

Report to Planning Committee

8 January 2025

Application reference	DC/24/69792
Application address	Trinity House Nursing Home Mace Street Cradley Heath B64 6HP
Application description	Proposed change of use from 33 No. bedroom care home into 14 No. supported living self-contained flats with communal rooms and staff office.
Application received	9 September 2024
Ward	Cradley Heath & Old Hill
Contact officer	Carl Mercer carl_mercer@sandwell.gov.uk

1. Recommendations

That planning permission is granted subject to the following conditions relating to:

- i) Construction environmental management plan (CEMP);
- ii) Management plan;
- iii) Energy statement;
- iv) Waste storage;
- v) Cycle storage;
- vi) Lighting and CCTV;

- vii) Provision and retention of parking and manoeuvring areas; and
- viii) Restriction of use to supported housing only in accordance with the description of development and Application Statement.

2. Reasons for Recommendations

- 2.1 The reuse of this former care home as 14 flats for supported living would be acceptable in this predominantly residential area with no demonstrable detriment to the surrounding area, subject to appropriately worded conditions.

3. How does this deliver objectives of the Council Plan?

Living in Sandwell	Safe and affordable homes.
Thriving Economy in Sandwell	Good homes that are well connected.
Healthy in Sandwell	Commitment to fostering a community where every resident has the opportunity to lead a healthy and fulfilling life.
One Council One Team	Sandwell Council's ethos of 'One Council One Team' reflects a commitment to unity and Collaboration, striving for excellence in serving the community.

4. Context

- 4.1 The application is being reported to Planning Committee as five objections have been received. Councillor Tipper has also asked that the application be considered by committee.

4.2 To assist members with site context, a link to Google Maps is provided below:

[Mace Street, Cradley Heath](#)

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)
- Design concerns - layout and density of building and impact on infrastructure
- Highways considerations - traffic generation, access, highway safety, parking and servicing
- Environmental concerns – noise and litter
- Anti-social behaviour
- Planning balance and presumption

6. The Application Site

6.1 The application site is situated on the corner of Mace Street and Trinity Street, Cradley Heath. The building is three storeys in height and separated from back of pavement by hard/soft landscaping and a boundary wall. The building is served by a car park and servicing area to the rear which is accessed off Mace Street. A separate pedestrian access is also evident off Mace Street.

7. Planning History

7.1 Three planning applications for supported living accommodation have been submitted and withdrawn by the applicant since September 2023. The reason for withdrawal of these earlier applications was due to uncertainty over the end user/operator and whether the parking provision was sufficient to serve the development.

7.2 Relevant planning applications are as follows:

DC/23/68830	Conversion of 32 bedroom care home (Class C2) into 13 self-contained supported living flats with communal rooms and staff office.	Withdrawn - 22.11.2023
DC/23/68606	Conversion of 32 bedroom Care home (ClassC2) into support living 14 self-contained flats with communal rooms and staff office.	Withdrawn - 19.09.2023
DC/23/68602	Conversion of existing 32 bedroom Care home (Class C2) into 32 bedrooms and 34 person HMO (Sui Generis).	Withdrawn - 25.09.2023

8. Application Details

8.1 The applicant proposes to convert the former 33-bedroom care home into 14 self-contained flats with communal rooms and staff office for supported living. All the flats proposed would be one bed units. The building would enable independent living for residents but with staff on site 24/7 to support with any specialist needs of residents.

- 8.2 The submitted Application Statement states that residents *'will be allocated through a referral system; the property will be leased as a whole to a registered social landlord, whom will sublet each dwelling to a tenant who has been specifically referred to the building via social services'*.
- 8.3 The statement goes on: *'All the residents will be referred to the application site, having learning disabilities, autism, mental health, brain acquired injury or requiring supported living accommodation. It is proposed that the care and support will be provided by Rehabilitation UK whom will be contracted by the local authority to provide such care deemed necessary'*.
- 8.4 The building consists of three floors and the following layout is proposed: four flats, a communal lounge and office/reception area at ground floor; five flats at first floor and five flats at second floor. The proposed site plan shows 12 parking spaces to the rear as well as 175sqm of garden/amenity space.
- 8.5 A Transport Statement has also been submitted in response to concerns from the council's highways engineer that proposed parking provision is lower than required by council guidance for the number of flats.

9. Publicity

- 9.1 The application has been publicised by 107 neighbour notification letters and by site and press notice. Five objections have been received.
- 9.2 Objections have been received on the following grounds:
- i) Impact on street parking and highway safety;
 - ii) Increase in noise;
 - iii) Impact of new residents on existing infrastructure;
 - iv) Increase in rubbish and litter on the streets;
 - v) Crime and anti-social behaviour concerns; and

vi) Safeguarding, due to proximity of primary school.

The character of the applicant and their ability to run a care facility has also been called into question. However, this cannot be taken into account as a material planning consideration. Members must determine whether the use is appropriate within the context of the area. The operator of the property is irrelevant and can be reported to the council and/or the Quality Care Commission if issues arise, as with any other care facility.

The remaining objections will be addressed in under paragraph 13 (Material Considerations).

10. Consultee responses

10.1 Planning Policy

No objection. Policy SAD H4 recognises the importance for housing for people with specific needs and the change of use to 14 supported living flats is considered appropriate in this location, given the proximity of facilities and public transport connections in Old Hill Local Centre. The policy team note that the site lies within an area of archaeological importance. However, I do not find the policies relating to the designation to be relevant in this case as no operational development is proposed.

10.2 Highways

No objection subject to a condition requiring the building to remain as supported accommodation. Highways have reviewed the site layout and supporting Transport Statement and acknowledge that supported accommodation generates a lower parking demand than open market flats. With this in mind, a condition restricting the use of the building to that proposed in the description of development and the Application Statement is considered to be reasonable to prevent parking issues which may result from open market accommodation.

10.3 Urban Design

No objection subject to a condition requiring further details regarding waste storage.

10.4 Pollution Control (air and noise)

No objection subject to a condition requiring the submission of a construction environmental management plan (CEMP) to safeguard against unreasonable disturbance to surrounding residents during the process of conversion.

10.5 West Midlands Police

No objection. General observations made regarding the security of potential residents of the facility and highlights that care standards and suitability of the facility for residents would need to be reviewed by the Care Quality Commission; these matters thereby being beyond the planning remit. However, security measures such as lighting and CCTV can be ensured by condition.

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 refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. The proposal raises no concerns from a design perspective and is compliant with the NPPF.

11.3 The framework promotes sustainable transport options for development proposals 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. As the site is within proximity of the amenities of Old Hill Local Centre, and a Transport Statement has been submitted and reviewed by the council's highway engineer who raises no objection to the development subject to condition, the proposal complies with the NPPF.

12. Development Plan Policy

12.1 The following policies of the council's development plan are relevant:

Black Country Core Strategy (BCCS)

CSP4 – Place Making

HOU1 - Delivering Sustainable Housing Growth

HOU2 – Housing Density, Type and Accessibility

TRAN2 – Managing Transport Impacts of New Developments

TRAN4 - Creating Coherent Networks for Cycling and for Walking

ENV3 – Design Quality

Site Allocations and Delivery Development Plan Document – (SADD)

SAD H2 - Housing Windfalls

SAD H4 - Housing for People with Specific Needs

SAD EOS 9 - Urban Design Principles

12.2 In respect of CSP4 the internal layout is appropriate, and the conversion raises no design concerns.

12.3 Whilst land is identified and allocated in the development plan to meet the borough's sustainable housing growth, under policy HOU1 additional housing capacity will also be sought elsewhere through planning permissions on suitable sites. As such, this proposal would assist with providing much needed housing within the borough.

- 12.4 The proposal meets the requirements of policy HOU2 in that it proposes a type and size of accommodation which would be accessible by sustainable transport to residential services. The proposal would also achieve adequate internal design with minimal amenity impact on the surrounding area.
- 12.5 Highways raise no objection to the traffic generation attributed to this development (TRAN2).
- 12.6 Sufficient amenity space is provided to allow for cycle parking provision (TRAN4).
- 12.7 The proposal raises no significant concerns in respect of design and is therefore compliant with policy ENV3 and SAD EOS 9.
- 12.8 The housing proposed would be a windfall (i.e. not identified in the development plan), and thereby subject to SAD H2. The proposal meets the requirement of the policy as it is a conversion, suitable for residential development and capable of meeting other plan policies.
- 12.9 The proposal meets the requirements of SAD H4 as the building would be tailored for people with specific needs and is close to 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 Design concerns - layout and density of building and impact on infrastructure

The internal living space is deemed acceptable for each unit and would exceed the 37 square metres required by the national standard (NDSS). In respect of external amenity space, council guidance requires 140 square metres for a development of this size and 175 metres is

proposed. The site could therefore also accommodate the required parking, cycle and waste storage. With regard to the impact of the development on existing infrastructure, the number of flats proposed is modest and there is no evidence to suggest that the development would put any demonstrable strain on the infrastructure of the surrounding area; particularly considering the proposal is for conversion, not new build.

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

I note that on-street parking in the vicinity of the site is commonplace due to terraced housing and exacerbated at times by the proximity of a primary school. However, the development addresses its own parking and servicing needs on-site to the rear of the building. Whilst the area to the rear is somewhat constrained, it appears to have adequately served the care home whilst in operation and the supporting evidence submitted in the Transport Statement has not been doubted by the council's highways engineer. Despite the staffing demand of such 'extra care' facilities, car ownership of residents tends to be lower than market housing and, accordingly, I find that the development would be adequately served by the existing parking provision. As stated above, the use of the building can be conditioned to ensure that the building cannot convert to open market housing, which may have adverse parking impacts that would need to be assessed by a further planning application.

13.4 Environmental concerns – noise and litter

In respect of noise, the proposal is for a residential development in a residential area, and I see no reason to suspect that the proposal would generate any more noise than would be expected from an open market apartment scheme or if the property were to recommence use as a nursing home with its associated comings and goings. However, noise may be an issue during the conversion of the building and the submission of a CEMP is required to be submitted by condition before conversion works begin. With regards to litter, the proposal has sufficient

areas to accommodate waste storage, and this can be ensured by condition.

13.5 Anti-social behaviour and safeguarding

I note that concerns may have been exacerbated due to the property previously being marketed as a house in multiple occupation (HMO). However, the proposal which is before members is for supported living and there is no evidence in the application submission that the development would either give rise to or exacerbate anti-social behaviour issues. I note from the Application Statement that the end users would largely be those suffering from mental impairment, but the very purpose of the facility would be to provide a supported living environment within the community, which is not inappropriate given the residential nature of the area and its proximity to local amenities. Ultimately, the occurrence of such issues would be down to the responsible management of the premises and if significant issues were to arise, the council and relevant bodies would be able to intervene. To this end, I suggest the submission of a management plan for the facility by condition to be approved by the local planning authority prior to occupation. I note concerns regarding safeguarding, but the proximity of a primary school to a development does not automatically indicate safeguarding issues would occur, and there is no reason to suggest that pupils would be at a heightened risk because of the development. Furthermore, West Midlands Police raise no concerns regarding anti-social behaviour or safeguarding.

13.6 Presumption and the ‘tilted balance’

The ‘tilted balance’ is similar to the normal planning balance, but it is only engaged in exceptional circumstances. As the council has less than a five-year housing land supply, relevant local policies are out-of-date. In the most basic sense, the tilted balance is a version of the planning balance that is already tilted in an applicant’s favour. If the tilted balance applies, planning permission should normally be granted unless the negative impacts ‘significantly and demonstrably’ outweigh the positive impacts.

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 With the above in mind, the council cannot currently meet its five-year housing need as it has a shortfall of deliverable housing sites. With reference to the NPPF, this means that all local policies concerned with the supply and location of new housing must be considered out-of-date and the 'tilted balance' is engaged. If the tilted balance applies, planning permission should normally be granted unless the negative impacts 'significantly and demonstrably' outweigh the positive impacts.
- 14.3 On balance the proposal accords with the provisions of relevant development plan policies and the NPPF as a whole 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:	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

BR02

BR03

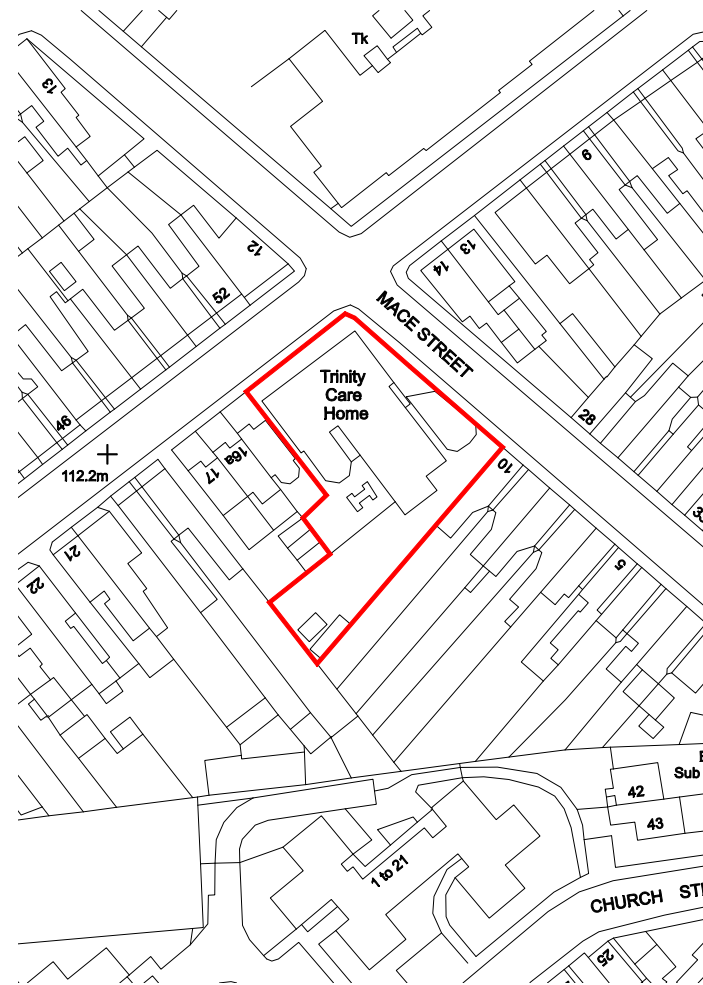
BR04

BR05

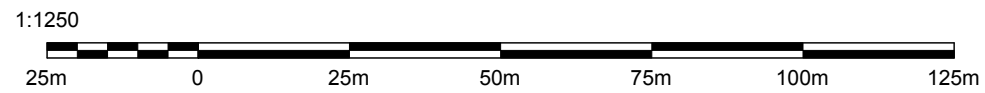
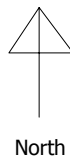
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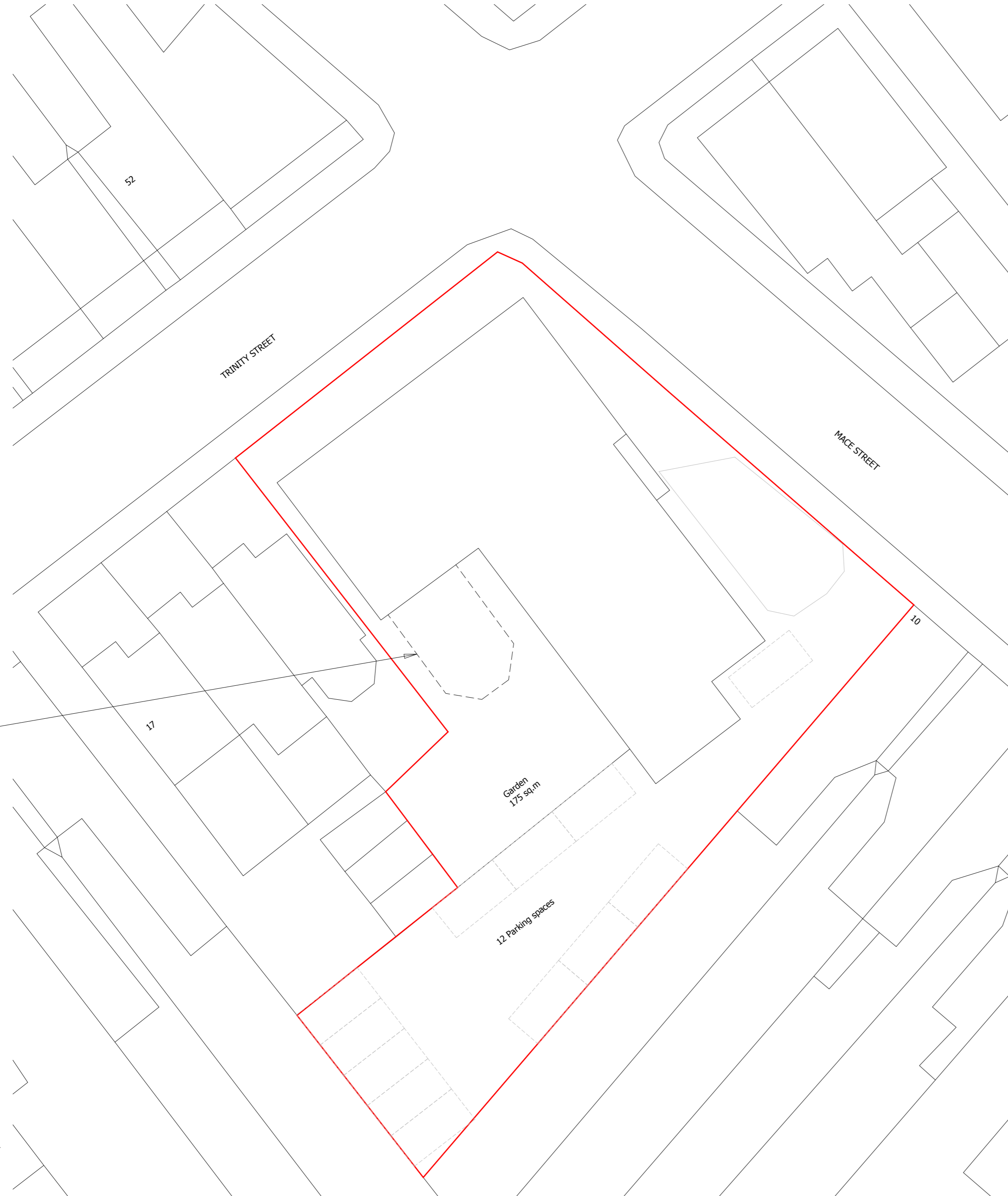
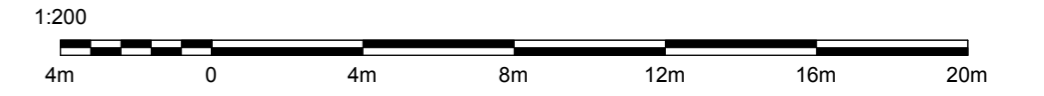
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Location Plan
 Scale 1:1250



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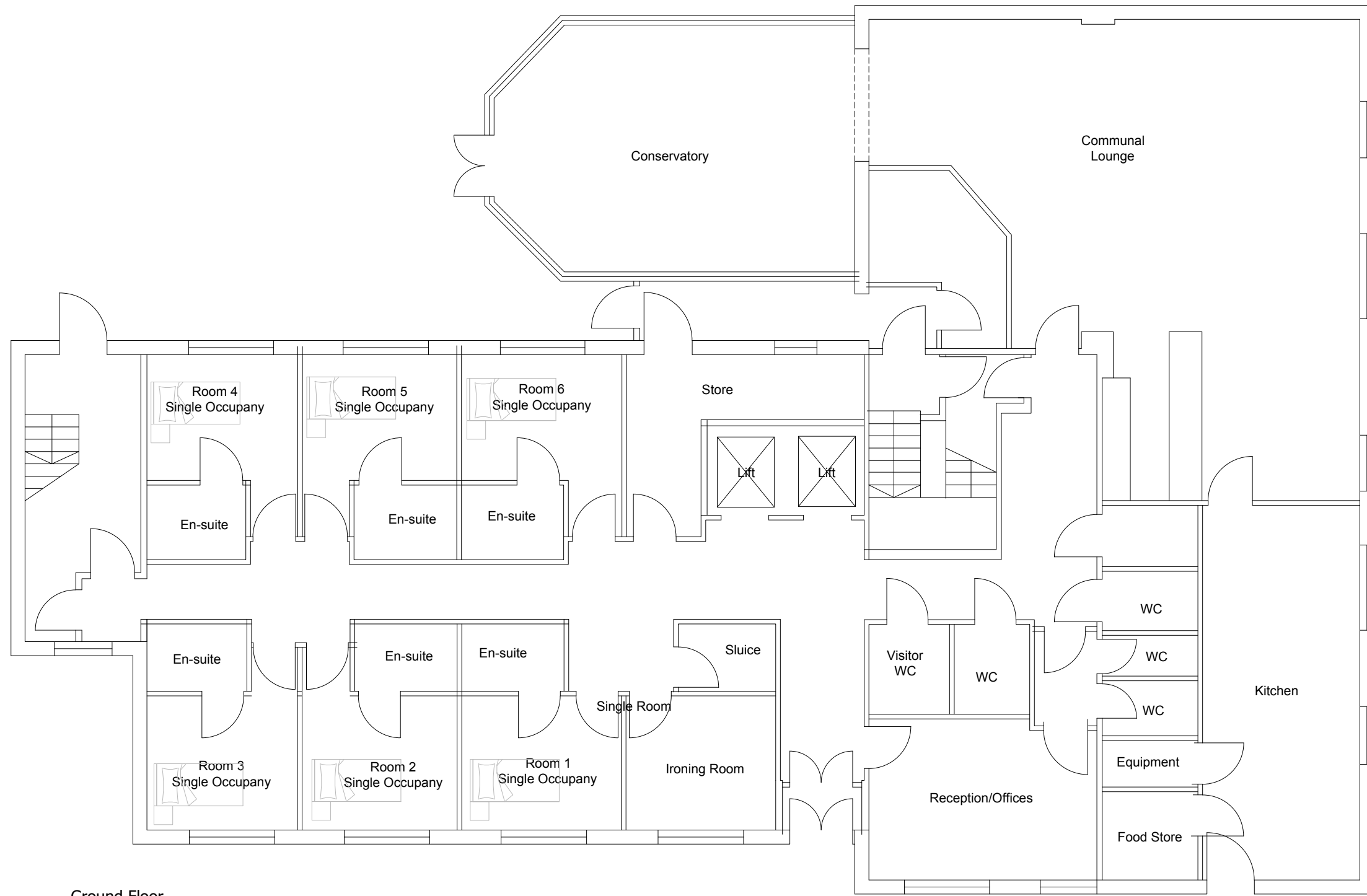


Existing conservatory to be removed

Site Plan
Scale 1:200

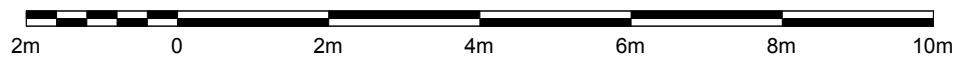



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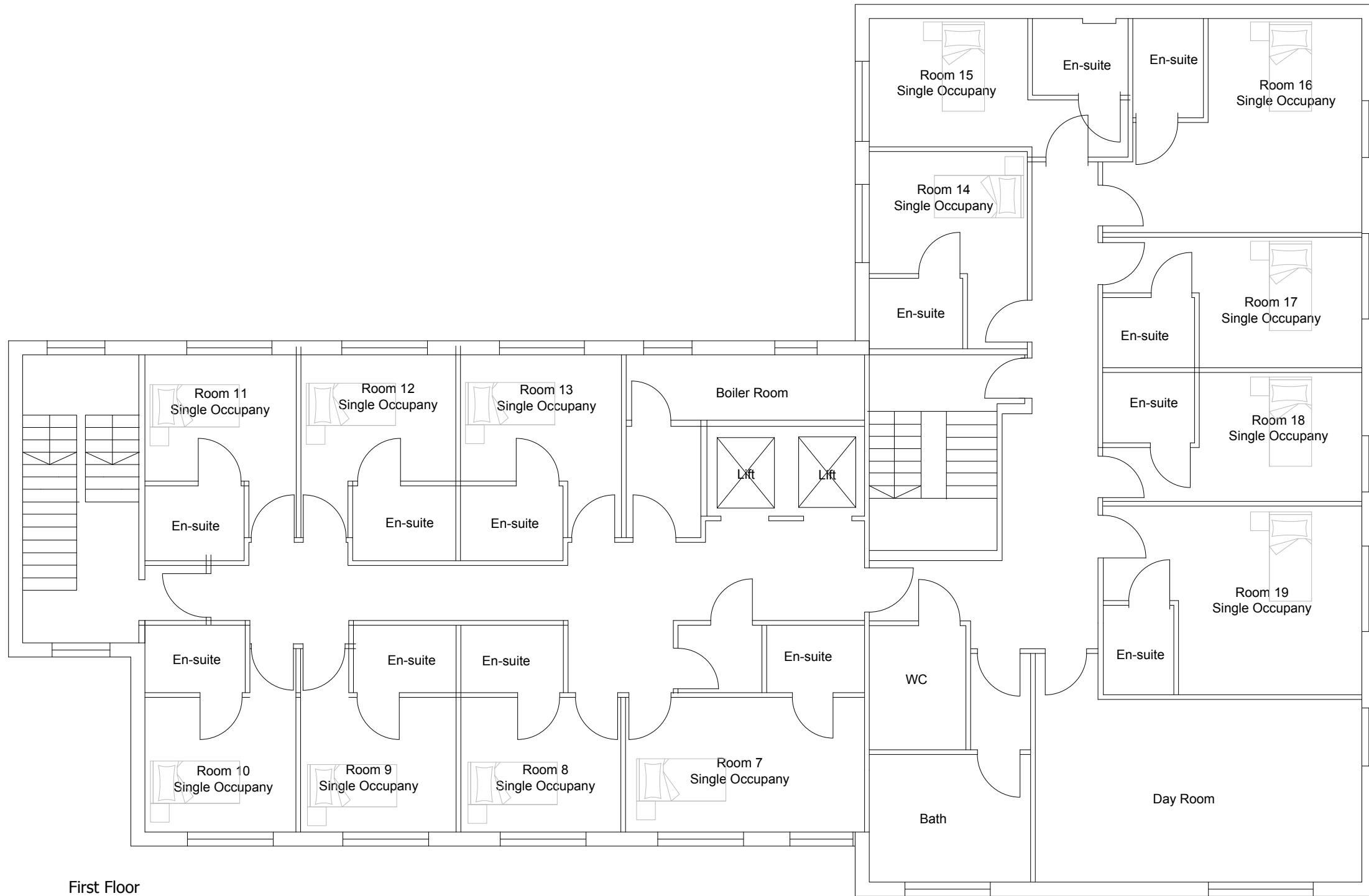


Ground Floor
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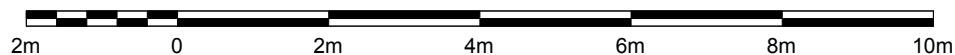



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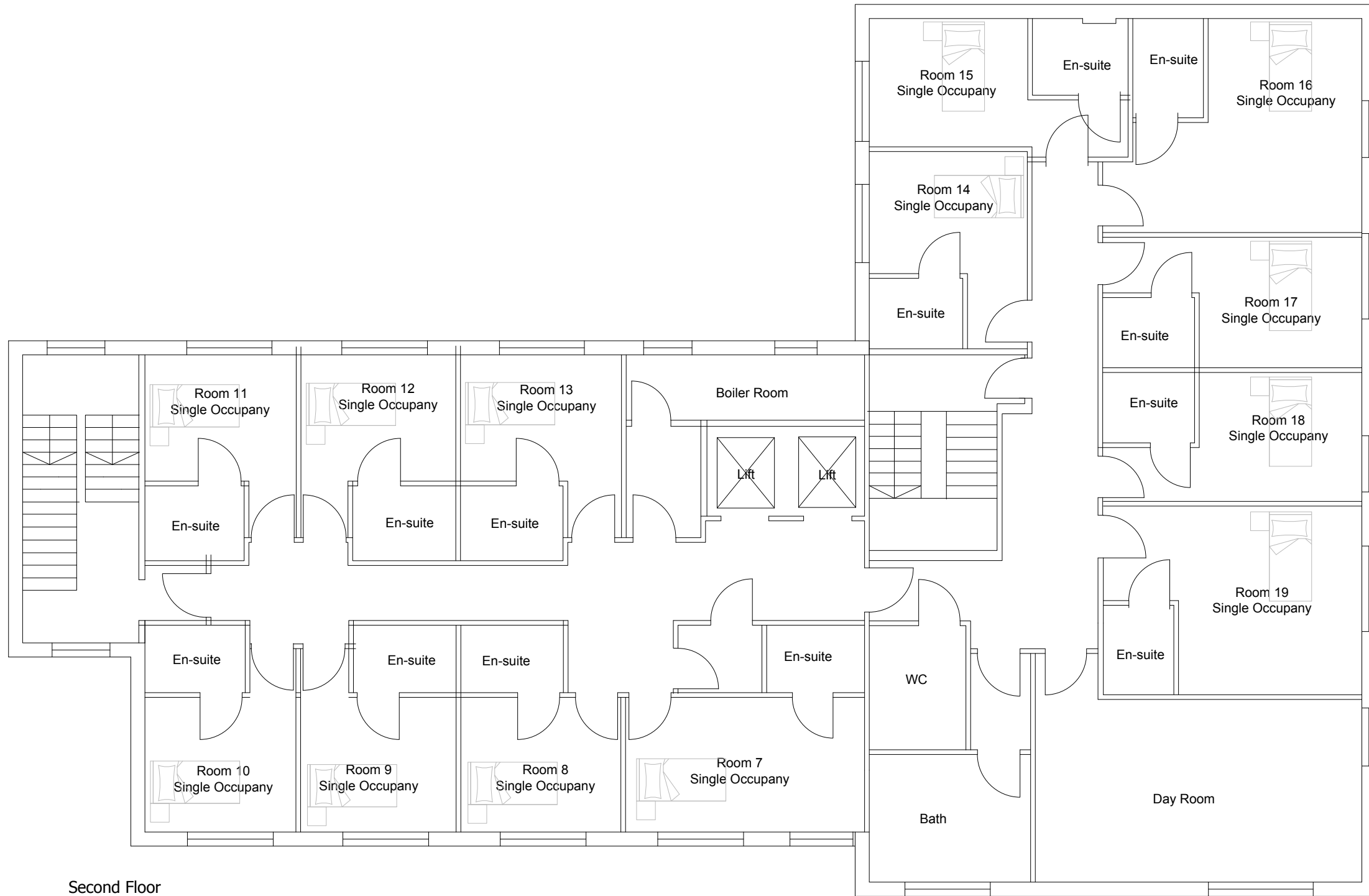


First Floor
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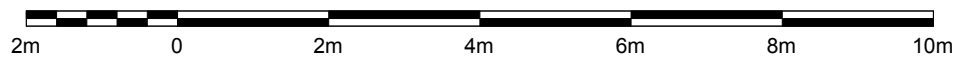



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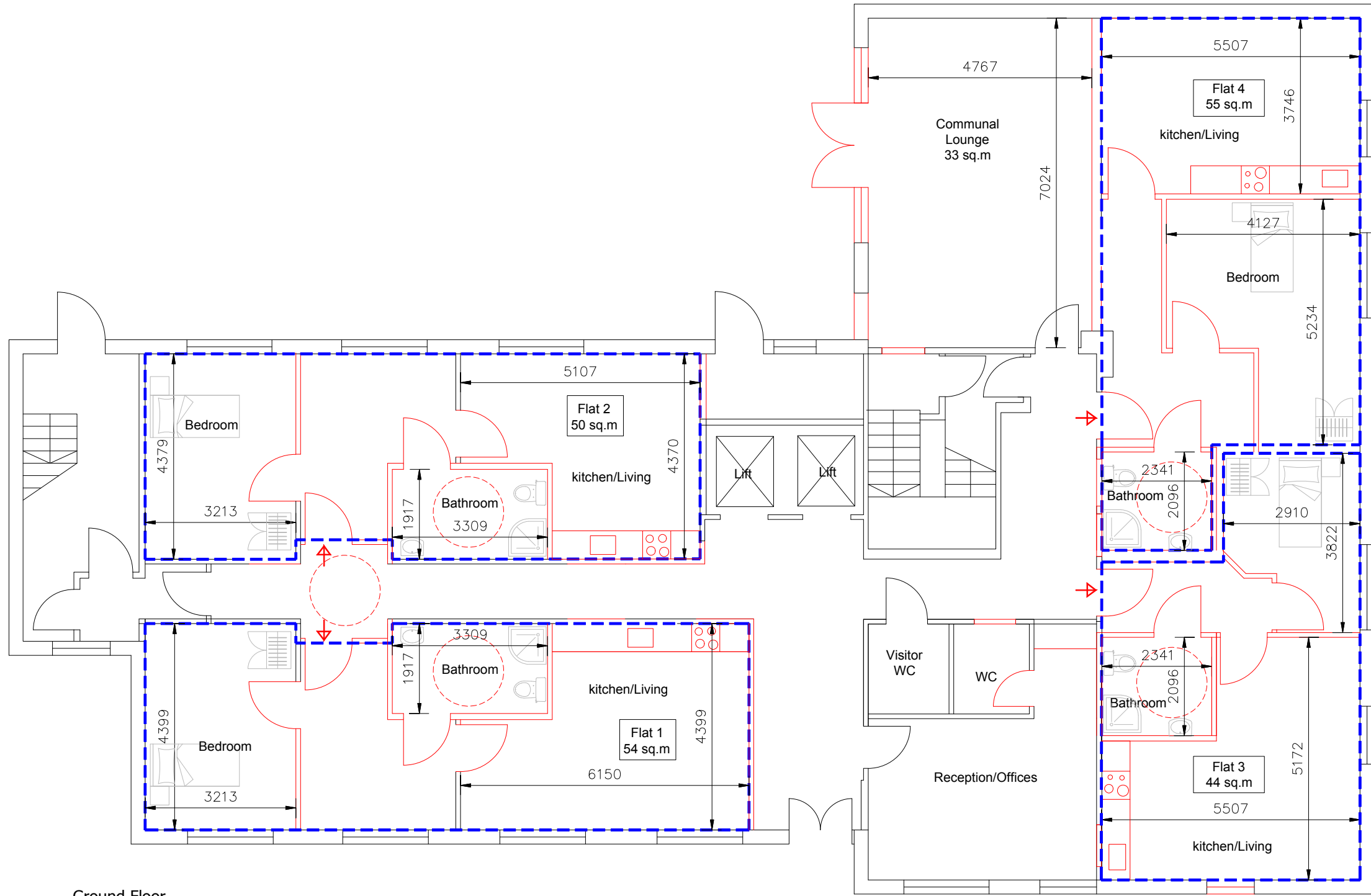


Second Floor
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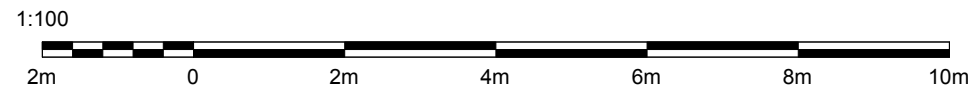
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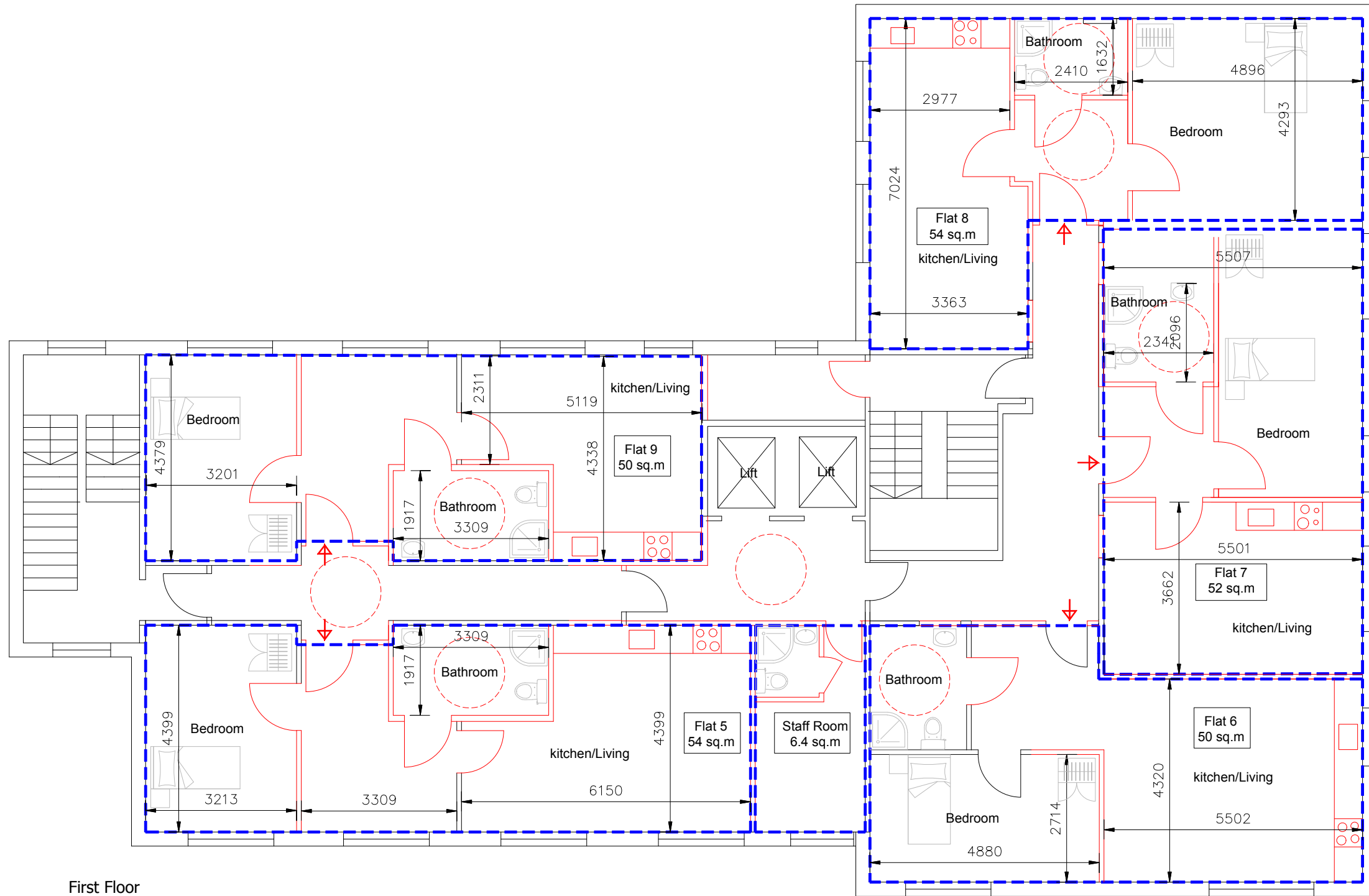
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Ground Floor
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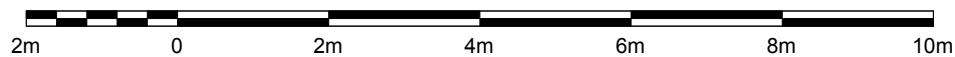



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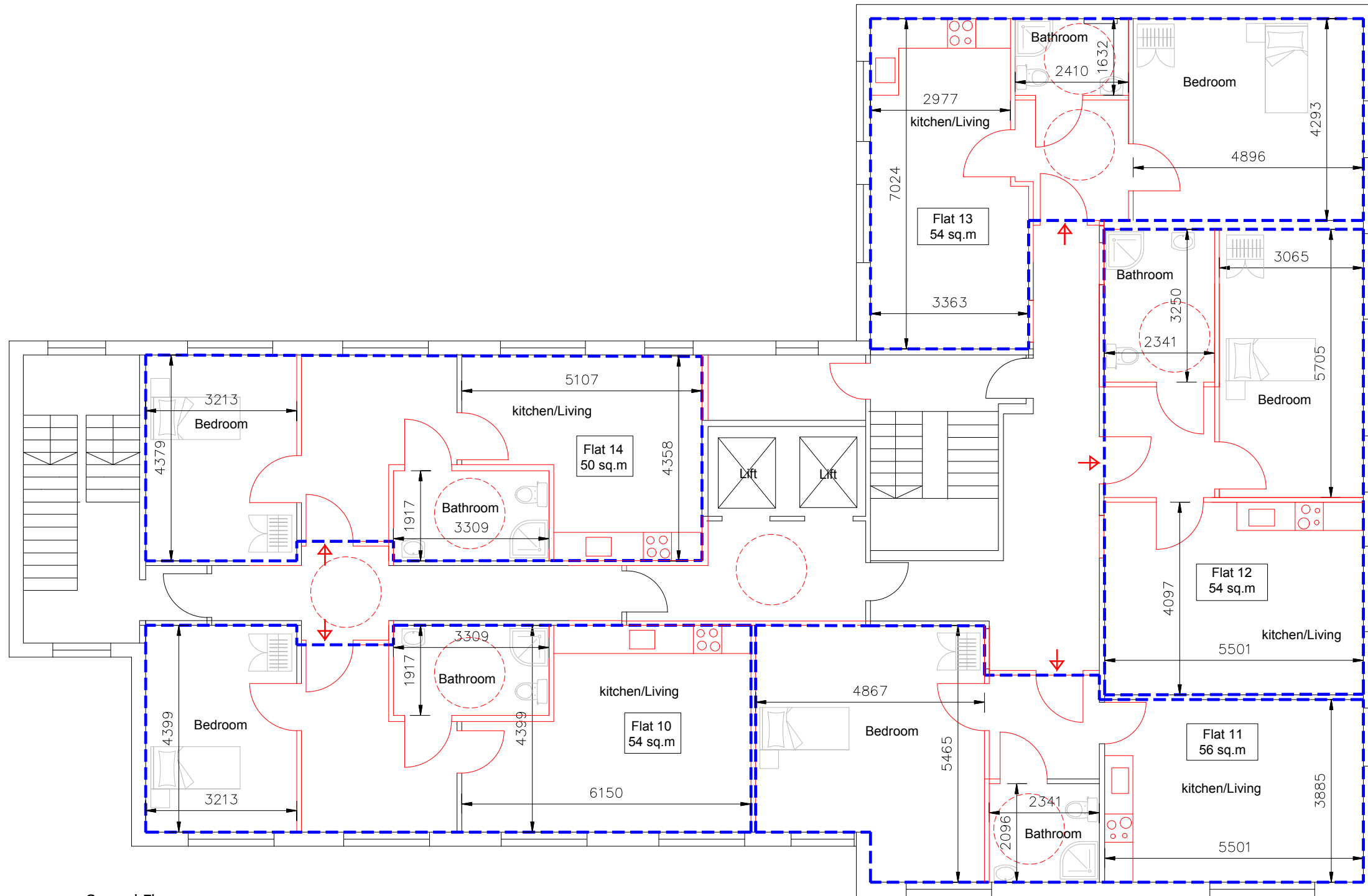


First Floor
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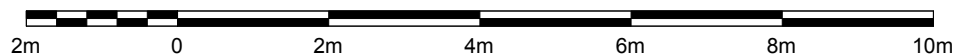



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Second Floor
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				Drg. No.	Rev:		
				BR08			

DC/24/ 69792

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 conversion is commenced a construction environmental management plan shall be submitted to and approved in writing by the local planning authority. The statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; measures to control the emission of dust and dirt during demolition and construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours. The approved construction method statement shall be adhered to throughout the construction period for the development.
- iv) Before the development is first occupied or brought into use a management plan 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.



- v) Before the development is first occupied or brought into use details of the renewable energy details offsetting 10% of residual energy demand of the development on completion shall be submitted in writing and approved by the local planning authority. The development shall not be occupied unless and until the renewable energy sources have been implemented.
- vi) Before the development is first occupied or brought into use details of waste storage within the development shall be submitted to and approved in writing by the local planning authority. The approved waste storage shall be implemented before the development is first occupied or brought into use and thereafter retained.
- vii) Before the development is first occupied or brought into use details of secure cycle parking within the development shall be submitted to and approved in writing by the local planning authority. The approved secure cycle parking shall be implemented before the development is first occupied or brought into use and thereafter retained.
- viii) Before the development is occupied or brought into use an external lighting and CCTV scheme shall be submitted to and approved in writing by the local planning authority. The approved lighting and CCTV scheme shall be implemented before the development is first occupied or brought into use and shall be thereafter retained.
- ix) 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.
- x) Once implemented the use of the building hereby approved shall be for supported housing only in accordance with the description of development and Application Statement and shall



not be used for any other purpose without first obtaining express planning consent.

