

Report to Planning Committee

4 September 2024

Application reference	DC/24/69599
Application address	62 Hall Road, Smethwick B67 6SQ
Application description	Proposed change of use from residential dwelling to residential care home for up to 2 No. young people aged 7 to 17 years old.
Application received	15 July 2024
Ward	Smethwick
Contact officer	Carl Mercer carl_mercer@sandwell.gov.uk

1. Recommendations

That planning permission is granted subject to the following conditions relating to:

- i) Management plan; and
- ii) Only two children residing at the premises at any time; and
- iii) 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 (dwellinghouses) on cessation of the C2 use.

2. Reasons for Recommendations

- 2.1 The proposed change of use would be acceptable in this location and would not harm the living conditions of neighbouring occupiers, with regard to traffic movements, highway safety, noise and disturbance. The proposal would therefore accord with policy SAD H4 of the Site Allocations and Delivery Development Plan Document which seeks to ensure that proposals for housing for people with specific needs 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, at the time of writing the report, 11 objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[62 Hall Road, Smethwick](#)

5. Key Considerations

- 5.1 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 and general disturbance
- Anti-social behaviour

6. The Application Site

6.1 The application property is situated on the east side of Hall Lane Smethwick. The character of the surrounding area is residential. The dwelling is served by two off-street parking spaces.

7. Planning History

7.1 None relevant.

8. Application Details

8.1 The application relates to an existing three-bedroom semi-detached dwelling.

8.2 The applicant proposes to convert the existing three-bedroom dwelling (Use Class C3) to a children's home (Use Class C2) for two children aged between seven and 17 years old. The physical floor layout of the dwelling would remain unchanged as a result of the proposal. The ground floor would consist of a hall, lounge, kitchen, dining room,

sunroom and adjoining staff office; the first floor would comprise two bedrooms, one staff sleep-in bedroom and a bathroom.

8.3 The accompanying Care Statement sets out how the home would operate. There would be a maximum of two staff on duty at the property at any one time, 24 hours a day. The home would operate as a single family unit with one bedroom for overnight staff.

9. Publicity

9.1 The application has been publicised by 33 neighbour notification letters and a site notice. Eleven objections have been received in response.

9.2 Objections have been received on the following grounds:

- i) Insufficient parking and highway safety issues;
- ii) Concerns regarding increased noise and disturbance;
- iii) Potential for anti-social behaviour; and
- iv) Out of character with the area.

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

Highways has asked for further information regarding staff change over times and frequency of other visitors and potential for meetings at the property. However, the accompanying statements provided by the applicant clarify matters by stating that the house would be used as a

one family unit. I note concerns regarding staff change overs, which will be discussed later in the report.

10.2 **Pollution Control (Noise)**

No objection subject to a condition requiring a management plan.

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 policy of the council's development plan is 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 to public transport.

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 residential areas have been appealed by the applicants via the Planning Inspectorate. Of these appeals, two were allowed (both detached dwellings) and one dismissed (semi-detached). These appeals are highlighted in greater detail below.

13.3 93 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 and to adequacy of 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’.

The inspector goes on to state:

‘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 states 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.'

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

13.6 Highways considerations - traffic generation, access, highway safety, parking and servicing

As two off-street parking spaces currently serve the three-bed property, I have no concerns regarding highway matters. I note that there is potential for increased demand during staff change-over times; however, this would be for limited periods during the day and this limited demand could easily be accommodated on-street at these times. Referring to the statements provided by the applicant, it seems unlikely that visitors would be more frequent than could be expected at any other residential property. The intent of the end use is for the occupants to be cared for as with a 'typical' family home and the parking provision for a this three-bed property meets the parking requirements of council design guidance.

13.7 Environmental concerns – noise and general disturbance

Public Health has raised no objections to the application on noise grounds. A condition for a more detailed management scheme has been included in the recommendation. The management scheme 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 three children and for no other purpose (including any other use falling within Class C2 of the Use Classes Order but may revert back to C3 (dwellinghouses) on cessation of the use).

13.8 Anti-social behaviour

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. Furthermore, the premises would be subject to more stringent regulation than a typical family home.

13.9 Out of character with the area

I have considered whether the proposed development would be an incompatible 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 within 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.

13.10 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

Resources:	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.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.
Social Value	None.
Climate Change	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.
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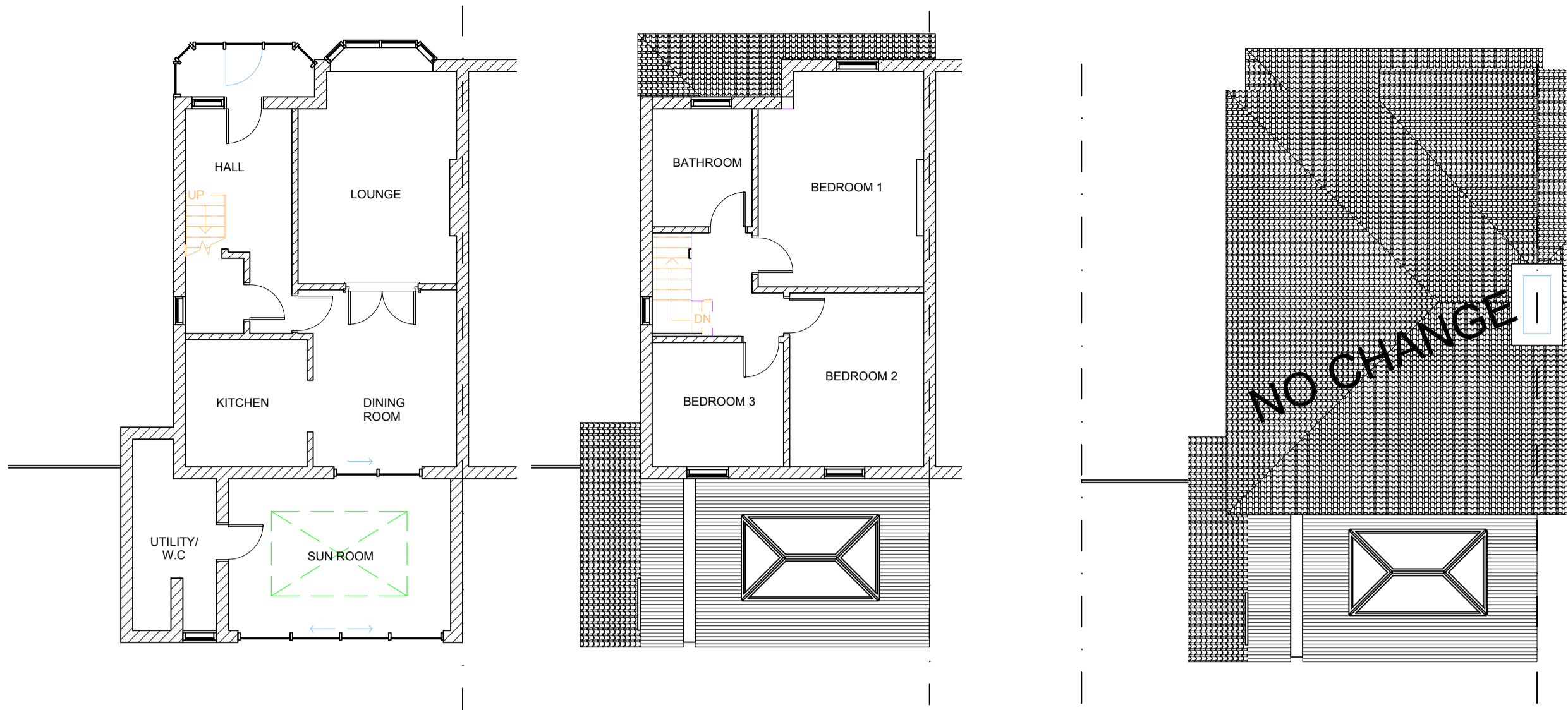
17. Appendices

17.1 Plans for consideration

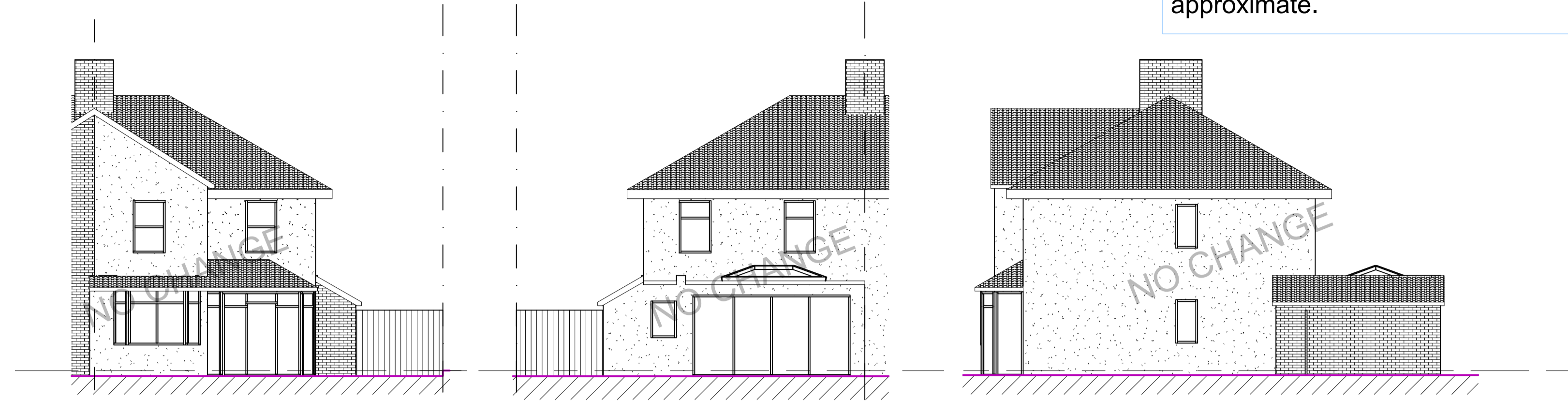
4138-200

1:5 = 25cm
 1:10 = 50cm
 1:20 = 100cm
 1:50 = 2.5cm
 1:100 = 5m
 1:200 = 10m
 1:250 = 12.5m
 1:500 = 25mm
 1:1250 = 62.5m
 1:2500 = 125m

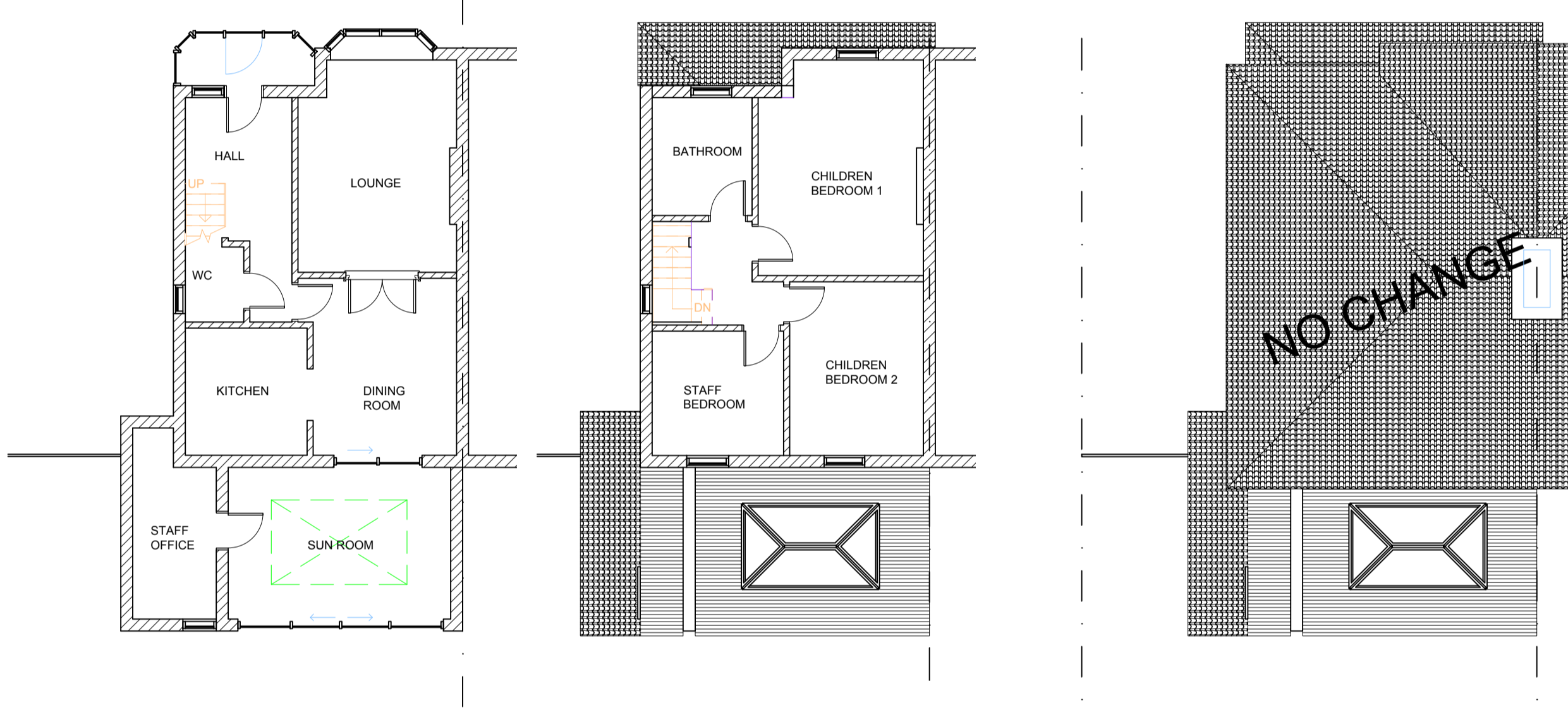
Note:
 This drawing & design is the copyright of **DesignFormula** and must not be reproduced in part or in whole without prior written consent. All Dimensions are in millimeters and are approximate.



Existing Ground Floor Existing First Floor Existing Roof Plan



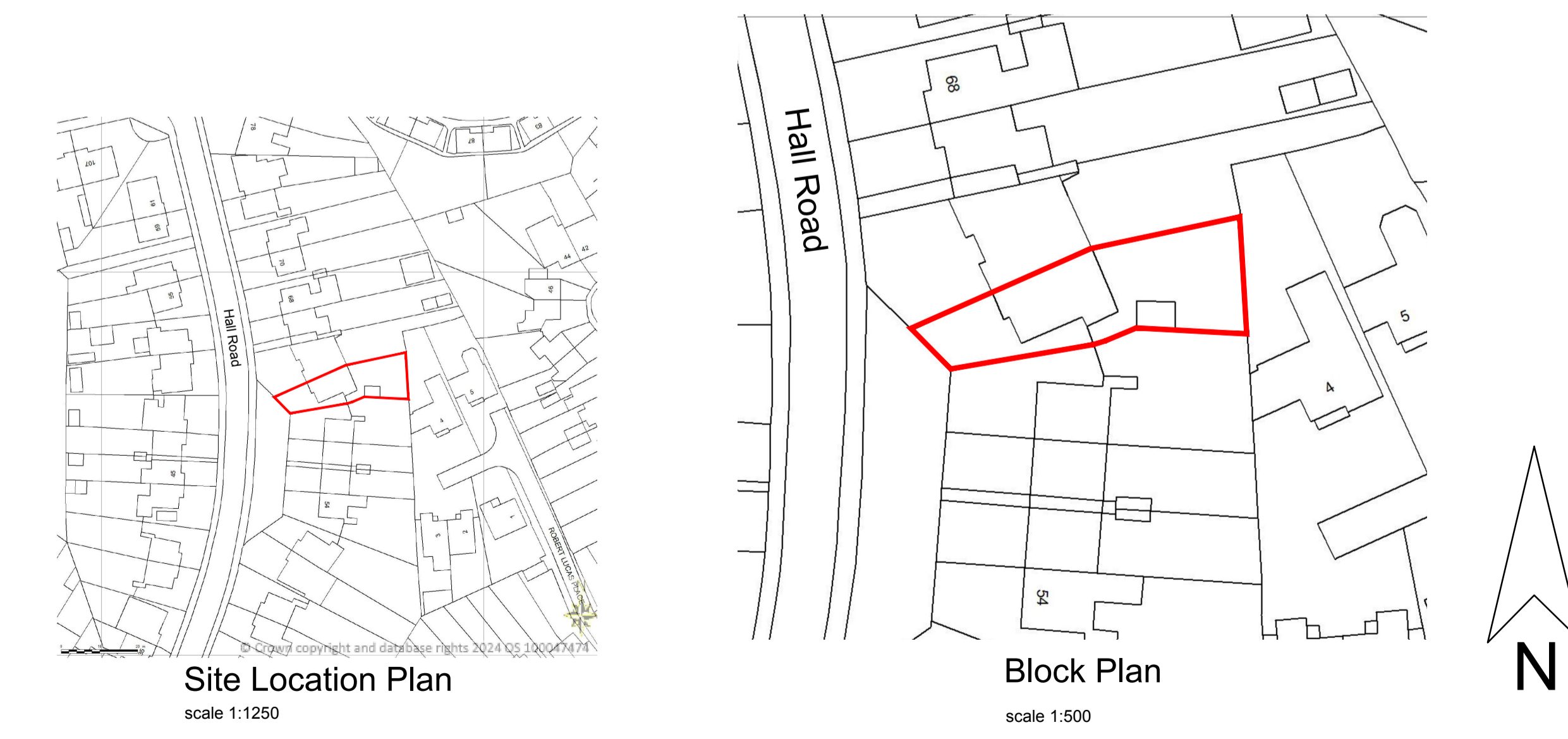
Existing Front Elevation Existing Rear Elevation Existing Side Elevation



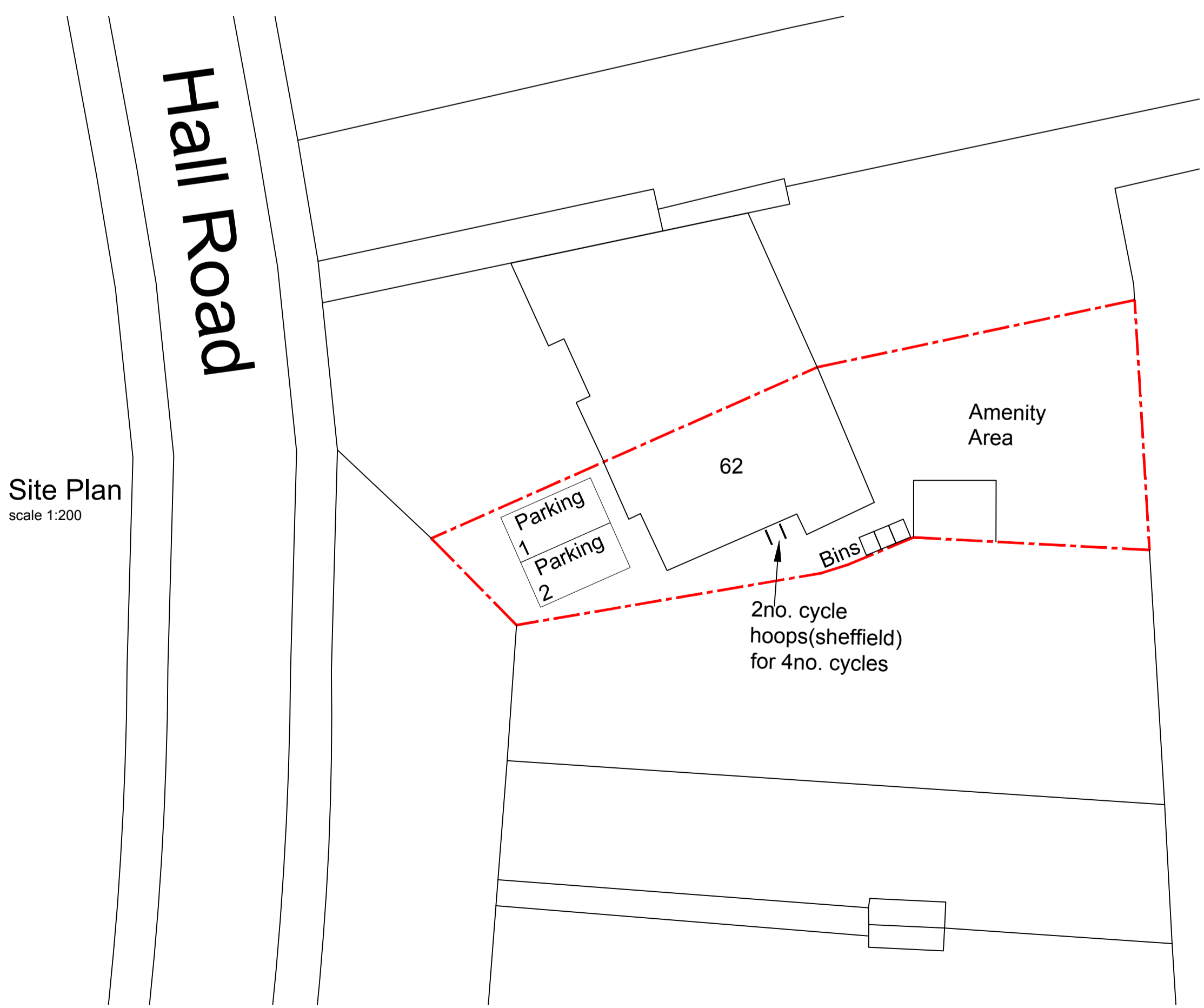
Proposed Ground Floor Proposed First Floor Proposed Roof Plan



Proposed Front Elevation (to update to show side extension) Proposed Rear Elevation (to update to show side extension) Proposed Side Elevation (to update to show side extension)



Site Location Plan scale 1:1250 Block Plan scale 1:500



Site Plan scale 1:200

Note:
 - All Dimensions are in millimeters and are approximate.
 - All Dims to be checked on site before commencing any forms of application and or construction work by the client and contractor.

DESIGNFORMULA 07814262723	
Project Title	62 Hall Road, Smethwick, B67 6SQ
Details:	Change of Use Single Dwelling to Childrens Home C2 Use Class For upto 2 Children
Drawing:	Plans - Elevations PLANNING
Scale (@ A1)	Date: June 2024
1 : 100 & as noted	Drg No: 4138-200
	Rev:

DC/24/69599

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) 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.
- iv) 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 up to four staff 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.