

## PLANNING APPLICATION NUMBER:P09/1541

Type of approval sought	Full Planning Permission
Ward	NETHERTON WOODSIDE & ST ANDREWS
Applicant	Mr Mike Rumble, Advocacy Care Ltd
Location:	<b>THE MANSE, 29, SWAN STREET, NETHERTON, DUDLEY, DY2 9EG</b>
Proposal	<b>CHANGE OF USE OF RESIDENTIAL DWELLING (C3) TO RESIDENTIAL CARE HOME (C2)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

1. This 0.027 hectare site accommodates a 1970's detached two storey dwelling house.  
The dwelling comprises an integral garage, kitchen with two reception rooms and downstairs toilet, a bathroom and four bedrooms. There is a garden to the rear measuring 10 metres wide and 11 metres deep. There are two off-street parking spaces on the frontage, in addition to the garage space. The site fronts onto a residential road, with no on-street parking restrictions.
2. There is a locally listed church located to the east within large grounds and to the west, there is a line of semi-detached, retirement bungalows. Arley Court, a multi-storey block of flats is located opposite within open grounds fronted by an unrestricted car parking area. There are garden areas located directly to the rear of the site, which are set at a higher ground level and are screened by 1.8m high close board fencing mounted above a 2m high breezeblock boundary wall. The North of this area comprises a mixture of dwellings, which differ in age, type and style.

## PROPOSAL

3. The proposal seeks the change of use of residential dwelling (C3) to residential care home (C2) to accommodate 3 children with supervised 24 hour care. Supporting information submitted with the application gives the following details.;

There would be 6 full time carers and two management staff. Two carers would be on site for a period of 24 hours, before handing over to their colleagues. Staff change over periods would be at 1000 hours daily (hand over period would last 30 minutes). One manager would be on site, normally between the hours of 0930-1800, but would not necessarily be at the premises for the whole of that period.

4. Should on site tuition be required, then a single tutor would attend the property for a period of no more than 3 hours each week day, dependant upon the individual child's needs, however, it is intended to integrate the children into the local environment in terms of local education provision and social activities.
5. The management team would include qualified social workers and child specialists. Visits from outside professionals would be unlikely to be more than 1 visit per week lasting an average of 1 hour and are likely to be less frequent because of in-house professionals.
6. Besides the above, there would be no other staff or contractors visiting the property. The garden would be maintained by the staff and the children.

7. No external alterations are proposed to the property. Internally an en-suite would be added to the largest bedroom, but other than that there would be no internal changes and there would be no external signage added to the property.
8. There are currently 3 off-street car parking spaces at the premises. It is expected that a maximum of 5 vehicles could be on site during the staff change over period each day. After the handover period, 2 vehicles would leave the property. When the manager visits, there would be 3 vehicles at the site.

## HISTORY

9. None relevant.

## PUBLIC CONSULTATION

10. Direct notification was carried out to surrounding properties to which there was 1 objection and a petition (containing 43 signatures) received on the following grounds:
  - The proposed use would not be suited to the location, in amongst an area occupied by vulnerable, elderly people, who share a communal garden located immediately adjacent to the site.
  - The residents may demonstrate emotional and behavioural problems to the surrounding residents.
  - The site is located close to the multi-storey flats, which has had bad drug problems until recently. This could make the home and its residents vulnerable to drug dealers.

## OTHER CONSULTATION

11. Group Engineer (Development): No objections, subject to condition to maximise off-street parking provision on frontage of the premises.
12. Environmental Protection: No adverse comments.
13. Fire Officer: Proposal is satisfactory
14. Conservation Officer: No concerns raised in terms of the use and the adjacent locally listed church.

## RELEVANT PLANNING POLICY

15. Unitary Development Plan (UDP)
  - AM14 Parking
  - CS1 Special Needs Accommodation
  - DD4 Development in Residential Areas
  - DD6 Access and Transport Infrastructure
16. Supplementary Planning Document(s)
  - Parking standards and travel plans
  - Planning Obligations

## ASSESSMENT

17. The Key Issues are -
  - Principle

Impact on amenity

Parking and highway safety

Planning obligations

Principle

18. In considering the change of use to a care home, policy CS1 states that the new special needs accommodation should;
  - *'be within easy reach of a shopping centre and public transport;*
  - *be suitable for providing appropriate support and assistance for future occupants;*
  - *provide a reasonable and attractive area of accessible private open space;*
  - *avoid the concentration of C2 uses;*
  - *be in scale and character with the surrounding area;*
  - *make adequate provision for parking and manoeuvring.'*
19. The care home would be within close reach of Netherton town centre and is located close to a bus route.
20. The property is a large detached family dwelling which would provide an appropriate rear amenity area for the use and number of residents.
21. The proposal is for a predominantly residential use of an existing dwelling with no extensions proposed by the development.
22. There is no known concentration of C2 uses near to the site.
23. The proposal would provide special needs accommodation. With reference to the relevant UDP policy (CS1), the site is within walking distance of Netherton town centre, is a building of an appropriate size in which to accommodate 2 carers and 3

young people and has a large rear garden for use by the residents. The proposal is therefore considered in accordance with Policy CS1.

#### Impact on Residential Amenity

24. The proposed building would be occupied by 3 young people and 2 carers working on a 24 hour shift. The existing use of the property is as a single dwelling house.
25. Due to the nature of the proposal, with 2 carers present at a time, the intensity of use within the building would not be dissimilar to that which would be expected from a family dwelling with visitors at intervals. The proposal would not, therefore, have a material impact on the character of the area or the amenity of neighbouring residents or uses.

#### Parking and Highway Safety

26. The property is a 4 bedroom dwelling and in accordance with the Parking Standards and Travel Plan SPD would generate the need for the parking of 3 vehicles.
27. The proposed use of the property in terms of the numbers of young people living within the building and the numbers of staff would be similar to that of a residential dwelling. The existing property has 3 existing off-street parking spaces, however, it is considered that the garage is unlikely to be used by staff and therefore should be discounted from the off-street car parking provision. Subject to condition, however, the proposal would be acceptable with the use of a condition that maximises the area of parking available to the frontage of the premises.

28. It is therefore considered that the proposal would not have an adverse impact upon highway safety and would provide sufficient off street parking in accordance with Policy DD6 of the Adopted Dudley Unitary Development Plan (2005) and Supplementary Planning Document - Parking standards and travel plans.

#### Planning obligations

29. Due to the nature of the proposal, with only two carers coming and going at a time and three children residing at the premises, the intensity of use within the building would not be dissimilar to that which would be expected from a family dwelling. It is therefore considered that the proposal would not have an increased impact upon the infrastructure of the area and it would be unreasonable to require a planning obligation.

## CONCLUSION

30. The site is located within a predominantly residential area. The building is within reach of Netherton town centre, is of a suitable size to allow the provision of support care, has a suitable garden and due to its small scale nature in terms of the limited number of young people living within the property (three), would have no material impact on the character of the area, or the amenity of neighbouring residential properties. Traffic generation is unlikely to differ materially from that generated by the existing dwelling. The proposal would therefore accord with Policies AM14, CS1, DD4 and DD6 of the Adopted Dudley Unitary Development Plan (2005) and Supplementary Planning Document - Parking standards and travel plans.

## RECOMMENDATION

31. Approval is recommended, subject to the following conditions:

### **REASON FOR APPROVAL**

The site is located within a predominantly residential area. The building is within reach of Netherton town centre, is of a suitable size to allow the provision of support care, has a suitable garden and due to its small scale nature in terms of the limited number of young people living within the property (three), would have no material impact on the character of the area, or the amenity of neighbouring residential properties. Traffic generation is unlikely to differ materially from that generated by the existing dwelling. The proposal would therefore accord with Policies AM14, CS1, DD4 and DD6 of the Adopted Dudley Unitary Development Plan (2005) and Supplementary Planning Document - Parking standards and travel plans.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley Unitary Development Plan (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further details on the decision please see the application report.

## **INFORMATIVE**

The development hereby permitted shall be carried out in accordance with the location plan and planning application details received on 12 November 2009, unless otherwise agreed in writing by the Local Planning Authority.

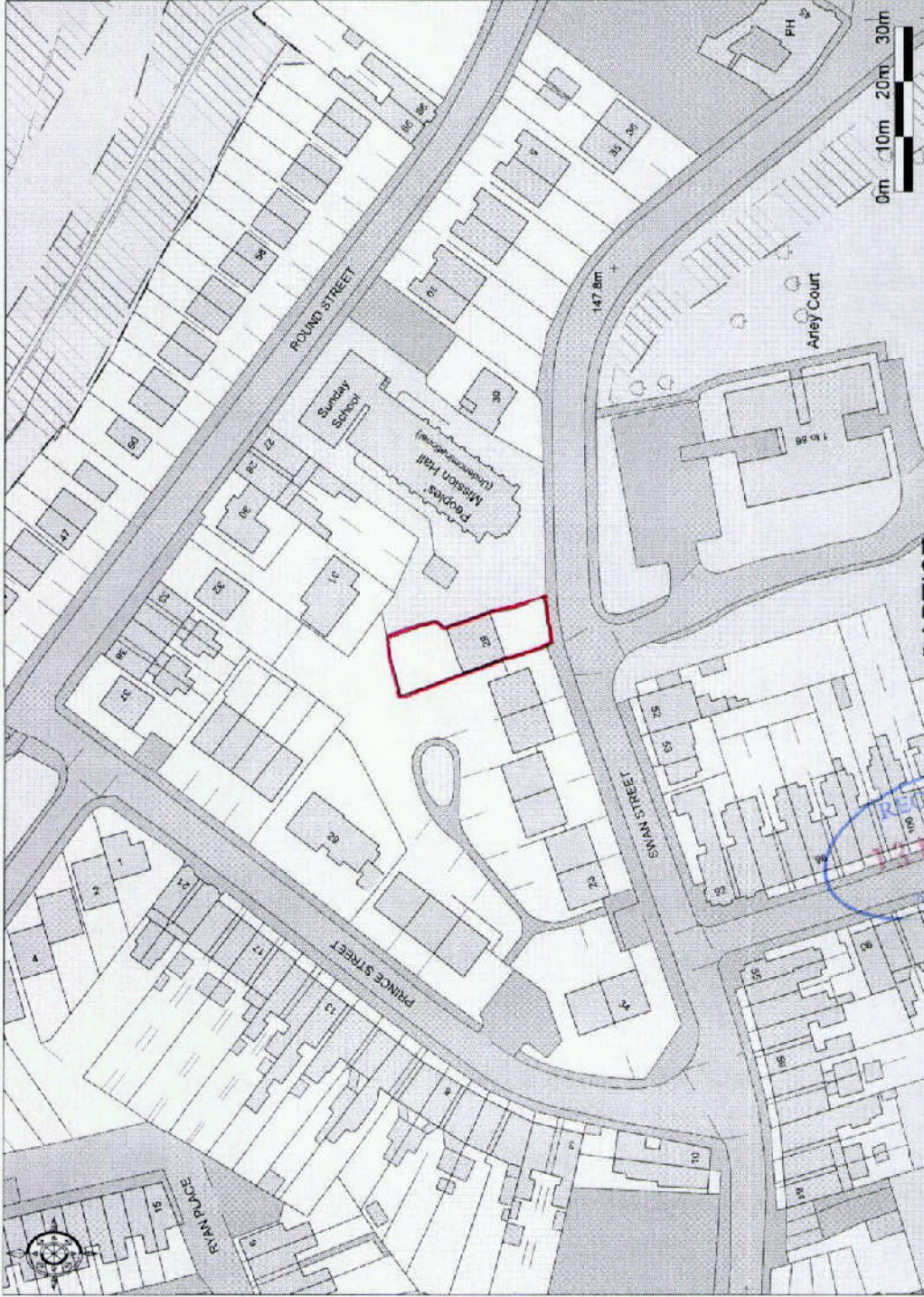
### Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding the provisions of the Town and Country Planning Use Classes Order (as amended) and the General Permitted Development Order (as amended) no more than three young people (up to the age of 18 years old) receiving supervised care shall be accommodated at the property at any one time.
3. Prior to commencement of development details of the parking layout will be submitted to and approved in writing by the LPA. Prior to first use this car park will be implemented in accordance with the approved details and retained and maintained for no other purpose for the life of the development.

Location plan.

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29 SWAN STREET, NETHERTON



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