

Report to Planning Committee

19 February 2025

Application reference	DC/25/70200
Application address	32 Doulton Drive, Smethwick B66 1RA
Application description	Proposed change of use from residential dwelling to residential care home for 3 No. young people aged between 13 and 16 years old (resubmission of approved planning permission DC/19/63550).
Application received	20 January 2025
Ward	St Pauls
Contact officer	Carl Mercer carl_mercer@sandwell.gov.uk

1. Recommendations

Subject to no objections from Highways or Pollution Control, that planning permission is granted subject to the following conditions relating to:

- i) Management plan;
- ii) Only three children to reside at the premises at any time;
- iii) Implement and retain parking spaces; and
- iv) The premises shall be used only as a residential home for three children and for no other purpose (including any other use falling

within Class C2 of the Order) but may revert back to C3 (dwellinghouses) on cessation of the C2 use.

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 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 had been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[32 Doulton Drive, 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 a four-bedroom dwelling situated on the south side of Doulton Drive, Smethwick. The character of the surrounding area is residential. The dwelling is currently served by one off-street parking space which would be increased two as a result of this proposal.

7. Planning History

7.1 A planning application was approved in 2019 for use of the property as a children's home for three children aged 13 to 16 years. This consent was not implemented and has now expired.

7.2

DC/19/63550	Proposed change of use from dwelling (use class C3(a)) to residential institution (use class C2).	Approved - 07.11.2019
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8. Application Details

- 8.1 The application relates to an existing four-bedroom semi-detached dwelling.
- 8.2 The applicant proposes to convert the dwelling (Use Class C3) to a children's home (Use Class C2) for three children aged between 13 and 16 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, WC, living room, dining room and kitchen; the first floor would comprise three children's 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 three staff on duty at the property at any one time with two staff overnight. 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 29 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.

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

10. Consultee responses

10.1 Highways

Highways had not commented at the time of writing this report. However, two off-street parking spaces are proposed as part of the proposal, which meets the council's minimum requirement for parking for a four property. Staffing numbers are stated to not exceed three staff at any one time which means there may be times when staff have to park on-street. I do not think this would lead to significant detriment to surrounding residents and arguably create no more of an issue from a parking perspective than any other four-bedroom house.

10.2 Pollution Control (Noise)

No comments received at the time of writing the report; however, similar proposals have raised no significant objection from the team subject to submission of a management plan prior to commencement of the use.

10.3 West Midlands Police

Comments not yet received.

10.4 Canal and River Trust

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. I do not anticipate this to be the case regarding this proposal.

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)

Whilst members are free to come to their own conclusions, as stated above, it should be noted that the property has previously been granted consent for the same proposal. Discussing similar proposals, three recent refusals issued by the planning department for children's homes 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 are proposed, 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 be accommodated on-street at these times. With reference to previous experience of such proposals and appeals, 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 this four-bed property meets the parking required by council design guidance.

13.7 Environmental concerns – noise and general disturbance

A condition for a detailed management plan has been included in the recommendation. The management plan shall identify management of the property, including staffing, waste disposal, parking, noise control and procedures for complaints. To protect amenity, a further condition has been included to ensure the premises shall be used only as a residential home for 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.

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

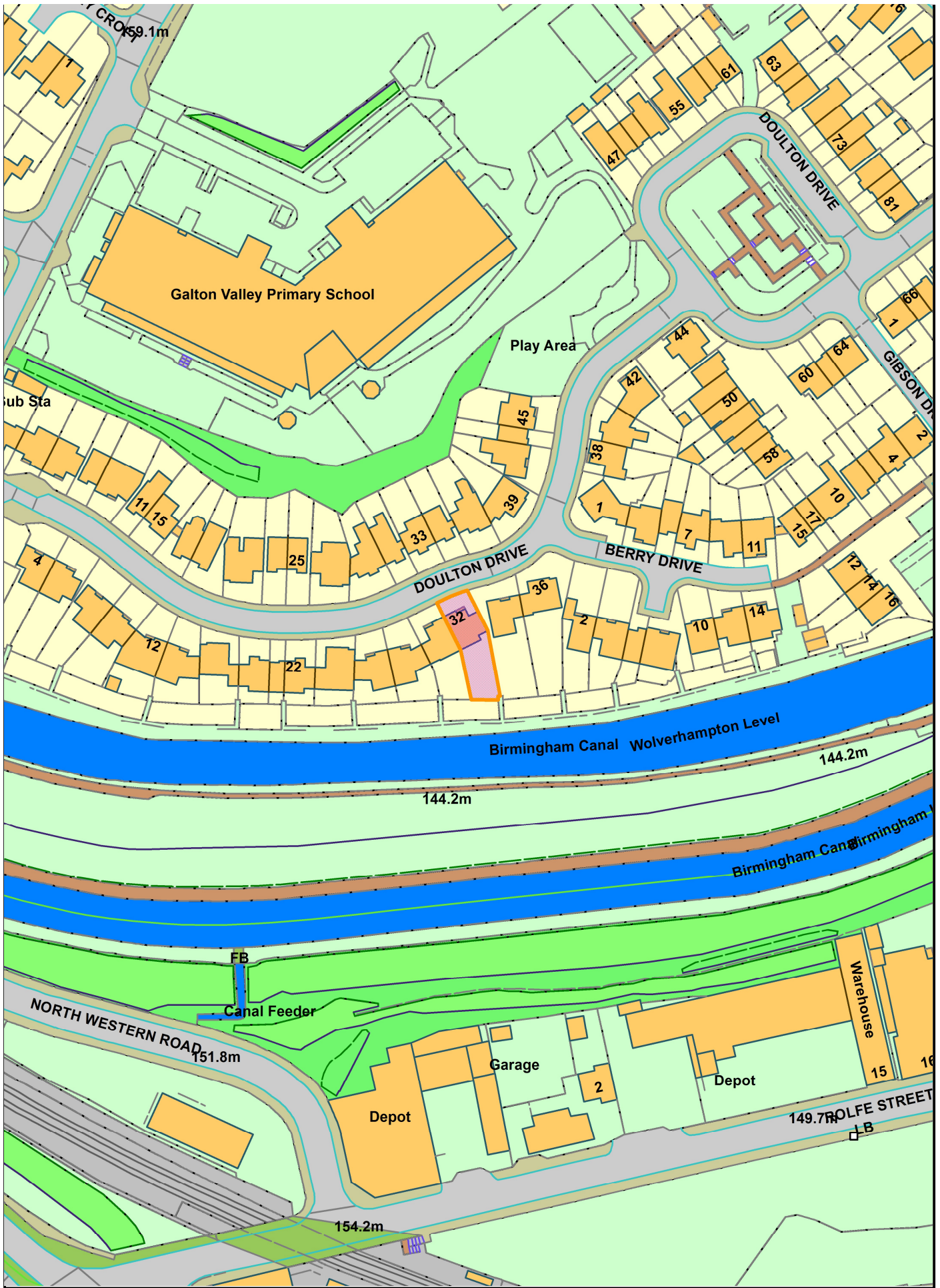
Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.

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.
Corporate Parenting	None.

17. Appendices

17.1 Plans for consideration

Context Plan
P05 A



DC/25/70200

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) Only three children shall reside at the premises at any time.
- iv) The development shall not be brought into use until a management plan is submitted to and approved in writing by the local planning authority, identifying management of the property, including staffing, waste disposal, parking, noise control and procedures for complaints. The approved management plan shall be implemented and thereafter retained as such.
- v) 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) 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 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.