

**Committee:** 14th August 2019      **Ward:** St Pauls

DC/19/62842

c/o Anjum Design 435 Stratford Road Shirley B66 1RW	<b>Proposed change of use to 8 bed, 8 person HMO (House in multiple occupation)</b> 12 Gibson Drive Smethwick B66 1RW
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**Date Valid Application Received** 4<sup>th</sup> March 2019

### **1. Recommendations**

Grant approval subject to;

- i) Implementation of parking layout and retained;
- ii) Implementation of landscaping and drainage scheme;
- iii) Details of enclosed bin storage area;
- iv) Details of covered storage for cycle provision.

### **2. Observations**

At your last committee, your members resolved to defer the application pending amended plans showing an acceptable parking layout.

This application had been brought to your committee because the application had originally received four objections. Subsequent to the last meeting a petition letter with 28 signatures has been received which is summarised below and the petition letter is also attached to this report

The application relates to an end-of-terrace dwellinghouse on the south-eastern side of Gibson Drive. The property sits within a modern housing development which was built around the turn of the century.

The application is for the conversion of the existing 5-6 bedroom property into an 8 bedroom HMO. This would include the

reconfiguration of the interior layout and the conversion of the existing garage. The ground floor would include three bedrooms and a laundry room. The first floor would include a fourth bedroom and a substantial communal area of over 35sqm incorporating a lounge, dining area and kitchen. The second floor would include four further bedrooms. Each bedroom would have a private en-suite shower room.

## **Publicity**

The application was publicised by neighbour notification letters and along with receipt of five individual responses, a petition letter has been received with 28 signatures from 28 individual households. A letter has also been received by John Spellar which refers to the concerns expressed by his constituents in particular the impact on the immediate area but also the precedent for the estate which is very largely family properties. The objections are summarised below:-

- (i) The residents have made reference to Birmingham City and Wolverhampton City Council's HMO policy and question why Sandwell does not have a similar policy. In particular reference made to policies within Wolverhampton's document, namely parking, bin storage, anti-social behaviour and character and appearance;
- (ii) Reference is also made to the government's report 'Evidence Gathering – Housing in Multiple Occupation (DCLG 2008) which recognises the problems associated with HMOs;
- (iii) Impact on traffic – the introduction of the HMO will put pressure on the area which already struggles from a shortage of car parking;
- (iv) Safety for pedestrians – the parking areas is already uses as a rat run between Berry Drive and Gibson Drive and residents are concerned that the proposed parking layout would acerbate this further;
- (v) Adverse effect on the environment – increased or larger bins for the property which would be unsightly, and potential poor management of rubbish and increased frequency of collections generating noise and disturbance;
- (vi) Increase in crime – the residents refer to the concerns of the police regarding adding to fear of crime. The uncertainty of the occupants, will they be ex-offenders etc.
- (vii) Need for family accommodation vs single accommodation – the residents understand the need for one bed properties but

consider that there is a high demand for family homes given recent development in the area. They state that there are already two HMOs in Brindley Village;

- (viii) Out of character, poor design and overdevelopment;
- (ix) Loss of privacy;
- (x) Disruption from the conversion works;
- (xi) Queries about the HMO licence process;
- (xii) Loss of value to property and changes to their Council Tax;
- (xiii) Boundary queries;
- (xiv) Enquired as to the site owner and
- (xv) The possibility of a precedent being set.

### **Responses to objections**

- (i) With regard to policies at other local authorities, both Birmingham and Wolverhampton have introduced Article 4 Directions to restrict permitted changes for small HMOs of 3-6 people. This is due their high student populations in some areas, in particular for Birmingham, Selly Oak, Edgbaston and Harborne. Sandwell, does not suffer from a high student population and hence the imposition of an Article 4 Direction, whilst being reviewed, has not been introduced. It should however be noted that such a direction would not have prevented this proposal as the direction only relates to small HMO of 3-6 people. It is accepted that Wolverhampton have produced a wider policy document, however much of the content is found in national policy and Sandwell's Residential Design Guide and therefore these matters are given consideration by Sandwell prior to the determination of large HMO proposals. These matters are addressed more fully in the points (iii) to (vi), (viii) and (ix) below;
- (ii) The DCLG's 'Evidence Gathering Document's purpose was to identify areas that manage to cope with high concentrations, particularly occupied by students. Therefore as with (i) above this is not a known problem to Sandwell and hence not relevant to the determination of this application;
- (iii) Impact on traffic – members will recall that the proposal was deferred due to concerns regarding the proposed parking layout. An amended parking layout has been received and is attached which shows four parking spaces, secure cycle storage in the rear garden and associated landscaping. It is however noted that parking pressures are prevalent within this area, however the revised layout has been reviewed by the Head of Highways and his has no further objections.

- (iv) Safety for pedestrians – A 6 bedroom house requires 3 parking spaces and hence it is considered that one additional space would not significantly increase vehicles within this area and as indicated in (iii) above;
- (v) Adverse impact on the environment – it is accepted that poor management on any property whether a HMO or a family home can have a detrimental effect on the amenity of an residential area, however the revised drawing has shown clearly marked out area for bins which is secure and hidden from street frontage. The number of bins is no greater than a normal domestic household and would be collected in the same way. Therefore it is considered that these changes would not have a detrimental effect on residential amenity through additional nuisance or untidy land.
- (vi) Increase in crime – this is a material planning consideration and further consideration is given to this in relation to the statutory response from West Midlands Police;
- (vii) Need for family houses verses HMOs, it is accepted that there is a shortage of housing provision within Sandwell, and work is on going to identify further sites for new homes. It is however also recognised that there is also a need for homes in multiple occupation, for single people who are unable to afford rents for flats and houses. Therefore the merits of this proposal can not be judged on housing demand alone;
- (viii) The proposal, in terms of design, does not make any significant changes to the external appearance of the original property, namely a change of a garage door to a window. Such changes have occurred to many properties on the Brindley Village estate. With regard to over development, the proposal is to create eight single bedrooms so would house a maximum of eight occupants. The existing 5-6 bedroom house could reasonably be expected to accommodate a family of eight;
- (ix) As referred to in (viii) there are limited external changes to the property and hence this would not create any overlooking additional to the previous use a family home;
- (x) Disruption during the construction process, if members are so minded the hours of construction work could be conditioned;
- (xi) Residents have queried the HMO licensing process but this is not a planning consideration and will be dealt with by Private Sector Housing; The amount of works needed to implement this proposal would not be considered likely to cause unreasonable disturbance to neighbours.

The remaining points (xii) to (xv) are not material planning considerations

## **Statutory Consultee Responses**

### **Private Sector Housing**

Private Sector Housing raised objections based on fire precaution works, sound, ventilation, emergency lighting and licencing. None of these are material planning considerations and are controlled by building regulations and licencing. They also commented that refuse storage areas are not shown, however subsequent amended plans show the location of waste bins relocated to the rear of the property.

### **Transportation Planning**

Transportation Planning requested a covered cycle storage area.

### **Planning Policy**

Planning Policy had no concerns.

### **Highways**

The amended plans are acceptable and Head of Highways has no further objections.

### **West Midlands Police**

West Midlands Police objected to the application. This objection was based on an assumption that the owners could run the HMO poorly and there would be a consequential increase in fear of crime. They correctly point out that fear of crime is referred to in the NPPF as a material planning consideration. However, consideration should also be given to guidance from recent decisions by the Planning Inspectorate. A recent appeal against the refusal of permission for a number of HMOs on Bearwood Road was upheld. The refusals were partly attributable to West Midlands Police concerns about fear of crime. The inspector commented;

*“there is no substantive evidence to suggest that the proposals would lead to a significant increase in on-street parking in the vicinity of the sites. Even if parking were to significantly increase, despite the*

*concerns raised by the police, there is no evidence that such an increase in parking would result in an actual or perceived increase in car crime.”*

And;

*“there is no substantive evidence that the proposed HMOs would attract or be likely to be occupied by persons more likely to commit crimes or to carry out anti-social behaviour.”*

In case of this application, no evidence has been provided to demonstrate that any increased fear of crime would occur as a result of this proposal.

This appeal decision led to a substantial claim for costs.

### **Conclusions**

This proposed HMO would provide good quality accommodation for eight adults. The rooms sizes would exceed housing’s standards and a particularly large amount of communal space would be provided.

It must also be considered that a change of use from a single family dwelling to a 6 person HMO can be done without the need for a planning application, and therefore with no Council control. This application is for an 8 person HMO. Therefore the consideration of this application should focus on the additional impact that the 2 additional occupants would have.

The off-street parking provision would meet Sandwell’s parking requirements.

There is no evidence that the proposal would increase crime or fear of crime.

There are no policy impediments to this proposal.

Conditional approval is therefore recommended.

### **3. Relevant History**

DD/96/32443 - Residential development (outline consent).

DC/98/34284 - The construction of 156 new dwellings, roads, sewers and associated works and new public open space.

**4. Central Government Guidance**

National Planning Policy Framework (NPPF) refers to good design, fear of crime and sustainable development

**5. Development Plan Policy**

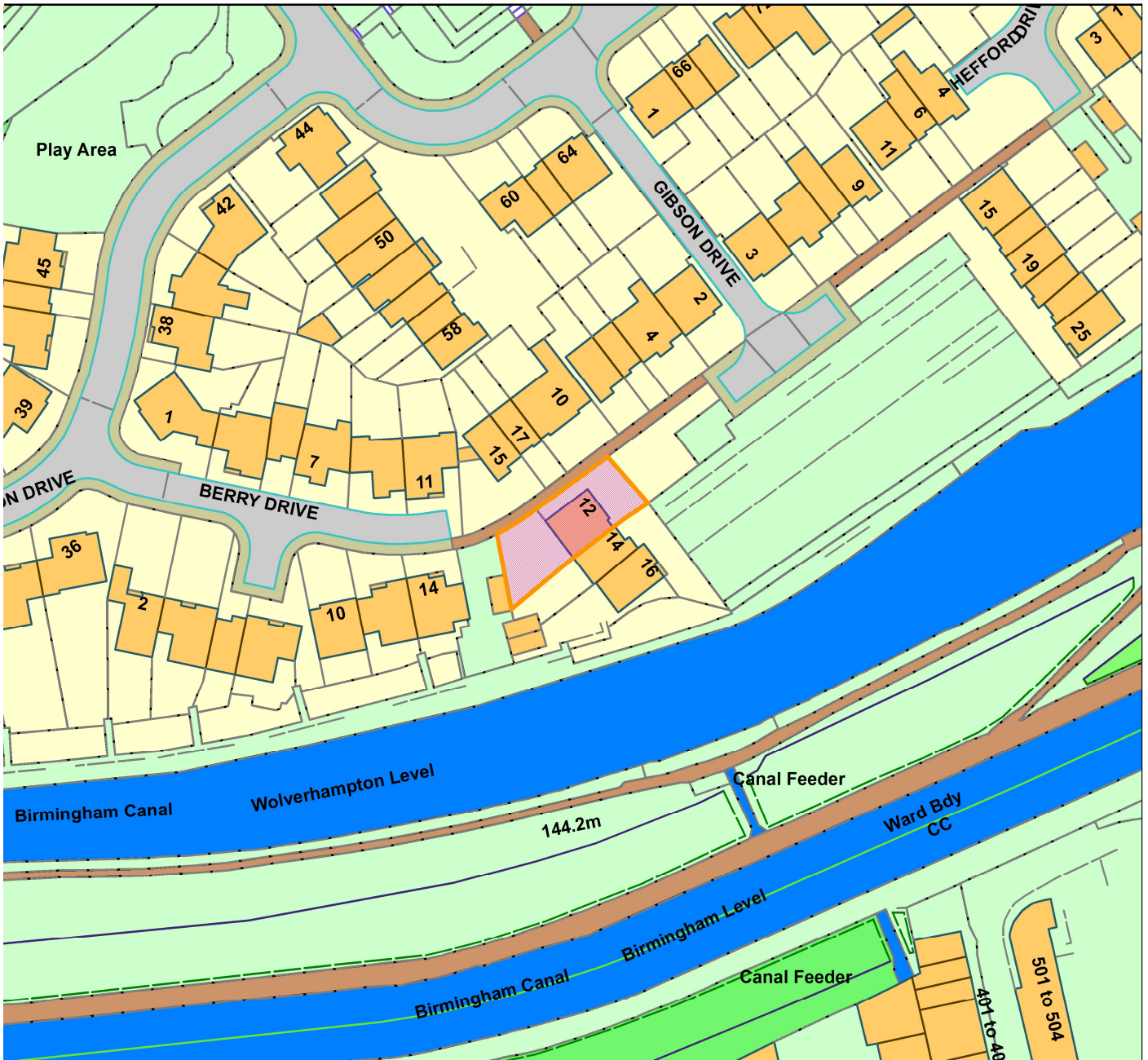
ENV3 – Design Quality  
SADD EOS9 – Urban Design Principles

**6. Contact Officer**

Mr David Paine  
0121 569 4865  
david\_paine@sandwell.gov.uk

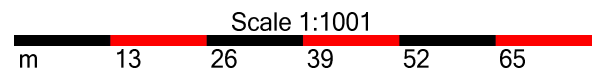
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DC/19/62842  
12 Gibson Drive



**Legend**

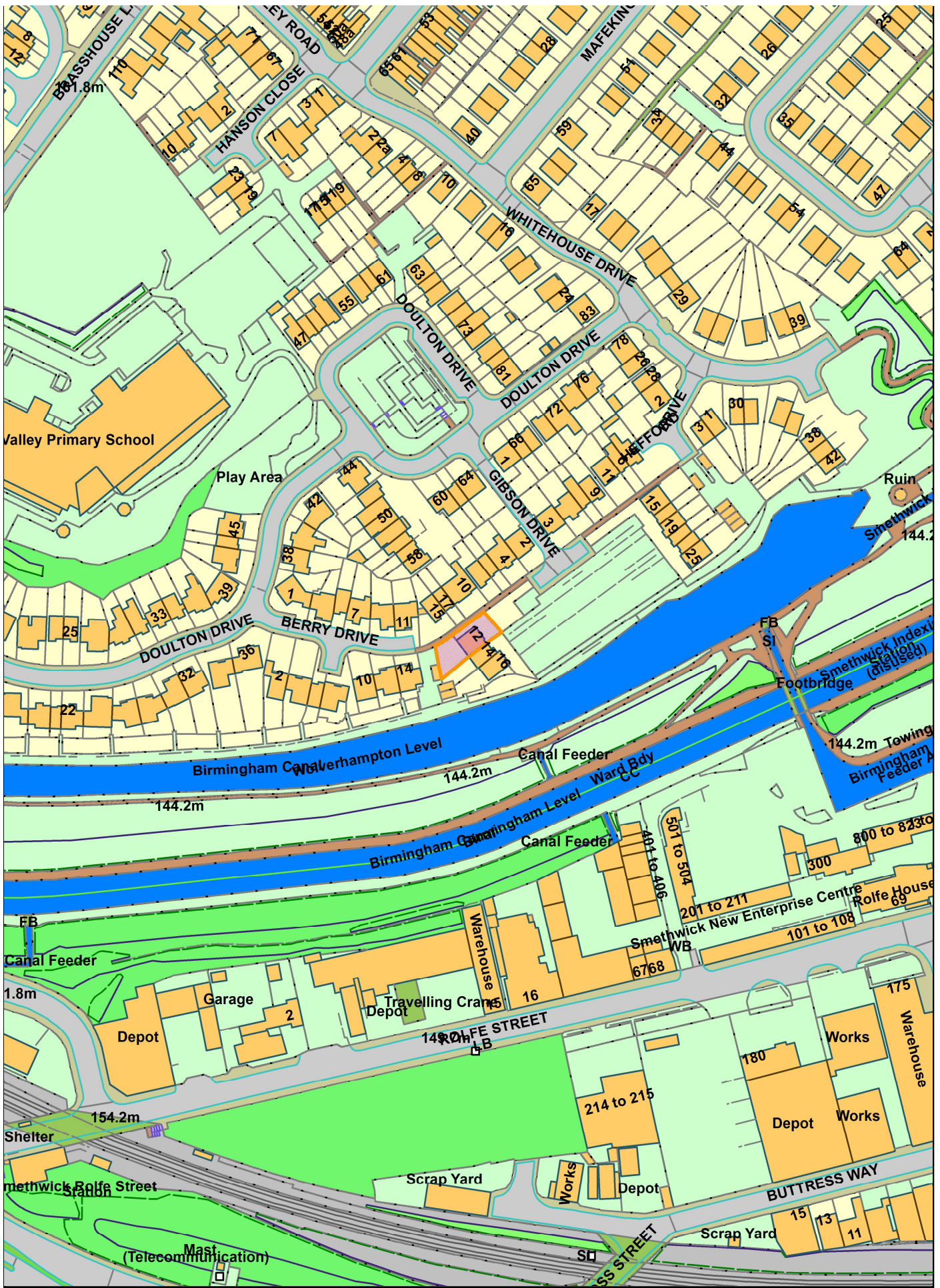
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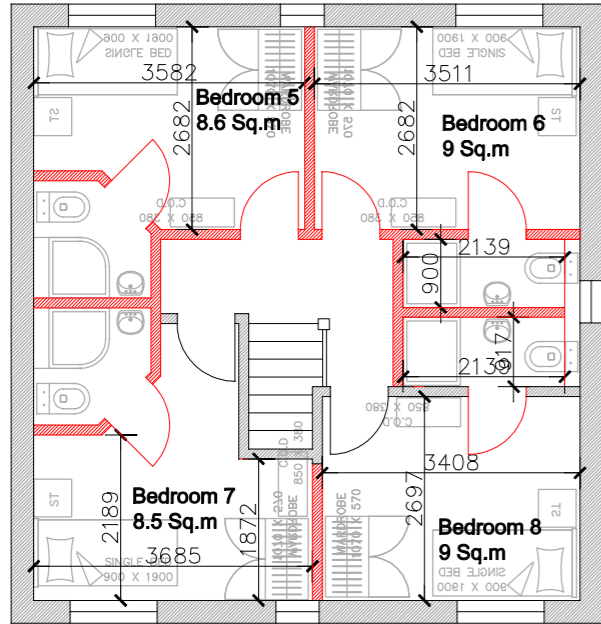
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Department	Not Set
Comments	Not Set
Date	22 May 2019
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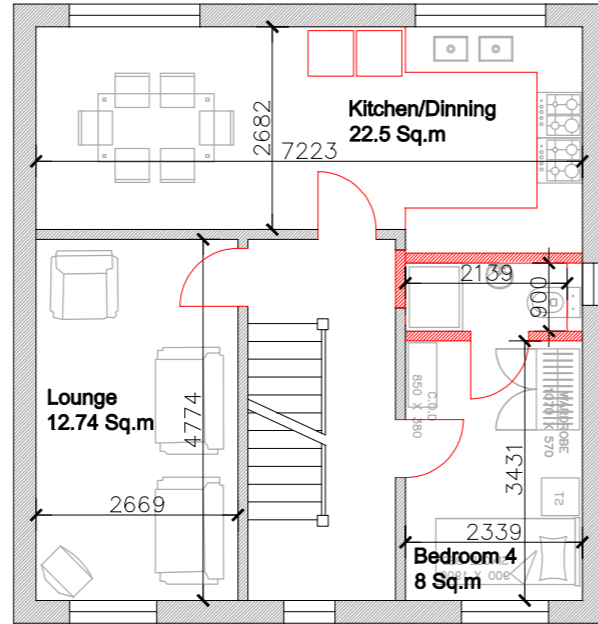


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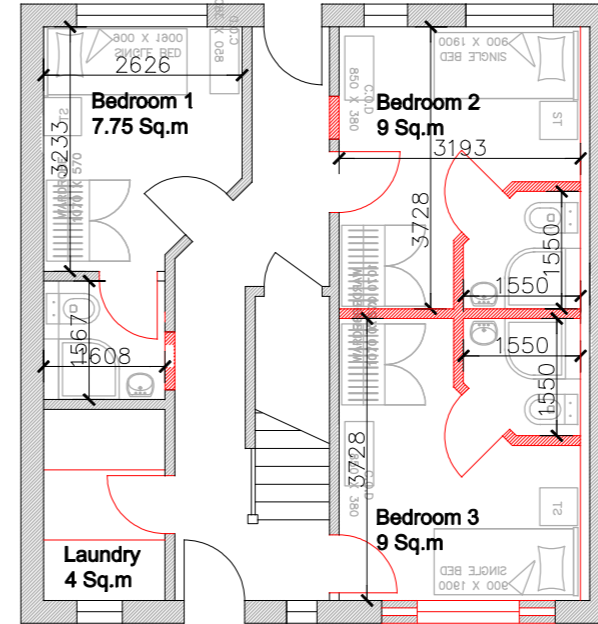




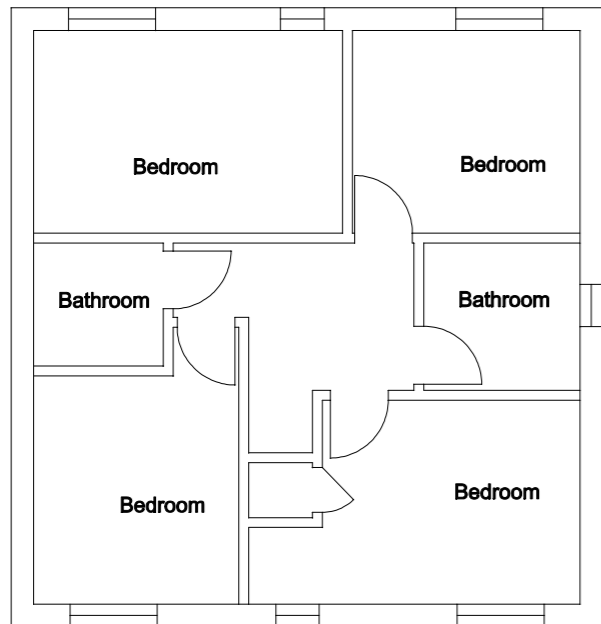
Second Floor  
Scale 1:100



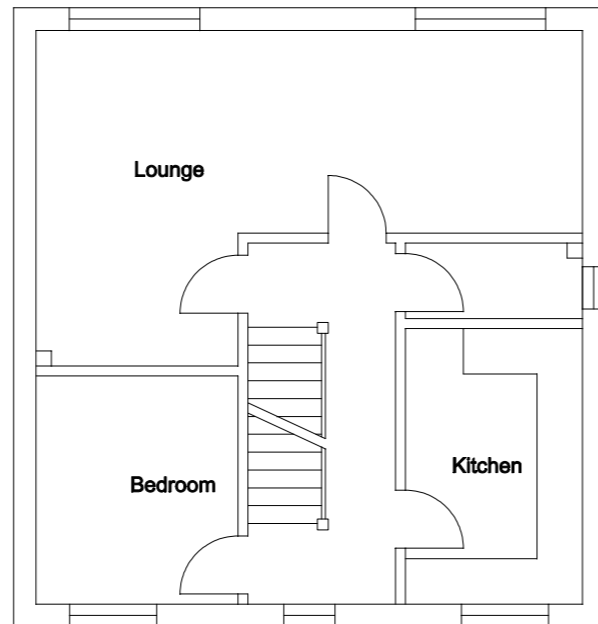
First Floor  
Scale 1:100



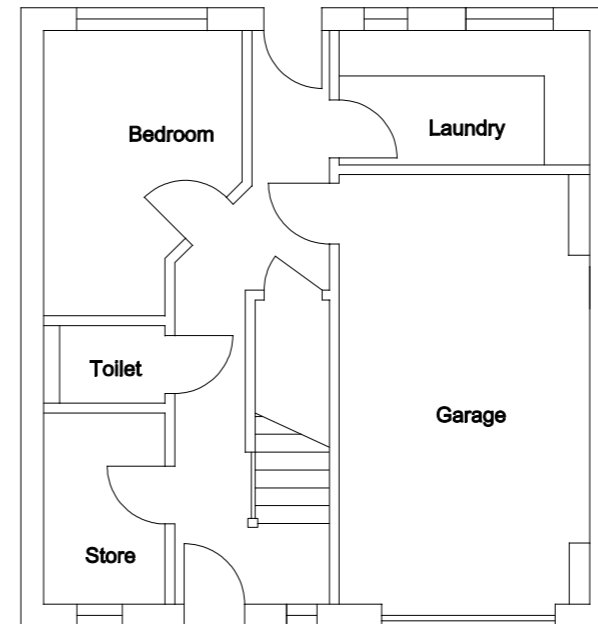
Ground Floor  
Scale 1:100



Second Floor  
Scale 1:100



First Floor  
Scale 1:100



Ground Floor  
Scale 1:100

Rev	Description	Date	chkd
			
Anjum Design Limited, 435 Stratford Road Shirley, Solihull B90 4AA TEL: 0121 364 7650 E: info@anjumdesign.co.uk			
Project: 12 Gibson Drive, Smethwich B66 1RW 8 Bedrooms HMO Conversion			
Scale:	Drawn by:	Date:	Status:
As shown @ A3		Feb 2019	Planning
Title: Existing & Proposed FloorPlans			
Drg. No. PL02			Rev:

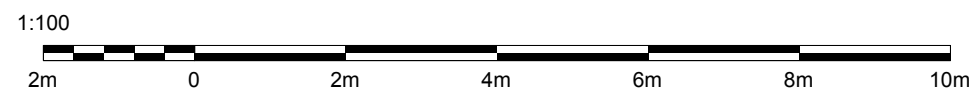


Proposed Front Elevation  
Scale 1:100



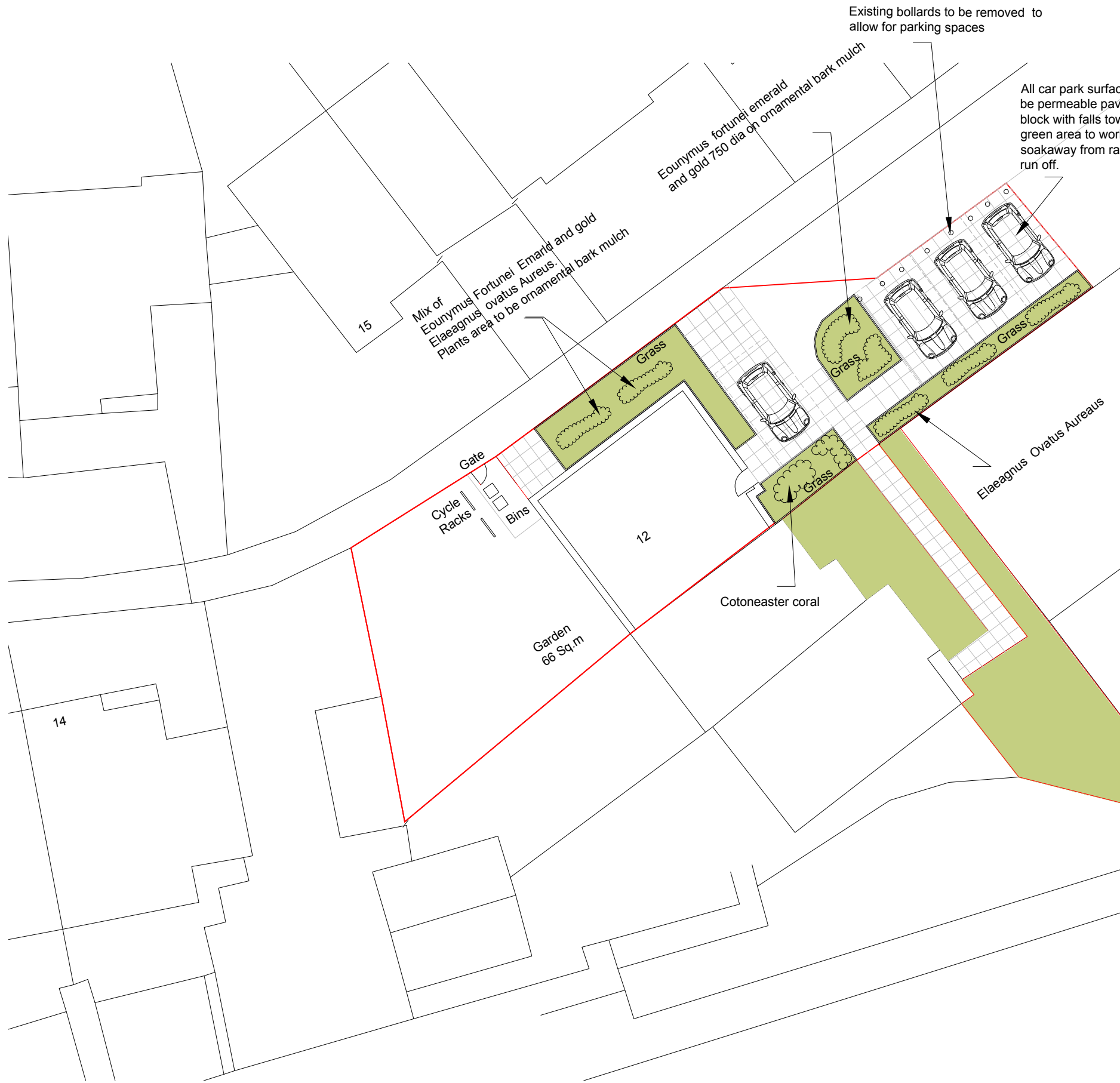
Existing Front Elevation  
Scale 1:100

Existing garage door replace with infill brick wall and upvc window matching existing



SCALE BAR 1:100

Rev	Description	Date	chkd
			
Anjum Design Limited, 435 Stratford Road Shirley, Solihull B90 4AA TEL: 0121 364 7650 E: info@anjumdesign.co.uk			
Project: 12 Gibson Drive, Smethwich B66 1RW 8 Bedrooms HMO Conversion			
Scale:	Drawn by:	Date:	Status:
As shown @ A3		Mar 2019	Planning
Title: Existing & Proposed Elevations			
Drg. No.			Rev:
PL03			



Location Plan  
Scale 1:1250  
North

To comply with sustainable drainage regulations rainfall run-off will be managed by landscaped green areas which will act as soakaway for the run-off

All car park surfaces to be permeable paving block with falls towards green area to work soakaway from rain fall run off.

Site Plan  
Scale 1:200

Rev	Description	Date	chkd
			
Anjum Design Limited, 435 Stratford Road Shirley, Solihull B90 4AA TEL: 0121 364 7650 E: info@anjumdesign.co.uk			
Project: 12 Gibson Drive, Smethwich B66 1RW 8 Bedrooms HMO Conversion			
Scale:	Drawn by:	Date:	Status:
As shown @ A3		Feb 2019	Planning
Title: Location Plan and Site Plan			
Drg. No. PL01			Rev: E



To: David Paine c/o Alison Bishop

cc: John Speller MP, Councillor Babu Singh Bawa, Councillor Zahoor Ahmed, Councillor Samyeh Akter

Re: DC/19/62842 - Planning application & change of use for 12 Gibson Drive, Smethwick, B66 1RW

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We, the families of Brindley Village, object to plans to change the 5/6 bedroom family townhouse located on the Piazza, to an 8 bed, 8 person HMO. Brindley Village is made up of 2, 3, 4, and 5/6 bedroom houses which are occupied by multi-generational families and former/new residents of Smethwick, many of whom moved into the estate when it was first built 20 years ago. We believe the planning department is not fully aware of the strength of feeling amongst families, some of whom may contact you in addition to signing this petition. Below are the reason for our objections. These are not listed in order of priority but based on conversations with signatories, many of whom were not aware of the planning application & change of use proposal because a notification letter was not sent out to them or because English is not their first language. We would be grateful if our objections could be heard and taken into consideration during the planning meeting on 14<sup>th</sup> August 2019.

We understand that Birmingham Council has an HMO policy, which is under review; however, Sandwell Council does not have a similar policy. As part of the West Midlands Combined Authority, we believe Sandwell Council should consider following best practice and introduce its own policy to ensure that number of HMOs are appropriately managed. There are already two HMOs in Brindley Village and as the estate is close to the border of Birmingham and not protected by An Article 4 Direction, we are concerned that our area will become a natural stepping stone for Birmingham HMOs as well as Sandwell HMOs. In view of this and the lack of guidance available, the principles set out in "House in Multiple Occupation (HMO) Planning Guidance, February 2018" (Wolverhampton Council), key issues to consider when determining HMO proposals relate to the following (listed below) and our collective concerns relate to these issues amongst others:

- a) Character and appearance;
  - i. Section 1.12 - A proposed HMO should not result in parking dominated frontages or loss of rear garden land. Atypical garden arrangements, unduly prominent bin storage areas or an intensification of the use resulting in increased comings and goings in a quiet street/area may all have a detrimental impact on the character of an area.
  - ii. Section 1.13 - Significant alteration of the external appearance of the building or the immediate space around it may harm the existing character of an area.
- b) Crime and anti-social behaviour;
  - i. Section 1.20 - A proposed HMO should not increase the potential for anti-social behaviour, crime and the fear of crime. Evidence from neighbours and the Police will be taken into account.
- c) Parking and the potential impact on highway safety;
  - i. Section 1.24 - A HMO should not cause significant detriment to pedestrian safety and the safe and free flow of road traffic.
  - ii. Section 1.28 - In areas where houses rely on on-street parking only, the Council will determine whether the proposed use will generate a greater parking demand or vehicle trips than the existing house. Where it would significantly add to congestion, there should be off-street parking provided or the proposal is likely to be refused.
  - iii. Section 1.29 - Tandem off-street parking bays are not acceptable for HMOs, as they can be difficult to manage for occupants who are unrelated. Bays could be underutilised and result in additional on-street parking.
  - iv. Section 1.30 - The provision of off-street parking may result in the replacement of traditional front gardens with open hard standing and the removal of front and side boundary walls, these elements often add to local distinctiveness. This often creates a negative impact on the existing character of the street and, in some cases localised flooding, and will, therefore, be resisted.
  - v. Section 1.31 - Detriment can be caused by off-street parking areas in rear gardens of properties. This increases noise disturbance to adjacent neighbours, who can expect a more tranquil environment in private amenity areas.

We understand in 2008 the Government published the final report "Evidence Gathering – Housing in Multiple Occupation and possible planning responses" (DCLG 2008) which recognised the problems associated with HMOs and identified issues that were common to local authorities, and the impacts that need to be managed:

- Through high levels of occupation and transient residents, imbalanced and unsustainable communities
- Negative impacts on the housing stock and physical appearance of properties
- Increased on-street parking pressures arising from shared households
- Loss of stock of family homes
- Residents can feel marginalised and isolated as permanent residents, leading to the demoralisation of established residents and the change in nature of local communities

To: David Paine c/o Alison Bishop

cc: John Speller MP, Councillor Babu Singh Bawa, Councillor Zahoor Ahmed, Councillor Samiya Akhter

Re: DC/19/62842 - Planning application & change of use for 12 Gibson Drive, Smethwick, B66 1RW

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In direct relation to application DC/19/62842, our collective issues relate to:

1. Impact to traffic and existing parking for residents.

The proposed conversion of the property into an 8-bedroom HMO will have a negative impact on existing parking pressures. There is already a shortage of adequate parking for existing families and visitors including those who live at 10, 8 and 6 Gibson Drive, resulting in ongoing issues with double parking and with access. This is currently being managed through good will. We are concerned that this problem will be exacerbated if the number of parking spaces for the property is increased over and above the original number of parking spaces allocated for the 5/6-bedroom family dwelling.

2. Safety of pedestrians.

We strongly believe that this development will have a negative impact on pedestrian safety. The proposals submitted indicate additional parking space to the side of the property, which is adjacent to a public path linking Berry Drive to Gibson Drive. Currently, there is an ongoing problem as this path is being used as a 'rat run'; where vehicles are mounting the footpath in order to access Gibson Drive from Berry Drive (or vice versa). This footpath is regularly used throughout the day by the residents, including school children, mums with pushchairs and pensioners. We are concerned this problem will be exacerbated as this is a direct route to the proposed parking. There is also a greater risk of collision with a streetlight, and with parked cars at 10 Gibson Drive, 15 Berry Drive and 17 Berry Drive which are within their respective boundaries.

3. Adverse on the Environment.

We believe that this development will have an adverse effect on the environment. We are not only concerned about refuse storage facilities and the need of bigger bins, but these will be 'unsightly' for families whose living rooms overlook the planned location of bins. We are also concerned about an increase in rubbish each time tenants move in or out of the property, and whether or not there will be additional collections to manage rubbish generated, together with access by refuse vehicles. Noise and disturbance is also of concern for families adjoining the property.

4. Increase in crime.

We understand that the police have already raised concerns about an increase in crime as a result of development. We agree with the police and would like to add 'fear of crime' to their concerns. The nature of the proposed development, when considering the density of accommodation, the room sizes, and basic facilities being proposed has added to our anxiety about the introduction of a 'safehouse', of a 'rehabilitation facility', of student accommodation, of ex-offender accommodation, and of short-term lets with a potential high turnover of tenants. Studies carried into HMO lettings have indicated that single tenants tend to be under 30 years of age, with active social lives, a disregard to their neighbours, add to noise pollution and have a tendency of receiving a greater number of late-night visitors. There is already low level anti-social behaviour on the Piazza at night including noise and drug use, which we are controlling. We have tried to reach out to the Agent to understand their plans for the HMO, but they have not been forthcoming. We are completely in the dark about intended use, vetting processes and the management of the planned HMO.

5. Need for Family accommodation vs Single accommodation

We understand that there is a need for one-bedroom properties but there is also a greater need for suitable family accommodation of varying sizes. The Crocketts Lane development is offering high quality purpose-built one-bedroom units. The Galton Lock development has added a number of new family homes, both private and social and all properties within this development are sold. This highlights the desire for family accommodation within area. This development will result in the unnecessary loss of a family dwelling which is aimed at the larger family, create a circular problem for families like us who have invested in the regeneration of North Smethwick and made Brindley Village their home, and, by creating an HMO on the Piazza will set a dangerous precedent for Brindley Village which already has two HMO properties.

In summary, we the families of Brindley Village object to the proposed planning application to convert a 5/6-bedroom property to an 8-bedroom HMO property on the grounds that the development will:

- Impact on the character and the appearance of the estate
- Lead to an increase of crime and anti-social behaviour and noise
- The potential impact on highway safety due to lack of suitable available parking as a direct result of the proposals and issues relating to tandem offstreet parking
- Potentially impact on pedestrian safety

Finally, we the families of Brindley Village agree that if the property is renovated and let as a family home, we would support the proposal.