

# Report to Planning Committee

**4 September 2024**

<b>Application reference</b>	DC/24/69462
<b>Application address</b>	57 Wallace Road Oldbury B69 1HL
<b>Application description</b>	Proposed change of use of house (Class C3) to children's home (Class C2) for two children.
<b>Application received</b>	5 June 2024
<b>Ward</b>	Tividale
<b>Contact officer</b>	Mr Andrew Dean <a href="mailto:andrew_dean@sandwell.gov.uk">andrew_dean@sandwell.gov.uk</a>

## 1 Recommendations

That planning permission is granted subject to the following conditions

- i) Car parking to be provided and retained;
- ii) Management plan;
- iii) The premises shall be used only as a residential home for three children and for no other purpose (including any other use falling within Class C2 of the Order) but may revert back to C3 (dwellinghouses) on cessation of the C2 use; and
- iv) Surface water drainage for car parking area.

## 2 Reasons for Recommendations

2.1 I am of the opinion that the proposed change of use is acceptable and would not harm the living conditions of neighbouring occupiers, with particular regard to traffic movements, noise disturbance and highway safety. The proposal would therefore accord with Policy SAD H4 of The Site Allocations and Delivery Development Plan Document where it seeks to ensure that proposals for specific needs housing are compatible with adjacent uses.

## 3 How does this deliver objectives of the Council Plan?

Growing Up in Sandwell	Providing facilities for children and young people.
Living in Sandwell	Increasing opportunities and options for residents.

## 4 Context

4.1 The application is being reported to Planning Committee as five material planning objections against the proposal have been received.

4.2 To assist members with site context, a link to Google Maps is provided below:

[57 Wallace Road, Oldbury](#)

## 5 Key Considerations

5.1 The site is not allocated in the development plan.

5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs

weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.

5.3 The material planning considerations which are relevant to this application are:

- Government policy (NPPF);
- Planning history (including appeal decisions);
- Highways considerations - traffic generation, access, highway safety, parking and servicing;
- Environmental concerns – noise, air quality, pollution and general disturbance;

## **6. The Application Site**

6.1 The application property is situated on the west side of Wallace Road, Oldbury. The character of the surrounding area is residential in nature.

## **7. Planning History**

7.1 None relevant.

## **8. Application Details**

8.1 The application relates to a three-bedroom semi-detached residential property.

8.2 The applicant is proposing to convert the existing dwelling house (Use Class C3) to children's home (Use Class C2) for two children aged between eight and 18 years old. The ground floor would consist of a lounge, kitchen and downstairs toilet. The first floor would contain two double bedrooms for the children, a staff office/sleep over room and a bathroom.

8.3 It is proposed two staff members would cover each 24-hours shift. Shift changes will take place at 7.30am.

- 8.4 The applicant has provided the below statement with regards to the proposed use: -

*“Our expertise is providing emotional well-being support and helping children overcome traumatic experiences so they can thrive in life and education. We will not be housing disabled children as the building is not suitable to address their needs. We will also not provide placements for children with significantly poor behaviour that would be unmanageable in our home. It would be more fitting for such children to be placed with specialist residential care providers who work with this demographic of children.*

*As I shared, we will be providing a caring home setting for children due to no fault of their own who have been separated from their families because of parental issues or family breakdown. These children may have witnessed domestic violence or have experienced abuse. We aim to provide a caring environment to help those we support to be restored in their emotional and mental well-being and be supported through any trauma they have experienced”.*

- 8.5 An amended plan has been received to show two off-street car parking spaces provided to the frontage of the property.

## **9. Publicity**

- 9.1 The application has been publicised by 42 neighbour notification letters and by site. Five objections have been received.
- 9.2 Contributors have been re-consulted on the amendments and additional information received. Any further correspondence received shall be reported verbally at the committee meeting.

### 9.3 Objections have been received on the following grounds:

- i) Lack of information, no details provided as to what kind of issues the children being housed will have.
- ii) Anti-social behaviour. Wallace Road is predominantly made up of older residents. The change to the character would make them feel vulnerable and if troublesome, children may be scared to leave their homes.
- iii) Concerns with regards to noise and disturbance.
- iv) Highways matters. Vehicle parking.
- v) There are too many already and approving would set a precedent.

Non-material objections have been raised regarding loss of property value.

These objections will be addressed in under paragraph 13 (Material considerations).

## 10. Consultee responses

### 10.1 Highways

No objection. Highways stated that they would like to see the application propose a betterment of the existing situation by providing off-street parking provision in the form of a driveway to the front. This would prevent on-street parking which currently reduces the width of the carriageway available for use. An amended plan has been submitted to show two off-street car parking spaces being provided to the front.

### 10.2 Pollution Control (Noise)

No objection subject to a condition for a management plan to be submitted and approved by the local planning authority.

### 10.3 **West Midlands Police**

No objection.

## 11. **National Planning Policy Framework (NPPF)**

11.1 The NPPF sets out government's planning policies for England and how these are expected to be applied.

11.2 The framework promotes sustainable transport options for development proposal and states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

## 12. **Development Plan Policy**

12.1 The following policies of the council's development plan are relevant:

### **Black Country Core Strategy (BCCS)**

None relevant.

### **Site Allocations and Delivery Development Plan Document – (SADD)**

SAD H4 - Housing for People with Specific Needs

12.2 SAD H4 encourages the provision of housing to cater for the special needs of people. The proposal complies with this policy by being compatible with surrounding residential uses, the building is currently a residential use, would provide a suitable living environment for residents and is within proximity of public transport and local facilities.

### **13. Material Considerations**

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

#### **13.2 Planning history (including appeal decisions).**

Three recent refusals issued by the planning department for similar proposals in solely residential areas (change of use of dwellinghouses to children's care homes) have been appealed by the applicants to Planning Inspectorate. Of these appeals, two were allowed (both detached houses) and one dismissed (semi-detached dwelling). These appeals are highlighted below in more detail.

13.3 Dingle Street, Oldbury. Detached residential property.

DC/23/68216 - Proposed change of use from dwelling (Class C3) to residential children's home for up to three children (Class C2). Three staff members present during the day and two at night.

Main issues related to the effect of the proposed development on the living conditions of occupiers of neighbouring properties, with particular regard to traffic movements/ disturbance and highway safety with particular regard to adequacy of the on-site parking provision.

Appeal allowed and planning permission was granted.

Regarding the main issues, the inspector stated the following; -

*"Whilst it has been put to me that the area is a quiet, suburban environment, passing traffic noise and the manoeuvring of vehicles would not be uncommon in this area owing to the housing density and inevitable variation in work patterns and social activities of neighbouring occupiers. Indeed, it would not be unusual for residents to hear the comings and goings of their neighbours throughout the day, including the evenings. Given the limited traffic anticipated, and the staff numbers, I*

*find that the anticipated movements would not be disproportionately large or significantly greater than those associated with a 3-child family in a property of this size, carrying out their day-to-day activities.”*

*“In all respects, the internal layout of the proposed care home would not be dissimilar to the existing 4-bed dwelling, and the external appearance would be unaltered. Despite the potential emotional and behavioural needs of the children, there is no compelling evidence to indicate that the use of the property or the associated outside space, including early morning outdoor play would result in disturbance which would be materially different to that which could be reasonably expected of a domestic family residence.”*

*“Based on the shift patterns and staff numbers, I am satisfied that the proposed parking arrangements and on-site provision would allow staff to park within the site on a day-to-day basis. Visits to the property by social workers and other professionals would be by appointment only and less frequent. Even if these visits were to generate demand for additional on-street parking, given the limited scale and likely frequency, I am satisfied there would be sufficient opportunity to park on the road without adversely impacting highway safety”.*

*“Accordingly, I find that the appeal development would not harm the living conditions of neighbouring occupiers, with particular regard to traffic movements and noise disturbance. It would therefore accord with Policy SAD H4 of the Sandwell Allocations and Delivery Development Plan Document 2012 where it seeks to ensure that proposals for specific needs housing is compatible with adjacent uses. It would also be consistent with paragraph 135 of the Framework which promotes a high standard of amenity for existing occupiers”.*

- 13.4 4 Huskison Close, Oldbury. Detached residential property.  
DC/23/68323 - Proposed change of use from dwelling to residential home for 3 No. young people aged between 7-18 years old.  
Main issues related to the effect of the proposed development on the living conditions of occupiers of neighbouring properties, with particular



regard to traffic movements/ disturbance and highway safety. Three staff members present during the day and two at night.

Appeal allowed and planning permission was granted.

Regarding the main issues, the inspector stated the following; -

*“Given the limited change in traffic movements anticipated, I consider that the situation would not be materially different to that expected if the property was retained as a four-bedroomed family dwelling. I conclude that the proposed development would not harm the living conditions of neighbouring occupiers, with particular regard to traffic movements and disturbance. The proposal would therefore accord with Policy SAD H4 of Sandwell’s Site Allocations and Delivery Development Plan Document 2012 which seeks to ensure that proposals for housing for people with specific needs are compatible with adjacent uses”.*

*“I conclude that the proposal would not have a detrimental impact on highway safety and that sufficient parking can be provided within the curtilage of the development. The proposal would accord with the Framework which requires development to function well and add to the overall quality of the area”.*

- 13.5 26 Barston Road, Oldbury. (semi-detached residential property). DC/23/68158 - Pursuant to the approval of planning application DC/22/67746 (first floor side extension and loft conversion with rear dormer window), proposed change of use from dwelling to residential home for up to 3 No. young people aged between 8 and 18 years old. The proposal states that care for residents would be provided by four members of staff during the day and two at night.

The main issues were the effect of the proposed development on the living conditions of neighbouring occupiers with regard to noise and disturbance.

Appeal Dismissed.

Regarding the main issue, the inspector stated the following;

*“While I note that the property could be used as a family home, with several vehicles, the proposal has the potential to result in six car movements during changeovers. Even if all the staff did not have access to a car, the changeover period would still be noticeable from staff entering and leaving the property. These patterns of movement would be unusual and noticeably different when compared to other residents leaving and arriving home for work, even when taking account of potential visitors albeit these would be less frequent than the twice daily changeovers.”*

*“I am also mindful that during staff changeover that people could be arriving and leaving at slightly different times which could result in the changeover period being extended and therefore being more noticeable, particularly as four members of staff are required during the day. This level of turnover would be unusual in the residential context of the area and therefore result in noise and disturbance to neighbouring occupiers.”*

*“Notwithstanding my findings on noise and disturbance from inside the property itself, I conclude that the proposed development would harm the living conditions of neighbouring occupiers with regard to noise and disturbance from the frequent comings and goings. It would be contrary to Policy SAD H4 of the Site Allocations and Delivery Development Plan Document Adopted December 2012 which amongst other things, seeks to ensure that development is compatible with adjacent uses”.*

It should be noted that this application differs from the above dismissed appeal in that there is one less child proposed and two less staff.

Two further appeals for refusal are currently in progress for refused planning applications DC/23/68214 and DC/23/68570.

### **13.3 Highways considerations - traffic generation, access, highway safety, parking and servicing.**

The Head of Highways has reviewed the application and raised no objections. The applicant has submitted amended plans to show two off-street car parking spaces to the frontage which is a betterment of the current situation.

### **13.4 Environmental concerns – noise, air quality, pollution and general disturbance.**

Pollution Control have raised no objections to the application on noise grounds subject to a condition for a management plan. The management plan shall identify management of the property, including staffing, waste disposal, parking, noise control and procedures for complaints. To protect amenity, a further condition has been included to ensure the premises shall be used only as a residential home for two children and for no other purpose (including any other use falling within Class C2 of the Order but may revert back to C3 (dwellinghouse) on cessation of the use).

### **13.4 Other matters**

The National Planning Policy Framework seeks to ensure that development is inclusive, and the fear of crime does not undermine the quality of life, community cohesion and resilience. Although the fear of crime and anti-social behaviour are material considerations, there must be some reasonable evidential basis for that fear. In this case, whilst I am mindful of the concerns raised by residents, there is no substantive evidence before me to demonstrate that the proposed use would give rise to anti-social behaviour or criminal activity. I am also mindful that the West Midlands Police did not object to the proposed development on such grounds. In terms of setting a precedent, each application is considered on their own individual merits.

I have noted concerns that the proposed development would be an inappropriate business use and out of character with the residential area. However, the proposed use falls into a residential use in the Use Classes Order 1987 (as amended). It does not fall into a commercial, business or service use. As such, the proposed use would be compatible with a residential area. I do not consider that the proposal would generate activities that would be significantly different to a family home, nor would the visual appearance of the property be altered to such a degree that would harm the character of the area. In my opinion the use of the property for the care of two children by two staff would operate in a similar fashion to a family home.

### **13.5 Whether the development is a ‘material change of use’**

Whilst a building used for the care of children will always constitute a C2 use, the change of use of the building may not constitute a ‘material change of use’. For example, this would apply in instances where the activity associated with the C2 use would be no greater than that associated with a C3(a) use. Committee are advised that this may apply in this case as the limited activity associated with the C2 use in this instance could be said to not constitute a material change of use from the existing C3(a) use. Therefore, it is debatable whether the proposal requires express planning permission at all.

## **14. Conclusion and planning balance**

- 14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.
- 14.2 On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material

considerations which warrant refusal that could not be controlled by conditions.

## 15 Alternative Options

15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant policies and there are no material considerations that would justify refusal.

## 16 Implications

<b>Resources:</b>	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

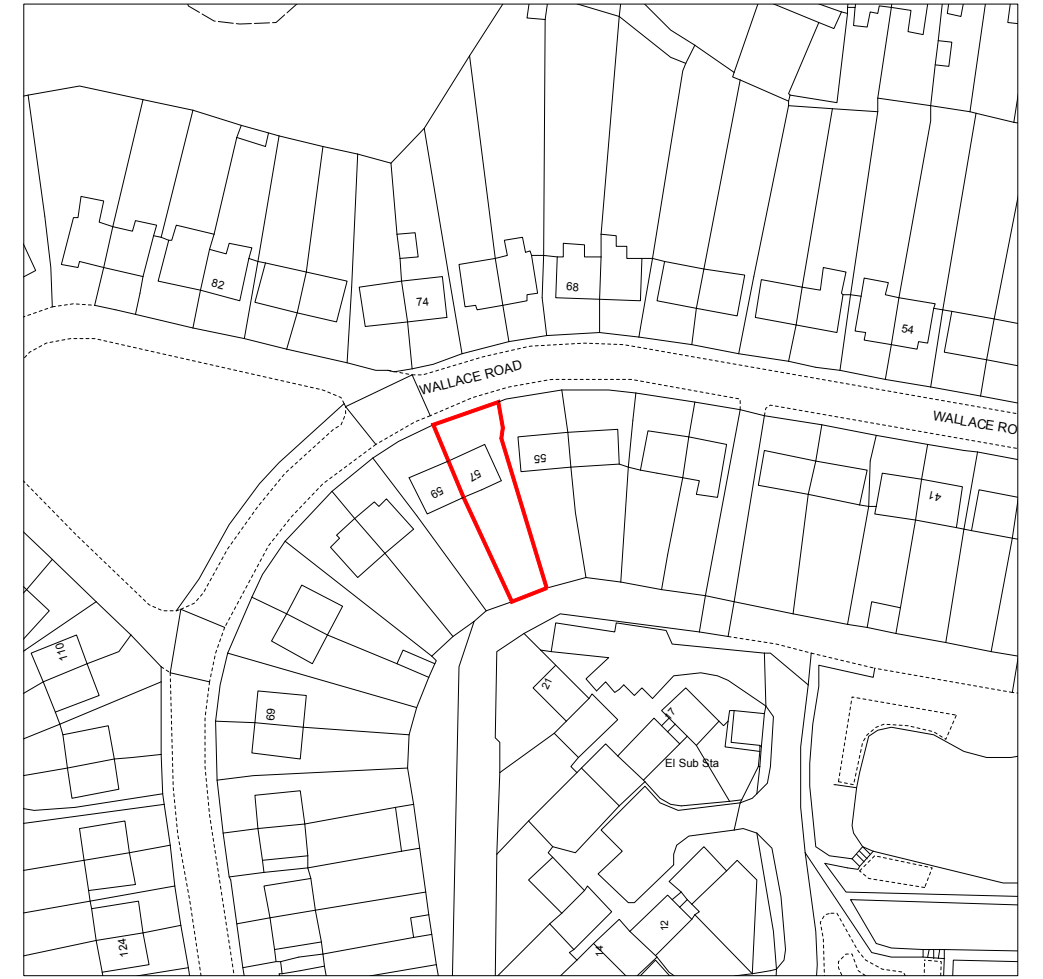
## **17. Appendices**

### **17.1 Plans for consideration**

PL03 - PROPOSED GROUND/FIRST FLOOR PLAN  
PL01 REV A - AMENDED LOCATION & SITE PLAN



Site Plan  
Scale 1:200



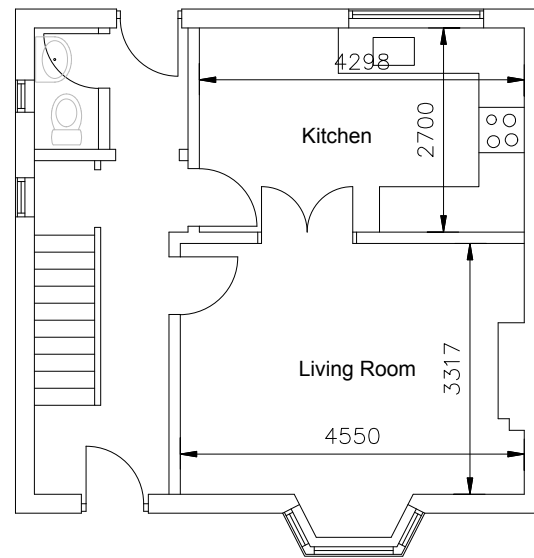
Location Plan  
Scale 1:1250



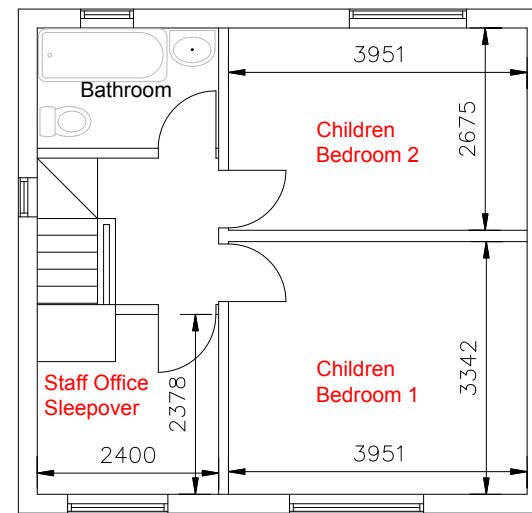
North



Rev	Description	Date	chkd	Project:			
				57 Wallace Rd, Oldbury B69 1HL			
				Scale:	Drawn by:	Date:	Status:
				As shown @ A3	RM	May 2024	
				Title:			
				Location Plan and Site Plan			
				Drg. No.			Rev:
				PL01			A
<p><b>ANJUM DESIGN</b></p> <p>Anjum Design Limited, Suite 104, 123 Stratford Road, Shirley, Solihull B90 3ND TEL: 0121 364 7650 E: info@anjumdesign.co.uk</p>							



Proposed Ground Floor  
 Scale 1:100



Proposed First Floor  
 Scale 1:100



Rev	Description	Date	chkd	Project:
				57 Wallace Rd, Oldbury B69 1HL
				Scale: As shown @ A3
				Drawn by: RM
				Date: May 2024
				Status:
				Title: Proposed Floor Plans
			Org. No. PL03	Rev:
 <p>Anjum Design Limited, Suite 104, 123 Stratford Road,                  Shirley, Solihull B90 3ND TEL: 0121 364 7650                  E: info@anjumdesign.co.uk</p>				



## DC/24/69462

### List of conditions

- i) The development must conform with the terms of and the plans accompanying the application for permission and must remain in conformity with such terms and plans, save as may be otherwise required by (any of) the following condition(s), or approved amendment(s).
- ii) The development must be begun not later than the expiration of 3 years from the date of this permission.
- iii) The spaces for the parking and manoeuvring of vehicles shall be retained.
- iv) Before the use is commenced, a management plan shall be submitted to and approved in writing by the local planning authority, identifying management of the property, including staffing, waste disposal, parking, noise control and procedures for complaints. The approved management plan shall be implemented and thereafter retained as such.
- v) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used only as a residential home for three children and for no other purpose (including any other use falling within Class C2 of the Order) but may revert back to C3 (dwellinghouses) on cessation of the C2 use.