

Report to Planning Committee

30 April 2025

Application reference	DC/24/70128
Application address	1 Constables Drive Smethwick B66 3AY
Application description	Proposed change of use from residential dwelling to children's home for up to 3 No. young people aged between 11 and 17 years old.
Application received	23 December 2024
Ward	Soho & Victoria
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 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;
- iii) Parking to be provided;

- iv) New dropped kerb to be provided;
- v) Revised front boundary wall details and
- vi) Soft landscaping scheme to include a replacement tree.

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 three material planning objections against the proposal has been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[1 Constables Drive, 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 new build, five-bedroom detached residential property located on the western side of Constables Drive, Smethwick. The property currently has four car parking spaces with two being provided on a driveway and two within a detached double garage. The character of the surrounding area is residential in nature. Constables Drive is a private driveway and is not adopted public highway.

7. Planning History

- 7.1 The application property is a new build dwelling which was granted approval as part of a wider development of nine dwellings on a former car park. The scheme was granted approval under planning application DC/19/62835.

8. Application Details

- 8.1 The application relates to a five-bedroom, detached residential property.
- 8.2 The applicant is proposing to convert the residential dwelling to a children's home for up to 3 No. young people aged between 11 and 17 years old. The ground floor would consist of a lounge, kitchen/dining room and a bathroom. The first floor would contain one children's bedrooms, a staff office/sleep over, a games room and a bathroom. The second floor would consist of two children's bedrooms and a bathroom.
- 8.3 The applicant has confirmed staffing arrangements for the proposed use would be as follows. 2 No. staff will be on duty at the property during the day shift and 2 No. staff will be on duty night shift. The proposed day shift will work between 07.30 to 22.30 with the night shift working 22.00 to 08.00. These times include a 30-minute change over. 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 on site at anyone time. 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 two hours. All visits would be appointment only. The use would be regulated by Ofsted.
- 8.4 An amended site plan showing one additional car parking space being provided to the frontage accessed from Piddock Road has been submitted. Two car parking spaces would also be provided on the existing driveway.

9. Publicity

- 9.1 The application has been publicised by 148 neighbour notification letters, site notice and to local ward members. Three material planning objections have been received. Neighbours were also re-consulted on the amended plans. Two additional objections were received on the same grounds.

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, Constables Drive is a privately maintained road with residents responsible for its upkeep, the introduction of a commercial care home will place a disproportionate burden on this road, leading to increased wear, the width of the private driveway is narrow, parking on the driveway would restrict access for residents and emergency vehicles, parking within the existing garage is unsuitable, concerns where visitors to the property would park.
- v) The proposal would introduce a business use to a residential area.

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

Highways have confirmed that one space is required for each on shift staff member. As two staff would be on each shift with a manager present during the day, three car parking spaces would be required. Following receipt of additional information including clarification of staffing numbers and a revised car parking plan showing one additional car parking spaces being provided to the frontage, 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

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..

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/amended plan and raised no objections to the application. The original concerns from highways relating to two spaces being provided within the detached garage has been addressed by the applicant now proposing one additional car parking space on a new driveway accessed from Piddock Road. A further two spaces would be provided on the existing driveway making a total of three. The applicant did originally propose an amendment to include two additional spaces to the frontage accessed from Piddock Road. However, due to design concerns relating to a parking dominated frontage and the erosion of the approved landscaping scheme granted under DC/19/62835, this has

been reduced to one space to allow a landscaped buffer to be maintained at the entrance of the private drive which would include a tree. In terms of the objector's comments regarding Constables Drive being a private drive. The applicant has stated that the developer has placed no restrictions on the use of the property or access to the private driveway. The owner of No. 1 would have rights to use Constables Drive to access the dwellings car parking located at the rear. Maintenance of the access driveway is a civil matter between the properties who have access rights. However, it should be noted that the amended plans now show one space which would be accessed from Piddock Road and not Constables Drive reducing the use of the private drive. It is the responsibility of the staff and visitors to park considerately and not prevent access. 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 the new parking spaces to the frontage and a new drop kerb 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 three 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 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 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.

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

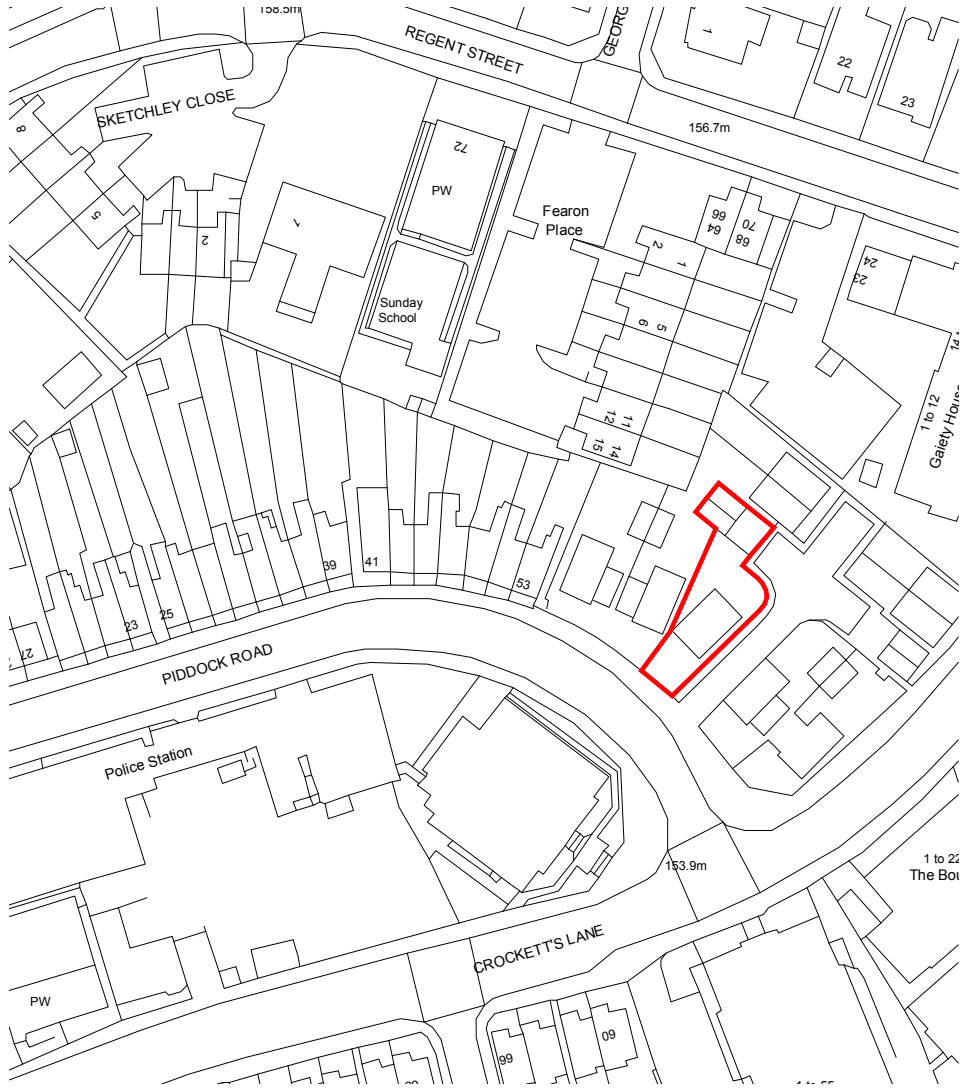
17.1 Plans for consideration

Context plan

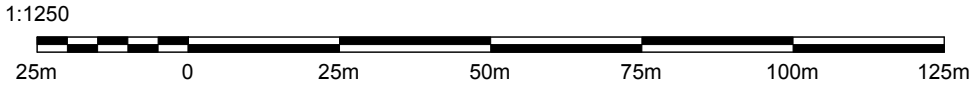
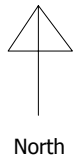
PL01 – Location Plan.

PL02 REV C – Amended site plan.

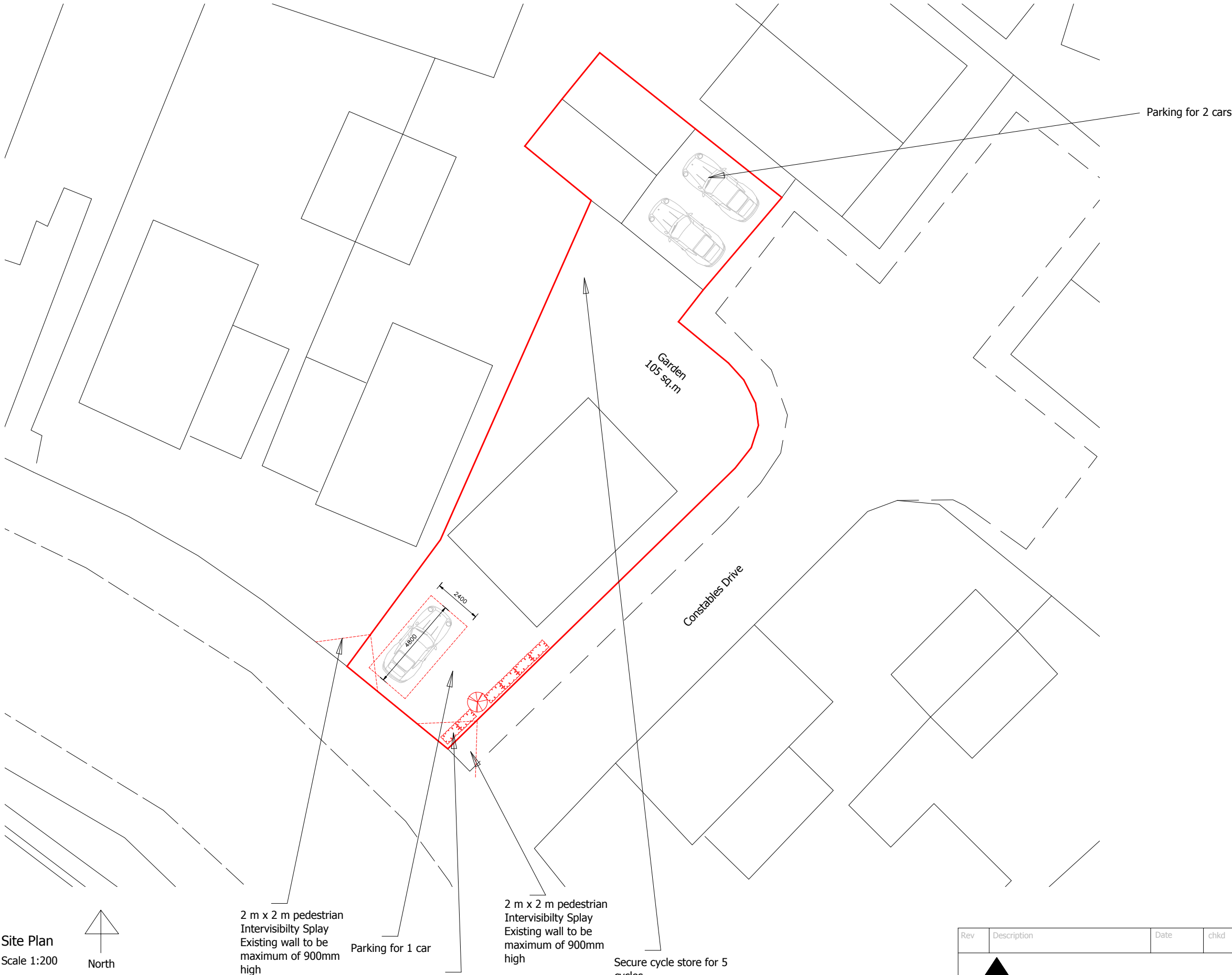
PL04 – Proposed floor plans.



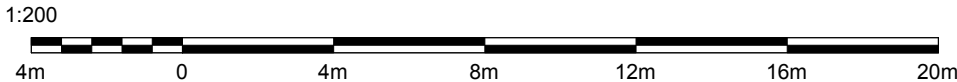
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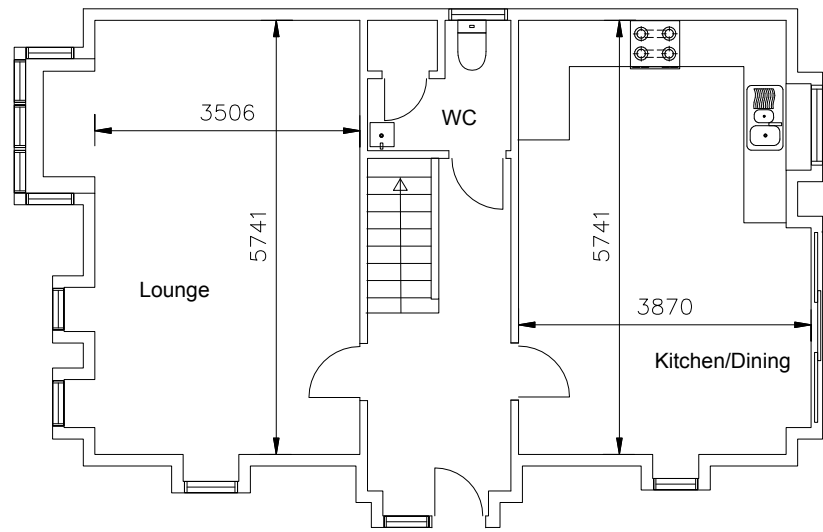
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				Title:			
				Drg. No. PL01			Rev:



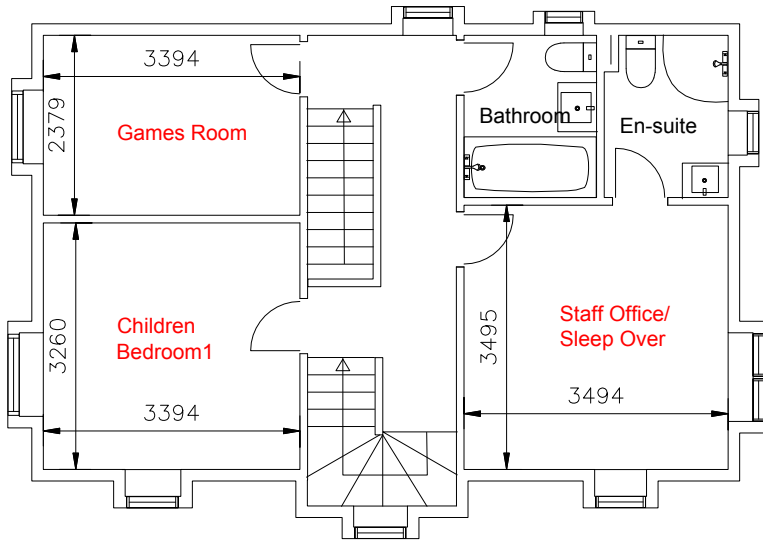
Site Plan
Scale 1:200



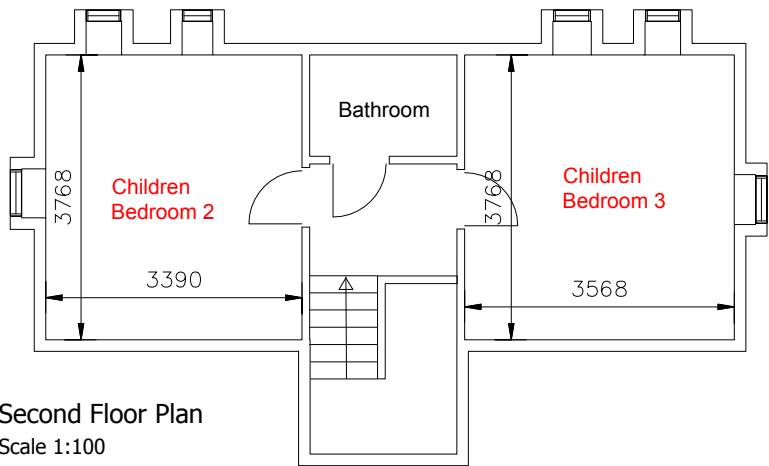
Rev	Description	Date	chkd	Project: 1 Constables Drive Smethwick, B66 3AY			
 ANJUM DESIGN Anjum Design Limited, Suite 104, 123 Stratford Road, Shirley, Solihull B90 3ND TEL: 0121 364 7650 E: info@anjumdesign.co.uk				Scale: As shown @ A3	Drawn by: UA	Date: Nov 2024	Status:
				Title: Site Plan			
				Drg. No. PL02			Rev: C



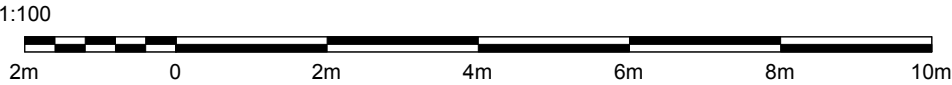
Ground Floor
Scale 1:100



First Floor Plan
Scale 1:100



Second Floor Plan
Scale 1:100



Rev	Description	Date	chkd	Project: 1 Constables Drive Smethwick, B66 3AY			
 ANJUM DESIGN Anjum Design Limited, Suite 104, 123 Stratford Road, Shirley, Solihull B90 3ND TEL: 0121 364 7650 E: info@anjumdesign.co.uk				Scale: As shown @ A3	Drawn by: UA	Date: Nov 2024	Status:
				Title: Proposed Floor Plans			
				Drg. No. PL04			Rev:

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 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 (dwellinghouse) on cessation of the use).
- 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) Before the development is brought into use, a new dropped kerb shall be provided on Piddock Road to serve the front car parking area.
- vii) Before the development is brought into use a scheme showing details of a revised front boundary wall shall be submitted in writing to and approved by the local planning authority. The front boundary wall shall be altered in accordance with the approved details before the development is brought into use.

- viii) Before the development is brought into use a detailed hard and soft landscaping and planting scheme for the property frontage (facing Piddock Road) shall be submitted to and approved in writing by the local planning authority. The approved hard and soft landscaping and planting scheme shall be implemented within eight months of the development being occupied. Any tree, hedge or shrub planted as part of a soft landscaping scheme (or replacement tree/hedge) on the site, and which dies or is lost through any cause during a period of 3 years from the date of first planting shall be replaced in the next planting season.