

23/00296/COU
NON MAJOR

Mr Carl Bennett

WOMBOURNE

Councillor Robert Reade
Councillor Barry Michael Bond
Councillor Dan Kinsey

Orton Meadows 91 Orton Lane Wombourne Staffordshire WV4 4XA

Change of Use from a use Class E(f) (Day Centre) to a use Class C3 (Dwelling House).

| Pre-commencement conditions required: | Pre-commencement conditions Agreed | Agreed Extension of Time until |
|---------------------------------------|------------------------------------|--------------------------------|
| N/A | N/A | 08 August 2023 |

1. SITE DESCRIPTION AND APPLICATION DETAILS

1.1 Site Description

1.1.1 The application relates to 91 Orton Lane in Wombourne. The building has been occupied by Age UK since 2015 as a day centre for elderly people.

1.1.2 The site is situated within large grounds, occupying 0.75 acres and was previously a dwelling. The surrounding area is comprised of open fields with a few residential properties.

1.2 The Proposal

1.2.1 The application proposes a change of use from a day centre (Class E use) to a residential dwelling (Class C3).

1.2.2 The change of use is requested as the building is too large for the continued use of the existing day centre. The planning statement states that the intention was to use the site as a respite centre (first floor), in addition to the day centre use on the ground floor. However, the respite element was unsuccessful as a business and the facility required more bedrooms to make it an effective and efficient operation. At present it is operating at 48% capacity, and this together with the size of the building and its remote location, means the venture is not viable and is unsustainable.

1.2.3 A separate application, no. 23/00494/COU has been submitted for consideration which seeks to relocate the day centre to a smaller building in Swindon (No.6 Hinksford Park). The applicant considers that this would be more of a viable venture being a smaller building and its location nearer the villages would also reach more elderly people. This would allow the continued use of the facility.

1.2.4 No external alterations are required to bring back the prior use of a residential dwelling.

1.3 Agents Submission

1.3.1 The application is accompanied by a planning statement.

Date of site visit - 19 April 2023

2. SITE HISTORY

Planning Applications

15/00212/COU Change of use from Class C3 to Class D1 Day Centre **Approve Subject to Conditions** 5th May 2015

15/00590/FUL Mixed use of the site for D1 [Day centre for elderly residents] and C2 purposes [Care Home] **Approve Subject to Conditions** 11th August 2015

15/00590/COND Discharge of condition 3 of permission 15/00590/FUL - parking and turning details 14th June 2017

18/00286/FUL New 32m2 non-residential extension towards the rear of 91Orton Lane. **Approve Subject to Conditions** 9th July 2018

3. POLICY

3.1 Constraints

Green Belt
Flooding Hotspot Zones 20m buffer
Great Crested Newt Green Impact Zone
D Class Road D4128

3.2 Policies

National Planning Policy Framework
National Planning Practice Guidance

Core Strategy

Core Policy 1: The Spatial Strategy

National Policy 1: The Presumption in Favour of Sustainable Development

Core Policy 4: Promoting High Quality Design

Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

Policy EQ9: Protecting Residential Amenity

Policy EQ11: Wider Design Considerations

Policy H5: Specialist Housing Accommodation

Core Policy 10: Sustainable Community Facilities and Services

Policy EV9: Provision and Retention of Local Community Facilities and Services

Policy EV11: Sustainable Travel

Policy EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space about Dwellings

Supplementary Planning Documents

Green Belt and Open Countryside SPD
Design Guide

4. CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

| Site Notice Expires | Press Notice Expires |
|---------------------|----------------------|
| 10 May 2023 | N/A |

Councillor Robert Reade - Wombourne North - Lower Penn Ward

No Response Received

Councillor Barry Bond - Wombourne North And Lower Penn Ward

No Response Received

Councillor Dan Kinsey - Wombourne North And Lower Penn Ward

No Response Received

Wombourne Parish Council

24th May 2023

No objections

Local Plans

No Response Received

County Highways

5th May 2023

Recommendation Summary: Acceptance

Site Visit Conducted on: 04-May-2023

Note to Planning Officer.

The proposed development is located in a semi-rural area. The vehicular access, parking and turning area is existing. There will be no increase in vehicular movements.

Contributors

No Response Received

5. APPRAISAL

This application has been referred to planning committee for determination as it partners application 23/00494/COU, where the Council are the landowner.

1. Policy & principle of development
2. Layout, design & appearance
3. Access, parking & highway safety
4. Residential Amenity
5. Ecology & biodiversity
6. Arboriculture
7. Human Rights

1. Policy & principle of development

Green Belt

1.1 The application site is located within the Green Belt. Policy GB1 and Paragraph 150 of the NPPF provides that the re-use of a building will normally be permitted provided that the proposed use of the building (taking into account the size of any extensions, rebuilding or required alterations) would not harm the openness of the Green Belt or the fulfilment of its purposes.

1.2 The application site was formally a dwelling and the planning statement provides that the use of the

building can easily be changed without the need for any extensions or alteration. There is therefore no conflict with Policy GB1 of the Local Plan and Paragraph 150 of the NPPF.

Loss of a Community Facility

1.3 Since 2015, the building has been used to provide a community facility and service, i.e. day centre for elderly. In accordance with Policy EV9 [Provision and Retention of Local Community Facilities and Services], proposals for redevelopment or change of use of any premises currently used or last used to provide essential facilities or services which support the local community, whether of a commercial nature or not, will only be permitted where the Council is satisfied that:

- a) it has been demonstrated through a viability test that the use concerned is no longer economically viable, that all reasonable efforts have been made to sell or let the property at a realistic price for a period of 12 months, the use could not be provided by some other means, or is genuinely redundant; and
- b) the premises or site or an unused part of the building cannot readily be used for, or converted to any other community facility; or
- c) the facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in the local area or the village concerned, unless it has been accepted as redundant under criterion (a) above; and
- d) the facility concerned was not required to be provided and or retained as part of a planning permission for a new development.

1.4 The day centre has been operating at the site for the past 8 years, and before this, the site was residential dwelling. The planning statement states that the intention was to use the site as a respite centre (first floor), in addition to the day centre use on the ground floor. However, the respite element was unsuccessful as a business and the facility required more bedrooms to make it an effective and efficient operation. Only 60% of the ground floor area is capable of being used for the day centre and it is therefore cost prohibitive given the size of the building. It is provided that for the last two years the site has been running at a 48% capacity.

1.5 Therefore, the community facility at Orton Lane is relatively new and was not required as part of any planning development. Age UK has not been able to make this building viable for the operational reasons mentioned above and they are proposing to relocate the day centre to a smaller building at Hinksford Park in Swindon (23/00494/COU). Therefore, the facility and service would not be lost. Age UK have provided that:

“Hinksford is closer to the majority of existing clients, many living in the south of Wombourne area and a number in Swindon. All but 1 of the current compliment of staff working at Orton Meadows live closer to the Hinksford location. This means less travel for all clients and staff, bringing about a green benefit/bonus. The Hinksford location provides an ideal internal space to adapt the 2 main rooms (Living Room & Larger Bedroom) for Day Services, the Bathroom to an Accessible Toilet and the Small Bedroom to an Office Space. The kitchen will be made good so that food and refreshments can be made on site for clients throughout the day. Working with SSDC limited changes/improvements will take place to ensure the facility is accessible to wheelchairs and those with access needs. The garden space will be made good so that it is useable and accessible to all. The site will be able to host up to 16 clients a day, 5 days a week (10am through to 4pm). At the time of application there is no intention to use the building during the weekend - we intend to keep to the operational times as per the Orton Meadows site (91 Orton Lane)”

1.6 Subject to the approval of application 23/00494/COU for the alternative site at Hinksford Park I find no

conflict with the core aims of Core Policy 10 and Policy EV7 which is to retain and enhance community facilities and services.

2. Layout, Design and Appearance

2.1 Policy EQ11 of the Core Strategy requires that in terms of scale, volume, massing and materials, developments should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area.

2.2 The existing building still retains its appearance as a domestic dwelling. No extension or alterations are required to convert the building back to its former use.

2.3 There is no conflict with Policy EQ11.

3. Access, Parking & Highway Safety

3.1 Policy EV11 (Sustainable Transport) seeks for developments to include provision for sustainable transport to access the site and provides a range of mechanisms including the provision of car parking commensurate with road safety and availability of means of transport and facilities for charging plug-in and other low emission vehicles.

3.2 The Council's parking standards are set out in Appendix 5 of the Local Plan. Each parking space should be at least 2.4m x 4.8m and there should be the provision of two off road car parking spaces for two and three bed properties and three spaces for dwellings with four bedrooms or more.

3.3 There are no highway or access issues in respect of this application. The site has ample room at the rear to accommodate vehicles and there would be a reduction in travel movements.

4. Residential Amenity

4.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

4.2 The Council's space about dwelling standards advises 21m between directly facing habitable windows over private space and 15m over public. A 13m distance should be kept between habitable windows and flank walls in order to retain an adequate level of privacy and outlook for occupants. Where levels differentiate between sites the separation distance should be increased by 2m for every 1m distance.

4.3 The site was previously used as a large, detached dwelling and the building is situated within generous grounds, with ample private amenity space. The re-use of the property as a residential dwelling will not raise any amenity concerns.

4.4 The proposal is compliant with Policy EQ9 of the Local Plan

5. Ecology & Biodiversity

5.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the

Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

5.2 The application site is in a Green Impact Zone for Great Crested Newts. There are no external works proposed to facilitate the change of use and as such there are likely to be no ecological constraints.

6. Arboriculture

6.1 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that "The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved".

6.2 There are no arboricultural constraints.

7. Human Rights

7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

8. CONCLUSIONS

8.1 The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the application.

8.2 The community facility at Orton Lane is relatively new and was not required as part of any planning development. Age UK has not been able to make this building viable as a day centre and they are proposing to relocate to a smaller building at Hinksford Park in Swindon (23/00494/COU). Therefore, the facility and service would not be lost, but replaced in a nearby village. The proposal to re-use the building as a residential dwelling does not pose any green belt, neighboring or highway issues.

8.3 The proposal is therefore considered compliant with both national and local planning policy and associated guidance. Approval of both applications is therefore recommended.

9. RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS

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 authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

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.

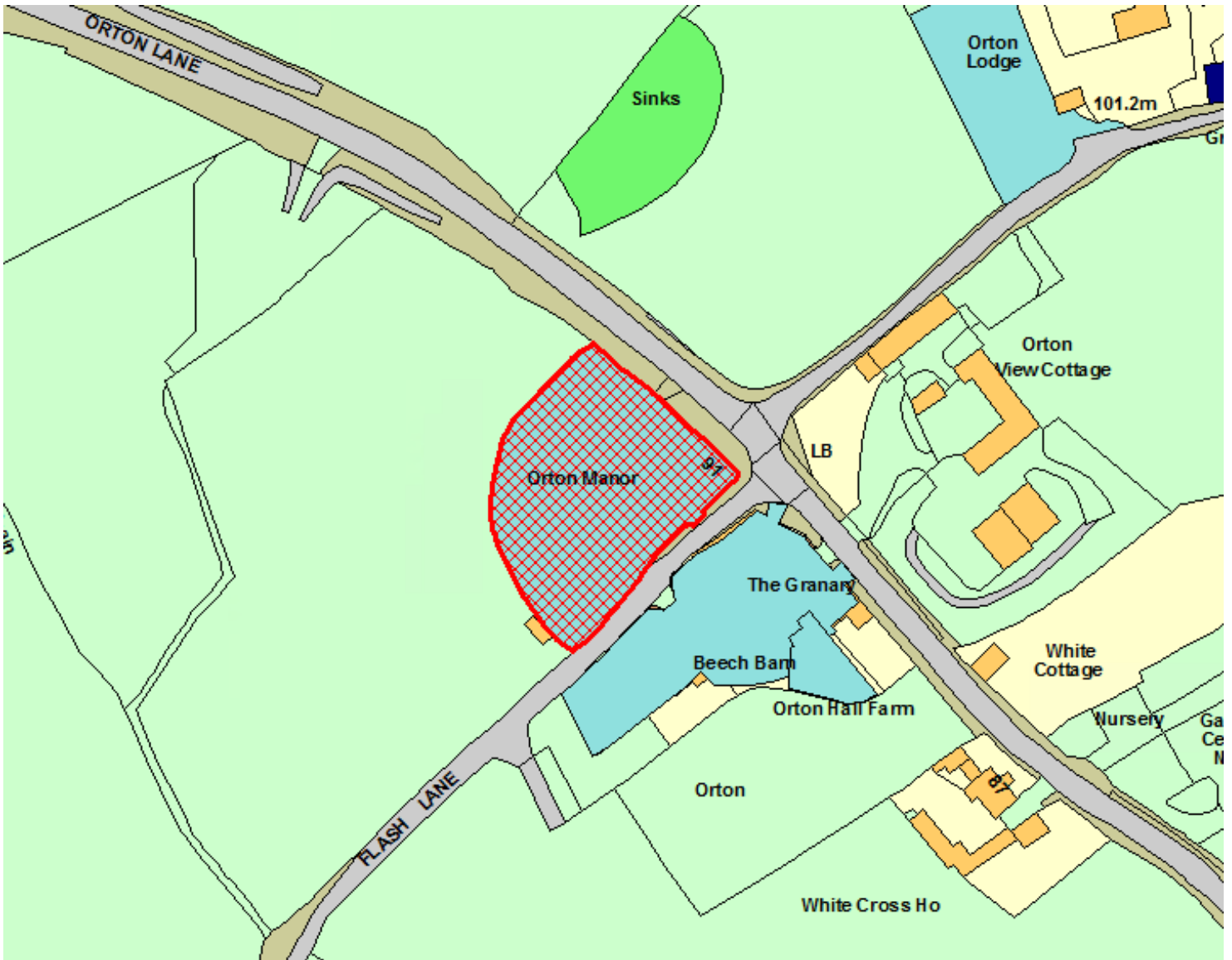
Informative

Please note that the application site is within a Green Impact Risk Zone for Great Crested Newts. Whilst the proposal is considered to be low risk, there is the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or NatureSpace) as to how to proceed.

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, 2021.

Plans on which this Assessment is based

| Plan Type | Reference | Version | Received |
|---------------------|----------------|---------|---------------|
| Existing Elevations | BSP668-A-07-01 | | 5 April 2023 |
| Existing Elevations | BSP668-A-07-02 | | 5 April 2023 |
| Existing Elevations | BSP668-A-07-03 | | 5 April 2023 |
| Existing Elevations | BSP668-A-07-04 | | 5 April 2023 |
| Existing Floor Plan | | | 5 April 2023 |
| Existing Block Plan | | | 17 April 2023 |



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