

Report to Planning Committee

8 January 2025

Application reference	DC/24/69585
Application address	52 Stella Road, Tipton, DY4 9BN.
Application description	Proposed change of use from dwellinghouse to residential home for up to three children.
Application received	9 July 2024
Ward	Tipton Green
Contact officer	Douglas Eardley douglas_eardley@sandwell.gov.uk

1 Recommendations

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

- i) Management plan;
- ii) The premises shall be used only as a residential home for three children and three 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 use;
- iii) Provision/retention of parking; and
- iv) Provision/retention of cycle parking.

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 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	<p>A great place for Children to grow up and to ensure a brighter future for children and young people.</p> <p>Children and young people in Sandwell are able to grow up in a safe, stable loving home.</p>
One Council One Team	<p>Sandwell Council's ethos of 'One Council One Team' reflects a commitment to unity and Collaboration, striving for excellence in serving the community.</p> <p>An outstanding corporate parent, with all of the young people in our care reaching their full potential.</p>

4 Context

- 4.1 The application is being reported to Planning Committee as 7 material planning objections and a petition (with 206 signatures) against the proposal have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[52 Stella Road, Tipton](#)

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)
 - Anti-social behaviour
 - Highways considerations – Parking issues
 - Out of character with surrounding area and not the right location for the proposal

6. The Application Site

- 6.1 The application property is an end of terrace residential property located on the south-eastern side of Stella Road, Tipton. The character of the surrounding area is residential in nature.

7. Planning History

DC/16/59234	Two storey side extension.	Grant Permission with external materials – 28.04.2016.
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8. Application Details

- 8.1 The application relates to a five-bedroom end of terrace residential property on the south-eastern side of Stella Road, Tipton.
- 8.2 The applicant is proposing to convert the existing dwelling house (Use Class C3) to a children's home (Use Class C2) for up to 3 children aged between 8 to 17 years old. The ground floor consists of a lounge, family room, dining room, kitchen and bathroom. The first floor consists of five bedrooms, bathroom and an en-suite.
- 8.3 There would be 3 No. staff (one of which would be the Manager) on site at any one time. The staff would stay overnight and the shift patterns would be 2 days on and 4 days off, the hand over for staff would occur at 10.00am and would take 45 minutes. Other professionals visiting would be as and when required and would be required to pre-arrange their visits. There is existing off-street parking to the front of the property.

9. Publicity

- 9.1 The application has been publicised by 36 neighbour notification letters and 1 site notice. 7 objections and a petition (with 206 signatures) against the proposal have been received.
- 9.2 Objections have been received on the following grounds:
- i) Potential for anti-social behaviour.
 - ii) Parking issues.
 - iii) Out of character with surrounding area and not the right location for the proposal.

Non-material objections have been raised regarding who owns the property, previous building works to the property and redaction of submitted documents.

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

10. Consultee responses

10.1 Highways

Head of Highways has raised no objections to the application, following receipt of additional information confirming parking arrangements (3 spaces) to the front of property for the proposal.

10.2 Pollution Control (Air Pollution and Noise)

No objection subject to the imposition of a condition for a management scheme being submitted to and approved in writing by the local planning authority. This would need to provide details regarding the management of the property, including staffing, waste disposal, parking, noise control and procedures for complaints.

10.3 West Midlands Police

No objection.

10.4 Transportation Planning

They have requested that cycle parking be provided; this can be conditioned.

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:

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 close proximity to public transport and local amenities.

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).

Four 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, three were allowed (detached dwellings) and one dismissed (semi-detached). These appeals are highlighted below in more detail.

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 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 17 Lee Street, West Bromwich. (detached bungalow).
DC/23/68214 - Retention of change of use from dwelling (Class C3) to children's care home (Class C2). The proposal states the use would be for the care of a single child with two carers.

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

Appeal allowed.

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

“A building in C2 use is still classed as residential, and the day to day use of the building is very similar to a dwelling with the care home providing a home for the child. This is not substantially different to a Use Class C3 dwelling where children with specialist needs can live. The type of noise and disturbance from the use is not materially different from that which can occur in a dwelling”.

- 13.6 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”.

13.7 Anti-social behaviour.

Whilst objectors raise concerns in respect of anti-social behaviour, this matter very much hinges on the responsible management of the premises. Also, the West Midlands Police has raised no objection. Therefore, it is considered that through the imposition conditions pertaining to a Management plan and a restrictive use, it would ensure that the proposal harmonises with its surroundings.

13.8 Highway considerations – Parking issues.

The Head of Highways has reviewed the application and the further information provided and raised no objections to the application. Highways are satisfied that there would be no significant impact on vehicle parking or trip rates when compared to the existing use.

13.9 Out of character with surrounding area and not the right location for the proposal

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 and this location. 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.

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'. To summarise: the proposal should be approved unless any adverse impacts of granting the permission would significantly and demonstrably

outweigh the benefits when assessed against development plan policies or, where those policies are out of date, the NPPF as a whole. Where national policy takes precedence over the development plan, this has been highlighted in paragraph 11 (National Planning Policy Framework).

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

Context plan

1 - BLOCK PLAN

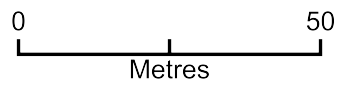
3 - LOCATION PLAN

PL2 REV B - PARKING LAYOUT PLAN

HB/SR/P04 - PROPOSED GROUND FLOOR PLAN

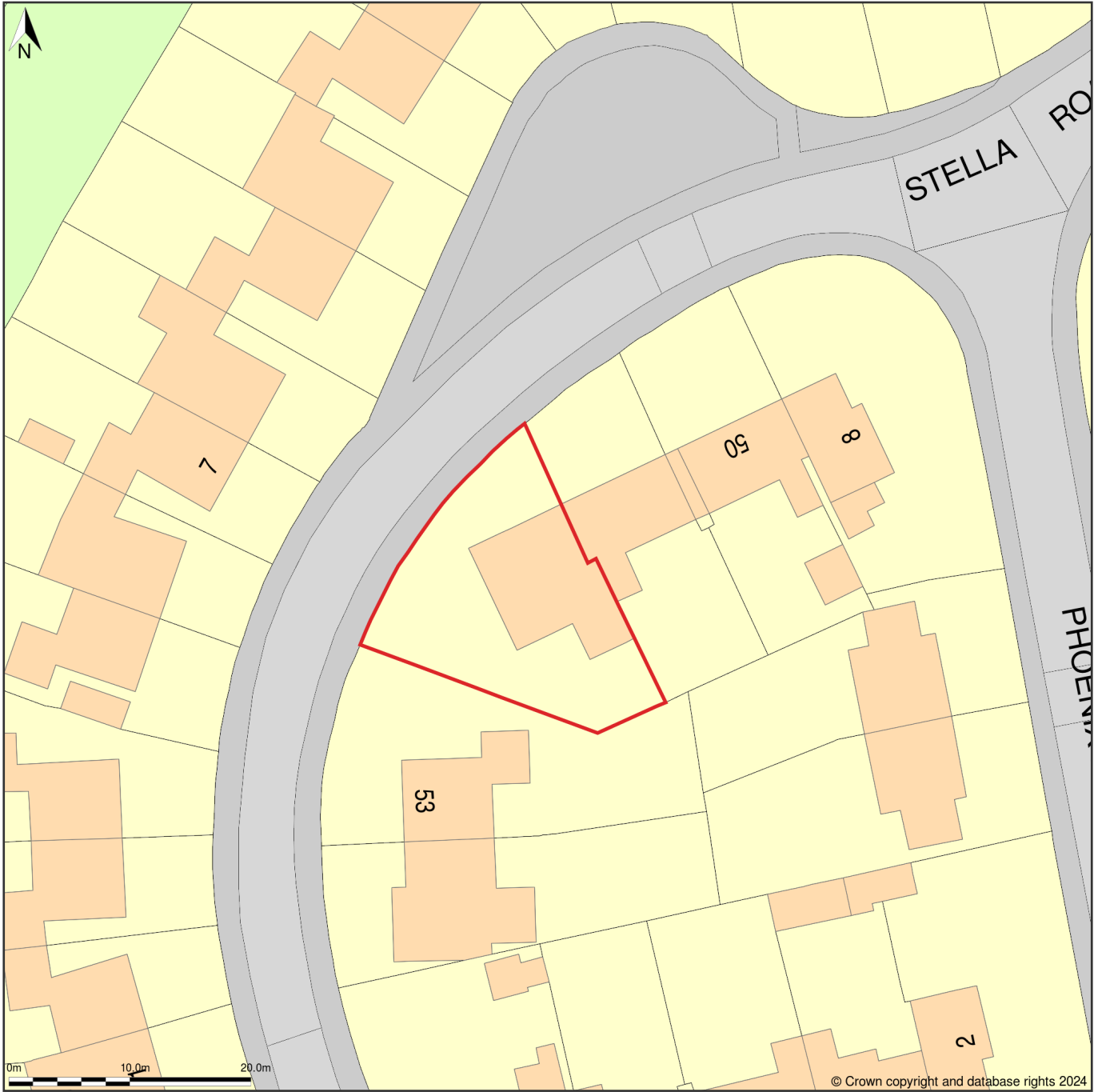
HB/SR/P05 - PROPOSED FIRST FLOOR PLAN

52 Stella Road Location Plan



Plan Produced for: Flipping The Script
Date Produced: 26 Jul 2024
Plan Reference Number: TQRQM24208154704245
Scale: 1:1250 @ A4

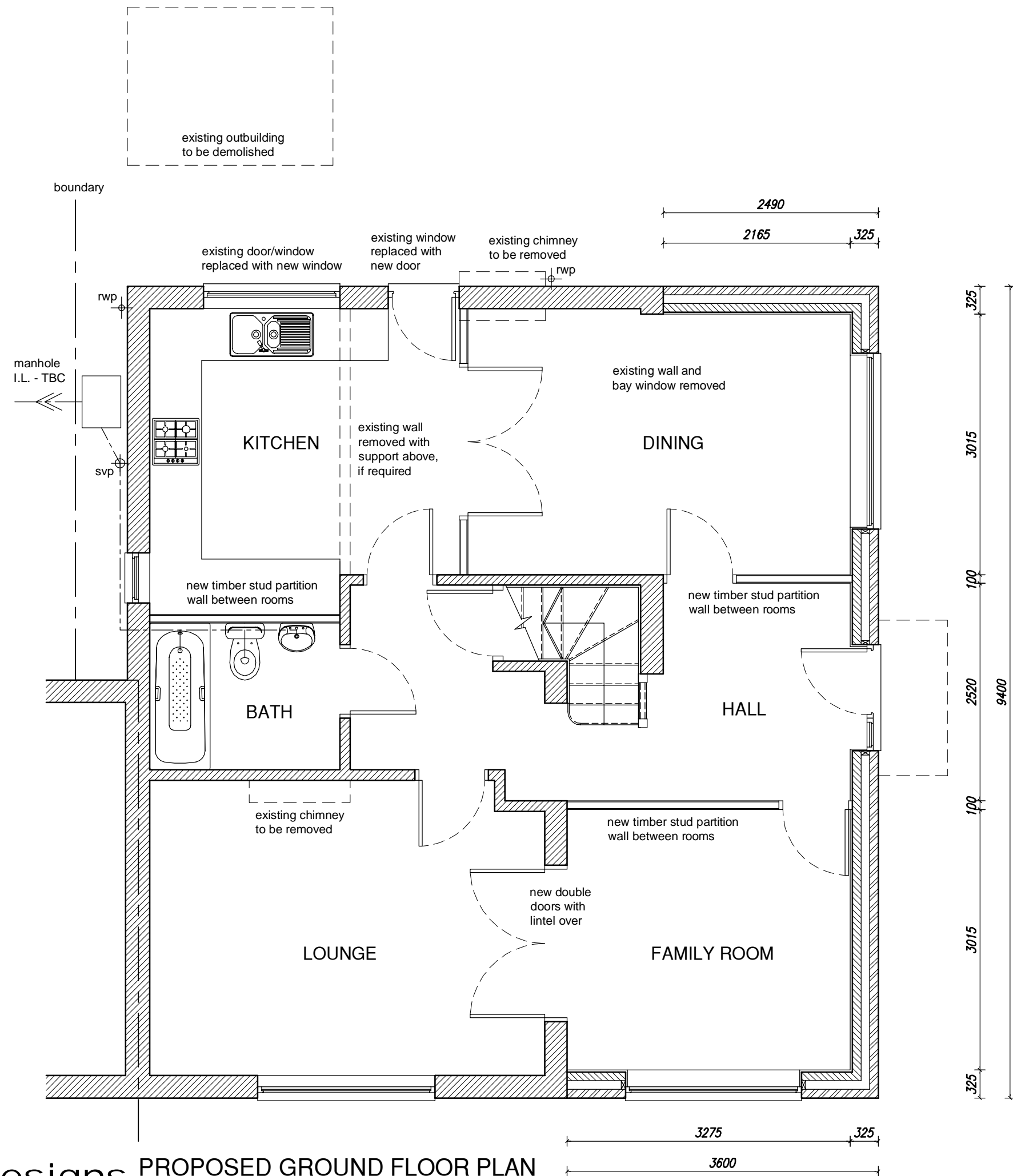
52, Stella Road, Tipton, Sandwell, DY4 9BN



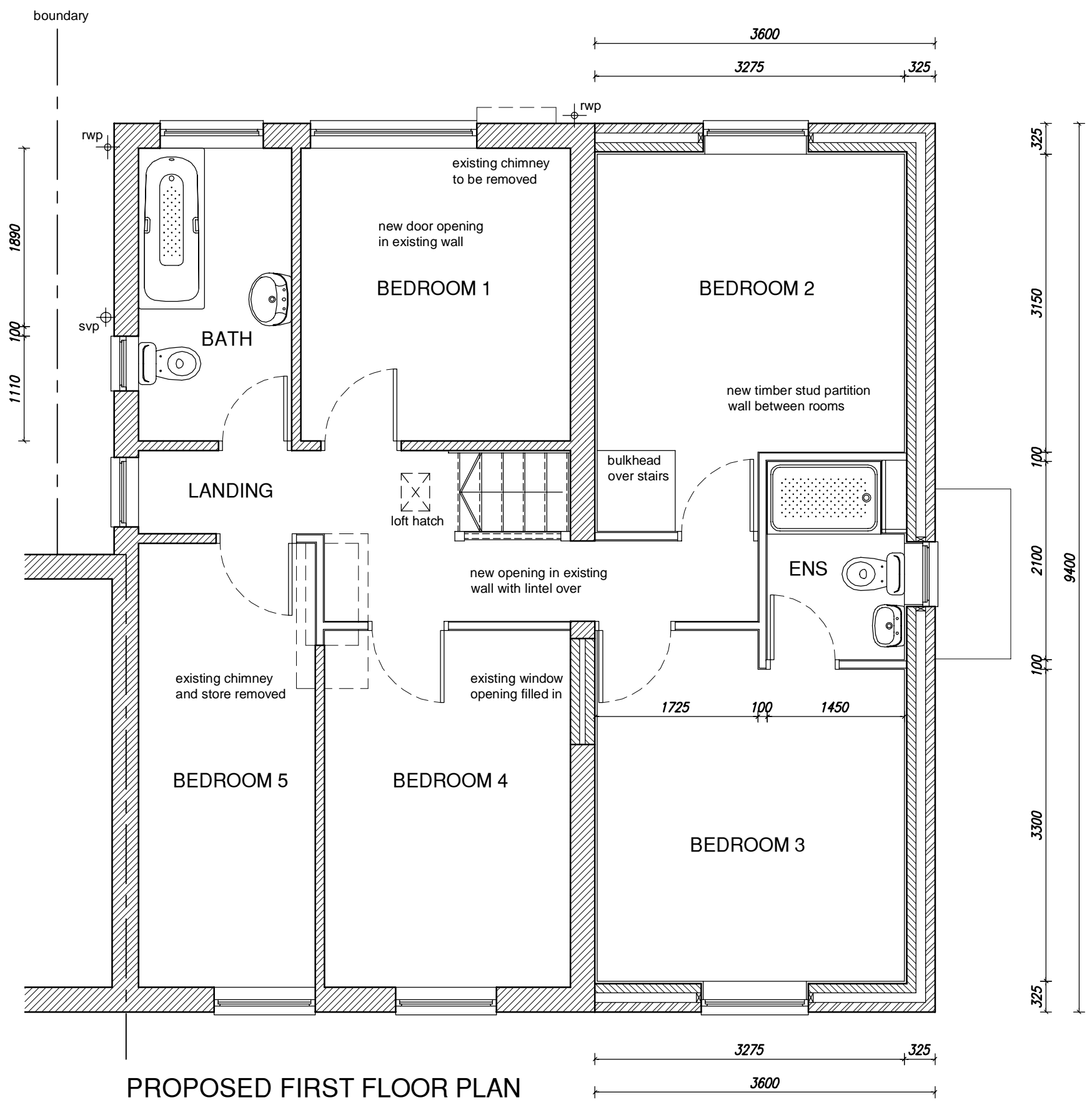
Site Plan (also called a Block Plan) shows area bounded by: 395706.97, 292620.06 395796.97, 292710.06 (at a scale of 1:500), OSGridRef: SO95759266. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Mrs Hasama Bi	
52 Stella Road Tipton DY4 9BN	
Proposed Ground Floor Plan	
Scale : 1:50 @ A3	Drawing No. :
Date : March 2016	HB/SR/P04
Drawn : STB	
©	



Mrs Hasama Bi

52 Stella Road
Tipton
DY4 9BN

Proposed First Floor Plan

Scale : 1:50 @ A3
Date : March 2016
Drawn : STB

Drawing No. :
HB/SR/P05

OVERALL SETTING OUT TO BE ESTABLISHED ON SITE BETWEEN CLIENT AND CONTRACTOR

ALL LEVELS AND ANGLES ARE TO BE CONFIRMED ON SITE WITH APPOINTED CONTRACTOR

All existing external wall dimensions are assumed and are to be confirmed on site prior to work being undertaken and to be identified locally prior to lintels, steels etc being ordered. All internal walls are assumed to be 100mm thick.

Client:

Mr S Brown

Project:

Existing Residential Property

Change of Use from C3 TO C2

52 Stella Road Tipton DY4 9BN

Drawing Title:

Proposed Site General Arrangement Plans

Drawing Revisions:

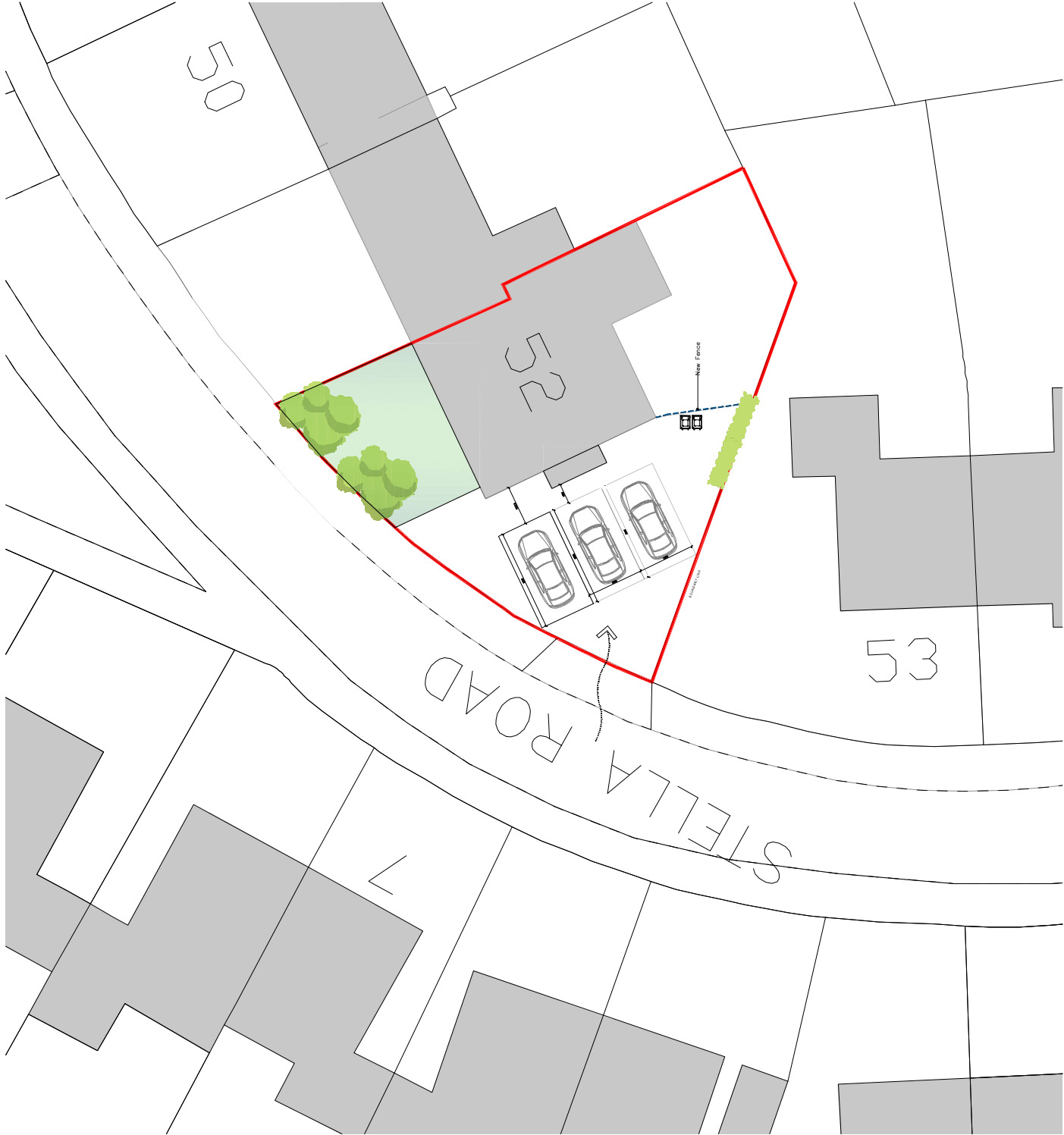
Rev.	Date:	Amendment:	Name:
Rev:A	13:11:2024	Parking Revised	JG
Rev:B	26:11:2024	Parking Revised	JG

Drawing By :	■ GMB
Drawing Date :	■ 22-10-2024
Drawing Scale :	■ As Indicated

Drawing Issue Status :	Building Regulation
	■ Planning Sketch
	For Information Only

Sheet Size :	■ A3
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- Site Plan Key**
- Site Boundary
 - Proposed Building Outline
 - Bin Storage
- Landscaping Plan Key**
- Proposed Tarmac/Driveway
 - Proposed Patio / Pavement
 - Proposed Grass Area / Lawn
 - Proposed Planted Border
 - 1800x1800mm Larch Lap for slotted concrete posts with
 - Proposed Trees
 - Existing Trees
- Building Materials Plan Key**
- Proposed Roof Tiles
 - Proposed Brick
 - Proposed Render



KEY

■ SITE BOUNDARY OWNED BY CLIENT

DC/24/69585

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 scheme 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 scheme 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 only be used as a residential home for three children and up to three staff 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).
- v) The development shall not be occupied or brought into use until the space shown on the submitted plan for the parking and manoeuvring of vehicles has been provided. When provided the space for the parking and manoeuvring of vehicles shall be thereafter retained.
- vi) Before the development is brought into use details of secure cycle parking within the development shall be submitted to and approved in writing by the local planning authority. The approved secure cycle parking shall be implemented before the development is first occupied or brought into use and thereafter retained.

