Report to Planning Committee

19 February 2025

Application reference	DC/24/69615
Application address	34 Poole House Road, Great Barr, Birmingham, B43 7SJ
Application description	Proposed change of use from dwellinghouse to residential home for up to two children.
Application received	18 July 2024
Ward	Great Barr with Yew Tree
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 two 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) Retention of existing parking;
iv) New drop kerb.

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 housing needs are compatible with adjacent uses.

3 How does this deliver objectives of the Council Plan?

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

4 Context

4.1 At the last meeting (08.01.2025) Committee Members decided to visit the site. The application is being reported to Planning Committee as 53 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:

34 Poole House Road, Great Barr

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
- Environmental concerns – Noise and general disturbance
- Highways considerations – Parking issues
- Out of character with surrounding area and would be setting a precedent.
- Lack of information regarding the nature of proposal/background of the children being cared for.

6. The Application Site

6.1 The application property is a semi-detached residential property located on the north-eastern side of Poole House Road, Great Barr. The character of the surrounding area is residential in nature.

7. Planning History

DC/00812	Extension to kitchen and verandah.	Grant permission subject to conditions – 26.09.1974

8. Application Details

8.1 The application relates to a three-bedroom semi-detached residential property on the north-eastern side of Poole House Road, Great Barr.

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 2 children aged between 7 to 17 years old. The ground floor would consist of a lounge/dining room, kitchen, W/C, and utility. The first floor would contain three bedrooms for the children/staff and a bathroom.

8.3 There would be 3 No. staff (one of which would be the manager working 9am to 5pm Monday to Friday) during the day (8am to 8pm) and 2 No. staff at night (8pm to 8am), the hand over for staff would occur at 7.30am each day and would take 30 minutes. Social workers would visit every 4-6 weeks and other professionals visiting would be as and when required, for example Ofsted. There is existing parking is to the front of the property that can accommodate three spaces.

9. Publicity

9.1 The application has been publicised by 48 neighbour notification letters and three site notices. 53 objections have been received.

9.2 Objections have been received on the following grounds:

i) Potential for anti-social behaviour.
ii) Noise and disturbance from the operation of the proposal.
iii) Parking issues.
iv) Out of character with surrounding area and would be setting a precedent.
v) Lack of information regarding the nature of proposal/background of the children being cared for.

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

Non-material objections have also been raised regarding loss of property value and damage to fences from the tree on the property.

10. Consultee responses

10.1 Highways

The Head of Highways has raised no objections to the application, following receipt of confirmation of existing parking arrangements (three spaces) to the front of property. A condition is recommended for the position of a new drop kerb.

10.2 Pollution Control (Air Pollution and Noise)

No objection subject to 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

No significant concerns; they have stated that the existing outbuilding (garage) can be used by staff and children to store cycles.

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 polices 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 **Environmental concerns – Noise and general disturbance.**

Public Health have raised no objections to the application on noise grounds. A condition for a 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 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).

13.9 **Highway considerations – Parking issues.**

The Head of Highways has reviewed the application and further information 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.

13.10 **Out of character with surrounding area and would be setting a precedent.**

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. Objectors comments about setting a precedent are noted, however, each application is assessed on its own individual merits.

13.11 **Lack of information regarding the nature of proposal/background of the children being cared for.**

The number of children/carers is detailed above in paragraphs 8.2 and 8.3 of this report. The applicant has also stated that the children sent to this home would be from Childrens Services from various Councils and the care home would be regulated by OFSTED. Therefore, it is considered that satisfactory information has been provided by the applicant to reach an informed recommendation on this proposal.

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 polices 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.

17. Appendices

17.1 Plans for consideration

Context plan
PH-SF-A-2012 REV P1 - PROPOSED GROUND/FIRST FLOOR PLAN
PH-SF-A-2010 REV P2 - AMENDED SITE LOCATION AND SITE PLAN

Produced on 12 July 2024 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
This map shows the area bounded by 404248 295042,404390 295042,404390 295184,404248 295184,404248 295042
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Data licence expires 12 July 2025, Unique plan reference: v2f/1123692/1511955

1 | Site Location Plan
1 : 1250

0 m 25 m 100 m

SCALE 1: 1250

0 m 4 m 16 m

SCALE 1: 200

2 | Site Block Plan
1 : 200

Notes:

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This drawing must be read in conjunction with the structural engineer's details, specification and information.

Boundary Definitions:
Boundary positions shown represent interpretations of existing situations on site and do not constitute a legal definition. Landowners are advised to verify all boundary positions on site, agree locations with neighbours in advance of work starting, and satisfy themselves of their legal right to build prior to commencement of work on site, taking legal advice as required.

The Party Wall Act:
These proposals may include works covered by the legal requirements of the Party Wall Act 1996, notification should be given to relevant neighbouring landowners prior to the works commencing on site.

Variations:
The materials referred to on the drawing have been specified to ensure compliance with current building regulations, any changes or variations must be agreed in writing with the building inspector prior to building

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Client
Nigar

REV	DATE	DESCRIPTION	DRW	CHK
P1	12/07/24	Original Issue		MF
P2	10/10/24	revised issue		MF

Project Title
34 Poolehouse Road
Change of use
Drawing Title
Site Location Plan and Block Plan

Status	Project No	Revision
SKETCH	0140	P2

Drawing No
PH-SF-A-2010

Scale at A2	Drawn	Checked	Date
As indicated	MF	Checker	12/07/24

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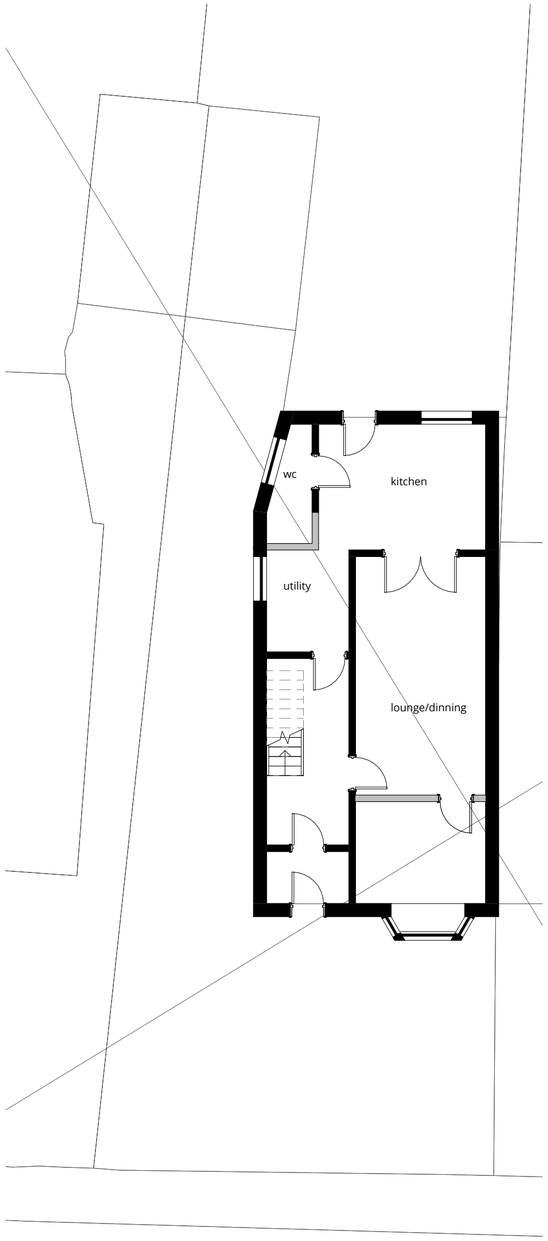

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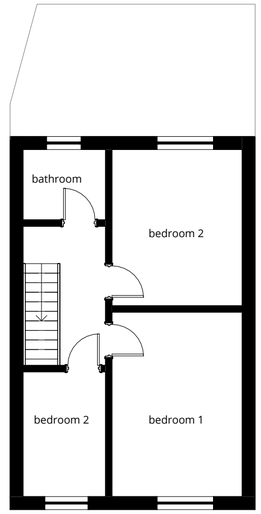

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SCALE 1: 100

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Nigar

REV	DATE	DESCRIPTION	DRW	CHK
P1	12/07/24	Original Issue		MF

Project Title
34 Poolehouse Road
Change of use

Drawing Title
Proposed Plans

Status	Project No	Revision
SKETCH	0140	P1

Drawing No
PH-SF-A-2012

Scale at A2	Drawn	Checked	Date
1 : 100	MF	Checker	12/07/24

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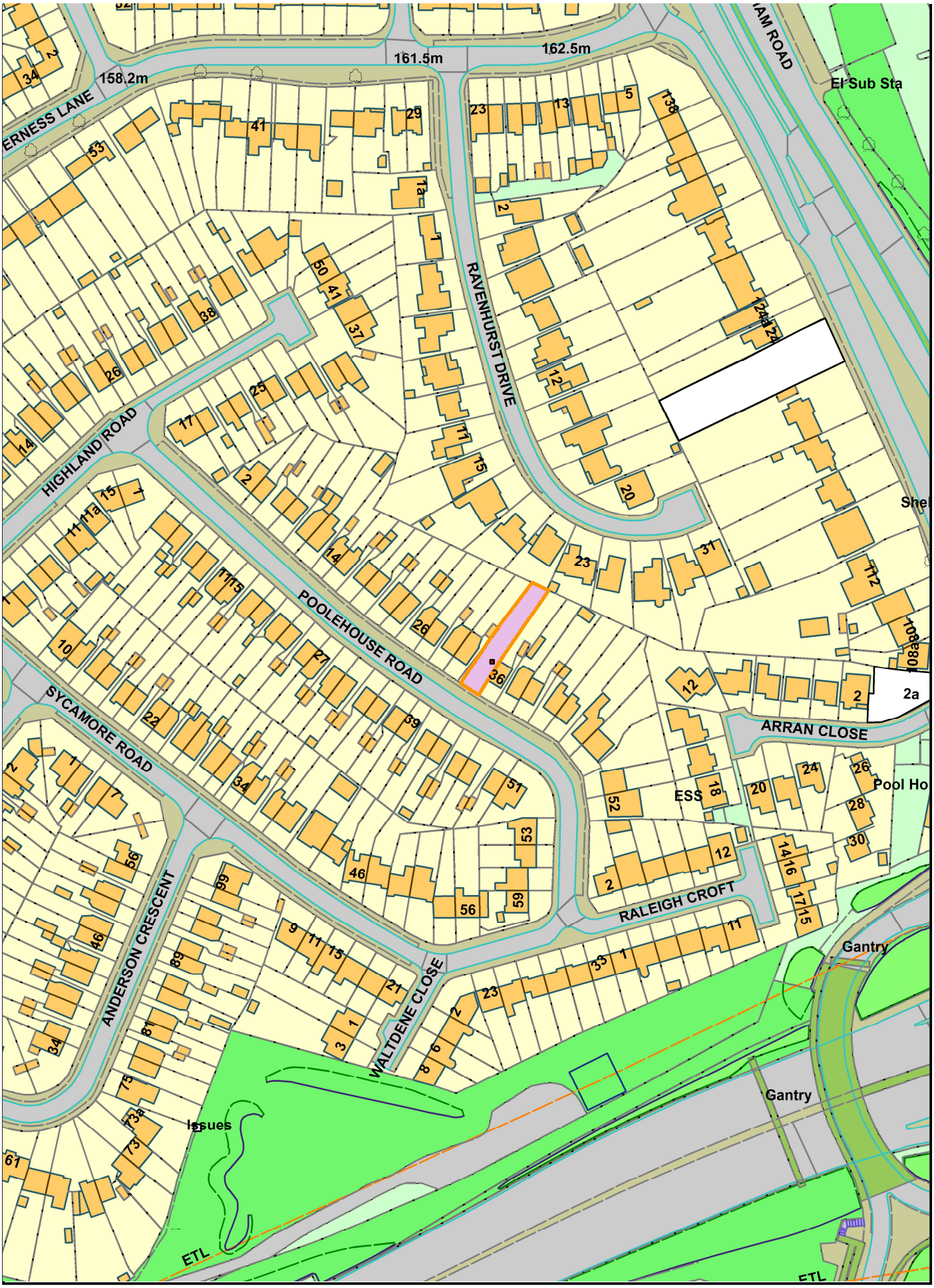

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Sandwell
Metropolitan Borough Council

DC/24/69615

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 two 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 existing space at the front of the property for the parking and manoeuvring of vehicles shall be retained.

vi) Before the development is brought into use, a new dropped kerb shall be provided on Poole House Road to serve the existing front car parking area.

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