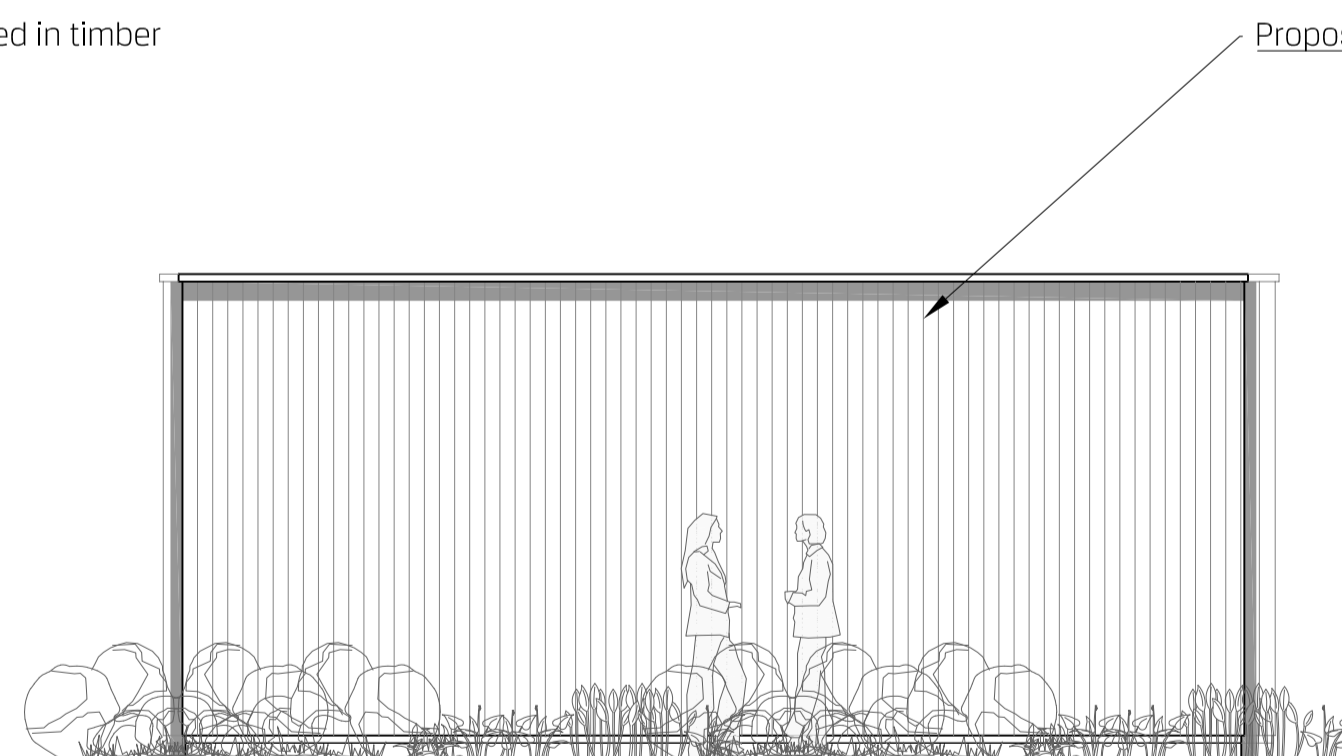
PROPOSED SOUTH ELEVATION | SCALE 1:100



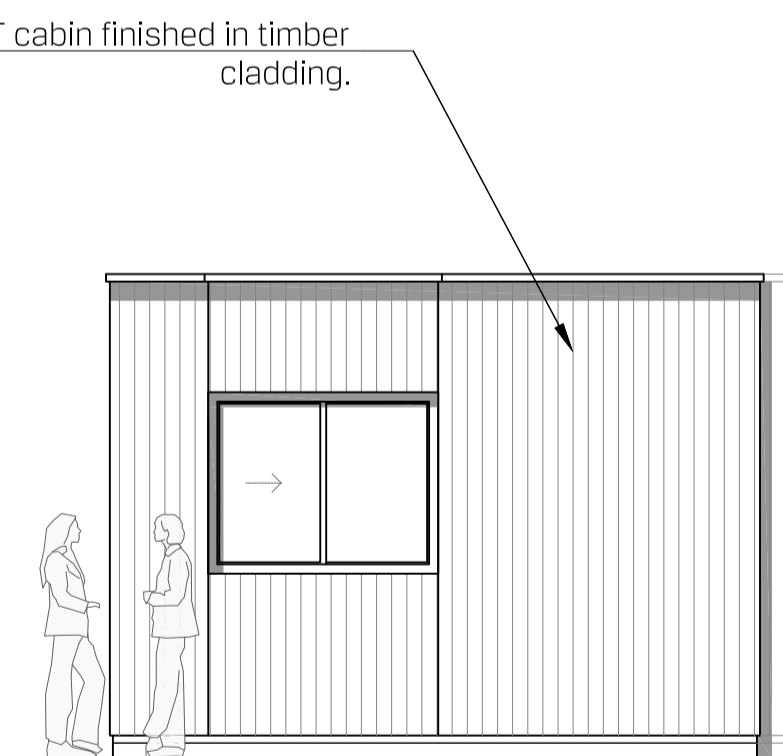
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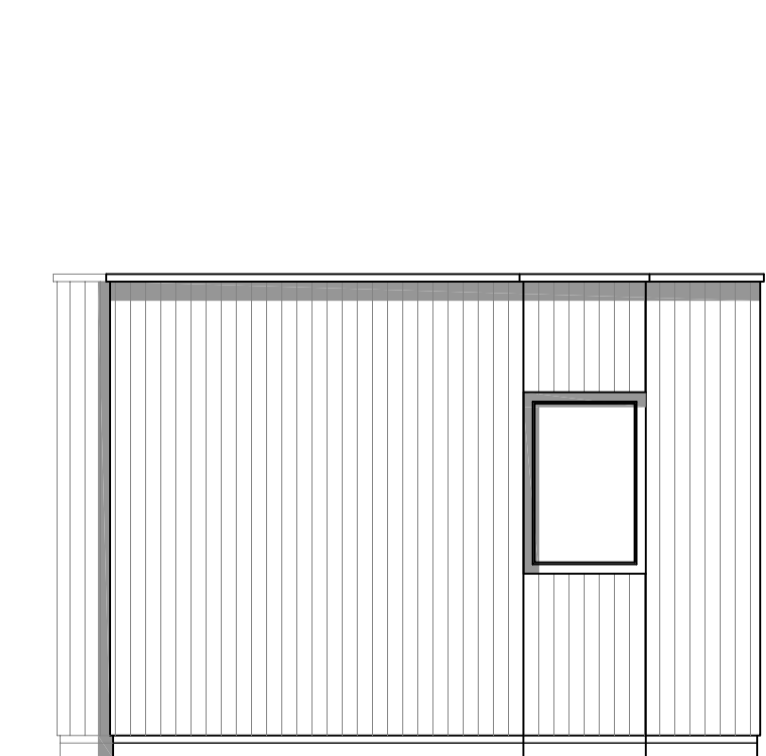
OT CABIN FRONT ELEVATION | SCALE 1:50



OT CABIN REAR ELEVATION | SCALE 1:50



OT CABIN SIDE ELEVATION 01 | SCALE 1:50

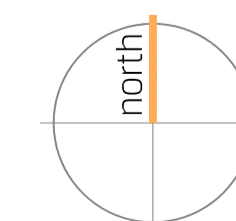


OT CABIN SIDE ELEVATION 02 | SCALE 1:50

- 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
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	A	ISSUED FOR COMMENT	GL	GL	15.12.22
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Client CYGNET HEALTHCARE

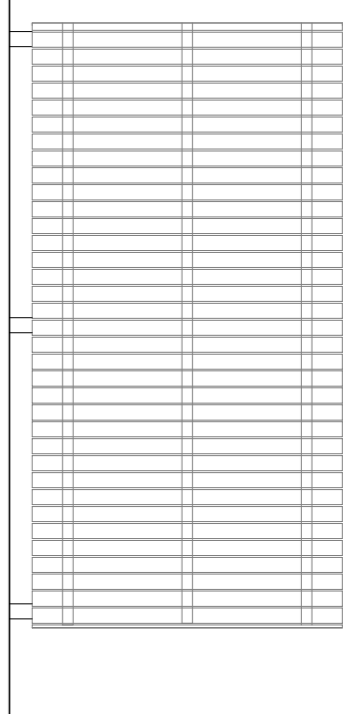
Project OLDBURY

Title PROPOSED ELEVATIONS SHEET 02

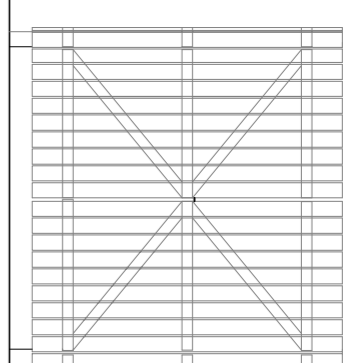
Dwg. No. 600026 - SHACK - VI - XX - DR - A - 2007 Rev F

Scale VARIES@A1 Project No. SHACK598

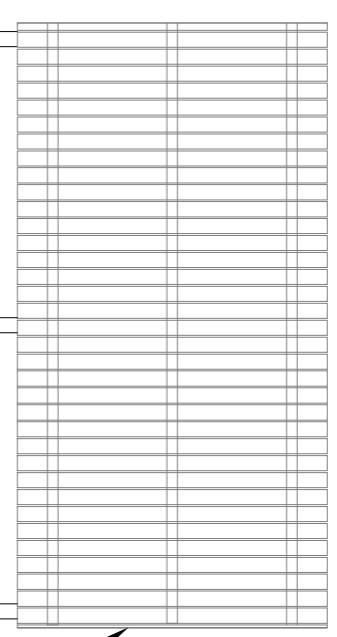
PROPOSED BIN STORE DETAILS:



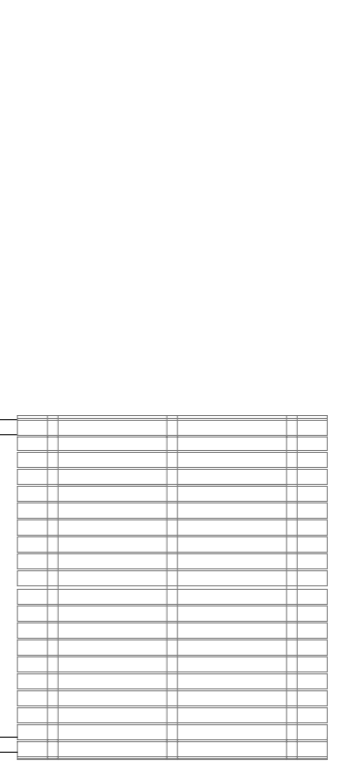
PROPOSED SIDE ELEVATION 01 | SCALE 1:50



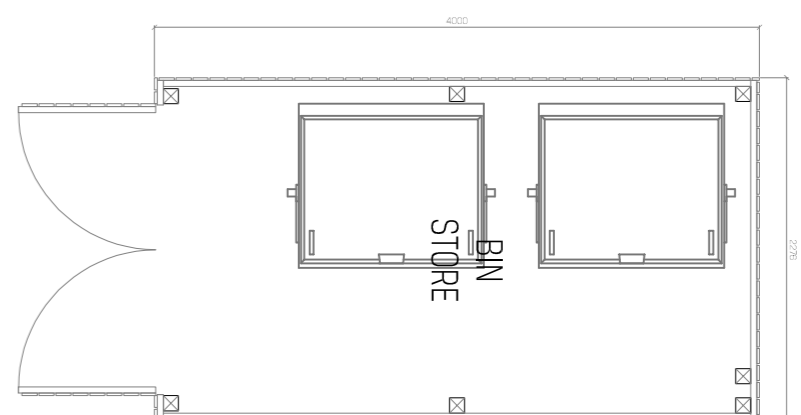
PROPOSED FRONT ELEVATION | SCALE 1:50



PROPOSED SIDE ELEVATION 02 | SCALE 1:50

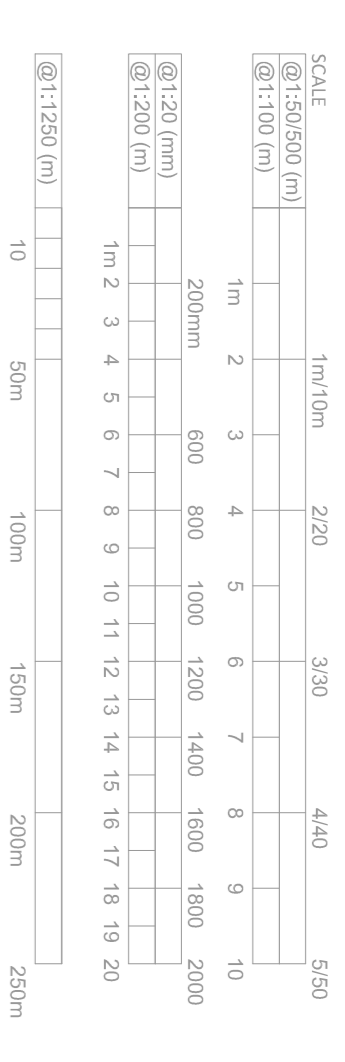


PROPOSED REAR ELEVATION | SCALE 1:50



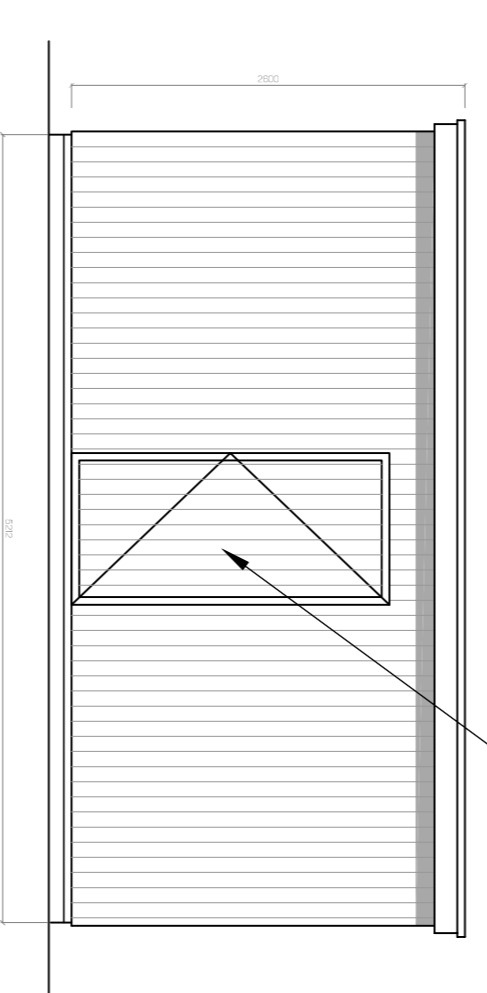
PROPOSED PLAN | SCALE 1:50

Timber Cladding bin store with concrete posts.



PROPOSED MAINTENANCE STORE DETAILS:

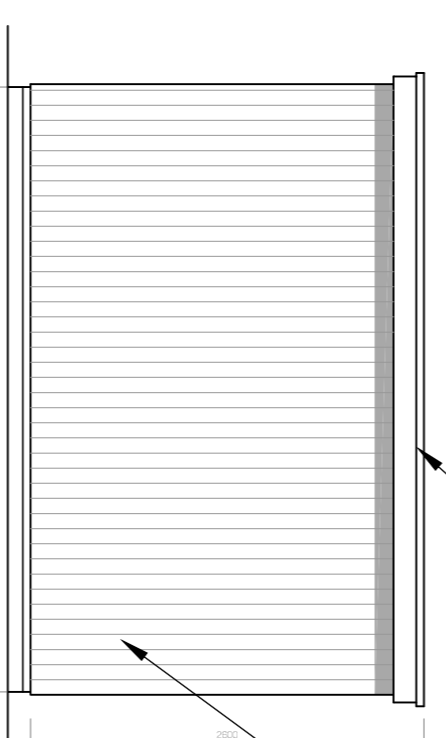
Door finish to match timber cladding.



PROPOSED FRONT ELEVATION | SCALE 1:50



PROPOSED SIDE ELEVATION 01 | SCALE 1:50



PROPOSED SIDE ELEVATION 02 | SCALE 1:50

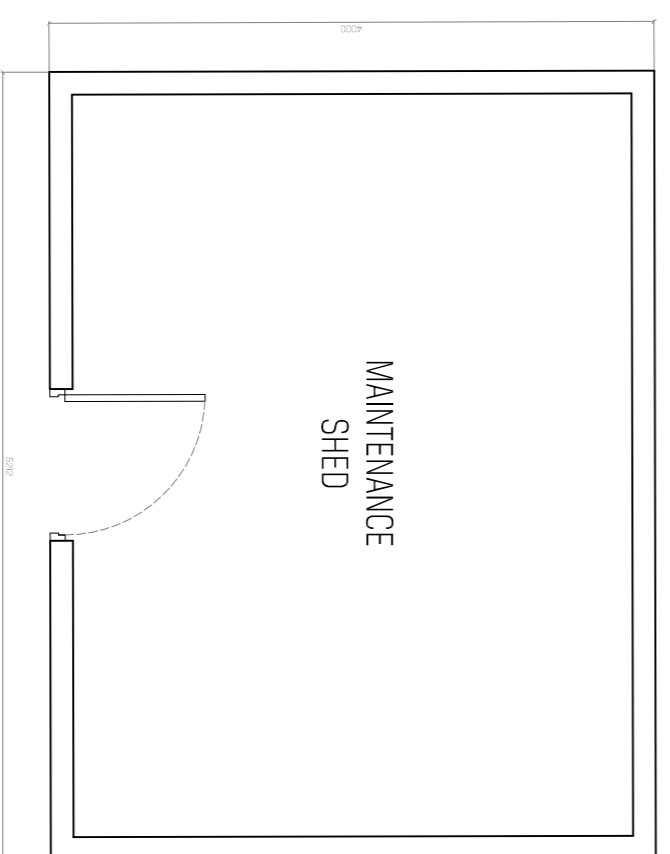


PROPOSED REAR ELEVATION | SCALE 1:50

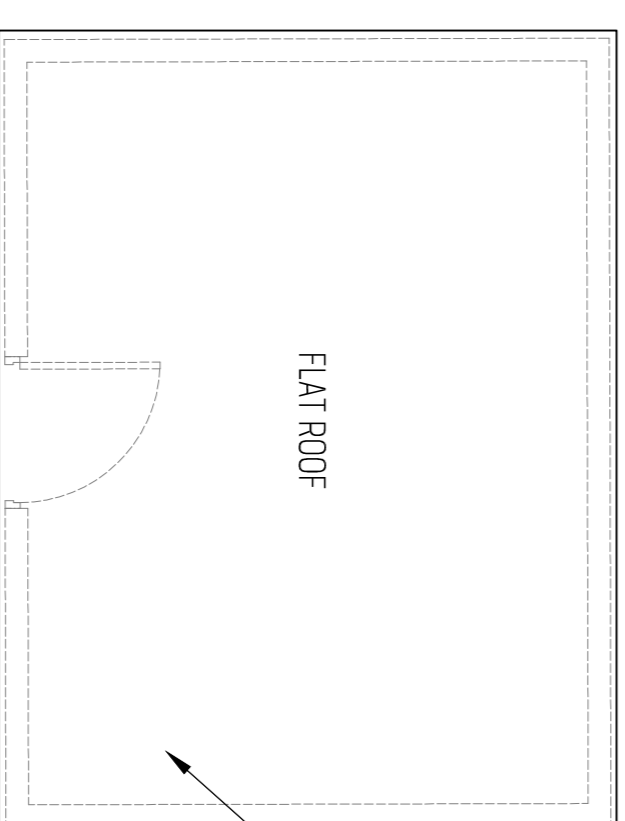
Single ply membrane roof.

Timber cladding to maintenance store.

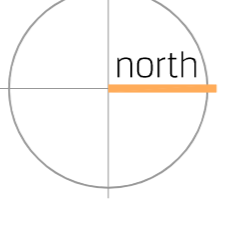
Single ply membrane roof.



PROPOSED PLAN | SCALE 1:50



PROPOSED ROOF PLAN | SCALE 1:50



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Client: **CYGNET HEALTHCARE**

Project: **OLDBURY**

Title: **BIN AND MAINTENANCE STORE ELEVATIONS AND PLANS**

Dwg No: **600026 - SHACK - VI - 00 - DR - A - 2060** Rev: **A**

Scale: **VARIES@A1** Project No: **SHACK598**

STATUS		PLANNING	
A. ISSUED FOR PLANNING	REV.	DATE	DESCRIPTION
ISSUED FOR PLANNING	01	12/22/23	ISSUED FOR PLANNING
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