

# Report to Planning Committee

**2 April 2025**

<b>Application reference</b>	DC/25/70200
<b>Application address</b>	32 Doulton Drive, Smethwick B66 1RA
<b>Application description</b>	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).
<b>Application received</b>	20 January 2025
<b>Ward</b>	St Pauls
<b>Contact officer</b>	Carl Mercer <a href="mailto:carl_mercer@sandwell.gov.uk">carl_mercer@sandwell.gov.uk</a>

## 1. Recommendations

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 At its last meeting Planning Committee resolved to visit the site. The application is being reported to committee as 22 objections and a petition against the proposal have 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
- 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. Twenty-two objections and a petition carrying 54 signatures 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 has sought further details regarding staffing and visits. The applicant has confirmed that there would be a manager and deputy manager on site as part of the maximum three members of staff, and they would rotate duties if one were absent. In respect of visits, there would be no regular visitors to the site and any visits would be booked in advance to help staff prepare staff rotation. Two off-street parking spaces are proposed as part of the proposal, which meets the council's minimum requirement for parking at a four property. Staffing numbers are stated to not exceed three staff at any one time which means there may be times when staff may park on-street. In my opinion, 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 objection subject to a condition requiring a management plan.

### **10.3 West Midlands Police**

The police have noted that the dwelling is within an IMPACT area (proven high crime area): *'Due to all the above this location will see an increase in police demand, mainly from the Local Policing team.'* However, in my opinion there is no evidence to suggest that the home would generate any greater policing activity than any other family home in the area, and the behaviour of residents is down to responsible management rather than planning judgement. Other matters raised regarding security could be addressed in a management plan.

## 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 Paragraph 135 of the framework promotes a high standard of amenity for existing occupiers and requires development to function well and add to the overall quality of the area. Given the low impact of day-to-day activity associated with the proposal, I am of the opinion that the proposed use accords with the framework.

11.3 The framework also 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**

The same proposal was approved in 2019 but was not implemented; hence, the resubmission of the proposal.

#### **13.3 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 part of a family home and the parking provision for this four-bed property meets the parking required by council design guidance.

#### **13.4 Environmental concerns – noise and general disturbance**

I note the area is a quiet, suburban environment; however, passing traffic noise and the manoeuvring of vehicles would not be uncommon 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 three-child family in a property of this size, carrying out their day-to-day activities.

13.5 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).

### 13.6 **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.

### 13.7 **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 which 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 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

## **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**

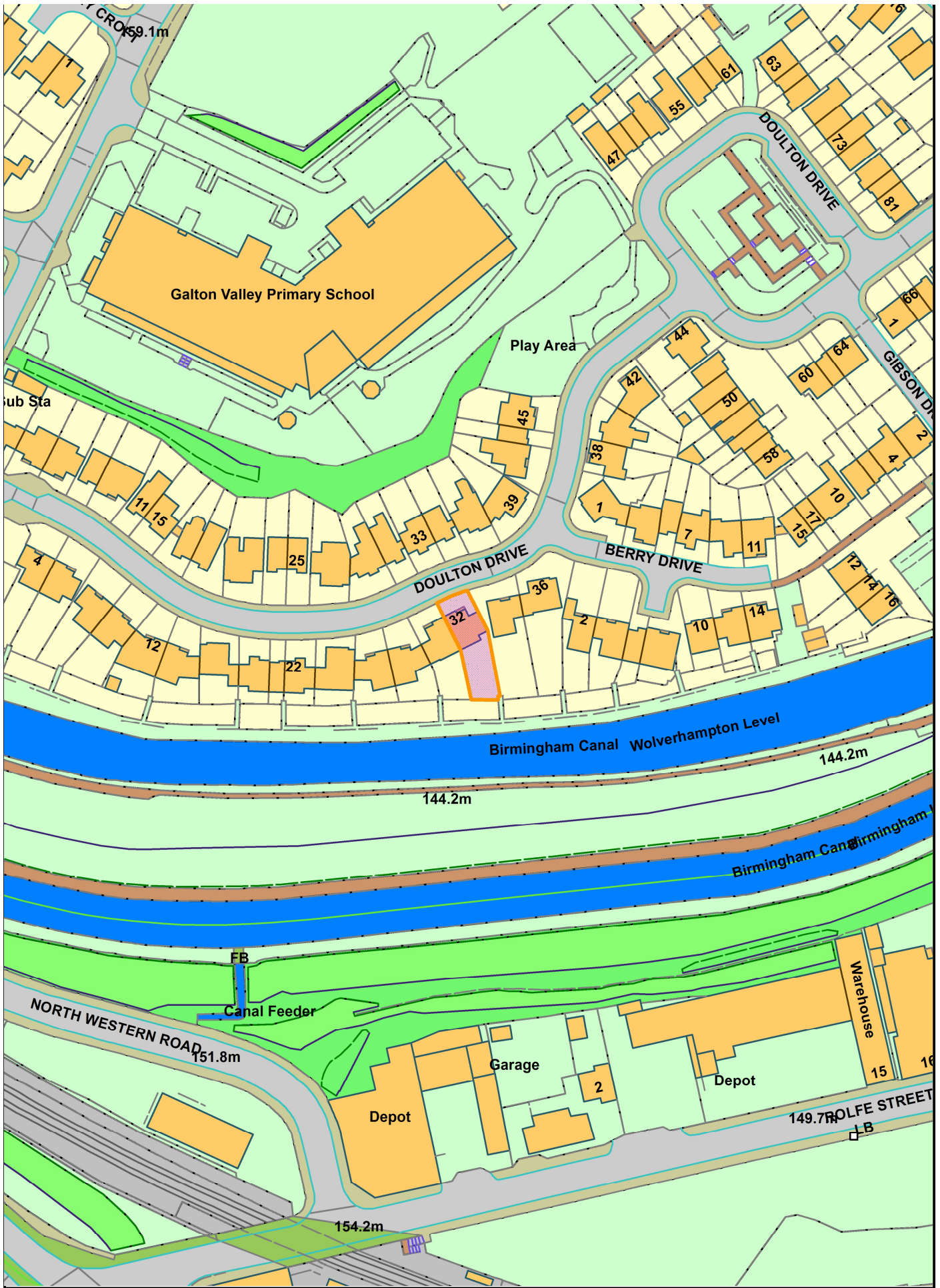
<b>Resources:</b>	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.
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<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	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.
<b>Corporate Parenting</b>	None.

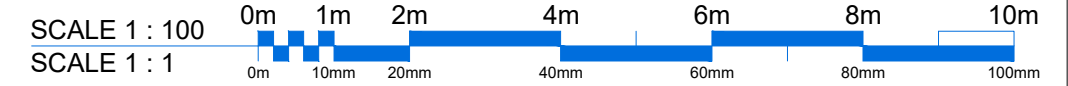
## 17. Appendices

### 17.1 Plans for consideration

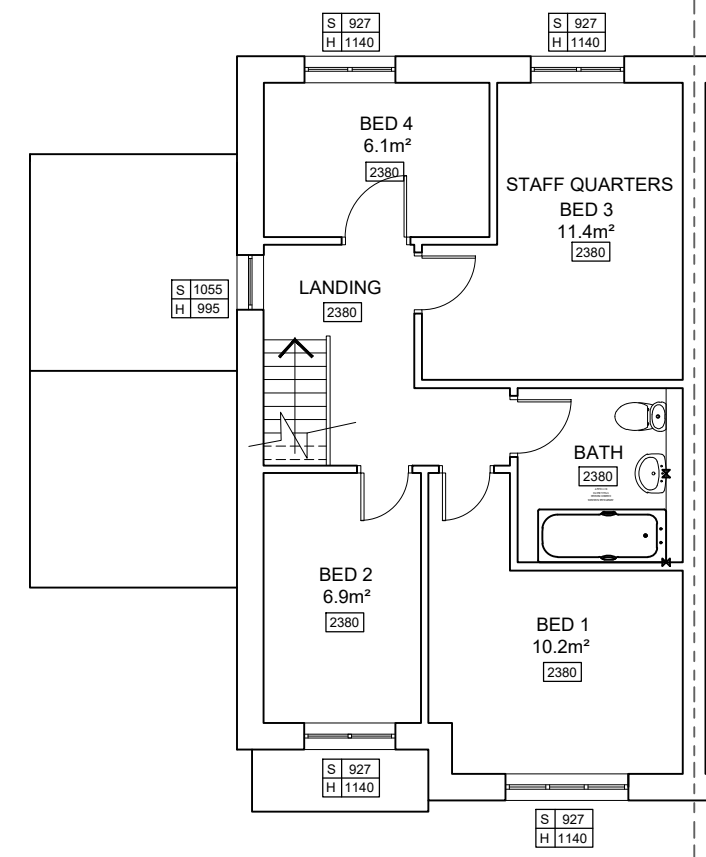
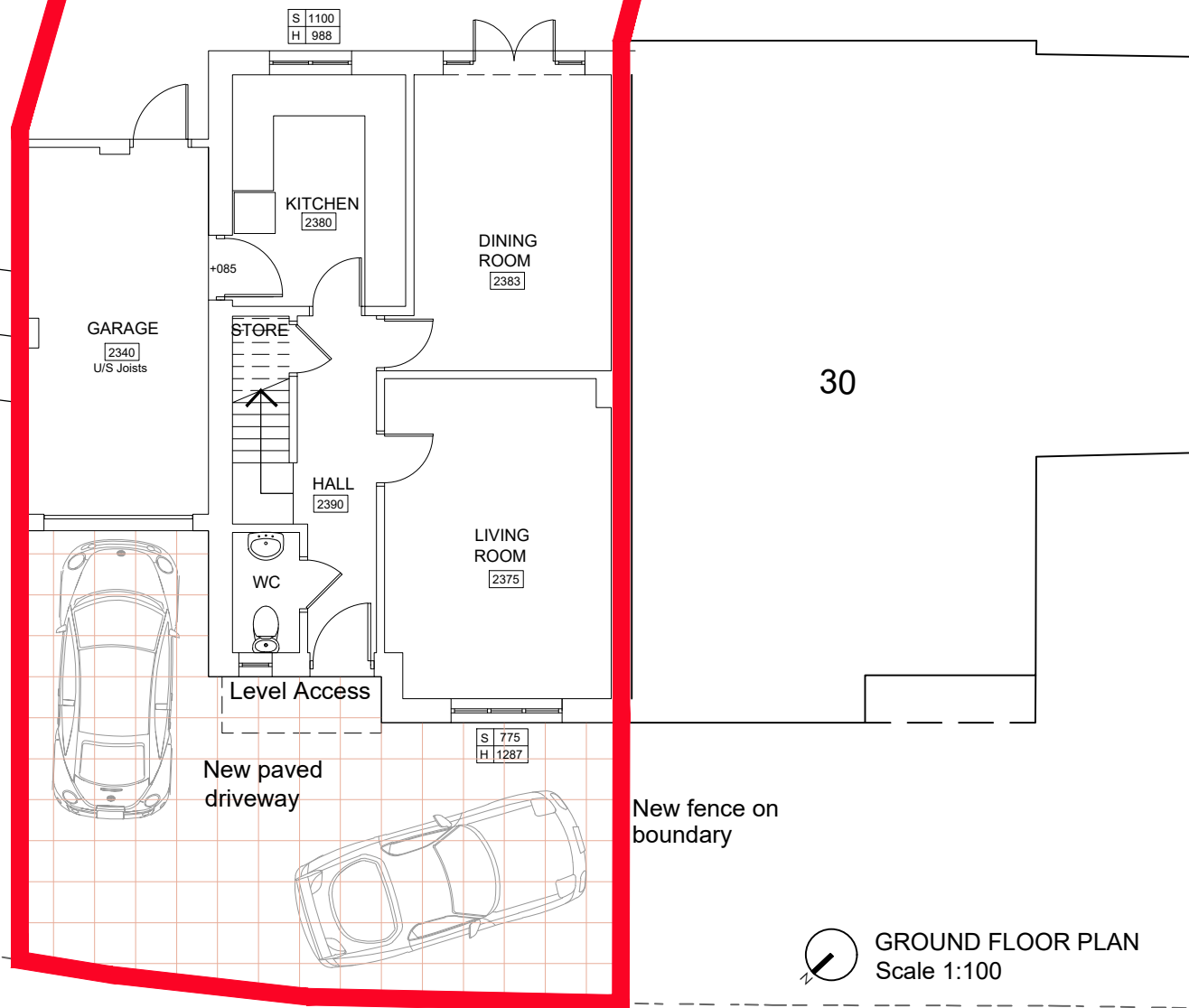
Context Plan  
P05 A



General Notes :  
All dimensions must be checked and verified before preparing commencing works. This drawing and its design is the copyright of the architectural agent and may not be reproduced in any form whatsoever without their prior express written consent.



Retain existing rear garden



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Client  
Mr RAM CHAND

Job Title  
32 Doulton Drive  
Smethwick  
B66 1RA

Drawing Title  
Variation and Regularisation  
of HMO - Roof change and  
loft extension  
**Proposed Plans**

Date  
23.01.2025

Scale  
1:100 @ A3

Drawn by  
A.L

Job No.  
P05A

Revisions	Description	Date

DOULTON DRIVE

Widen existing dropped kerb  
for access to parking

New fence on  
boundary

New paved  
driveway

New fence on  
boundary

GROUND FLOOR PLAN  
Scale 1:100

FIRST FLOOR PLAN  
Scale 1:100

## **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.