

Report to Planning Committee

19 February 2025

Application reference	DC/24/69896
Application address	10 Sandford Avenue Rowley Regis B65 9LT
Application description	Proposed change of use from residential dwelling to care home for 2 No. young people aged between 8 and 18 years old.
Application received	08 October 2024
Ward	Blackheath
Contact officer	Mr Andrew Dean andrew_dean@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 C2 use;
- iii) New dropped kerb to be provided; and
- iv) Fencing to side to secure the rear garden.

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 sixteen material planning objections and an eighty-one signature against the proposal has been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[10 Sandford Avenue, Rowley Regis.](#)

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
- Anti-social behaviour.

6. The Application Site

6.1 The application property is semi-detached residential property located on the northern side of Sandford Avenue, Rowley Regis. 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 a children's home (Use Class C2) for up to 2 No. young people aged between 8 to 18 years old. The ground floor would consist of a reception room, kitchen, bathroom and conservatory. The first floor would contain two bedrooms for the children and a staff office/sleepover room.
- 8.3 It is proposed a maximum of 2 No. staff will be on duty at the property at any one time during the day and night on a 24-hour shift (which includes an 8-hour sleep in). The applicant has confirmed a manager would also be present at the property Monday to Friday between the hours of 09:00 to 17:00, making a total of 3 staff members. Handover of staff would take 20 minutes and is planned for 07.30. Social workers would visit the property for a maximum of two visits every 6 weeks by appointment only. A therapist would also visit the property once a week for one to two hours. All visits would be appointment only. The use would be regulated by Ofsted.
- 8.4 The applicant has stated the property would be used to care for young people with Learning Disabilities. Children and young people with additional diagnosis as long as their primary need is Learning Disabilities would also be considered. They would also consider providing accommodation for children and young people who have other diagnoses such as, Autism, ADHD, GDD, etc. as long as their primary need is learning.
- 8.5 An amended site plan showing the front porch has been received as well as photographs demonstrating car parking for three vehicles can be accommodated to the front.

9. Publicity

9.1 The application has been publicised by 37 neighbour notification letters, site notice and to local ward members. Sixteen material planning objections and an eighty-one signature against the proposal have been received.

9.2 Objections have been received on the following grounds:

- i) The property is unsuitable for a children's care home.
- ii) Lack of information regarding the nature/background of the children being cared for. Potential for young offenders etc.
- iii) Concerns with regards to increased noise and disturbance with hours of working and staff shifts being unusual activities for a residential area.
- iv) Anti-social behaviour. Sanford Avenue has an elderly population, residents are concerned for their safety. Concerns regarding existing care homes in the surrounding area causing issues for neighbours. Crime statistics for the Rowley area during September are as follows;- violence/ sexual 185, vehicle 45. ASB 35 and criminal damage 31.
- v) Highways matters, car parking concerns, access for emergency vehicles on Sandford Avenue, a section of the driveway does not have a dropped kerb, one space on the driveway would block access to the front door.
- vi) Questions regarding the public consultation, elderly residents are unable to access the internet to view information.
- vii) The proposal would introduce a business use to a residential area and is only about profit.
- viii) A recent OFSTED inspection found that not all staff had obtained their qualifications in residential childcare within required timeframes, to meet Care Standard Act 2000.

Non-material objections have been raised regarding loss of property value and future potential sales.

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

10. Consultee responses

10.1 Highways

Following receipt of additional information including a car parking layout to the front, the Head of Highways has raised no objections to the application. A condition for an extended drop kerb to serve the parking area has been requested and included in the recommendation.

10.2 Pollution Control (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.

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).

Five 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 the Planning Inspectorate. Of these appeals, four were allowed and one dismissed. 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”.

“The highways department have expressed concern that the two existing off-street parking spaces are not sufficiently deep to accommodate larger vehicles due to the position of a porch at the property, and would cause vehicles to overhang the footpath so as not to block the property entrance”.

“However, the appellant has submitted photographs showing that two vehicles can be safely parked in front of the porch without encroaching on to the pavement. Indeed, on my site visit there was a reasonably large car comfortably parked in front of the porch which was not overhanging the pavement. I therefore consider that with the addition of a further parking space, which I have conditioned, three vehicles could safely be parked off-street at the appeal property”.

“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 7 Temple Meadows Road, West Bromwich (semi- detached residential dwelling converted into flats).

DC/23/68570 - Proposed change of use from self-contained flats to residential home for up to three children (Use Class C2).

The proposal states that the staff ratio would be based on the children's needs. However, a minimum of two staff would be present.

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

Appeal Allowed.

Regarding the main issue, the inspector stated the following;

“Notwithstanding the above, noise and disturbance resulting from vehicular movements would not be uncommon in this area owing to the position of the appeal property on a main thoroughfare. Moreover, given the inevitable variation in work patterns and social activities of neighbouring occupiers, it would not be unusual for the residents to be aware of the comings and goings of their neighbours throughout the day. Having regard to the above, and the limited staff numbers, I find that the anticipated movements would not be disproportionately large or significantly greater than those which could reasonably be expected of a

family carrying out their day-to-day activities or 2 households occupying the property as self-contained flats”.

“The internal layout of the residential care home and outdoor living space would not be dissimilar to a family dwelling. Despite the Council’s assertions, there is a lack of substantive evidence to demonstrate that the potential emotional and behavioural difficulties of the children residing at the property would result in any greater disturbance than a domestic family residence or that the 24-hour supervision would be untypical of such a setting. Furthermore, given that the planning permission relates to the land, the credentials of the care provider and Ofsted rating are not relevant to the consideration of the merits of the case”.

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

The Head of Highways has reviewed the application and further information and raised no objections to the application. A condition for an extended drop kerb to be provided has been included in the recommendation. The proposed car parking arrangement is similar to the dismissed appeal at 4 Huskison Close mentioned in paragraph 13.4. The inspector concluded that the parking arrangement was acceptable. The applicant has provided a photograph demonstrating three vehicles of varying sizes can be accommodated to the frontage with access to the front door not being blocked. Furthermore, there is ample space for vehicles to move over further clearing access to the front door.



13.9 Environmental concerns – noise, air quality, pollution 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).

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

The applicant has provided additional information relating to the nature of the children they are proposing to provide care for. The property would be used to care for young people with Learning Disabilities. Children and young people with additional diagnosis as long as their primary need is Learning Disabilities would also be considered. They would also consider providing accommodation for children and young people who have other diagnoses such as, Autism, ADHD, GDD, etc. as long as their primary need is learning. The care home would be regulated by Ofsted. Therefore, it is considered that satisfactory information has been provided by the applicant/consultee responses etc to make a recommendation as detailed above within section 1 of this report.

13.11 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 (care of children with learning disabilities) would give rise to anti-social behaviour or criminal activity. Furthermore, West Midlands Police have raised no objections to the application.

13.12 Other Matters

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. The governing body would be responsible to ensure all staff have the required qualifications to undertake their jobs.

The public consultation exceeded the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The act requires either a site notice to be erected or neighbours adjoining the application site to be consulted by a neighbour notification letter. In this instance 37 neighbours were consulted by a neighbour notification letter and a site notice was erected in the street. The neighbour notification contains contact details for the planning officer and the main planning customer service telephone line and can seek further clarification or assistance. Neighbours can submit comments by a letter as well as via electronic means.

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.

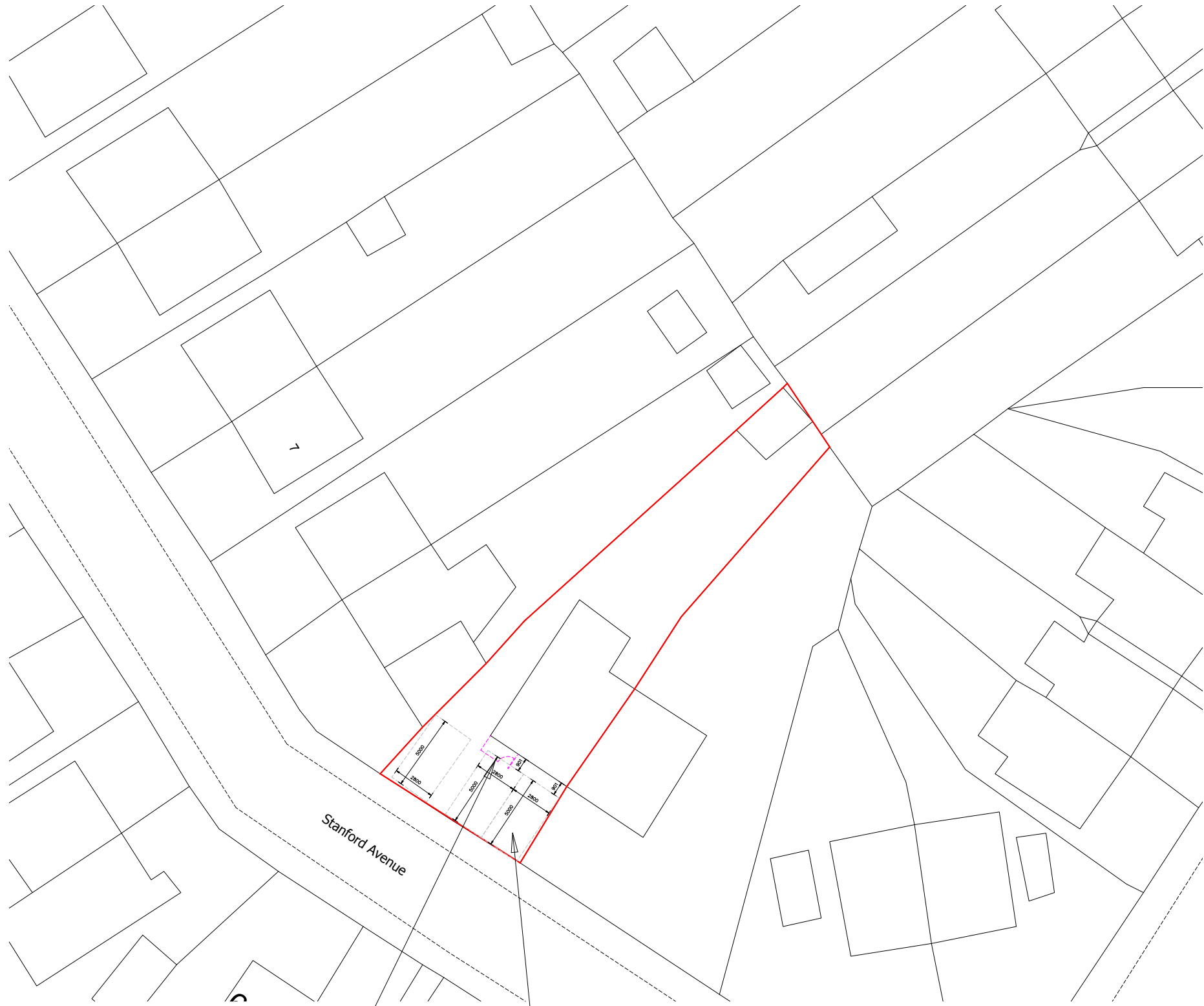
17. Appendices

17.1 Plans for consideration

Context plan

PL03 - Proposed Floor plan.

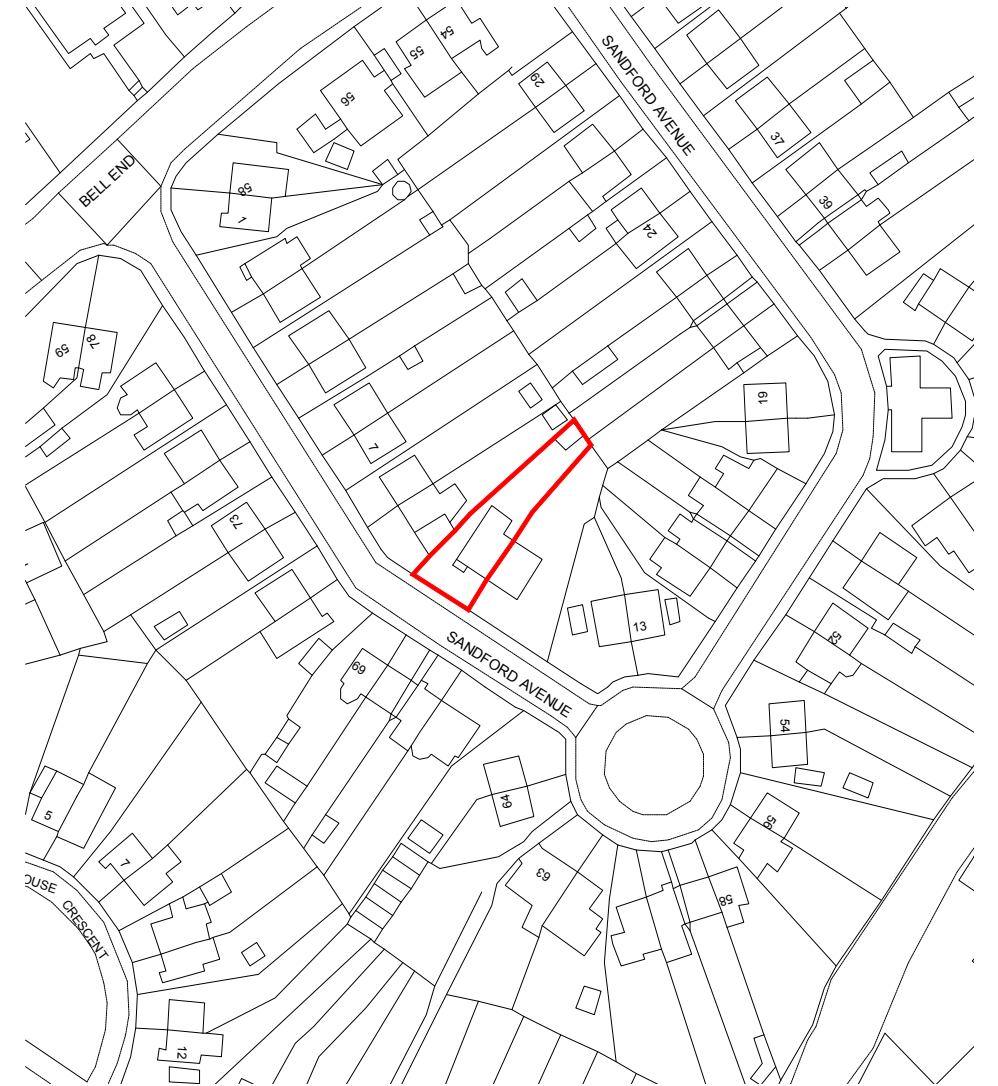
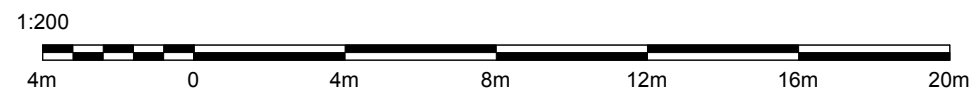
PL01 REV B – Amended location and site plan.



Site Plan
Scale 1:200

Existing front porch
to be removed

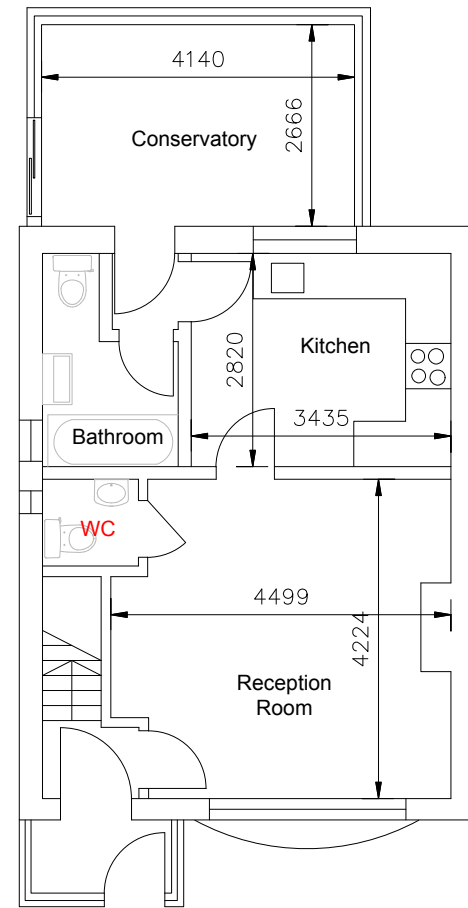
Parking space for 3
cars



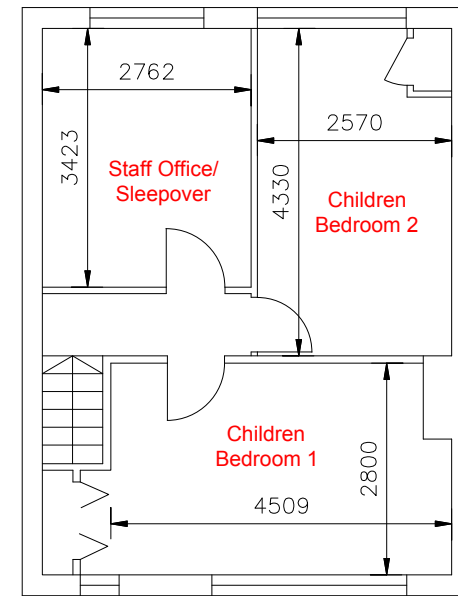
Location Plan
Scale 1:1250



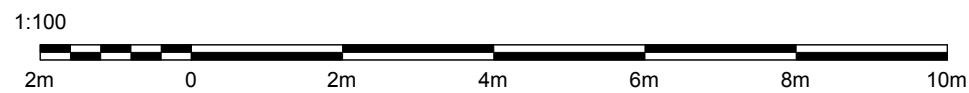
Rev	Description	Date	chkd	Project:	10 Sandford Avenue, Rowley Regis, B65 9LT, United Kingdom			
 <p>ANJUM DESIGN</p> <p>Anjum Design Limited, Suite 104, 123 Stratford Road, Shirley, Solihull B90 3ND TEL: 0121 364 7650 E: info@anjumdesign.co.uk</p>				Scale:	Drawn by:	Date:	Status:	
				As shown @ A3	UA	Sep 2024		
				Title: Location Plan and Site Plan				
				Drg. No.:	Rev:			
				PL01	B			



Ground Floor Plan
Scale 1:100



First Floor Plan
Scale 1:100



Rev	Description	Date	chkd	Project:
				10 Sandford Avenue, Rowley Regis, B65 9LT, United Kingdom
		Scale:	Drawn by:	Date:
		As shown @ A3	UA	Sep 2024
				Status:
				Proposed Floor Plans
			Drg. No.	Rev:
			PL03	

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DC/24/69896

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 be used only 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) Before the development is brought into use, an extended dropped kerb shall be provided to serve the front car parking area.
- vi) Before the development is brought into use, details of a fence to the side of the property to secure the rear garden shall be submitted in writing to and approved by the local planning authority. The approved fencing shall be erected before the development is first brought into use.