

Report to Planning Committee

2 April 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	Providing facilities for children and young people.
Living in Sandwell	Increasing opportunities and options for residents.

4 Context

- 4.1 At its last meeting, the Planning Committee resolved to visit the site. 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)
- 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 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. The applicant has provided a photograph demonstrating that 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. As three 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. A condition for an extended drop kerb to be provided has been included in the recommendation.



13.3 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).

13.4 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.

13.5 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.

13.6 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:	There are no direct implications in terms of the Council's strategic resources. If the Planning Inspectorate overturns the Committee's decision and grants consent, the Council may be required to pay the costs of such an appeal, for which there is no designated budget.
Legal and Governance:	The Planning Committee has delegated powers to determine planning applications within current Council policy. Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe
Risk:	There are no risks associated with this report.
Equality:	There are no equality implications associated with this report.
Health and Wellbeing:	There are no health and wellbeing implications associated with this report.
Social Value	There are no implications linked to social value with this report.
Corporate Parenting	None.

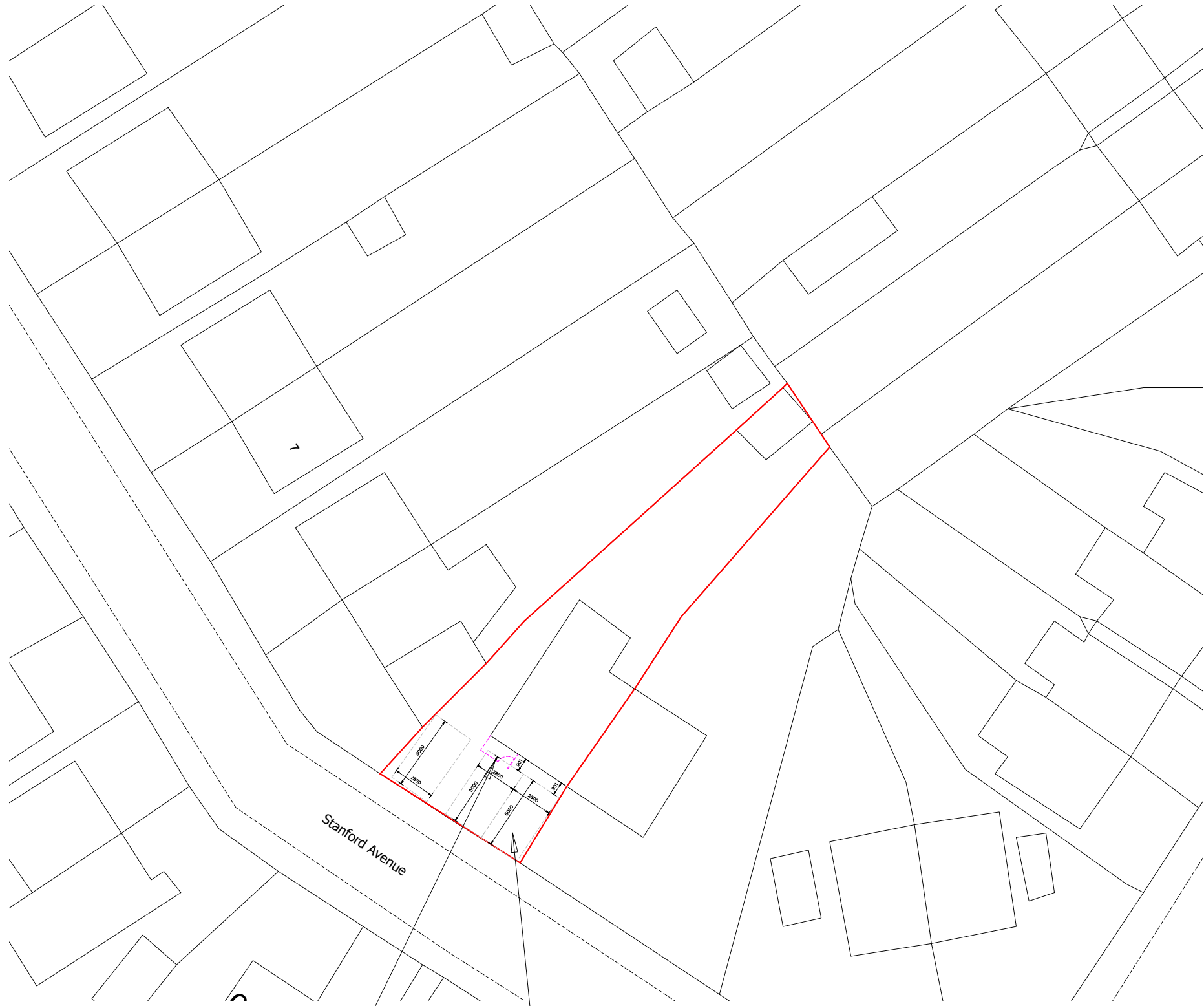
17. Appendices

17.1 Plans for consideration

Context plan

PL03 - Proposed Floor plan.

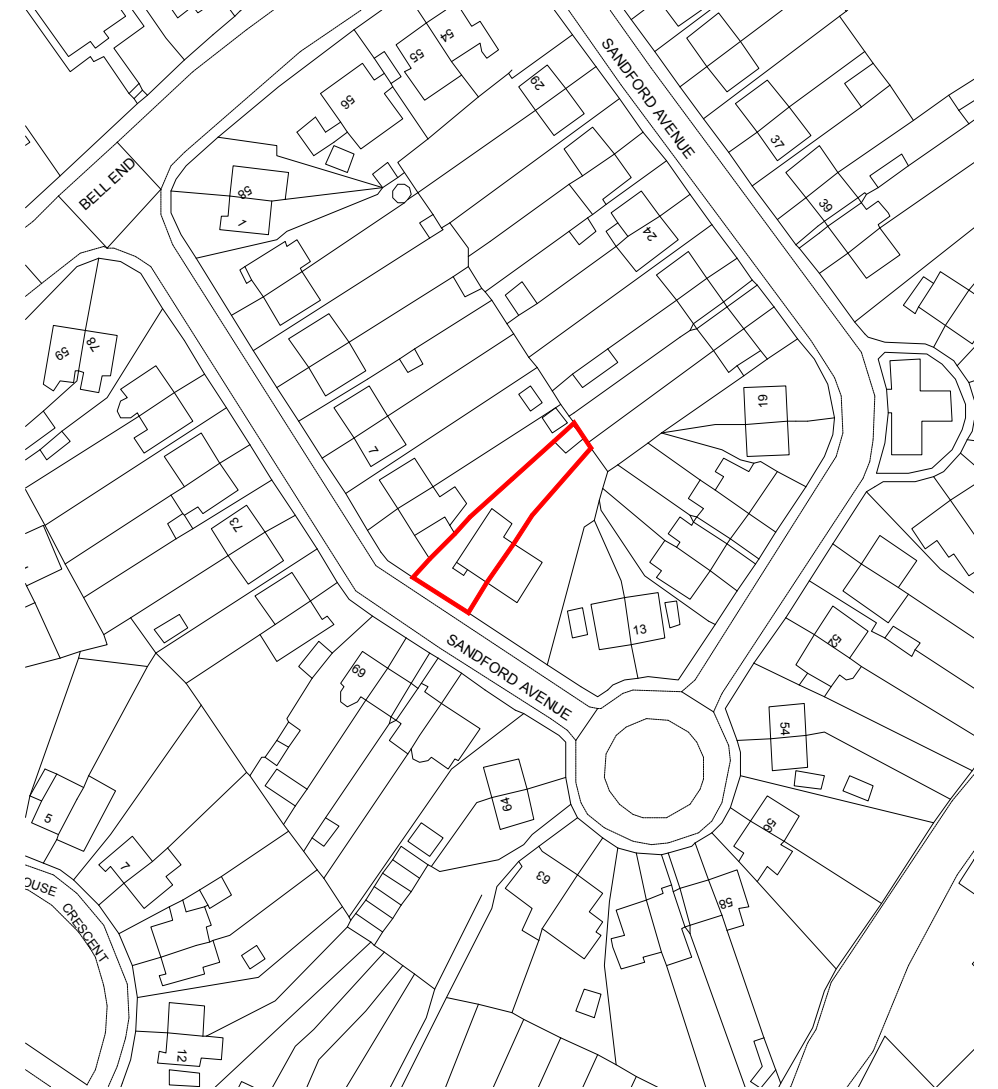
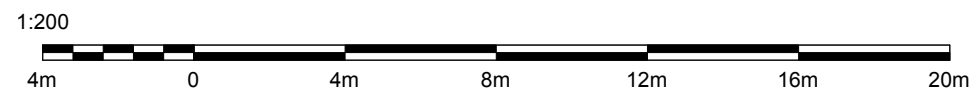
PL01 REV B – Amended location and site plan.



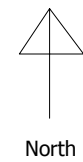
Site Plan
Scale 1:200

Existing front porch
to be removed

Parking space for 3
cars

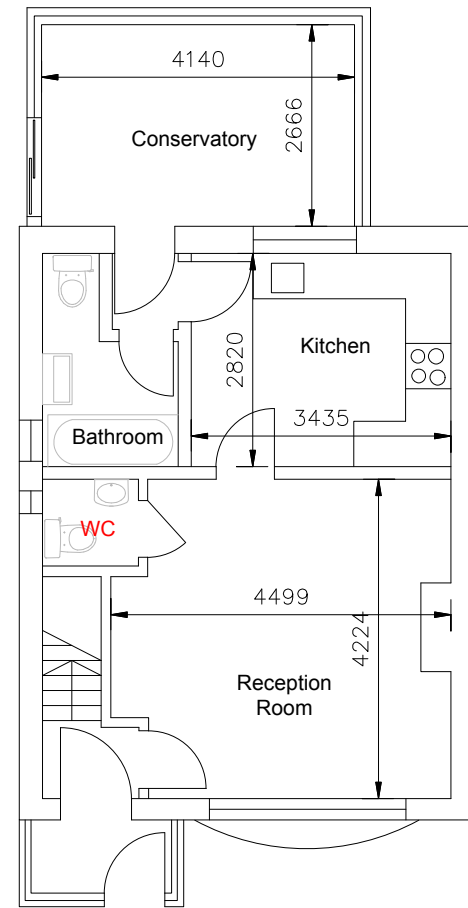


Location Plan
Scale 1:1250

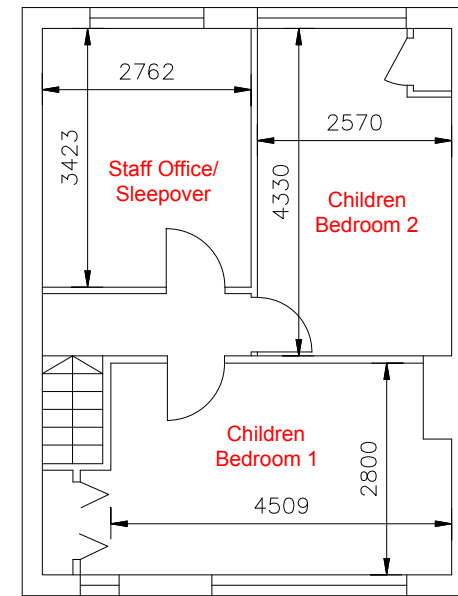


Rev	Description	Date	chkd	Project:				
				10 Sandford Avenue, Rowley Regis, B65 9LT, United Kingdom	Scale:	Drawn by:	Date:	Status:
					As shown @ A3	UA	Sep 2024	
				Title: Location Plan and Site Plan				
				Drg. No.	Rev:			
				PL01	B			
				Anjum Design Limited, Suite 104, 123 Stratford Road, Shirley,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





Ground Floor Plan
Scale 1:100



First Floor Plan
Scale 1:100



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				10 Sandford Avenue, Rowley Regis, B65 9LT, United Kingdom
		Scale:	Drawn by:	Date:
		As shown @ A3	UA	Sep 2024
				Status:
				Title:
				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.