

<b>Council/Committee:</b>	Planning Committee
<b>Date of Meeting</b>	3 September 2025.
<b>Application Reference</b>	DC/25/70519
<b>Application Description</b>	Proposed change of use of 4 bedroom house (Class C3) into residential home (Class C2) for up to three children.
<b>Application Received</b>	7 April 2025.
<b>Report Author</b>	Anjan Dey anjan_dey@sandwell.gov.uk
<b>Lead Officer</b>	Tammy Stokes
<b>Ward</b>	Wednesbury North
<b>Appendices (if any)</b>	1. Location Plan – PL01 2. Site/Block Plan - PL02 3. Proposed Floor Plans – PL04

## 1. Application Summary

- 1.1 The application is being reported to Planning Committee because four material planning objections have been received, and the local ward member (Cllr Luke Giles) has requested that the applications is determined by the planning committee for the reasons of concerns relating to the appropriateness of the location for this type of proposal.
- 1.2 It should be noted that a second application for an identical proposal is also before your planning committee for the adjoining semi-detached property (4 Wharfedale Street, Wednesbury (DC/2570518).
- 1.3 To assist members with site context, a link to Google Maps is provided below:  
[4A Wharfedale Street, Wednesbury.](#)

## 2. Recommendations

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

- i) Submission of a Noise Assessment & implementation thereafter
- ii) Management plan (to include security, lighting and CCTV)
- iii) Details of new boundary walls and fences

- iv) Each premises shall be used only as a residential home for three children and up to four 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 use;
- v) Implementation and retention of parking.

### **3. Reasons for the recommendation and conditions**

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.

### **4. Key Considerations**

- 4.1 The site is not allocated in the development plan.
- 4.2 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.
- 4.3 The material planning considerations which are relevant to this application are:
  - Government policy (NPPF);
  - Anti-social behaviour;
  - Highways considerations - traffic generation, access, highway safety, parking and servicing.
  - Out of character with surrounding area and not the right location for the proposal.

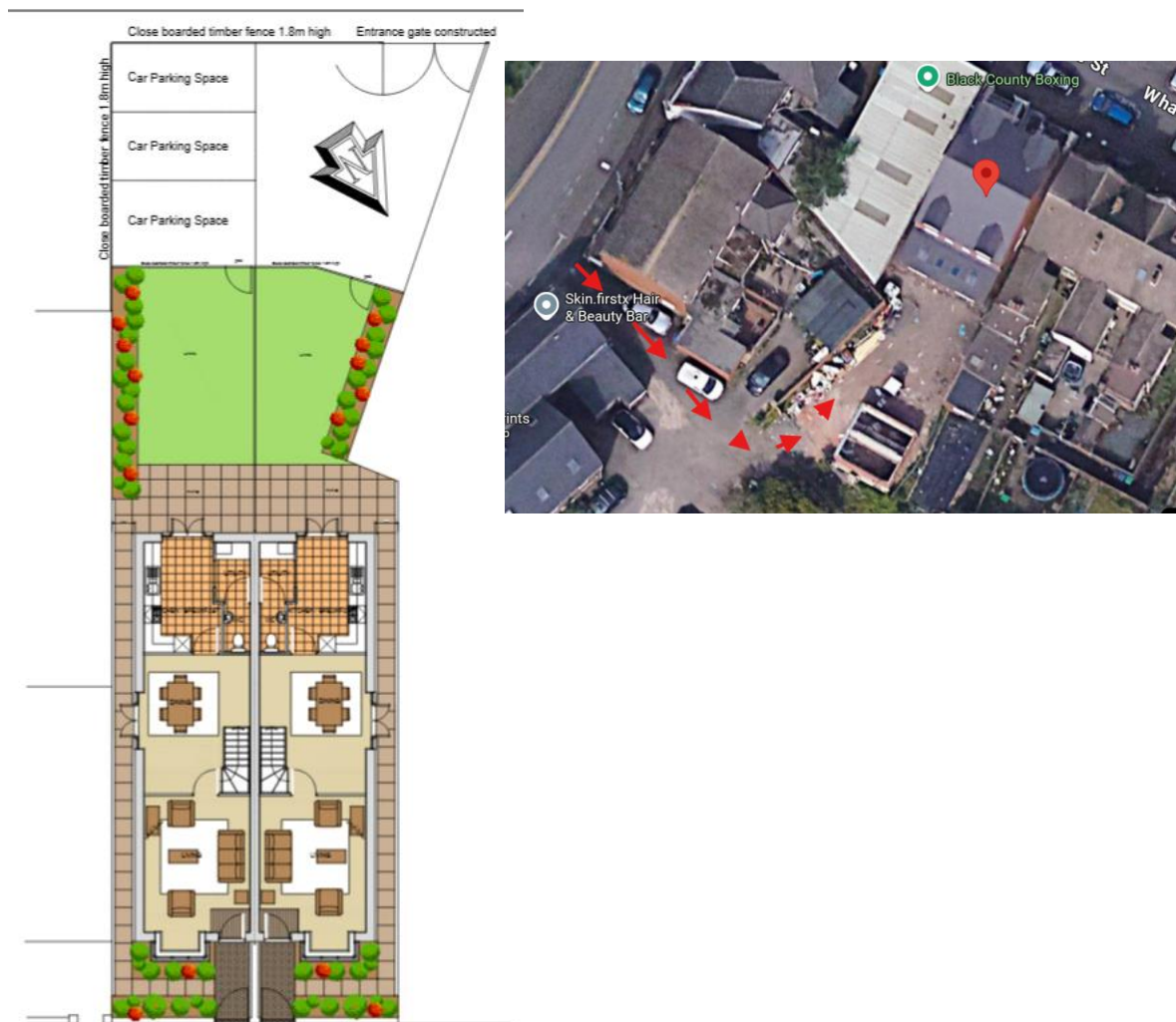
Non material concerns have been raised about the quality of the construction of the dwellings, this is matter that is controlled through the building regulations process.

### **5. The Application Site**

- 5.1 The application property is a two 4-bedroom detached property that is located on the south side of Wharfedale Street, Wednesbury close to the junction with Spring Head. The character of the surrounding area is largely residential in nature with the town centre to the west of the site and immediately next to the property there is a boxing club/academy. A pay and display car park is situated opposite the site.

## 5.2 Planning History

Planning permission was granted for granted for 2 dwellings (ref: DC/16/60135). This permission included details of parking to serve the rear along with rear garden amenity. Access to serve the parking area would be gained from Spring Head. See image below of approved layout and aerial photo of rear access:



A full list of the planning history is provided below:

Reference	Description	Decision and date
DC/16/60135	Proposed 2 No. 4 bed semi detached dwellings with parking at rear and new boundary wall to front and fencing/gates to rear.	Grant Permission subject to Conditions – 29.03.2017.

## **6. Application Details**

- 6.1. The application relates to one of a pair of 2 four bedroom properties on the southern side of Wharfedale Street, Wednesbury.
- 6.2. The applicant is proposing to convert the pair of properties, 4 and 4A Wharfedale Street, to (Use Class C3) to care homes (Use Class C2) for up to three children aged between 11 to 17 years old in each of the properties. This application relates to 4A Wharfedale Street.
- 6.3. The ground floor would provide a front reception room, middle lounge rear and kitchen/dining room and w.c. The first floor would provide two children's bedrooms (each with an ensuite bathroom), with a third children's bedroom (with ensuite) provided in the roof space along with a staff bedroom/office and bathroom.
- 6.4. When both houses are at full capacity, there will be a combined (for both homes) maximum of 3 No. support staff members and 1 No manager in the day, with 3 support staff working at night. There will be two shifts, one from 7.30am to 10pm, and a night shift from 10pm to 0800am. There is existing off-street parking for each property in the form of a rear parking area.
- 6.5. The children will be cared for on a long-term basis until the placing local authority finds them a foster home. The children will be in full time education.
- 6.6. During a standard shift, 3 staff members will be present on-site along with a home registered manager. The registered manager would be on site from 9am to 5pm, Monday to Friday. During the night only 3 staff members would be present. Support staff shift patterns are 7.30am to 10.30pm & 10pm to 8.00am for the night shift.
- 6.7. It is anticipated that that 2 visits from social workers will take place every 6 weeks, by appointment only for approximately one hour. Therapists will attend once a week for a couple of hours, again by appointment only.
- 6.8. Amended plans have been submitted at the request of highway that show the removal of the 4<sup>th</sup> parking space (allocated for no 4) so that gated access would not be impeded and to improve manoeuvrability (refer to image above in paragraph 5.2).

## **7. Publicity**

The application has been publicised by 98 neighbour notification letters and by one site notice. Four objections have been received and are summarised below:

- a. Potential for anti-social behaviour,
- b. Parking issues, and

- c. Out of character with surrounding area and not the right location for the proposal.

## **8. Consultee Responses**

### **8.1 Planning Policy**

No objection. The proposal is considered to be compatible with adjacent uses.

### **8.2 Highways**

Head of Highways has raised no objections to the application given the town centre location of the properties with the local public car parks and transport links. The removal of a parking space originally shown does not raise any issues due to the town centre location.

### **8.3 Public Health (Noise)**

No objection subject to the imposition of 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. Additionally, a noise assessment is requested due to the proximity of the dwellings to commercial units.

### **8.4 West Midlands Police**

The state that the following crime statistics are recorded for this post code:

10 ASB offences  
10 vehicle crime offences  
4 Burglary offences  
30 violent crime offences

They make observations relating to the room allocations (staff office/sleep over) and parking concerns given the staff change overs and that the adjoining property is for the same proposal. They recommend that a management plan is provided to include CCTV, lighting and security if permission is granted.

## **9. Relevant Planning Policy Considerations**

### **9.1 National Planning Policy Framework (NPPF)**

The NPPF sets out government's planning policies for England and how these are expected to be applied.

## **Highway safety**

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. Given the proposed parking arrangements, the pay and display car park opposite and that highways have raised no objections it is not considered that the development would have significant impact on highway safety.

## **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 (care of children) would give rise to anti-social behaviour or criminal activity. It is also noted that three carers would be present at the property at all times and the premises would be subject to more stringent regulation than a typical family home.

## **9.2 Development Plan Policy**

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 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.

## **10. Material Considerations**

### **10.1 Anti-social behaviour**

Whilst objectors raise concerns in respect of anti-social behaviour and refer to the proximity of the a nearby HMO which already raises concerns. This matter very much hinges on the responsible management of the premises which is also recommended by West Midlands Police. Therefore, it is considered that through the imposition conditions pertaining to a management plan and a restrictive use, it would ensure that the proposal harmonises with its surroundings.

## **10.2 Highways considerations**

The Head of Highways has reviewed the application and raised no objections to the application. It is considered that there is access to car parks as well as good transport links for staff and visitors due to the town centre location of the site.

## **10.3 Out of character with surrounding area and not the right location for the proposal**

I have noted concerns that the proposed development would be an inappropriate 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 and this location. 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 properties be altered to such a degree that would harm the character of the area.

## **11 Conclusion**

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).

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.

## **12. Legal and Governance Implications**

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

**13. Other Relevant Implications**

**Health and Wellbeing** - The proposal would ensure that children and young people in Sandwell are able to grow up in a safe, stable loving home.

**Crime and Disorder Act 1998** – The proposal had undergone consultation with West Midlands Police and their recommendations have been conditioned as part of the recommendation.

**14. Background Documents**

None

**15. How does this deliver the objectives of the Strategic Themes?**

All of our residents, including our children and young people, are active participants in influencing change – through being listened to, their opinions are heard and valued.



## Relevance Check

**Budget Reduction/Service Area:**

**Service Lead : Tammy Stokes**

**Date: 20 August 2025**

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No