

# Report to Planning Committee

**2 April 2025**

<b>Application reference</b>	DC/25/70251
<b>Application address</b>	35 Harold Road, Smethwick B67 6LJ
<b>Application description</b>	Proposed change of use from residential dwelling to residential care home for 2 No. young people aged between 8 and 18 years old.
<b>Application received</b>	6 February 2025
<b>Ward</b>	Bristnall
<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 two 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 two 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 committee as five objections against the proposal have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[35 Harold Road, 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 three-bedroom dwelling situated on the corner of Harold Road and The Oval, Smethwick. The character of the surrounding area is residential. The dwelling is currently served by one off-street parking space which would be increased to three as a result of the proposal.

## **7. Planning History**

7.1 None relevant.

## **8. Application Details**

8.1 The application relates to an existing three-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 two children aged between 8 and 18 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 two children's bedrooms, one staff sleep-in bedroom and a bathroom.

- 8.3 The accompanying Application Statement sets out how the home would operate. There would be a maximum of two staff on duty at the property at any one time, including overnight. Between the hours of 9am and 5.30pm Monday to Friday a manager would also be present. Consequently, at staff change over there would be the potential for up to four staff members to be present. The home would operate as a single-family unit with one bedroom for overnight staff. In addition to regular staffing, it is anticipated that a social worker would visit once or twice every six weeks and a therapist once a week. These visits would be scheduled and any impact on parking could therefore be managed.

## **9. Publicity**

- 9.1 The application has been publicised by 45 neighbour notification letters and a site notice. Five 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 have no objection to the proposal. The applicant proposes three parking bays to facilitate two members of care staff along with a

manager. Visitors would be no more regular than the existing dwelling. As such, the proposal would not result in a severe impact on the highway network.

## **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) and has noted a lack of a security/management plan. 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. Ofsted would also need to assess the property for it to operate. Other matters raised regarding security could be addressed in a management plan.

## **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 Highways considerations - traffic generation, access, highway safety, parking and servicing**

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. 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 three-bed property meets the parking required by council design guidance.

### **13.3 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 two-child family in a property of this size, carrying out their day-to-day activities.

13.4 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 two 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).

### **13.5 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 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.

### **13.6 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.
<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**

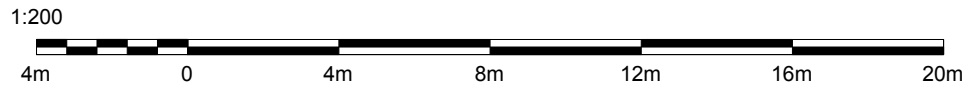
Context Plan

PL02

PL04

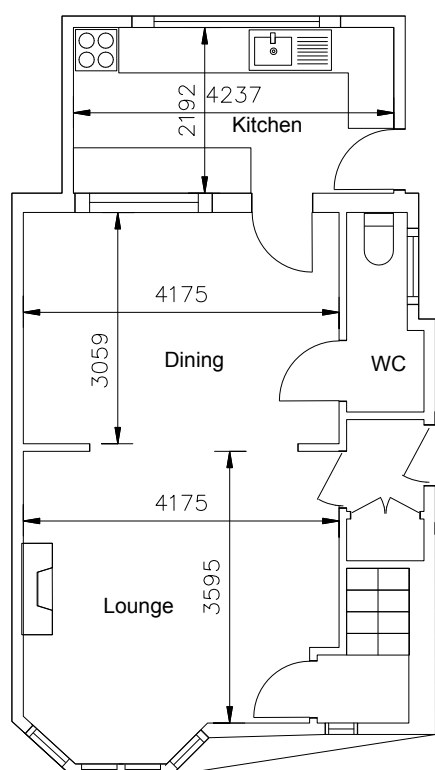


Site Plan  
 Scale 1:200

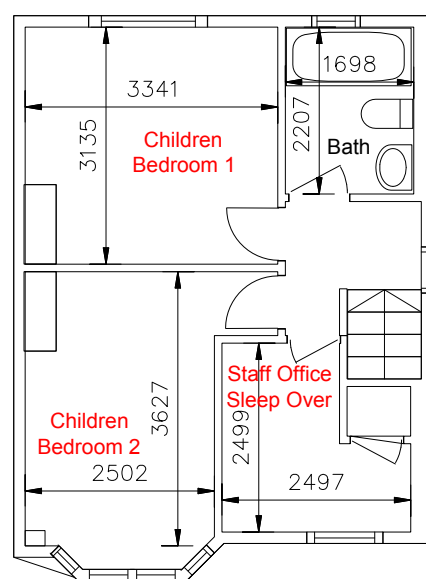


Parking for 3 cars

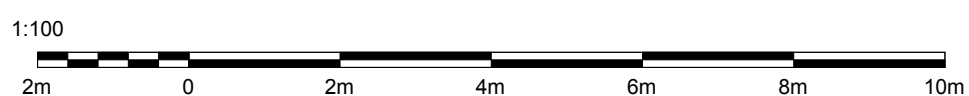
Rev	Description	Date	chkd	Project: 35 Harold Road, Smethwick, B67 6LJ			
 Anjum Design Limited, Suite 104, 123 Stratford Road, Shirley, Solihull B90 3ND TEL: 0121 364 7650 E: info@anjumdesign.co.uk		Scale:	Drawn by:	Date:	Status:		
		As shown @ A3	UA	Jan 2025			
				Title: Site Plan			
				Drg. No. PL02		Rev:	



Ground Floor  
Scale 1:100



First Floor Plan  
Scale 1:100



Rev	Description	Date	chkd	Project:
				35 Harold Road, Smethwick, B67 6LJ
				Scale: As shown @ A3 Drawn by: UA Date: Jan 2025 Status:
Anjum Design Limited, Suite 104, 123 Stratford Road, Shirley, Solihull B90 3ND TEL: 0121 364 7650 E: info@anjumdesign.co.uk				Title: Proposed Floor Plans Drg. No. PL04 Rev:

## DC/25/70251

### 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 two 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 two 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.