

## PLANNING APPLICATION NUMBER: P19/0638

Type of approval sought	Full Planning Permission
Ward	Kingswinford North and Wall Heath
Location:	<b>25, COTTAGE STREET, KINGSWINFORD, DY6 7QE</b>
Proposal	<b>CHANGE OF USE FROM RESIDENTIAL TO CARE HOME (C2)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

1. The site comprises a modern 4-bed detached property built in early 2000. The dwelling has a pitched roof with a projecting two storey gable to the front. The dwelling has a conservatory extension to the rear.
2. Due to the projecting two storey element, the house is set back between 5.6m and 8m from the footway along Cottage Street. It has a block paved driveway providing off-street parking provision for up to 3 cars. There is also an integral garage and there is an H-bar marking in front of property.
3. The rear garden associated with the existing house is broadly rectangular in shape measuring 34m long by 8.3m wide.
4. 29 Cottage Street is a detached bungalow to the north. This is set back from the footway by 4.5m. At most it is set forward of the application dwelling by 3.2m (1m from the projecting two storey gable). This property has some off-street parking to frontage, and is also covered by the H-bar road marking.
5. 23 Cottage Street is a two storey detached dwelling located south of the application dwelling. At most it is set forward of the application dwelling by 5.6m (3m from the

projecting two storey gable). The frontage of this neighbour is enclosed by an approximately 1m high brick wall with vehicular access to the side (south) of house.

6. On the side of application property, there is a mixed frontage of houses and bungalows from a range of periods, the more modern development being set back from the highway with off-street parking to the frontage.
7. On the opposite side there are mainly terraced dwellings, set closer to the footway which largely do not benefit from any off street parking.

## PROPOSAL

8. Approval is sought for a change of use from a dwellinghouse to a care home (Use Class C2).
9. This care home would be specifically run as a residential children's home for up to 2 children. The children would be up to 17 years in age.
10. The proposed facility is intended to provide a young person with care on a long term basis (for up to 2 years), with an expectation that after this the children would move onto permanent families. The facility would also receive emergency referrals on a short term basis (for example during a transition period between care home to foster family, respite reasons or due to a referral based on the health and physical aspect of the home).
11. The applicant confirms that the children would be classed as low risk this being defined as *'when the young person has no history of violence, and is willing to participate in all activities both educational as well as physical'*. The applicant will focus on aspects of care which is sometimes lacking such as physical activities, encouraging all of the service users to participate in physical activities of their choice which will help support some of the other work carried out with the children.
12. The children would be educated off site.

13. Supporting information submitted with the application states the shift pattern would be as follows;
- During the week, two house parents/care workers (1 per child) will work split shifts based around the children's schooling (7.00-9.00am & 3.00pm-10.00pm). An additional houseparent will remain in the home during the hours of 9.00am-5.00pm. From 10.00pm to 7.00am, one houseparent would be present on site.
  - During the weekend two house parents will be present from 7am-2pm with a change over at 2pm-10pm. One houseparent will be present during the night time.
14. There are 3 off-street parking spaces on the frontage, with an integral garage.
15. No external alterations would be carried out to the property.
16. The application is a resubmission of previously approved application P13/0875 which was for an identical proposal, which has since expired (on 29/08/2015) after not being implemented.

## HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P13/0875	Change of use to care home (Use Class C2)	Approved with conditions	29/08/13
99/50605	Erection of detached house - revision of plans approved by planning application 98/51867.	Approved with Conditions	21/05/99
98/51867	Erection of detached house.	Approved with Conditions	18/02/99

## PUBLIC CONSULTATION

17. Direct notification was carried out to 6 surrounding properties and a site notice was posted which expired on 7<sup>th</sup> June 2019, as a result of which, five letters of objection have been received, these are summarised as follows;
- Already a significant shortage of on-street parking available along Cottage Street.
  - Vehicles already park unlawfully mounting kerbs onto pedestrian areas.
  - Frequent problems exist of gaining access to properties due to double parking
  - Not enough off-street parking provided for the proposal.
  - Frequency of potential bad behaviour, noise and disturbance would be difficult to predict.
  - Impact on visual amenity and detriment to neighbouring occupiers.
  - This impacts on civil rights.

## OTHER CONSULTATION

18. Head of Planning and Regeneration (Highways) –  
No objection, it is considered that the trip generation of staff would operate to a similar level as that of a family occupying a 4-bed dwelling.
19. Head of Environmental Safety and Health –  
No adverse comments as the proposed change of use will have no detrimental effect on nearby residents by way of noise or reduced air quality.
20. Land Contamination Team –  
No adverse comment.

## RELEVANT PLANNING POLICY

21. National Planning Guidance  
National Planning Policy Framework (2018)

22. 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

23. 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

24. Supplementary Planning Documents

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

## ASSESSMENT

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

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

### Principle

26. 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.
27. In regards 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 a four bedroom house to a residential care use for two children would not adversely impact upon character of the established residential area.

### Visual Amenity

28. The proposal does not seek any extensions or alterations to the appearance of the property. As such, the change of use would have no impact on the character and appearance of the property nor upon the visual amenity of the street. Therefore, it would be in accordance with Policy ENV2 of the Black Country Core Strategy and Dudley Borough Development Strategy Policies L1, S6 and S8

### Residential Amenity

29. The site comprises a four bedroomed detached dwelling in a residential area. The characteristics of the proposed use would include 2 children residing at the property receiving care, staff arriving and departing on a regular basis (there would be a maximum of 3 staff members on site during part of the day (3-5pm), and one staff member on site (10pm-7am) 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 accepted that this level of coming and going would not

be dissimilar to what would be expected from a four bedroom, family dwelling. As such, the proposal would be considered have no additional potential impact on the neighbours' amenities than that of the existing premises.

30. 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, parking area, road, 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.
31. 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, as indicated previously, the comings and goings associated with the proposed use would not be dissimilar to that of a busy three-bedroom, family dwelling. 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

32. There is an established hard surfaced parking area to the front that spans the full width of the site which is sufficient to accommodate two cars within the curtilage and there is also an integral garage.
33. It is noted that the surrounding streets are typically heavily parked due to the mixture of terraced and modern properties. Notwithstanding this, it is considered that the parking provision provided would be of an adequate capacity to accommodate the needs associated with the proposed care home. The home would provide accommodation for two (non-driving) residents and with a maximum of three members of staff on the premises at any time, it is predicted that there would be a total of 9 vehicle movements between 7.00am and 7.00pm excluding visitors. It is therefore considered that the trip generation of staff would operate on a similar

level as that of a family occupying a 4-bed dwelling. The agent has confirmed that other associated visitors to the care home would be limited. The infrequency of these visits would not significantly increase the intensity of vehicular trips in the locality and again would be akin with the number of trips that would be associated to a family dwelling. 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.

34. Of note is paragraph 109 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.
35. Notwithstanding the above, it would be appropriate to condition any approval to restrict the number of residents to be accommodated at the facility to two, in order to prevent further intensification of use at the premises and to protect the amenities of the neighbouring residents.
36. 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.

## CONCLUSION

37. It is considered that the principle of the change of use is acceptable in this instance. The size and scale of the building would remain unchanged, and the intensity of the activity proposed would not be dissimilar to that of a family dwelling. Furthermore, the proposal would maintain the existing parking provision to the frontage. 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

38. It is recommended that the application be APPROVED subject to the following conditions:

Conditions and/or reasons:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Floor Plans; Location Plan  
REASON: For the avoidance of doubt and in the interests of proper planning.
2. 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.
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 2 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.

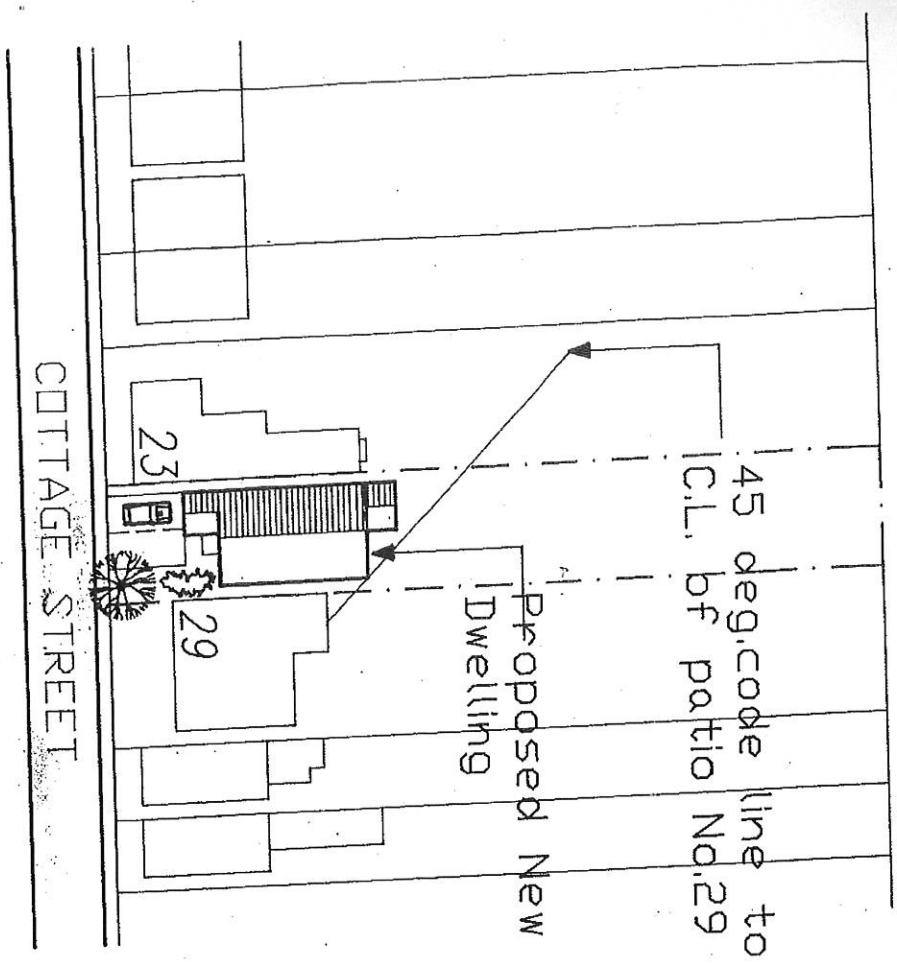
25, Cottage Street, Kingswinford, Dudley, DY6 7QE



Block Plan shows area bounded by: 388904.06, 288952.03 388994.06, 289042.03 (at a scale of 1:500), OSGridRef: SO88948899. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

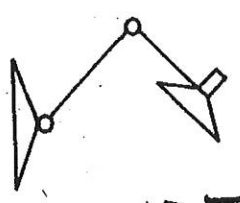
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SITE PLAN 1:500

03 MAY 2019



**KEVIN G. BRAMWELL M.B.I.A.T.**  
 Architectural Services  
 The Old Farmhouse, Brookhus Farm Road,  
 Walmley, Sutton Coldfield B76 1QQ  
 Tel. 0121 351 5727  
 Fax. 0121 351 5671

**SITE**  
 Land Adjacent to No. 23, COTTAGE ST.  
 Kingswinford, Dudley.

**TITLE**  
 Proposed New Dwelling  
 4 bed detached house

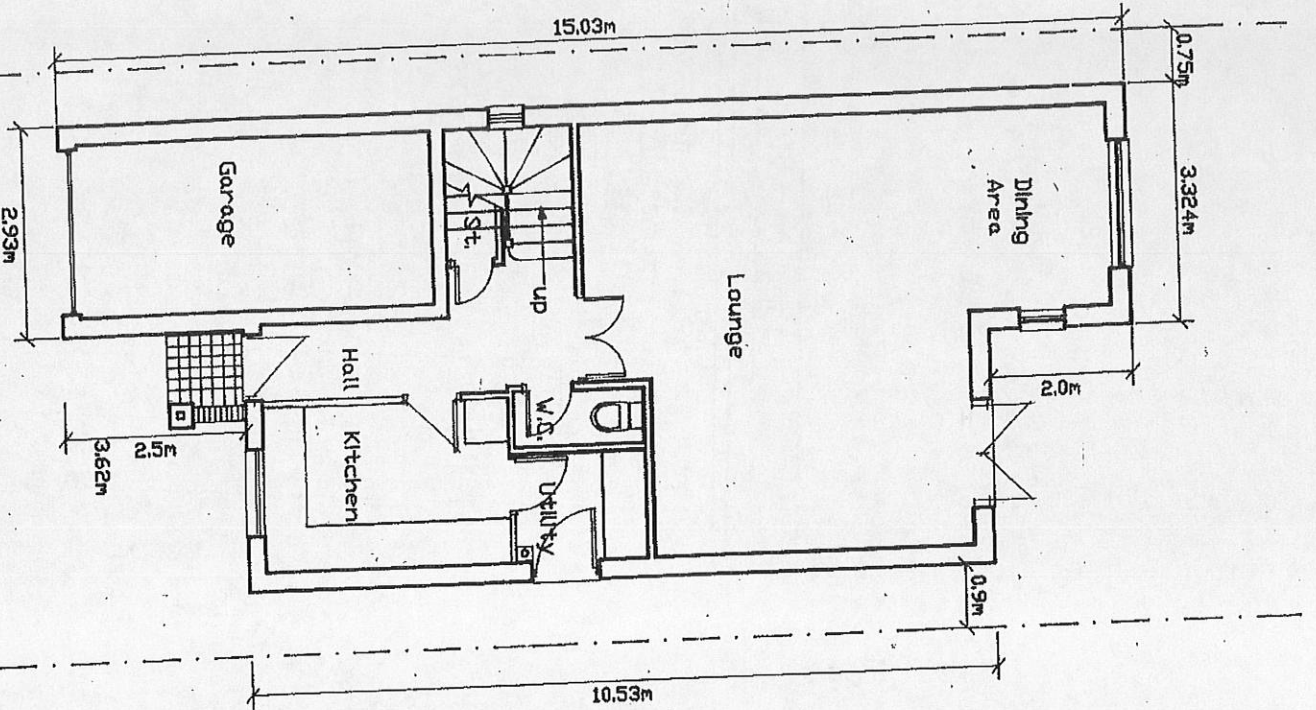
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**NUMBER**  
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**DATE**  
 APRIL 99

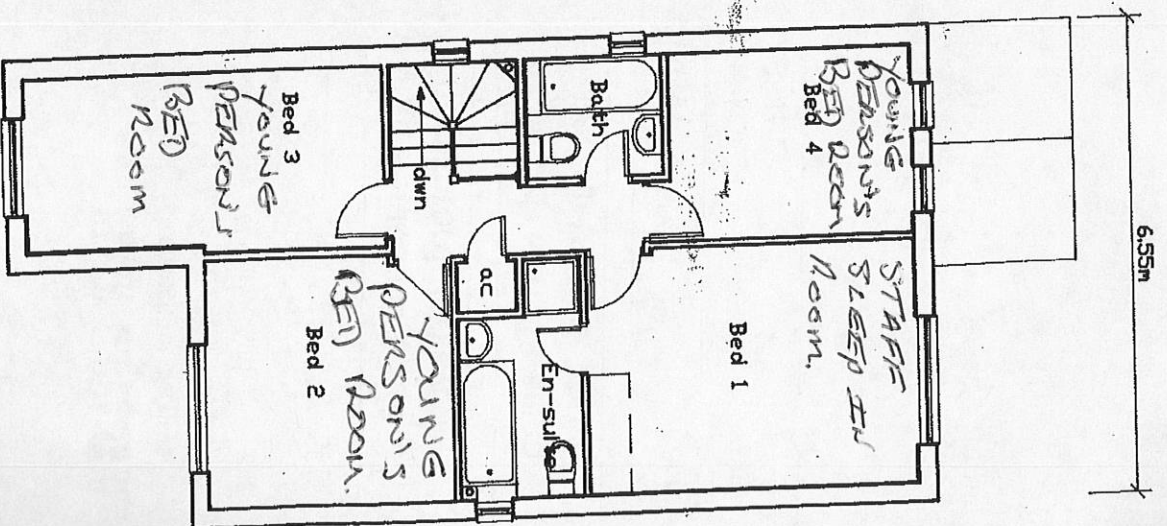
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# GROUND FLOOR PLAN



03 MAY 2019

# FIRST FLOOR PLAN



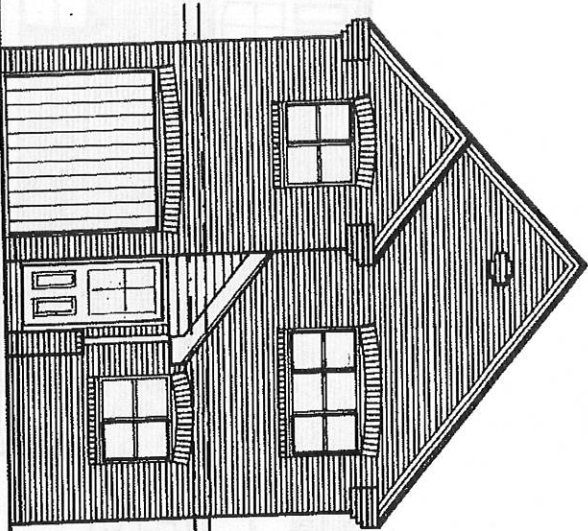
Floor area  
126.6m<sup>2</sup>  
excl. garage  
[1362 sq.ft.]



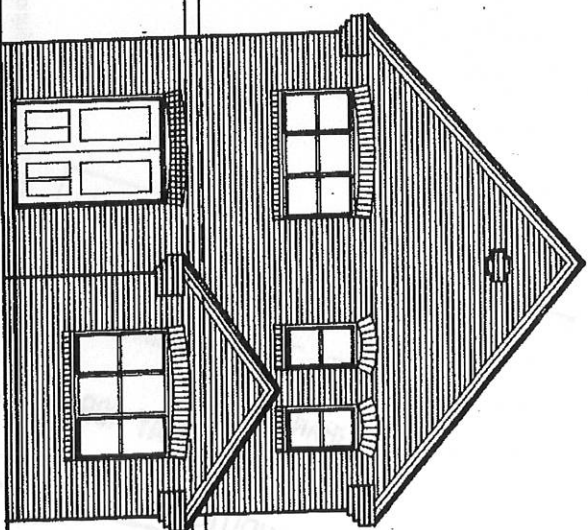
SIDE ELEVATION

03 MAY 2019

SIDE ELEVATION

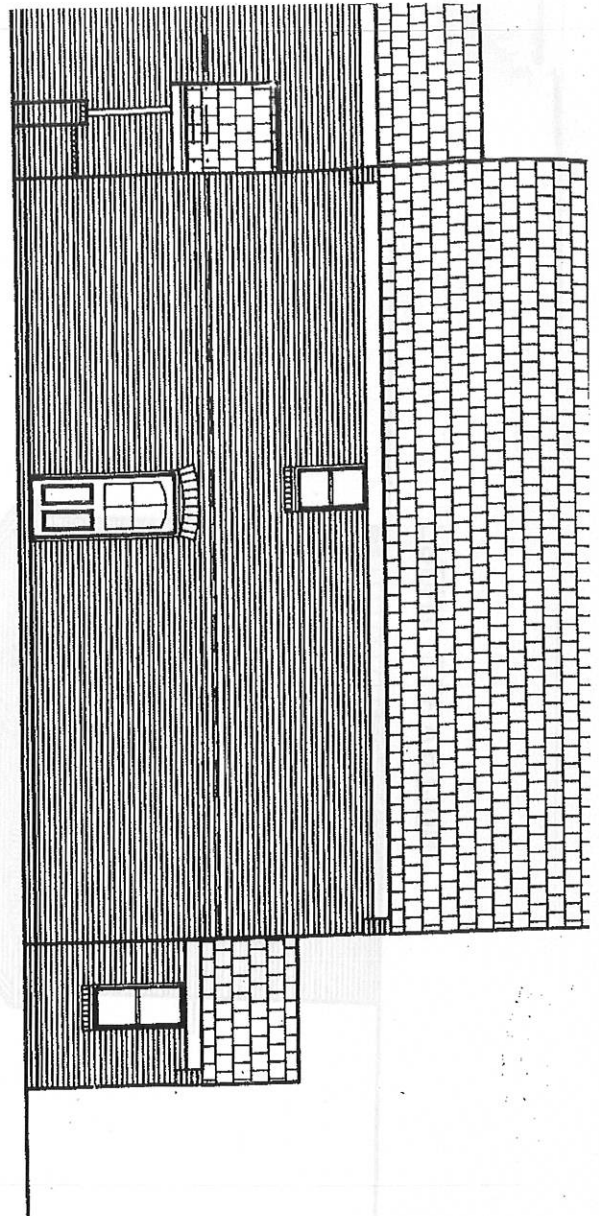


FRONT ELEVATION

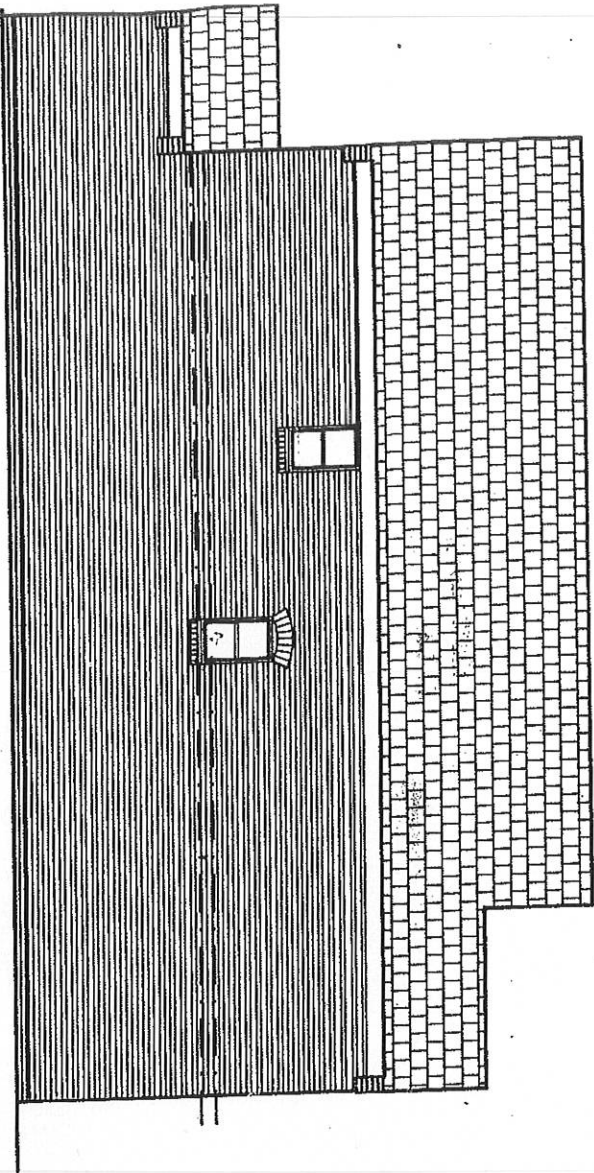


REAR ELEVATION

SIDE ELEVATION



SIDE ELEVATION



03 MAY 2019

Specification;  
Roof: PITCHED  
Concinterlocking roof tiles-Marley Modern or sim.Smooth Grey  
Walls;

Facing bmk to be agreed with Local Authority

MILITARY BOROUGH  
COUNTRY PLANNING ACT 1990  
GRANTED BY  
21 MAY 1999

CONDITIONS