



Planning Committee

6 May 2014

Planning Application No	14/00190/FUL	
Site	Former Retail Shop and Flat at 71 Rooker Avenue	
Proposal	Change of use from A1 Retail shop with flat over, to Care Home for four children between the ages of 6 and 12 years.	
Ward	Ettingshall	
Applicant	Mr Surinder Bains	
Agent	Mr Tommy Wong A & T Design Studio	
Cabinet Member with Lead Responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Accountable Strategic Director	Tim Johnson, Education and Enterprise	
Planning Officer	Name	Alan Murphy
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1. Summary Recommendation

- 1.1 Grant subject to standard and necessary conditions

2. Application site

- 2.1 The premises consist of a recently built shop with a flat over and associated off road parking area and enclosed rear garden area.
- 2.2 The site is situated in a predominately residential location at the corner of Rooker Avenue and the residential cul-de-sac Rooker Crescent. It has vehicular access from Rooker Avenue.
- 2.3 The shop and flat were occupied for some time after they were built in November 2013 but the shop was closed after poor trading and has been unused since.

3. Application Details

- 3.1 The application seeks full planning consent to use the premises as a C2 Care Home for young children. Specifically it is proposed to house four children at any one time, between the ages of 6 and 12 years. These will be children displaced from their parents due to their demanding care requirements associated with some form of autism and learning difficulties. There will also be two members of staff on site at all times on two shifts of 10am to 10pm and 10pm to 10am.
- 3.2 The accommodation will consist of four en-suite bedrooms, kitchen-dinner, one common bathroom, a lounge, a games room and an office.
- 3.3 Outside there will be an enclosed rear garden, a small enclosed front garden and a parking area (4 spaces, including 1 disabled)for staff and visitors. A limited degree of change to the external design is needed consisting of replacing the shop window with one of a domestic scale and inserting two new doorways.

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

5. Environmental Impact Assessment Regulations

- 5.1 This development proposal is not included in the definition of projects that requires a “screening opinion” as to whether or not a formal Environmental Impact Assessment as defined by the regulations is required.

6. Publicity

- 6.1 A petition of 50 signatures and four letters/emails objecting to the application on the grounds that the proposed use is unsuited to this residential location, being likely to cause disturbance.

7. Internal Consultees

- 7.1 Transportation; No objections.

8. Legal Implications

- 8.1 55(2)(f) of the Town and Country Planning Act 1990 requires that planning permission be obtained for the development of land, including the making of the material change in the use of the building in the use of any building or land. The Town and Country Planning (Use Classes) Order 1987 prescribes a number of classes of use including Class A1 Shops and Class C2 (Residential Institutions).

[KR/16042014/J]

9. Appraisal

- 9.1 The retail shop has failed in this location. The applicant indicates that attempts to sell or let it as a shop since it closed have failed. It is therefore unlikely to open again as a shop. So another, more sustainable use, needs to be found to prevent the premises becoming derelict and subject to vandalism etc;
- 9.2 The layout and accommodation and external arrangement of the premises do lend themselves to the use now proposed, with little adaptation. There is sufficient internal space, adequate rear enclosed private garden and sufficient off street car parking.
- 9.3 The scale of the use is limited to only four young children with two adults occupying it at any one time. The children are in need of special education and will essentially live together in as close a family-style as can be made possible. Such uses are regulated by OFFSTED as a 'care-home' and so will need to meet their normal standards with regard to management, security and safety.
- 9.4 The property is detached and so sufficiently self-contained and separate from the nearest houses such that it should not give rise to any undue disturbance.
- 9.5 It is therefore considered that the nature and scale of the use proposed is likely to be suited to a residential location such as this and unlikely to give rise to disturbance to existing residents.

10. Conclusion

- 10.1 The type and small scale nature of the use and the degree of control over its management via OFFSTED registration, together with the enclosed nature of the rear garden and the on-site parking, mean that it is not likely to give rise to disturbance to existing residents. The retail shop has failed and the building is therefore unlikely to be brought back into a retail use again. It is therefore vital that a suitable alternative use is found to prevent deterioration of the premises. Its conversion to the use now proposed can be carried out with a minimum of alteration both internally and externally.
- 10.2 The use would therefore comply with the relevant UDP policies H7 'Conversion of Buildings to Residential Use' and H11 'Special Needs Accommodation'.

11 Detailed Recommendation

- 11.1 That planning application 14/00190/FULL be granted, subject to appropriate conditions including:
- No more than four children aged between 6 and 12 years and two members of staff
 - The parking and amenity spaces shown shall be provided before the use commences.

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