

PLANNING APPLICATION NUMBER:P23/0900

Type of approval sought	Full Planning Permission
Ward	Castle and Priory Ward
Agent	Malm Consulting
Case Officer	James Mead
Location:	TRACEY WILDER HOUSE, 57, THE BROADWAY, DUDLEY, DY1 4AP
Proposal	CHANGE OF USE FROM OFFICES (E) TO CHILDREN'S CARE HOME (C2)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is 57 The Broadway, Dudley. This is a detached two storey property, which is characterised by a render finish, a hipped roof with a gable feature to the frontage, a ground floor bay window, and a flat roof dormer in the front roof slope. The building benefits from access to off-street parking and driveway for multiple cars to the frontage, as well as an integral garage. The building was originally a dwellinghouse which was converted to an office c2000. There is a large private garden area to the rear of the property with fencing and planted boundaries.
2. To both sides of the dwelling and the rear are existing residential dwellings. 55 and 59 The Broadway are similar to the application site in regard to age, type and design being large, detached properties set within large plots. To the rear is 20 Priory Road also a large, detached dwelling set within a spacious plot.
3. Opposite the application site is 'Priory Park.' Further to the south-east is the main campus of Dudley Collage. The site is also within the boundary of Dudley Town Centre.

PROPOSAL

4. Approval is sought for a change of use from office to a care home (Use Class C2).
5. This care home would be specifically run as a residential children's home for up to two children. The children would be between 7 and 17 years in age.
6. The proposed facility is intended to provide a young person with care on a short to medium term basis, 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).
7. The applicant confirms that the children would be classed as low risk, with no history of violence, and is willing to participate in all activities both educational as well as physical.
8. The children would be educated off site, within mainstream schools.
9. It is confirmed, there will be two members of staff regularly working and/or sleeping at the property, with an additional member of staff being present during the day. The shift pattern would be as follows.
 - The day shift will be from 8am – 10pm,
 - The night shift 10pm – 8am.
10. The home would be regulated by Ofsted.
11. There are at least four off-street parking spaces available on the frontage, with an additional integral garage provided.
12. No external alterations would be carried out to the property.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P00/51573	Change of Use from dwellinghouse (Class C3) to use as offices (Class B1)	Approved with Conditions	06/11/2000
P22/1371	Change of Use from Offices to 1no residential dwelling	Approved with conditions	11/11/2022

PUBLIC CONSULTATION

13. Direct notification was carried out to three neighbouring properties and a site notice was posted. The final date for comments to be received was 27th August 2023.

14. Marco Longhi MP objects to the application based on the dear of crime that this development will cause for those living on The Broadway. The police have highlighted this property is in close proximity to a badly run Childrens care home, This proposal will place additional demand on the police

15. Councillors Aston, Denning and Casey (Castle and Priory) collectively object to the application on the following grounds

- Highway safety with the increased number of visits to the property.
- Impact on neighbouring properties and residential amenity
- Lack of detail on management plan as well as any indication as to security measures and what upgrades that will take place to accommodate the new use for the building.
- Increased demand on services, particularly police given concerns raised by West Midlands
- Concerned by current operations taking place at this property.
- There is a complete lack of confidence locally that this new use could be managed properly.

16. Sixteen letters of objection have been received from eight nearby neighbouring occupiers, objecting to the application on the following grounds.

- No security plans.
- There is no management structure.
- Loss of a residential house.
- Increase in crime.
- Increase in anti-social behaviour.
- Devaluation of property
- Increased traffic and parking demand
- No need
- Property is being used inappropriately at present demonstrating bad management.

OTHER CONSULTATION

17. Head of Planning (Highways Engineer):

There appears to be enough parking available for the proposed change of use to a children's Care Home. There should be at least one parking space provided with an electric vehicle charging point.

18. West Midlands Police:

Concern expressed regarding the impact of the proposal on crime, perceived fear of crime, and demand for Police resources in the locality.

RELEVANT PLANNING POLICY

19. National Planning Guidance

National Planning Policy Framework (2021)

20. 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

21. Dudley Borough Development Strategy

- S6 - Urban Design
- S8 - Local Character and Distinctiveness
- 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

22. Supplementary Planning Documents

- Parking Standards (2012)
- Dudley Council Residential Design Guide (2023)
- PGN 10: Residential care/nursing homes and community care homes

ASSESSMENT

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

- Principle
- Visual Amenity
- Residential Amenity
- Access and Parking
- Community Cohesion and Fear of Crime

Principle

24. 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 HOU2 of the Black Country Core Strategy (2011) notes that “*Each authority will aim to provide an overall mix of house types over the plan period, tailored to best meet local and sub regional needs*”. Policy L2 of the Dudley Borough Development Strategy (2017) supports the provision of supported accommodation for people with specific needs, in considering such proposals matters such as accessibility to public transport links and local services, compatibility with adjacent uses and resulting impact on the character and adequate level of overall amenity of the surrounding area, provision for sufficient parking, manoeuvring of vehicles and impact on highway safety, provision of private amenity space or be in close proximity to an area of public open space.
25. In regard to the principle of conversion, the application property is a detached property, which is capable of being a residential house and is located in a residential area on the edge of Dudley Town Centre. Notwithstanding all other material considerations, it is considered that the conversion of this property to a residential care use for two children would not adversely impact upon character of the established residential area.

Visual Amenity

26. 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

27. The property would consist of a detached property in a residential area, with lounge, kitchen and dining room on the ground floor and bedrooms at first floor, matching that of a traditional family home. The characteristics of the proposed use would include two children residing at the property receiving care, staff arriving and departing on a regular basis (there would be a maximum of three staff members on site during part of the day, and two staff members on site (10pm-8am) during the night). There would be limited visits from social workers and visits with family would take place elsewhere. There would be occasional visits from maintenance personnel. It is accepted that this level of coming and going would not be dissimilar to that which would be expected from a traditional family dwelling. As such, the proposal would be considered to have no additional potential impact on the neighbours' amenities than that if the property were a family dwellinghouse.
28. West Midlands Police note that the area consists of some other vulnerable locations such as another care home and it may not be appropriate to locate a children's home at this location. This is a situation merely dictated by circumstance. This is a residential area located on the edge of Dudley Town Centre consisting of residential homes and is expected that families with children would live in such an area and property. This is not intended to be a secure facility and the children cared for are low risk. This would provide a safe home for vulnerable children and there is no need for excessive security measures. It is considered the proposal would have no additional potential impact on the neighbours' amenities over and above that of the existing premises and accordance with Policy L2 of the Dudley Borough Development Strategy in this regard.
29. The secure rear garden is enclosed by fencing and hedgerow and 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 and is not overshadowed by building.

Therefore, the garden complies the foregoing criteria outlined in PGN 10 and is ideal for the proposed care home.

30. 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. On that basis no concerns regarding noise issues are raised.

Access and Parking

31. As outlined within policies TRAN2 of the Black Country Core Strategy and Policy S17 of the Dudley Borough Development Strategy there is a requirement to ensure that development proposals do not result in significant transport implications. In support of these policies, the Parking Standards SPD recognises the need to provide the *“right amount of parking provision in the right place and to the right size.”* In doing so paragraph 3.2 outlines that *“Developments that suggest likely on-street parking which would create or exacerbate issues of highway safety will not be supported.”*
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 at least four 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 edge of centre location and being near to the Dudley College Campus. 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; with a maximum of three members of staff on the premises at any time, it is predicted that there would be a total of nine vehicle movements between 7.00am and 10pm 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 family 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 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.

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.

Community Cohesion and Fear of Crime

37. The provisions in the NPPF require Local Planning Authorities to have regard, when considering development proposals, to the potential impact on community safety and fear of crime. Paragraph 92 of the document states:

'Planning policies and decisions, should aim to achieve healthy, inclusive and safe places which ... are safe and accessible, so that crime and disorder and the fear of crime, do not undermine quality of life or community cohesion.' ‘

38. While West Midlands Police have raised a concern regarding the application and the 'fear of crime' is capable of being a material planning consideration, there are a series of tests which the local authority must pass before 'fear of crime' can be properly considered as a reason for a planning refusal. In particular:

- the fear of crime must be objectively justified.
- the fear of crime must have some reasonable basis; and
- the fear of crime must relate to the use – in planning terms – of the land in question rather than assumptions “not supported by evidence as to the character of future occupiers.”

39. Residents have genuine concerns about the potential for an increase in crime. However, there is no firm evidence that such occurrences, which are a matter for the relevant authorities in specific instances, could be attributed to future occupants of the property. Crime and disorder is not an inevitable consequence of a children's care home, but rather a question of individual behaviour and appropriate management, which in this case is for Ofsted to control. In this case 'assumptions' due to another care home in the locality have been suggested, which does not meet the above tests, and in this case, there is no evidence that the use of this property to accommodate two children, within the low-risk category creates a real concern and fear of crime. In light of this, it cannot be concluded that the character of the area, quality of life or community cohesion would be undermined or that incidents of crime and antisocial behaviour would increase as a result of this small-scale care home, and it would not be a sufficient reason to refuse the application.

CONCLUSION

40. 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 the quality of life/community cohesion would not be undermined as a result of this small-scale care home and it would not be 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

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

Conditions and/or reasons:

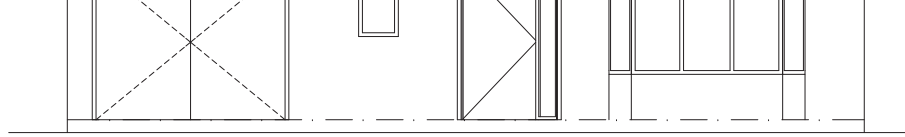
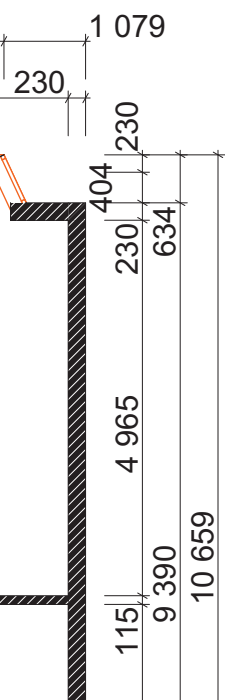
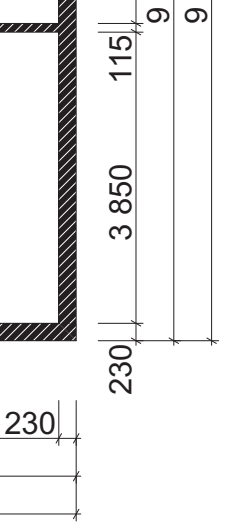
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan, Existing Layout, Proposed Plans.
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 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. Prior to first occupation an electric vehicle charging point shall be provided in accordance with the Council's standard (Parking Standards SPD). The electric vehicle charging point 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. Before the use hereby approved begins operating, or within a suitable time frame to be agreed with the Local Planning Authority, a Management Plan setting out how the premises would be operated shall be submitted to and

approved in writing by the Local Planning Authority. The Management Plan shall be implemented in accordance with the details approved by the Local Planning Authority and remain operational for the life of the development.

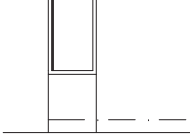
REASON: In the interests of residential amenity and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings.



Location Plan shows area bounded by: 394183.99, 290655.86 394383.99, 290855.86 (at a scale of 1:1250), OSGridRef: S094289075. 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.



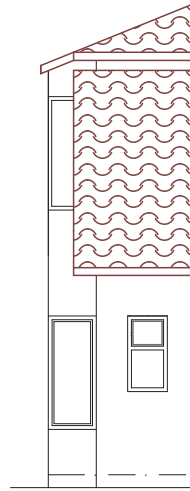
FRONT ELEVATION
1:100



SIDE ELEVATION
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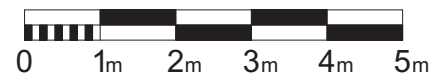


REAR ELEVATION
1:100



SIDE ELEVATION
1:100

SCALE BAR
1:100



Notes
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