

Report to Planning Committee

23 July 2025

Application reference	DC/25/70535
Application address	52 Merrivale Road Smethwick B66 4EJ
Application description	Proposed change of use from residential dwelling to supported living accommodation for 3 No. young people aged between 16-18 years old with up to 1 No. non-resident staff at any one time.
Application received	11 April 2025
Ward	Abbey
Contact officer	Mr Karamrhys Clair karamrhys_clair@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 three 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;

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 The application is being reported to Planning Committee as 10 objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[52 Merrivale Road, Smethwick](#)

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 a three-bed Victorian mid-terrace residential property, located on the southeast side of Merrivale Road, Smethwick. The layout of the terraces is served by on-street parking as per the original layout of the estate. The character of the surrounding area is residential in nature.

7. Planning History

7.1 The application property does not have any relevant planning history. Nevertheless, it is worth noting a comparison to another similar application on Merrivale Road (DC/24/69808 - Proposed change of use from residential dwelling to children's care home for up to 2 No. young people aged between 7 to 17 years old) which was refused at Planning Committee on 8th January 2025. This included 2no. staff working on a 24-hour shift pattern. However, the proposal scheme before me at No.52 is less intensive in that it provides supported living accommodation for 3no. young persons with 1no. staff working on site at any one time (non-resident 22 to 24-hour shift patterns), as opposed to a traditional children's care home setup. As a result, parking requirements are also considered less intensive than the previous refusal whereby a maximum

of 2no. staff will be interchanging shift patterns on this application, as opposed to 4no. staff interchanging shift patterns.

8. Application Details

- 8.1 The application relates to a three-bedroom, mid-terrace residential property.
- 8.2 The applicant is proposing to convert the residential dwelling to a supporting living accommodation for up to 3 No. young people aged between 16 and 18 years old. The ground floor would consist of a hall, store, living room, kitchen, bathroom and a young person's bedroom. The first floor would contain a staff office, a toilet and two young person's bedrooms. Each bedroom is above minimum space standards for young persons (over 10 square metres – c. 10.0m², 10.3m² and 12.3m² respectively).
- 8.3 The applicant has confirmed staffing arrangements for the proposed use would be as follows. 1 No. staff will be on duty at the property during the day shift and 1 No. staff will be on duty night shift. The proposed typical day shifts will work between 9am to 3.00pm, 3pm to 9pm and 9pm to 7am however sometimes double shifts are taken or for there to be staff on site for 18 to 24 hours per day. The applicant has confirmed 1no. staff would also be present at the property, making a total of 1 staff members on site at anyone time. Social workers would visit the young persons on a six-weekly basis by appointment only at either the host property, online or out in the community on different days. Case meetings with professionals involved and centred around each young person are conducted every 4-6 weeks online and not in the home. Family visitors are estimated to come a maximum of two visits per month. The applicant has declared that in most cases, young people see family outside of the home and do not tend to have visits within the home (i.e. family visits within the home are a rare occurrence). Overall, the use would be regulated by Ofsted and the applicant has declared that they do not provide care, only support.

8.4 The layout of the terraces is served by on-street parking as per the original layout of the estate.

9. Publicity

9.1 The application has been publicised by 69 neighbour notification letters, site notice and to local ward members. Ten material planning objections 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) Concerns with regards to increased noise and disturbance from increased comings and goings.
- iii) Anti-social behaviour. A primary school is within close proximity to the property as well as families with young children.
- iv) Highways matters, car parking concerns, Merrivale Road is served up with on-street car parking, the introduction of a commercial care home will place a disproportionate burden on this road, leading to increased parking issues, restrict access for residents and emergency vehicles, and concerns where staff/visitors to the property would park.
- v) The proposal would introduce a business use to a residential area.

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

9.3 Non-material objections have been raised regarding loss of property value.

10. Consultee responses

10.1 Highways

Highways have confirmed that one space is required for each on shift staff member. As one staff would be on each shift at any one time, Highways have no objections given the proposal would not be no worse than the current situation. In addition to this, Highways have commented that any external visitors would also be no worse than that expected of a typical family residential dwelling.

10.2 Pollution Control (Noise)

No objection.

10.3 West Midlands Police

The police have noted several concerns regarding layout of the rooms, no security plans and no management plans. In regard to the layout of the rooms, the young persons bedrooms themselves would be considered generous in size and significantly larger than the nationally described space standards of 7.5m² for an adult. In regard to the layout of the ground floor bathroom, many traditional family homes have bathrooms on the ground floor and therefore this would not be considered out of the ordinary. Therefore, given the application will be conditioned to provide a management plan before the use is commenced, 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 likewise 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 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:

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

13.2 Highways have reviewed the application and have raised no objections to the application. The previous refused application at Planning Committee in January had 2no. staff was considered to pose no significant issues. Therefore, in terms of the objector's comments regarding Merrivale Road being a busy road in general, given the proposed change of use is for 1no. staff at any one time with potentially 2no. less vehicles at a worst case scenario whereby all staff travel by car and interchange in the same time period, the proposed application at the host property would be considered even less so significant on day-to-day parking than the previously refused application. Therefore, the less intense use would also be likened to the comings and goings used by a typical family home as highlighted by Highways. It is the responsibility of the staff and visitors to park considerately. 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.

Environmental concerns – noise, air quality, pollution and general disturbance.

13.3 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 three children (aged 16-18 years old) with 1no. staff at any one time 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).

Anti-social Behaviour

13.4 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.

Other Matters

- 13.6 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.

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

A0700-P1 – Location Plan.

A01500-P1 Rev P1 – Existing and Proposed Floor Plans.