

**23/00494/FUL**  
**NON MAJOR**

**Mr Carl Bennett**

**SWINDON**

Councillor Roger Lees

**6 Hinksford Park Swindon Road Hinksford KINGSWINFORD DY6 0BG**

**Change of use from C3 dwellinghouse to a day centre for Age UK (Class E use)**

<b>Pre-commencement conditions required: N/A</b>	<b>Pre-commencement conditions Agreed: N/A</b>	<b>Agreed Extension of Time until: N/A</b>
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## **SITE DESCRIPTION AND APPLICATION DETAILS**

### **1.1 Site Description**

1.1.1 The application relates to the former warden's residence and site office at Hinksford Park in Swindon. The building has been vacant for the past two years. The property is adjacent to the canal with shared parking to the north and east of the site. The parking area to the east is directly accessed from site via narrow walkaway.

### **1.2 The Proposal**

1.2.1 The application proposes to change the use of the dwelling to a day centre for Age UK (Class E use). The existing day centre at 91 Orton Lane, Wombourne is to be relocated here.

1.2.2 The day centre would be able to host up to 16 clients a day, 5 days a week (10am through to 4pm).

1.2.3 No extensions are proposed. The two main rooms (Living Room & Larger Bedroom) will be used for Day Services, the Bathroom will be changed to an Accessible Toilet and the Small Bedroom to an Office Space.

1.2.4 There is already a ramp at the front of the site for wheelchair access.

### **1.3 Agents Submission**

1.3.1 The application is accompanied by a supporting statement.

Date of site visit – 16<sup>th</sup> June 2023

## **SITE HISTORY**

### Planning Applications

82/00304 Warden Bungalow And Office And 2 Concrete Sitings For Bungalows **Approve** 22nd June 1982  
10/00422/FUL Single-storey extension to site office and ramped access with handrail **Approve Subject to Conditions** 30th July 2010

## **POLICY**

### **Constraints**

**Green Belt**

Conservation Area Name: Staffordshire And Worcestershire Canal (South): Adjacent  
Flood Zone 2 - 1 in 1000 yr  
Newt - Impact Risk Zone White

**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 EQ3: Conservation, Preservation and Protection of Heritage Assets  
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  
Policy EV3: Canals and Canalside Development  
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

**CONSULTATION RESPONSES**

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
N/A	11 <sup>th</sup> July 2023

**Ms Jenny Cree**

No Response Received

**Councillor Roger Lees J.P - Himley And Swindon Ward**

No Response Received

**Environmental Health Protection**

No Response Received

**County Highways**

No Response Received

**Canal And River Trust**

23rd June 2023

No comment

### **Contributors**

One neighbour comment:

17th June 2023

My only concern is with parking problems for immediate dwellings, which with increased usage may restrict existing home owners parking spaces which is already limited.

**Please note that the consultation period expires on the 11<sup>th</sup> of July any additional comments received will be added to the committee update list.**

### **APPRAISAL**

This application has been referred to planning committee for determination as the Council is 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 provides that the use of the building can easily be changed without the need for any extensions. There is therefore no conflict with Policy GB1 of the Local Plan and Paragraph 150 of the NPPF.

#### *Community facility*

1.3 Policy H5 (Specialist Housing Accommodation) of the local plan provides that the Council will enable and support the provision of specialist housing accommodation in South Staffordshire and proposals which would lead to a loss should be resisted. It further provides that The Council will work with partners to identify suitable sites and to secure the provision of schemes. Development proposals should be consistent with other local planning policies.

1.4 The Council's Spatial Strategy (Core Policy 1 or CP1) identifies that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the settlement hierarchy, to ensure that the necessary infrastructure, facilities and services are available to support growth. In relation to the District's existing communities and settlements, appropriate proposals which contribute to their improved sustainability, cohesion and community wellbeing, will be supported.

1.5 Hinksford Park lies 0.7 miles to the local service village of Swindon. The warden's residence has been vacant for the past two years and the re-use of the building for a community service complies with the main aims of CP1, i.e. contribute to community wellbeing. The applicant has stated that in terms of location, this site is more sustainable than Orton Lane in terms of reaching residents and for employees, where all but one staff member lives closer. Age UK are actively working with South Staffordshire Council to find a suitable alternative site to replace the elderly day centre at Orton Lane in Wombourne, which is financially not viable.

1.6 The proposal is compliant with Policy H5 and CP1.

## 2. Layout, Design and Appearance

2.1 Section 16 of the NPPF states that when determining planning applications LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and an appropriate assessment should be submitted in support. When considering the impact of a proposed development on the significance of a designated Heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

2.2 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.

2.3 Policy EV3 provides that the recreational value of canals for walking, cycling and canoeing will be encouraged and promoted for their contribution to the health and wellbeing of residents and visitors to South Staffordshire

2.4 Hinksford Park is a well-established mobile home site which sits adjacent to a canal conservation area. The proposal to change the use of the former warden's residence to a day centre for elderly people will have no bearing on the conservation area or the character of the area. No extensions or alterations are proposed and its position next to the canal offers recreational benefits. The communal parking areas will be utilised for the parking of employees and Age UK use a minibus to pick up and drop off residents. There will therefore be no discernable impact on the character of the area.

2.5 The proposal is compliant with policies EQ3, EV3 and 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.

3.3 There are no highway or access issues in respect of this application. Hinksford Park has communal parking areas where ample space is available in the car park to the side of the building. Vehicle movements from the site will also be low given that the elderly residents will be picked up and dropped off from the day centre by a minibus.

#### 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 proposed use as a day centre for elderly residents and the proposed opening times of 10am - 4pm will not result in an unacceptable level of disturbance on neighbouring amenity. Any noise generated from the site would not be excessive and would be comparable to a normal residential use. In addition, the use of mini buses for the elderly users will limit any impact on the road network.

4.3 The proposal is compliant with Policy EQ9.

#### 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 There are no ecological considerations.

#### 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 re-location of the day centre from Orton Lane, Wombourne to Hinkford Park, Swindon is acceptable in principle. In terms of location, this site is more sustainable than Orton Lane in terms of reaching residents and for employees, where all but one staff member lives closer; and also, more financially viable given the size of the building. The proposal to use the building as a day centre for elderly people does not pose any green belt, neighboring or highway issues; and there will be no discernible impact caused on the conservation area.

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.

#### 7. 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.
3. The premises shall be used for elderly day centre and for no other purposes (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended).

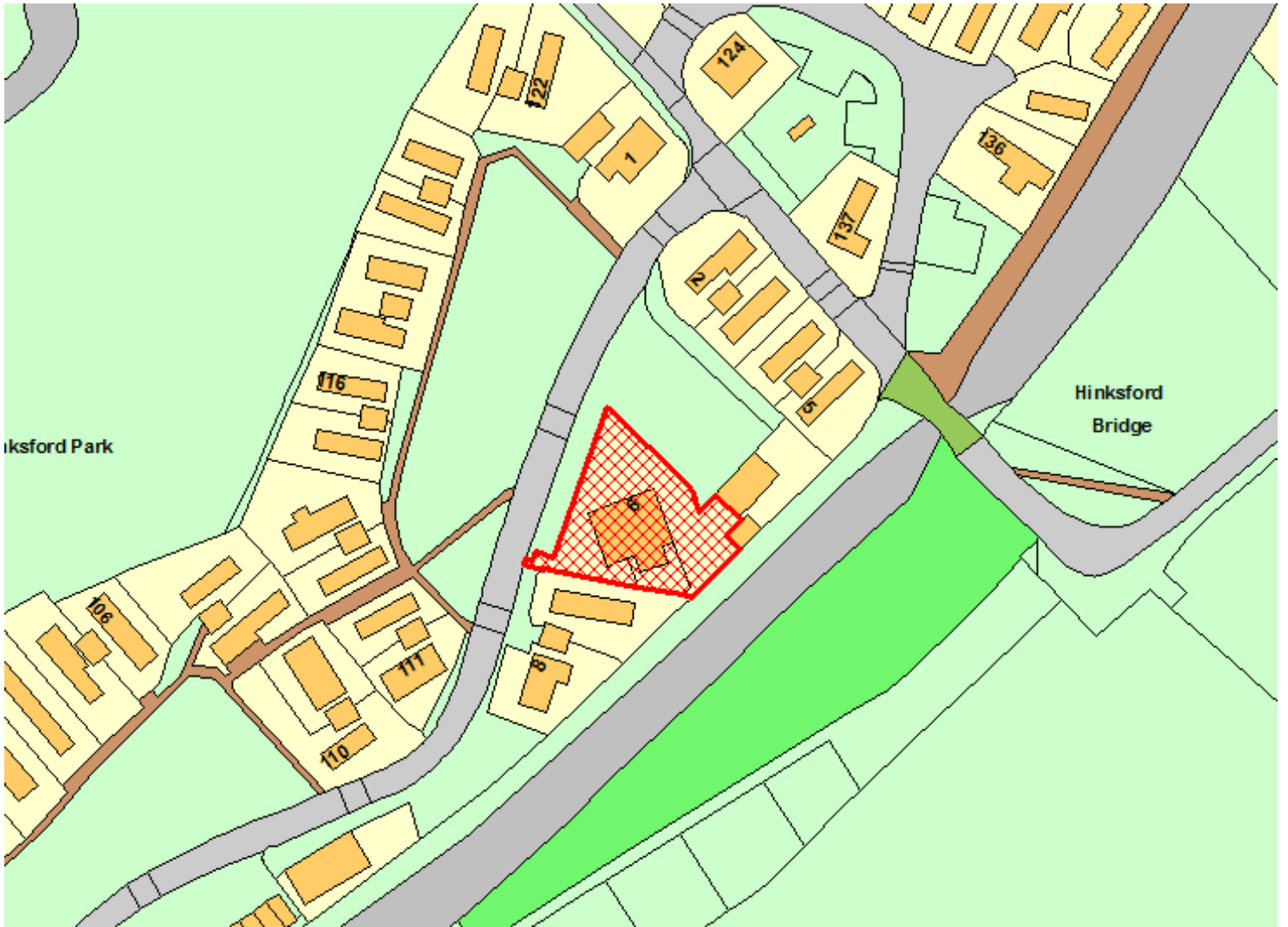
#### Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

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
Proposed Floor Plan			12 June 2023
Proposed Block Plan			7 June 2023



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