

PLANNING APPLICATION NUMBER:P21/1326

Type of approval sought	Full Planning Permission
Ward	Sedgley Ward
Agent	Mr A. Denham, Eclipse Architecture
Case Officer	James Mead
Location:	HILTON LODGE, HIGH PARK CRESCENT, SEDGLEY, DUDLEY, DY3 1QY
Proposal	CHANGE OF USE FROM RESIDENTIAL DWELLING (C3) TO RESIDENTIAL CARE HOME FOR CHILDREN (C2) WITH A FIRST FLOOR EXTENSION AND EXTERNAL ALTERATIONS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. Hilton lodge is a large residential two storey detached property set within an extensive corner plot off High Park Crescent, Sedgley. The property was constructed in 1938 and used as a dwelling until 1986 when it was converted into a care home for the elderly. The care home operated until 2002 when the property reverted back to a dwelling house.
2. The building is set centrally within the site with generous spacing around to each of its boundaries. All boundaries are all extensively landscaped with mature trees and shrubs which results in limited public views of the building. A wall of approximately 1.8m in height extends across the south boundary with timber fencing to all other boundaries.
3. Vehicular access is via a driveway to the south with a driveway providing ample off-street parking.
4. The area surrounding the site is wholly residential in character with a predominance of detached housing, of a more modern style and age to that of the application site.

PROPOSAL

5. Approval is sought for a change of use from a dwellinghouse to a care home (Use Class C2) along with a first-floor extension and external alterations.
6. This care home would be specifically run as a residential children's home for up to 6 children. The children would be up to 18 years in age. The home is designed to meet the needs of vulnerable children with complex care or health needs and in need of therapeutic support. Children who would live at the home are those with learning disabilities with additional SEND educational needs, mental health, autism with associated behaviours, children at risk of abuse or harm. All children will require therapeutic specialist care and will have a complexity of needs associated with their disabilities.
7. The children would be educated off site.
8. Supporting information submitted with the application states, there is a requirement for individual care worker support, so up to 6 staff on duty at any one time, with reduced staff during term time and in the day. There will be 2-night staff. Care is on 24-hour basis with shift patterns as follows
 - 7am to 3pm,
 - 3pm to 10pm
 - 10pm to 7am.
9. A car parking area would be laid out to provide space for 12 cars along with a disabled space.
10. External alterations included the removal of an external staircase, the replacement of a door with a window at first floor level and new windows at ground floor.
11. A first-floor extension is proposed to the side of the property, this would be constructed with materials to match the existing building.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
85/50268	Change of use from residential dwelling to residential home for the elderly	Approved with conditions	25/04/1985
94/50883	Erection of bedroom extension.	Approved with conditions	14/07/1994
P21/0909	First floor side infill extension and external alterations	Withdrawn	22/06/2021

PUBLIC CONSULTATION

12. Letters of notification were sent to the occupiers of eleven neighbouring occupiers and a site notice was posited with the final date for comments to be received being 27th August 2021.
13. A petition signed by 73 signatories has been received objecting to the application on the grounds that the proposal introduces a commercial care homes into a quiet residential location and detracts from the established character of the area. Objection in relation to unacceptable level of noise and disturbance have also been made due to intensity of use and increased traffic.
14. Nine letters of objection have been received from neighbouring occupiers objecting to the application on the following grounds
 - Introduction of a care home is incompatible with the residential locality.
 - A commercial venture is not appropriate in a residential area.
 - A care home will be detrimental to character and amenity
 - Increase in noise and disturbance during construction work.
 - Increase in noise and disturbance from the care home use.
 - Increase in intensity of use of the site.

- Not enough parking is proposed.
- Loss of community cohesion
- Loss of existing housing
- There is Japanese Knotweed on the site.
- There are restrictive covenants on the site
- No proper consultation carried out

OTHER CONSULTATION

15. Head of Planning and Regeneration (Highways) –

No objection, a car park will be provided that provides sufficient parking.

16. Head of Environmental Safety and Health –

No objection subject to safeguarding conditions.

17. West Midlands Police

West Midlands Police have assessed this application based on the likely impact on prospective local residents, and the resources of both the local authority and police. In particular, against paragraph 92 of the National Planning Policy Framework (NPPF) which recommends that local planning authorities ensure their policies and decisions aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. West Midlands Police have no objections to this planning application if as stated in the planning statement this is going to be a home for children with disabilities.

RELEVANT PLANNING POLICY

18. National Planning Guidance

- National Planning Policy Framework (2021)

19. Black Country Core Strategy (2011)

- DEL1 - Infrastructure Provision

- HOU5 - Education and Health Care Facilities
- TRAN2 - Managing Transport Impacts of New Development
- ENV2 - Historic Character and Local Distinctiveness
- ENV3 - Design Quality

20. Dudley Borough Development Strategy

- S6 - Urban Design
- S8 - Local Character and Distinctiveness
- S16 – Access and Impact of Development on the Transport Network
- S17 – Access & Impact of Development on the Transport Network
- L1 – Housing Development, extensions and alterations to existing Dwellings
- L2 – Supported Accommodation
- D2 – Incompatible Land Uses
- D5 – Noise Pollution

21. Supplementary Planning Documents

- Parking Standards (2012)
- New Housing Development (2013)
- PGN 10: Residential care/nursing homes and community care homes

ASSESSMENT

22. The key issues for consideration in this application are as follows:

- Principle
- Visual Amenity
- Residential Amenity
- Access and Parking

Principle

23. Providing a range of housing tenures is fundamental in creating inclusive communities and providing a choice for new and existing residents in the Borough. Policy L2 of the Dudley Borough Development Strategy (2017) supports the provision of supported accommodation for people with specific needs such as the proposed use, providing criteria such as amenity, character, access and parking can be successfully resolved.
24. In regard to the principle of conversion, the application property is a detached residential house that is located in a residential area. Notwithstanding all other material considerations, it is considered that the conversion of this dwelling to a residential care use for up to six children with specialist care needs would not adversely impact upon character of the established residential area.

Visual Amenity

25. The design of the extension and external alterations would relate satisfactorily to the existing building. The extension is located to the side of the property and reflects the nature of many first-floor additions added to many properties across the borough so would not be an alien feature of out of character within the residential environment. It is therefore considered that there would be no demonstrable harm to the street scene or character and appearance of the area. In this respect the proposal is therefore considered compliant with Policy L1 within the Dudley Borough Development Strategy and PGN 17 – House Extension Design Guide.

Residential Amenity

26. The site comprises detached dwelling in a residential area. The characteristics of the proposed use would include up to 6 children residing at the property receiving care, staff arriving and departing on a regular basis (there would up to 6 staff members on site, but not at all times; two staff member on site during the night). There would be limited visits from social workers, family and friends in addition to the staff and occasional visits from maintenance personnel. It is considered that this level of coming and going would be slightly more than what would be expected of a dwelling at this location. However, it is noted that the entrance to the site is to the

south and no other properties are accessed from this part of High Park Crescent. There would no need for any traffic associated with the care home to enter the main section of High Park Crescent to the west of the site. As such, it is considered that the proposal would not have any additional potential impact on the neighbours' amenities than that of the existing premises.

27. The secure rear garden is enclosed by fencing and hedgerow that is fully overlooked by the application property, the area of which exceeds the 60sqm recommended by the Planning Guidance Note 10: Residential care/nursing homes and community care homes (PGN 10). Furthermore, the garden area is sited away from the driveway, is not overshadowed by buildings and is not directly overlooked by adjacent properties. Therefore, the garden complies the foregoing criteria outlined in PGN 10 and is ideal for the proposed care home.
28. Vehicles entering and leaving the site could have the potential to adversely affect the amenities of the adjacent residents by reason of noise and disturbance. However, the comings and goings associated with the proposed use would not be to dissimilar to that of a busy family dwelling and again there is no need for cars to enter the main section of High Park Crescent. The Head of Environmental Safety and Health has considered the application on that basis and has raised no concerns regarding noise issues.

Access and Parking

29. There is an established hard surfaced parking area to the front and driveway, and it is proposed to create a car park which would be sufficient to meet the needs of the car home. As such, the proposal would provide sufficient off-street parking provision within its curtilage to accommodate the day to day activities associated with the care facility and would not contribute to an increase in off-street parking in the locality to the degree that would warrant refusal of the application. A condition to secure appropriate porous materials is however recommend.
30. Of note is paragraph 111 of the National Planning Policy Framework which sets out that applications should only be refused on highways grounds should there be an

unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this instance, the proposal would comply with the transportation policies outlined above and it is considered that there are no sustainable grounds for refusal the application on highway grounds.

31. Notwithstanding the above, it would be appropriate to condition any approval to restrict the number of residents to be accommodated at the facility to six, in order to prevent further intensification of use at the premises and to protect the amenities of the neighbouring residents.
32. In addition, there are adequate facilities at the property to provide secure cycle provision to encourage alternative modes of transport for staff. It is also recommended that an electric vehicle charging point is installed at the site and a condition to secure this is recommended.

Other Matters

33. Objectors note the issue of Japanese Knotweed on the site. The applicants have confirmed that the Knotweed has been treated and provided a Treatment Report to confirm this.
34. Objectors raise concern about restrictive covenants on the site preventing the use of the site for such a use. It is important to note that restrictive covenants are not considered as part of a planning application. Equally, planning permission does not quash any restrictions on title.
35. With respect to consultation carried out, this was done in accordance with agreed procedure, whereby all properties neighbouring the site were written to and a site notice was posted outside the site.

CONCLUSION

36. It is considered that the principle of the change of use is acceptable in this instance. The size and scale of the extension is considered acceptable, and the intensity of the activity proposed would not be to detrimental to the surrounding area.

Furthermore, the proposal would provide appropriate parking provision. The proposal would not have an adverse impact upon the character of the area, on residential amenities, or highway safety and would be compliant with adopted Black County Core Strategy Policies DEL1, HOU5, TRAN2, ENV2 and ENV3, Dudley Borough Development Strategy Policies L1, L2, D2, D5, S16, and S17, and the Parking Standards SPD.

RECOMMENDATION

37. It is recommended that the application be APPROVED subject to the attached conditions.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2107/001; 2107/002 and 2107/003
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The premises shall be used for residential children's home and for no other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.
REASON: In the interests of amenity and to comply with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and Policy L8 Protecting the Viability and Integrity of Industrial and Business Uses (in part) Policy D2 Incompatible Land Uses (in part).
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the General Permitted Development Order 2015 (as amended), no more than 6 occupiers receiving supported accommodation care shall reside at the property at any one time.
REASON: In order to secure the satisfactory development of the site, in accordance with Development Strategy Policies D2, L2, and S17
5. The use shall not commence until details of the electric vehicle charging points, to be provided for the care home in accordance with the Council's standard (Parking Standards SPD), has been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details and shall be

maintained for the life of the development.

REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

6. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

7. The development shall be first occupied/used until details of the bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

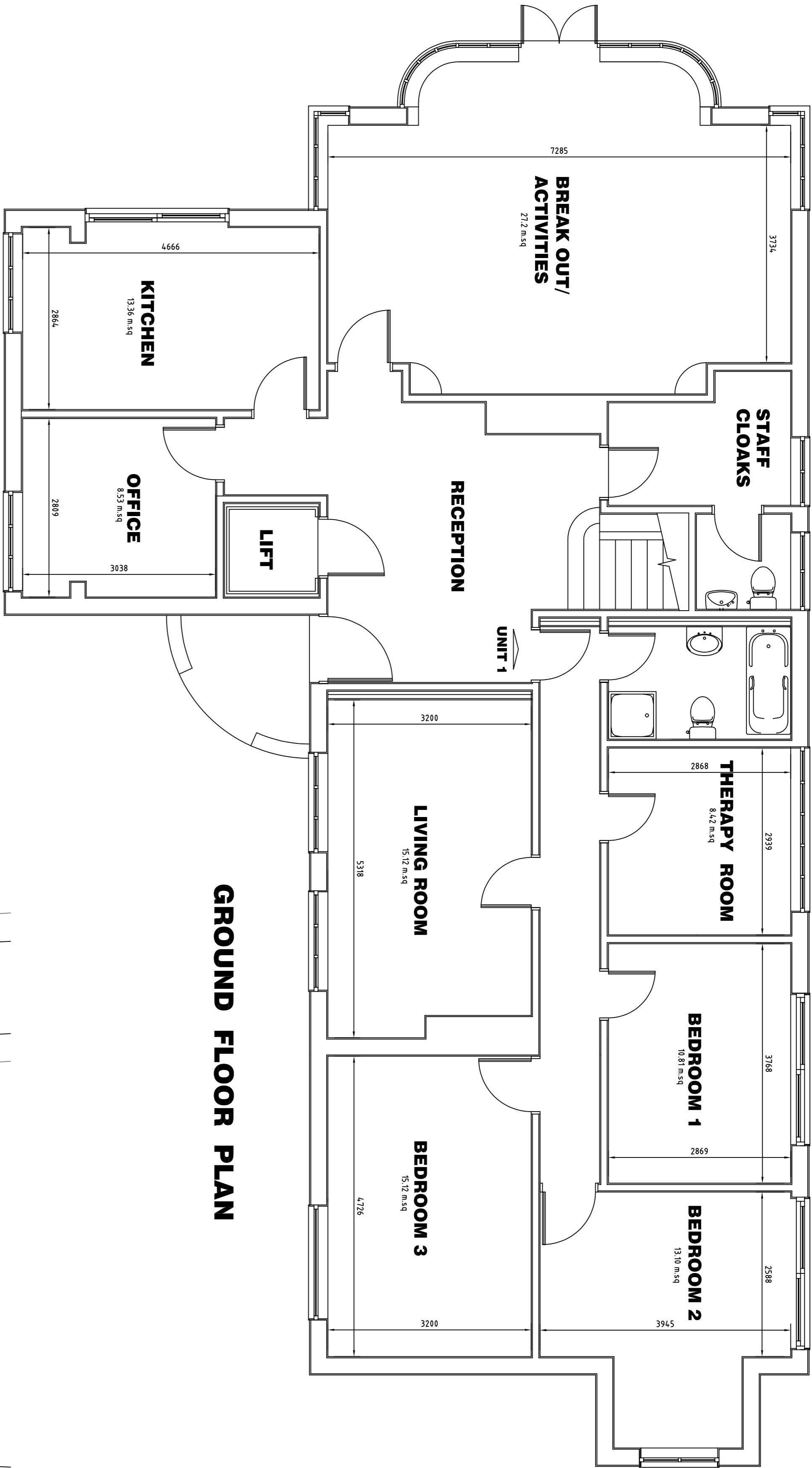
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

8. The development shall not be occupied/used until details of secure and covered staff cycle storage and shower facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

9. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.

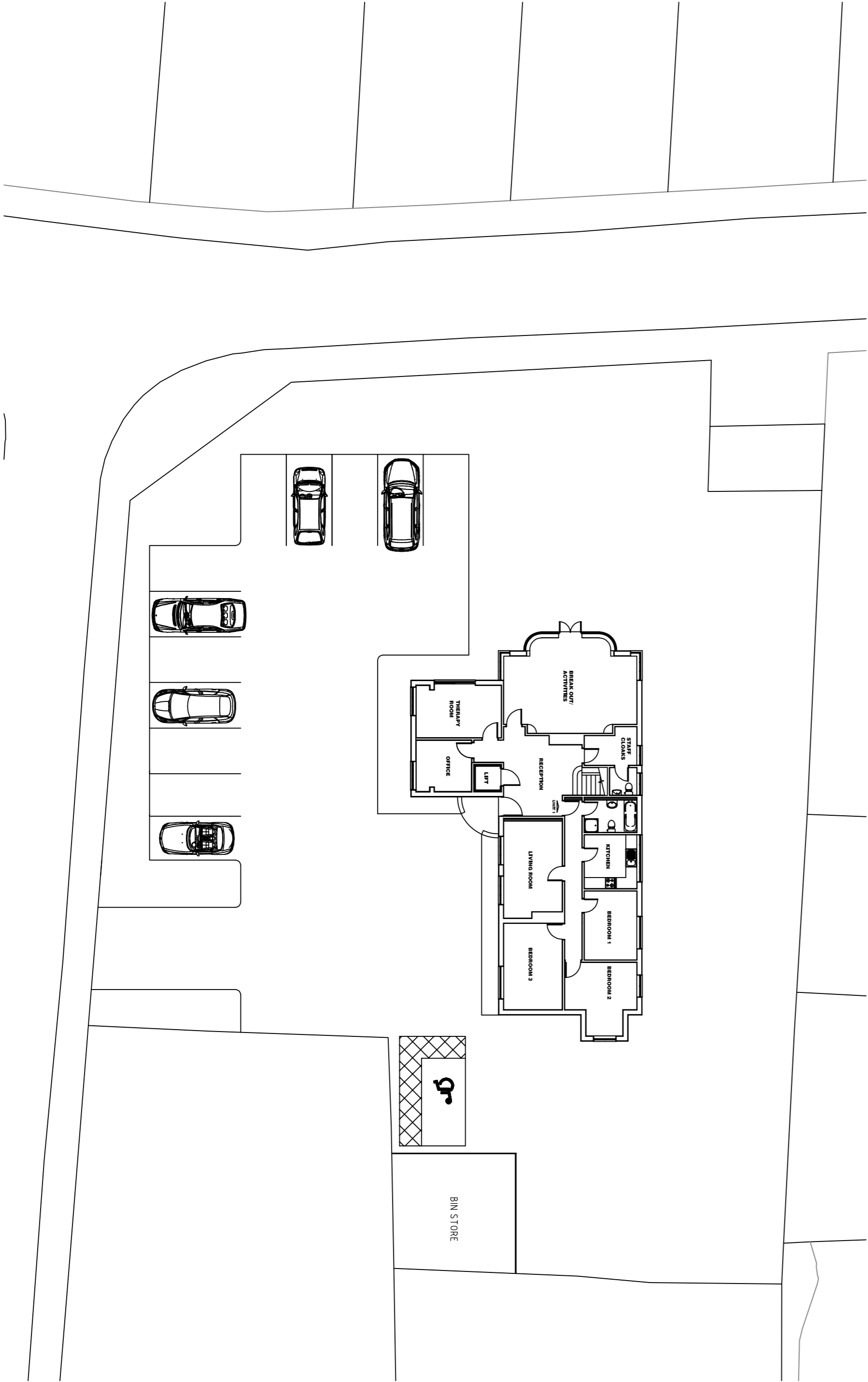
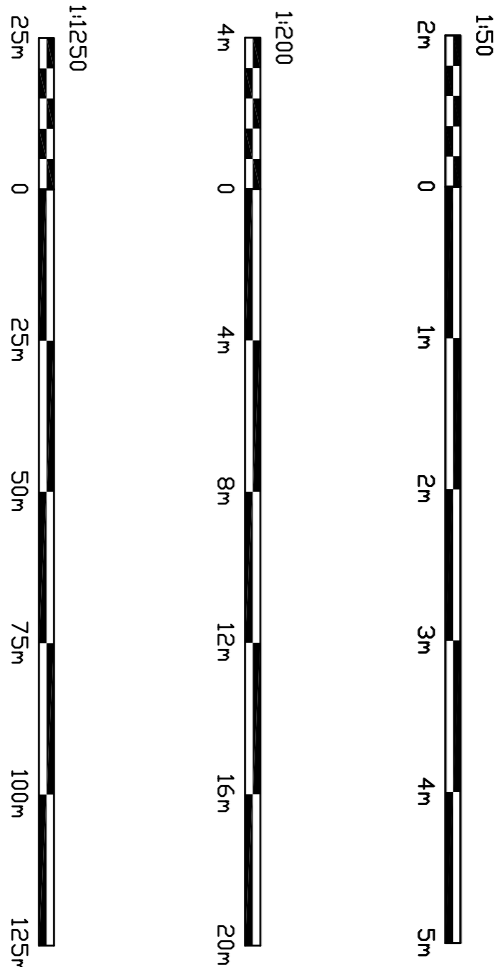
REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).



GROUND FLOOR PLAN



LOCATION PLAN 1/1250



SITE PLAN 1/200

Rev	Amendment	Date	Dwn
1	Approval	1/50, 1/200, 1/2500	Feb 2021

This drawing is to be read in conjunction with the structural engineers drawings and specifications and the recommendations of the site investigation/ground technical report where applicable.

ECCLIPSE
ARCHITECTURE
ESTABLISHED 1991
1.4 HIGH STREET, PENNERT
KIDDERMINSTER, WEST MIDLANDS B39 6XD
TEL: 0121 708 7774
EMAIL: DESIGN@ECCLIPSEARCHITECTURE.CO.UK

Site:

Hilton Lodge
High Park Crescent
Sedgley DY3 1QY

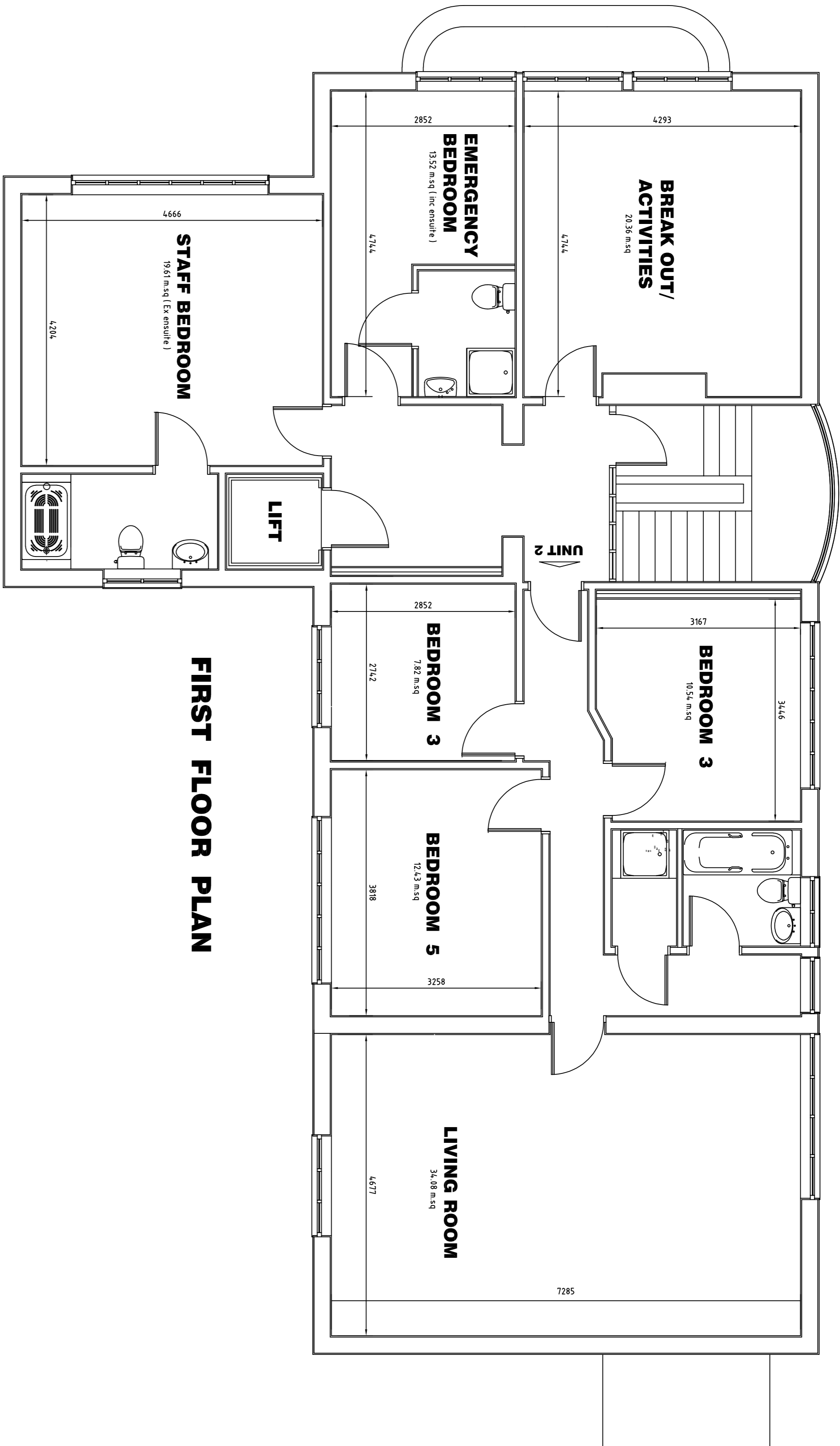
Title:
Ground Floor Plan & Site Plan

Scale:
1/50, 1/200, 1/2500
Date:
Feb 2021
Dwg No.:
2107/001
Rev:
1/50, 1/200, 1/2500

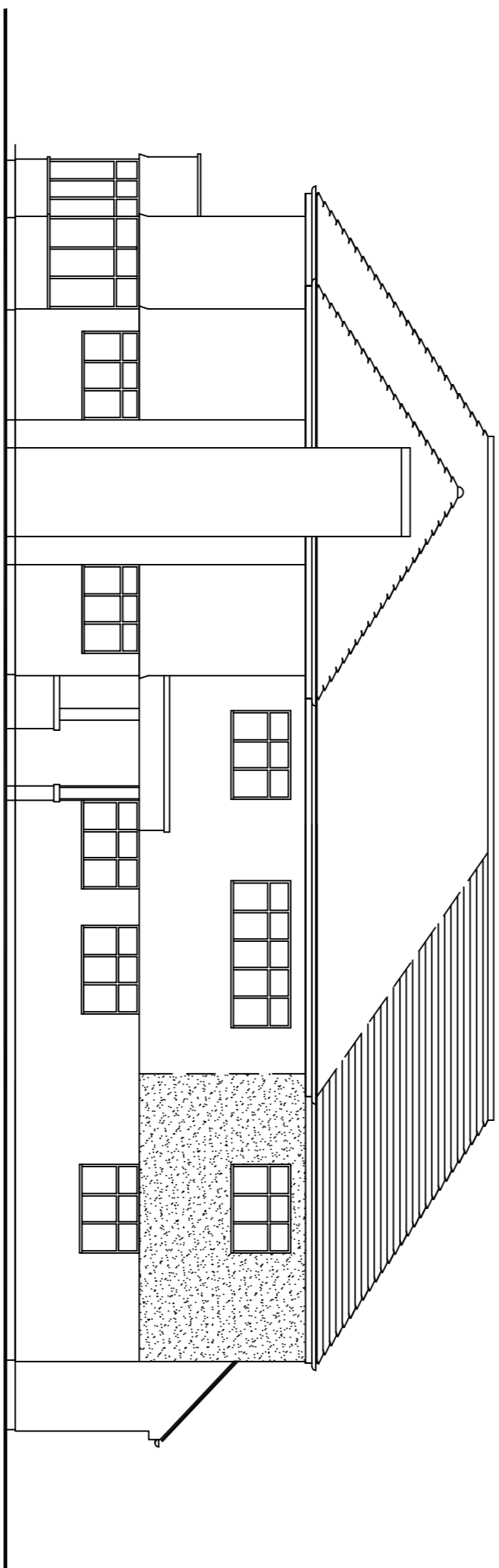
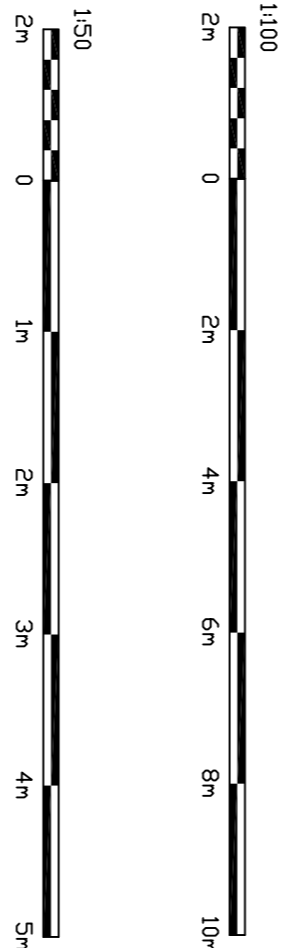
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REGISTERED PRACTICE

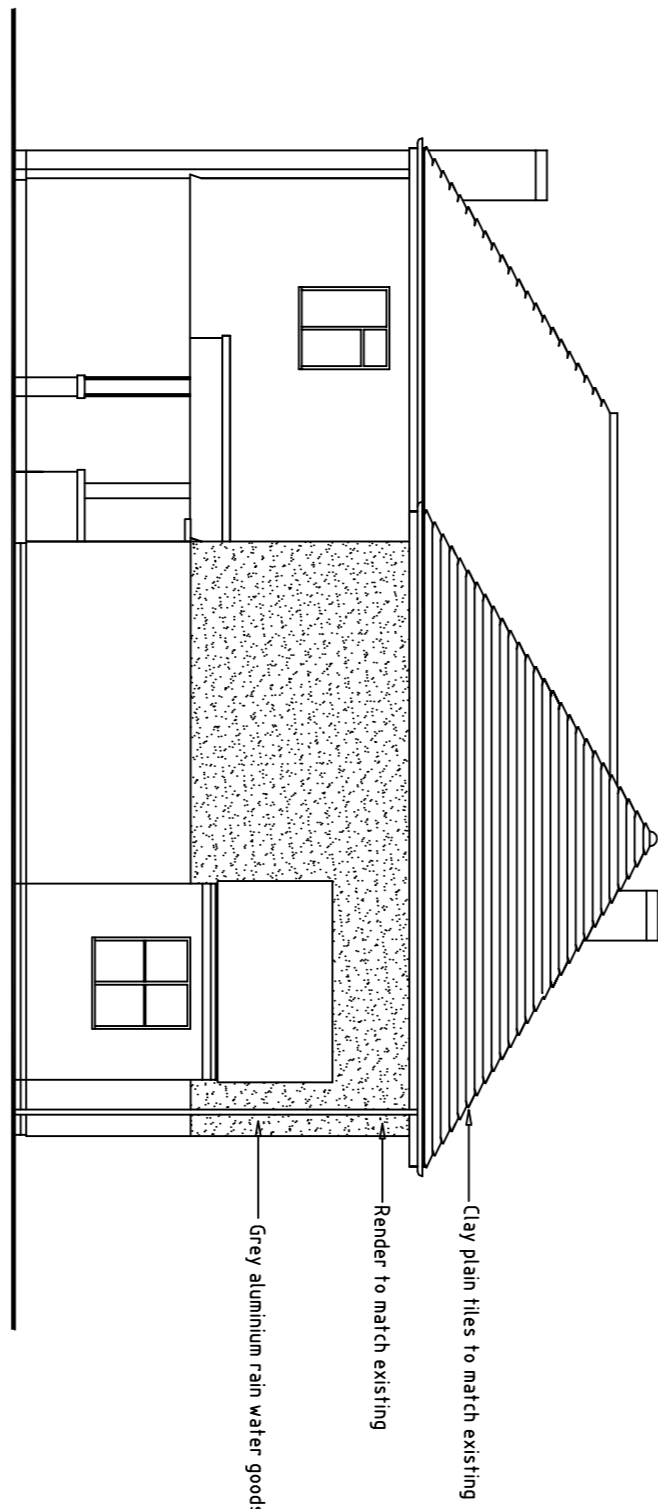
LAABC Building Excellence
AWARDS 2018
Regional Finalist



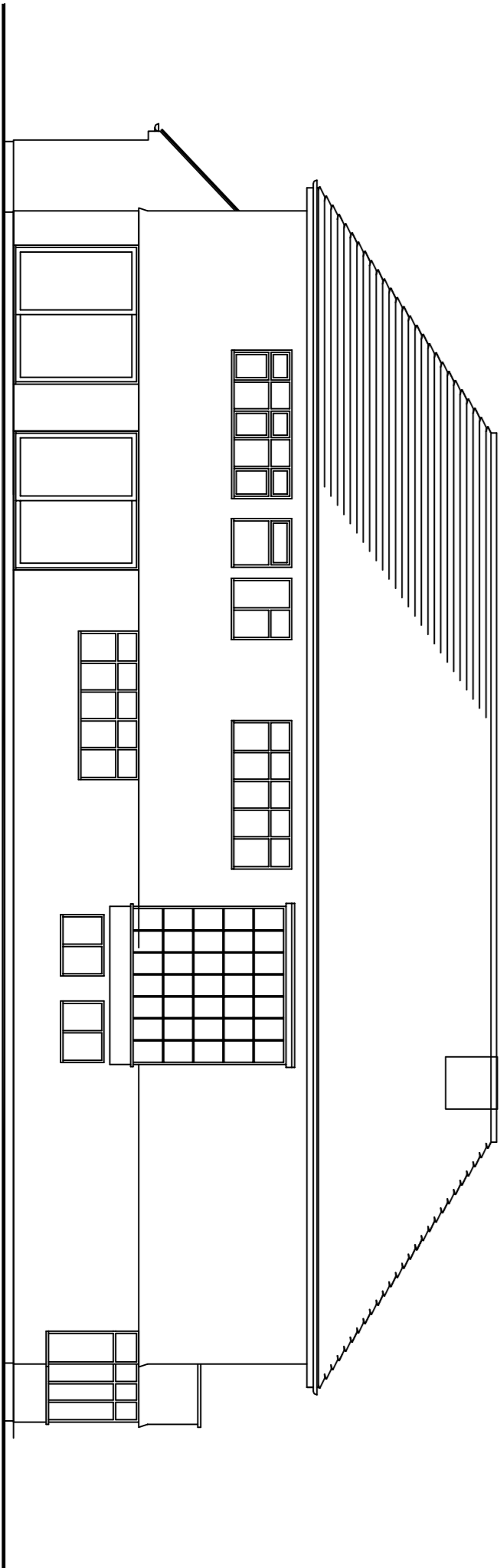
FIRST FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

Rev	Amendment	Date	Dwn

This drawing is to be read in conjunction with the structural engineers drawings and specifications and the recommendations of the site investigation/geotechnical report where applicable.

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ARCHITECTURE
ESTABLISHED 1991

KINGSWIND ROAD, WEST MIDLANDS B70 6XD
TEL: 0121 717 3333
DESIGN@ECLIPSEARCHITECTURE.CO.UK

Site:

Hilton Lodge
High Park Crescent
Sedgley DY3 1QY

Title:

First Floor Plan & Elevations

Scale: **1/50, 1/100**
Dwg No: **2107/002**
Date: **Feb 2021**
Rev: **1**

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REGISTERED PRACTICE

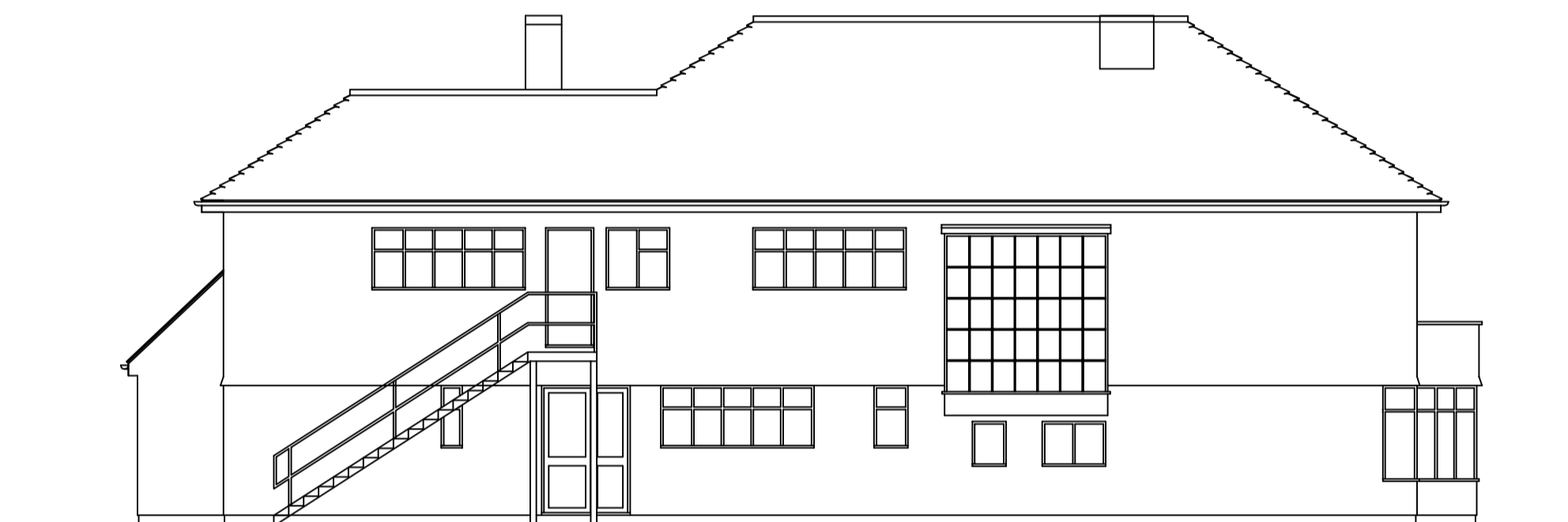
LAABC Building Excellence
AWARDS 2018
Regional Finalist



FRONT ELEVATION



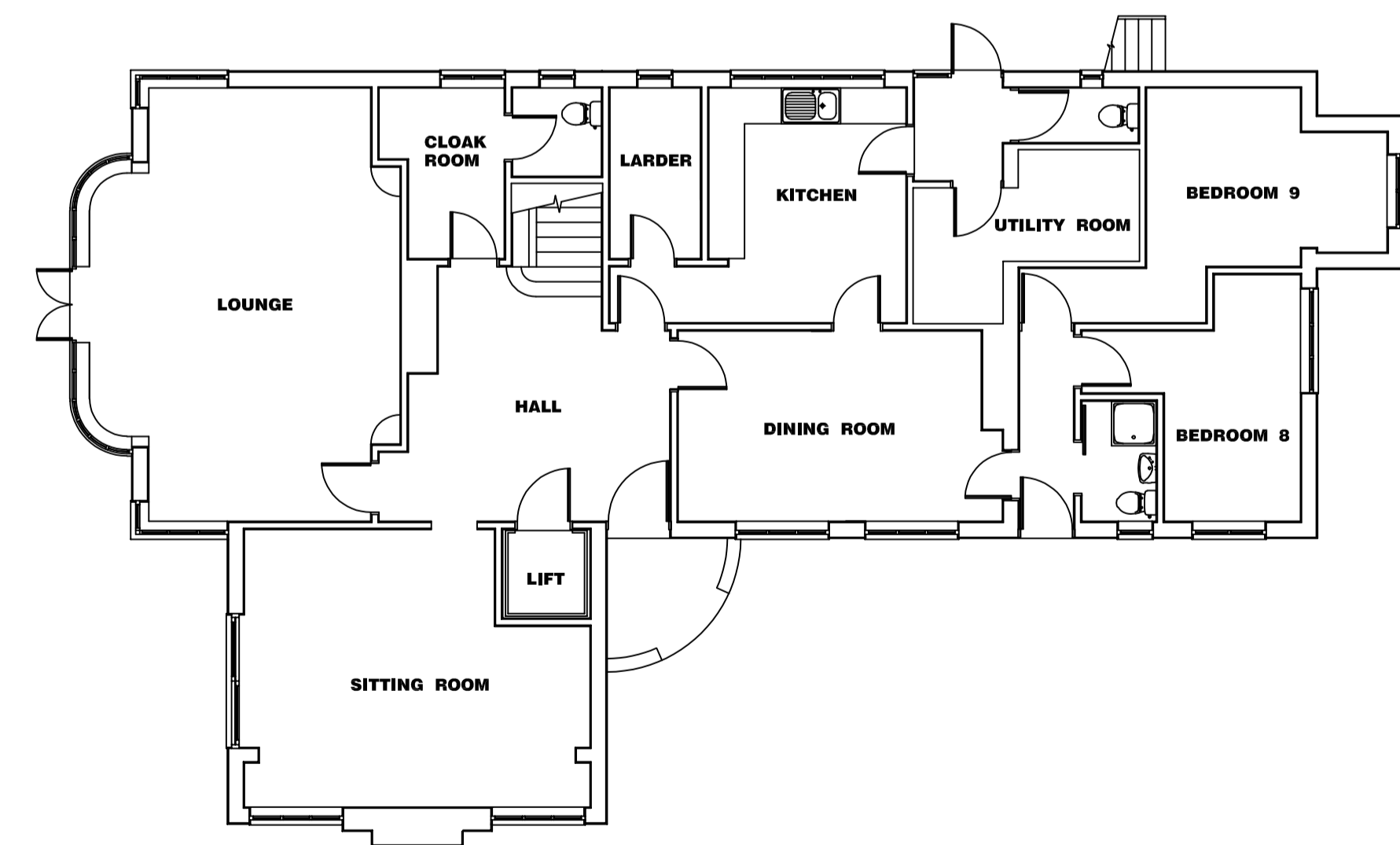
SIDE ELEVATION



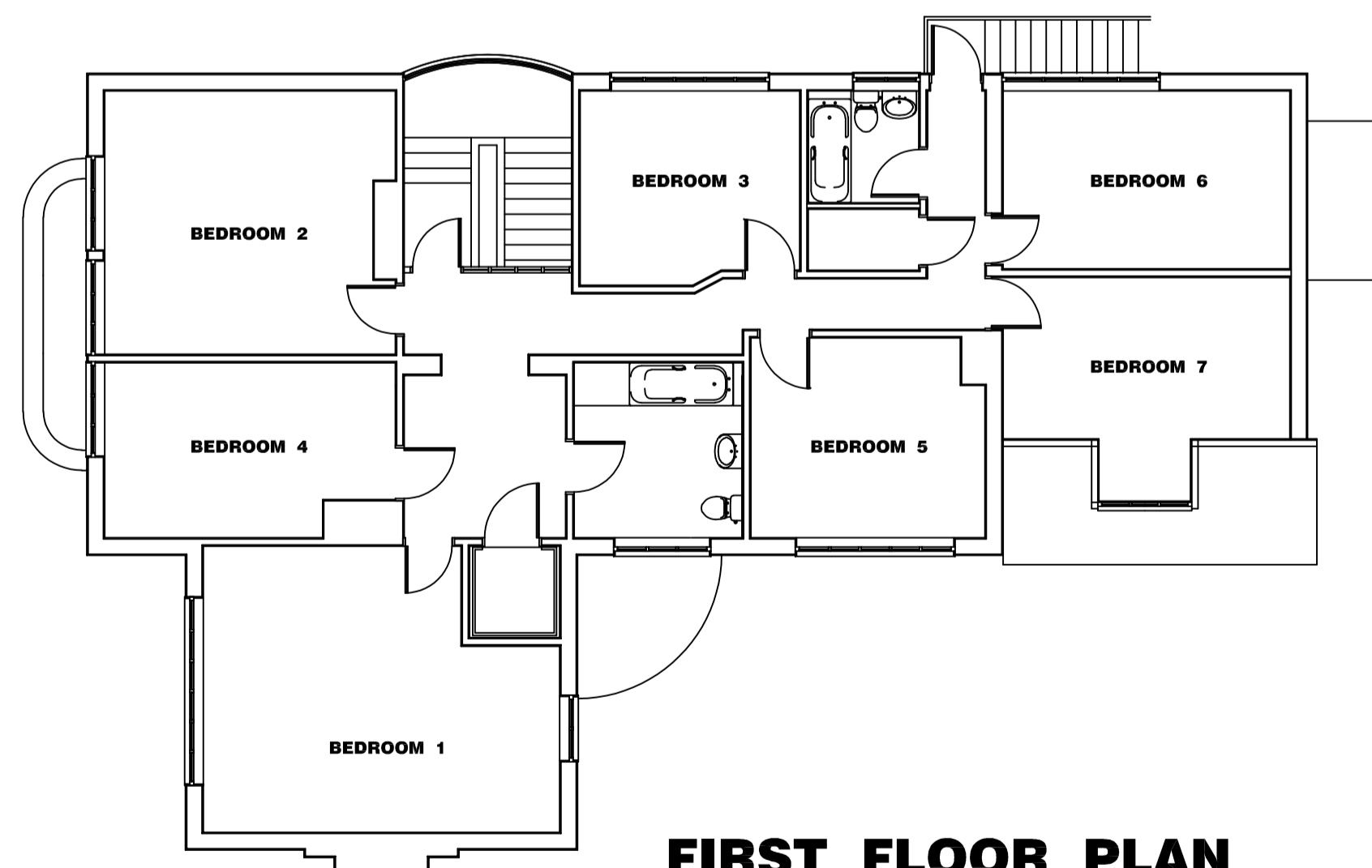
REAR ELEVATION



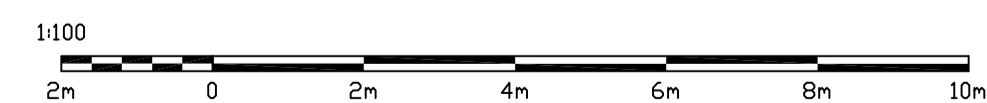
SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



Rev	Amendment	Date	Dwn
This drawing is to be read in conjunction with the structural engineers drawings and specifications and the recommendations of the site investigation/geotechnical report where applicable.			

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ARCHITECTURE
ESTABLISHED 1991

14 HIGH STREET, PENNETT
KINGSWINFORD, WEST MIDLANDS, DY6 8XD
TEL: 01454 51334 537735 07866 77261
DESIGN@ECLIPSEARCHITECTURE.CO.UK

Site:

Hilton Lodge
High Park Crescent
Sedgley DY3 1QY

Title:

Existing Floor Plans & Elevations

Scale:

1/100

Dwg No.:

2107/003

Date:

Feb 2021

Rev:

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LABC **Building Excellence AWARDS 2018** **Regional Finalist**