



REPORT TO PLANNING COMMITTEE

10th June 2020

Application Reference	DC/19/63409
Application Received	12th August 2019
Application Description	Retention of loft extension with dormer windows to front and rear to create 1 No retail unit, and 13 No bed HMO with external alterations and side wall with railings.
Application Address	Royal Oak Inn, 1 Causeway Green Road, Oldbury, B68 8LA
Applicant	Mr Avninder Grewal
Ward	Langley
Contribution towards Vision 2030:	 
Contact Officer(s)	William Stevens 0121 569 4897 William_stevens@sandwell.gov.uk

RECOMMENDATION

That planning permission is granted subject to: -

- (i) The approval of external materials
- (ii) Car parking to be laid out and retained as such (including details of an Electric vehicle charging point)
- (iii) Cycle parking
- (iv) Bin store, and maintenance/service plan
- (v) Security measures plan – entrance details, locks, etc
- (vi) Air quality report, mitigation measures, mechanical ventilation

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because the application has generated significant local interest, and from John Spellar, Member of Parliament.

- 1.2 To assist members with site context, a link to google maps is provided below:

[Royal Oak Inn, 1 Causeway Green Road, Oldbury](#)

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The site was used as a public house for many years, but from 2016 the building has been lying empty. A shop used as bookmakers was attached to the public house until approximately 2017 but has since been demolished.
- 2.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)
Asset of Community Value
Planning history
Living space standards
Overlooking/loss of privacy
Parking, highway safety and traffic generation
Noise and disturbance

3. THE APPLICATION SITE

- 3.1 The application site is situated on the corner of Causeway Green Road and Langley Green Road, Oldbury. The application site relates to a former public house known as The Royal Oak and is within a predominately residential area.
- 3.2 Opposite the site is another public house, and to the north of the site lies Langley High Street.
- 3.3 **Asset of Community Value**
- 3.4 The site is not listed as an asset of community value and there are no records of one ever being applied for to retain the building as a public house. Therefore, the conversion of the public house to a retail unit benefits from the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), meaning that Planning Permission would not be required in this instance.

4. PLANNING HISTORY

- 4.1 Permission was granted in 2017 for an extension to the existing building to bring the public house back into use, however during the construction

phase, ownership of the property changed hands, and works were not undertaken.

4.2 Relevant planning applications are as follows: -

4.3	DC/17/61345	Proposed first floor side extension, and glass roof over court yard.	Approved 29.03.2018
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5. APPLICATION DETAILS

5.1 The applicant proposes to retain the loft extension (with dormer windows to front and rear) to create:

- A single retail unit (A1 – no end user has yet to be identified) covering a total of 107sqm over two floors (one that includes the basement),
- A 13-bedroom house in multiple occupation (HMO) – (originally submitted 14-bedroom HMO with disjointed access to the shared facilities), with each room having access to their own private bathroom facilities. There will be a communal bike store, and two shared kitchen facilities, and
- An external a bin store area, four parking spaces and delivery manoeuvring area (to be shared between the retail staff, and occupiers of the HMO) separated from the highway by a new dwarf wall with railings on top.

5.2 The property is not classed a community asset (point 3.3), therefore the change of use from the public house to the retail unit is considered permitted development. Hence the focus of the report will be on HMO element only.

6. PUBLICITY

6.1 Amended plans have been received reducing the number of bedrooms from 14 to 13, in addition, a second kitchen would be provided. Therefore, the Council have re-publicised the application by sixteen neighbour notification letters. In total six objections were received, which includes a 210-signature petition of objection submitted from the wider community, and a communication from John Spellar MP.

6.2 Objections

Objections have been received on the following grounds: -

HMO:

- (i) The location of the car park entrance is too close to the existing junction, which combined with the lack of available parking would cause congestion in the area and also increase safety issues for pedestrians. The objector requests that if approved, the existing double yellow lines are extended;
- (ii) Residents of the HMO are likely to smoke outside causing a nuisance. Any smoking shelter would reduce the parking spaces further;
- (iii) The HMO is out of character with the local area;
- (iv) The HMO would affect the privacy of neighbours;
- (v) The potential future occupiers of the HMO may have different lifestyles to that of the other residents in the area, lacking community integration, potentially causing noise and general disturbances to residents, and anti-social behaviour problems;
- (vi) Residents feel that having a HMO within the area would increase crime or the fear of crime within the area;
- (vii) Concerns have been raised over the lack of good public transport within the area,
- (viii) Lack of outdoor space for residents; and
- (ix) The police's observations should be sought as other HMO's in the area have had drug related problems.

Retail:

- (i) The area does not need a further retail until in the area. An introduction to one would cause an increase of litter and nuisance;
- (ii) The lack of storage space for waste would exacerbate the existing fly-tipping problems in the area; and
- (iii) The introduction of a new retail element would result in other businesses and trades declining or having to close.

6.3 Responses to objections

I respond to the objector's comments in turn;

HMO:

- (i) The Council's Highways Department have been consulted and have raised no objections to the proposal (refer point 7.2 below). Any request for a revised traffic order will need to be made to the highway department,
- (ii) No covered smoking shelter has been provided. However, most residential properties do not have such facility and there is no requirement to provide these under environmental health regulations.

- (iii) A HMO is a residential use, the area is residential in nature with a mixture of housing types and hence the use would complement the character of the existing area.
- (iv) The building is at least 24m away from properties on New Henry Street, and 26m from properties on Langley Green Road, complying with the Council's minimum requirements of 21m separation for privacy. It should also be noted that the previous use of the upper floor served as a residential flat for the landlord of the public house.
- (v) Subject to appropriate security measures, the police have raised no objections to the proposal (refer to point 7.3). In addition, the HMO will need to be licenced by private sector housing and under the terms of the licence, standards are required to be maintained which include management regulations regarding how the HMO is managed. These include:
 - a) allowing landlords access at reasonable times to occupied rooms;
 - b) complying with arrangement made by the landlord in respect of fire precaution and litter storage/disposal;
 - c) take reasonable care to avoid damaging items; and
 - d) do not take part in anti social behaviour that affects occupiers/residents.
- (vi) See point (v) above.
- (vii) The site has good access to public transport with bus and train routes being available within walking distance of the site, serving local towns and the greater Birmingham City transport hub.
- (viii) Limited outdoor space has been provided, however; Barnford Park, and Langley Park are within walking distance of the site, as well as the Canal network which is also used for recreation purposes,
- (ix) The police have been consulted and have raised no objections (refer to point 7.3).

Retail:

(i,ii,iii)The concerns of residents are noted, however, the retail unit does not require Planning Permission (see point 3.4).

7. STATUTORY CONSULTATION

7.1 Planning and Transportation Policy

Details of cycle storage should be provided in accordance with the Black Country Core Strategy policy TRAN4.

Planning policy have concerns over the retail element as it could undermine the existing shopping facilities in the area. However, this element is permitted development (see point 3.3 above). With regards to

the HMO element, the public house was likely to have a residential use, therefore there are no objections.

The proposal is liable for Community Infrastructure Levy (CIL).

7.2 Highways

The HMO requires one parking space per two bedrooms; several amended plans have been provided, reducing the number of bedrooms (from 14 to 13), along with a transport statement that addresses the shortfall in off-street parking spaces, resulting in the Council's highways department withdrawing their original objection.

7.3 West Midlands Police

The Police recommend security measures be conditioned as part of any approval and the Police confirm that despite the location of the off-licence adjacent they have no objection to this application.

7.4 Healthy Urban Development Officer (Public Health)

Details and approval of secure cycle parking and bin stores should be provided and retained during the life of the development. Requests have also been made over air quality and mechanical ventilation information which can be provided by way of condition.

7.5 Private Sector Housing

Comments raised are covered by other legislation.

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

8.1 National Planning Policy Framework (NPPF) promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

8.2 Paragraph 109 of the adopted NPPF states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Following amended plans, the Council's Highways Department has raised no concerns.

9. LOCAL PLANNING POLICY

9.1 The following policies of the Council's Local Plan are relevant:-

ENV3: Design Quality
SAD EOS9: Urban Design Principles
SAD DM6: Community Facilities
Revised Residential Design Guide

9.2 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. In the main the layout is considered to be acceptable, subject to conditions relating parking layout, refuse storage and secure cycle storage.

9.3 The application site is unallocated in the adopted development plan. The provision of a HMO is therefore considered in accordance with adopted supplementary guidance set out in paragraph 9.1 above. The internal space standards and provisions set out in the HMO Annex (minimum 10sq.m for a single occupancy room with separate shared kitchen facilities) have been met by the applicant in this case.

10. MATERIAL CONSIDERATIONS

10.1 The material considerations relating to Government Policy (NPPF) and proposals within the local plan have been referred to above in Sections 8 and 9. With regards to the other considerations these are highlighted below:

10.2 Asset of Community Value

Public houses can be afforded greater protection as local community assets. This property has been closed for several years and has not been considered as a local asset.

10.3 Planning history

There is extensive planning history relating to the site and the property has been extended significantly. The current proposal has been amended following the original submission to reduce the intensity of the proposal.

10.4 Living space standards

Minimum internal living space standards have been met (paragraph 9.3 above).

10.4 Overlooking/loss of privacy

Refer to paragraph 6.3 (iv) above. No issues arising.

10.5 Parking, highway safety and traffic generation

The proposed parking provision is deemed appropriate following amended plans.

10.6 Noise and disturbance

As indicated in paragraph 6.3 (vi) above, these matters can be controlled through the HMO licensing process

10.7 Other considerations – means of escape (Fire Safety)

Material planning considerations are determined through case law, however matters that can be dealt with through the control of other legislation are not considered to be material considerations. Furthermore paragraph 55 of the National Planning Policy Framework states that conditions should not be used which require compliance with other regulatory bodies, namely Building Regulations and Private Sector Housing [see 6.3 (v) b) above].

11. IMPLICATIONS FOR SANDWELL'S VISION

11.1 The proposal supports Ambitions 7, 8 and 10 of the Sandwell Vision 2030: -

11.2 Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes

11.3 Ambition 10 – Sandwell has a national reputation for getting things done, where all local partners are focussed on what really matters in people's lives and communities.

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 The proposal is policy compliant and there are no other unsatisfactory material considerations to warrant refusal of the application.

13. STRATEGIC RESOURCE IMPLICATIONS

- 13.1 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.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

- 14.1 This application is submitted under the Town and Country Planning Act 1990.

15. EQUALITY IMPACT ASSESSMENT

- 15.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.

16. DATA PROTECTION IMPACT ASSESSMENT

- 16.1 The planning application and accompanying documentation is a public document.

17. CRIME AND DISORDER AND RISK ASSESSMENT

- 17.1 The compliance with security conditions will result in there being no crime and disorder issues with this application.

18. SUSTAINABILITY OF PROPOSALS

- 18.1 Refer to the national planning framework (8) and local plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 19.1 Refer to the summary of the report (12).

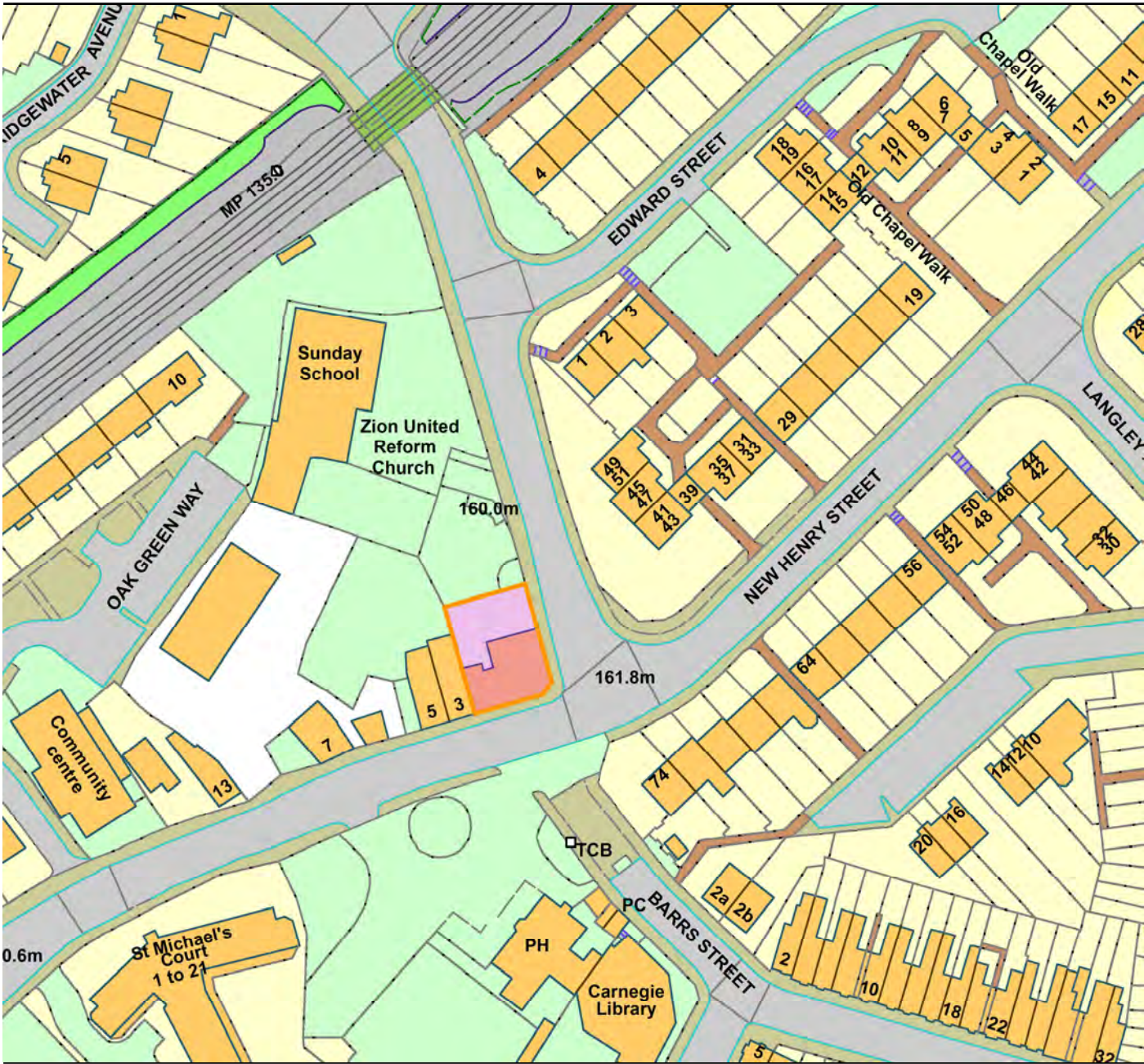
20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 20.1 There will be no impact.

21. APPENDICES:

Site Plan
Context Plan
Plan No. 30855 006 Rev B
Plan No. 30855 007 Rev B
Plan No. 30855 008 Rev C

DC/19/63409
Royal Oak Inn, 1 Causeway Green Road

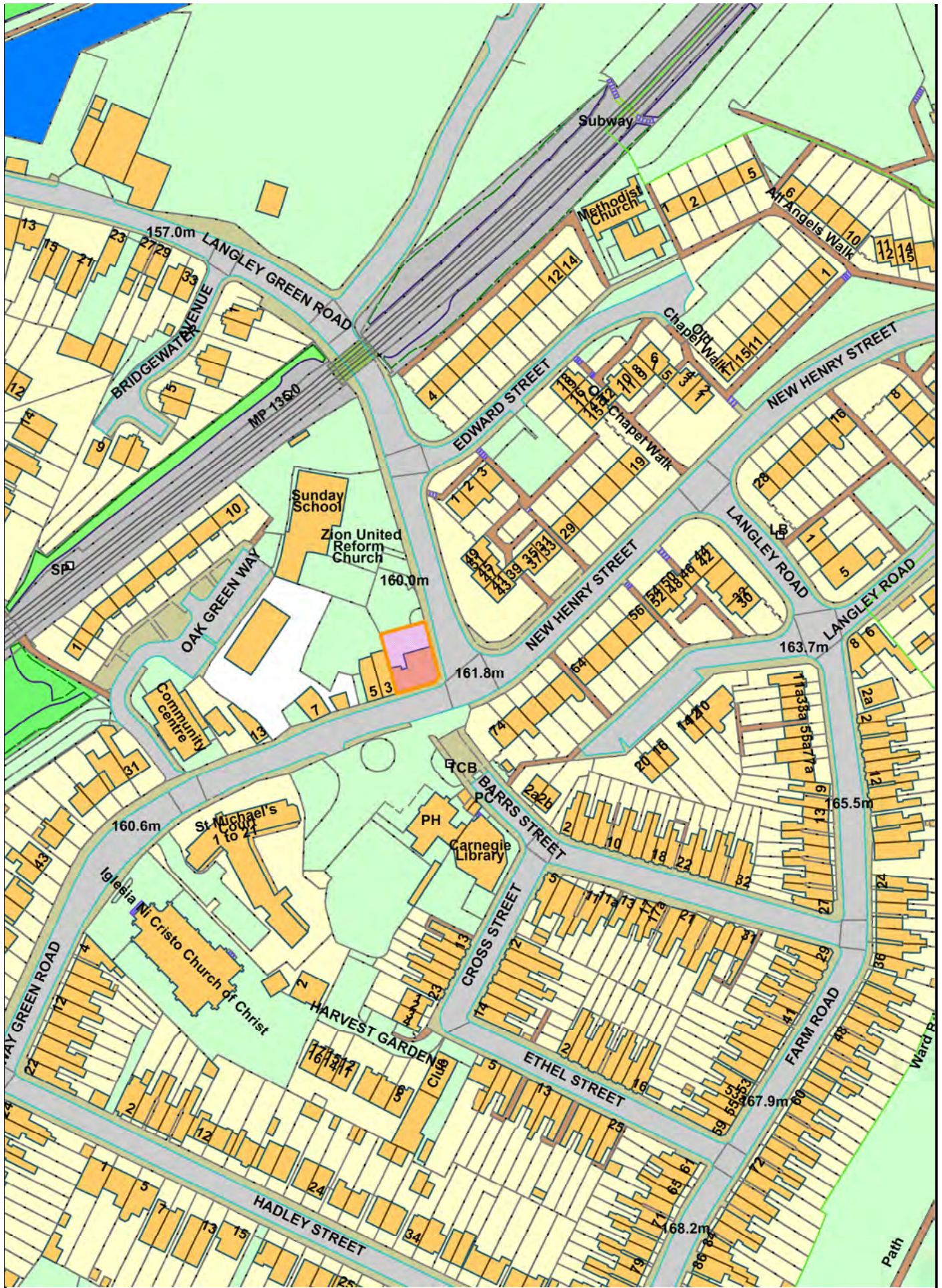


Legend



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	21 May 2020



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The contractor must comply in full with all current building legislation, such as British Standard Specifications, Building Regulations etc., whether or not specifically stated on this drawing.

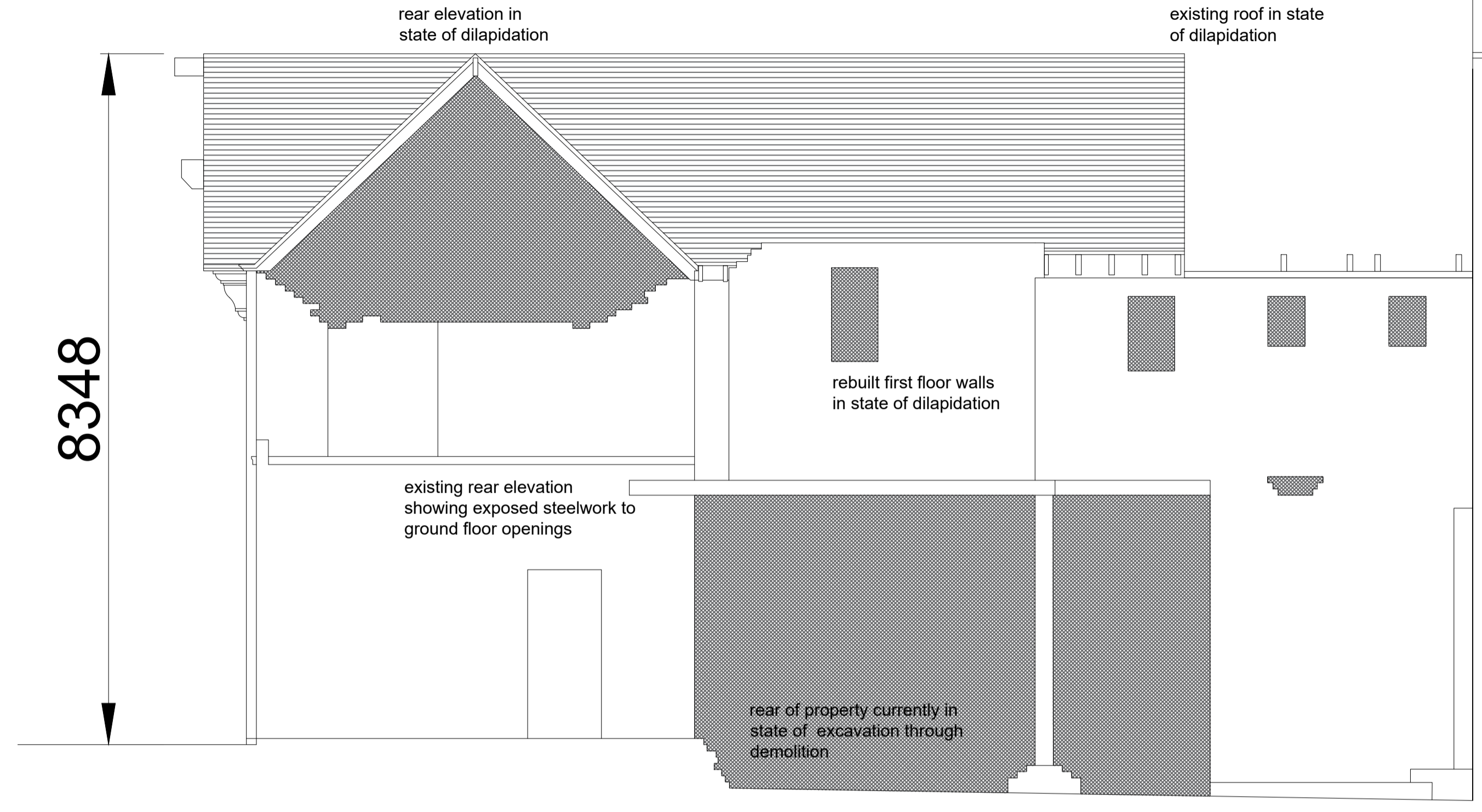
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Where existing trees are shown to be retained they should be subject to a full Arboricultural inspection for safety.

All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided in order to accommodate the proposed tree planting.



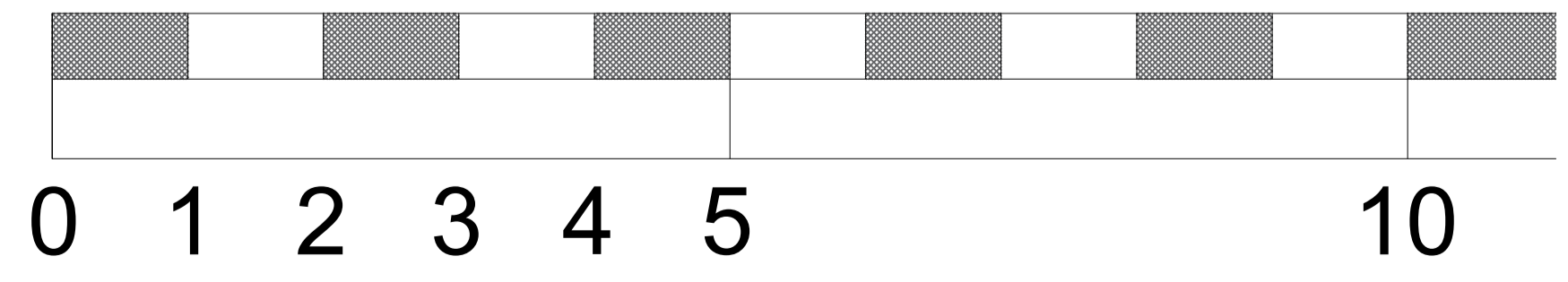
EXISTING ELEVATION A



EXISTING ELEVATION C



EXISTING ELEVATION B



State of building shown as of at time of application

REVISIONS

A	28.08.19	Scale bar added
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CLIENT:
Mr Grewal

PROJECT:
The Royal Oak
1 Causeway Green
Oldbury
B68 8LA

DRAWING TITLE:
Existing Elevations

PLANNING DRAWING

SCALE 1:50	SHEET A1
DATE July 2019	DRAWN BY JCM

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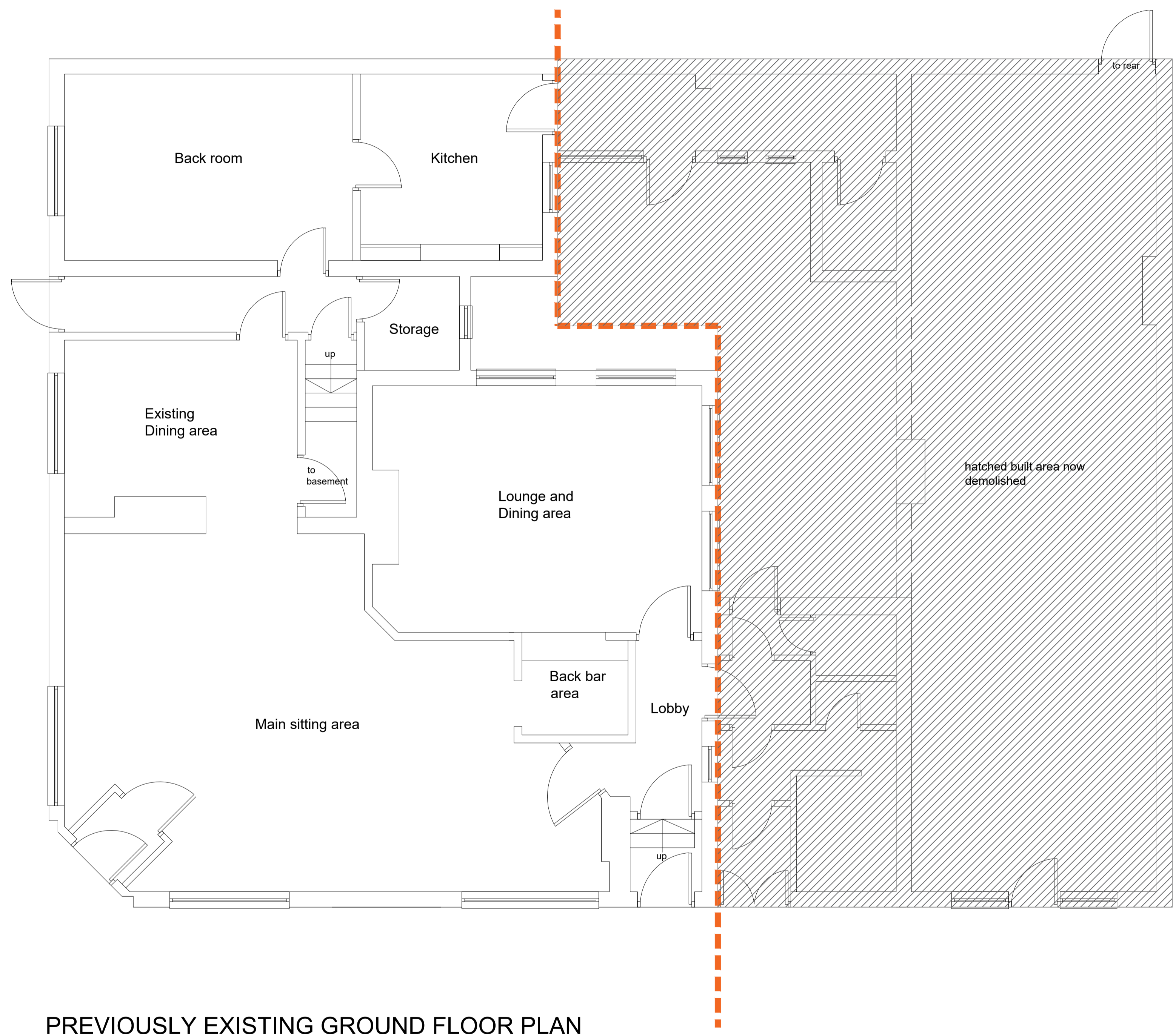
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PREVIOUSLY EXISTING GROUND FLOOR PLAN

REVISIONS		
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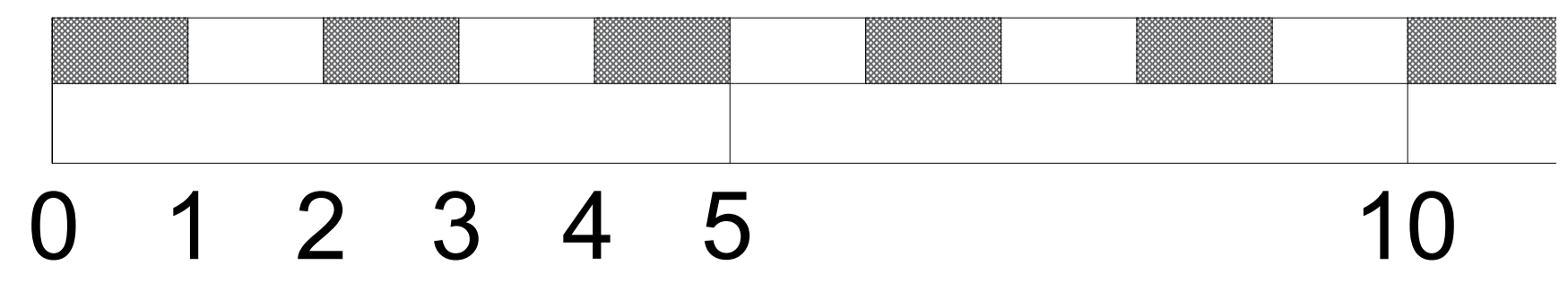
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DRAWING TITLE:
Existing Ground Floor Plan

PLANNING DRAWING

SCALE 1:50	SHEET A1
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State of building shown as previously existing prior to demolitions and building works

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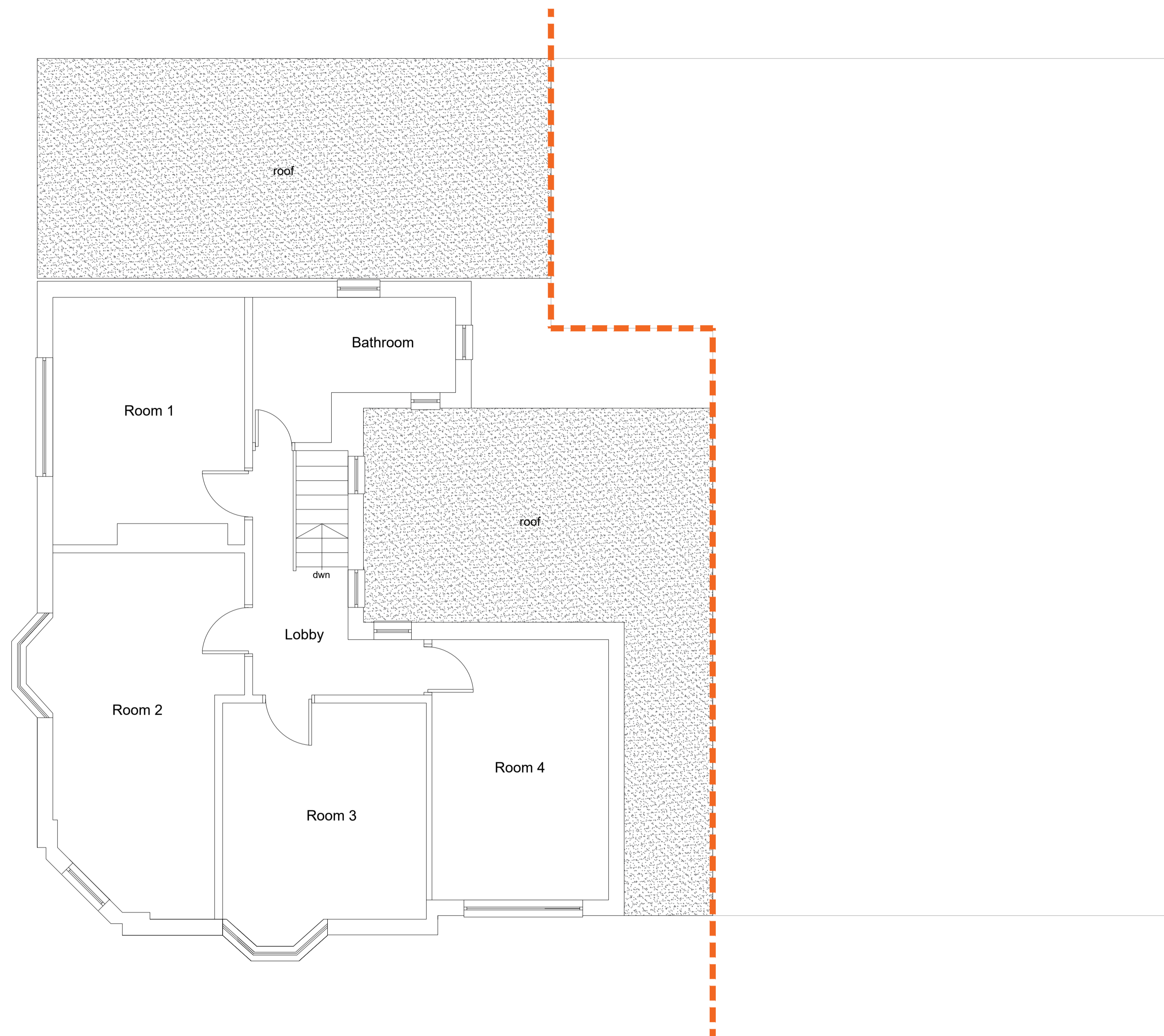
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PREVIOUSLY EXISTING FIRST FLOOR PLAN

REVISIONS		
A	28.08.19	Scale bar added

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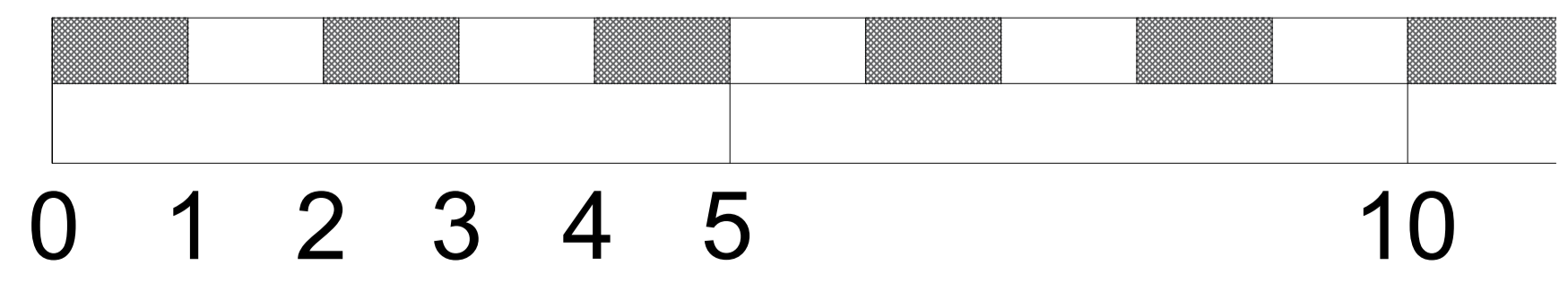
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DRAWING TITLE:
Existing First Floor Plan

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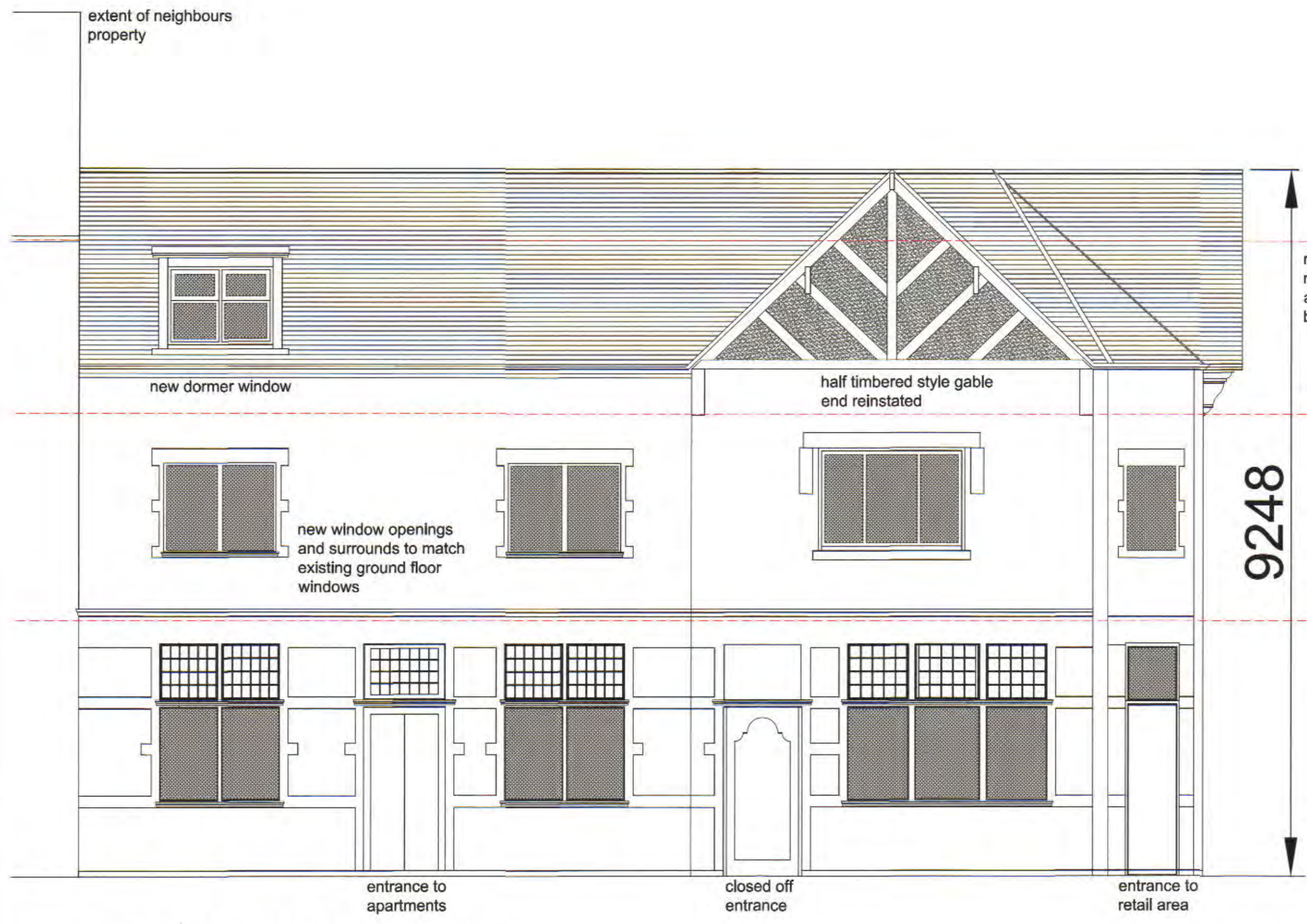
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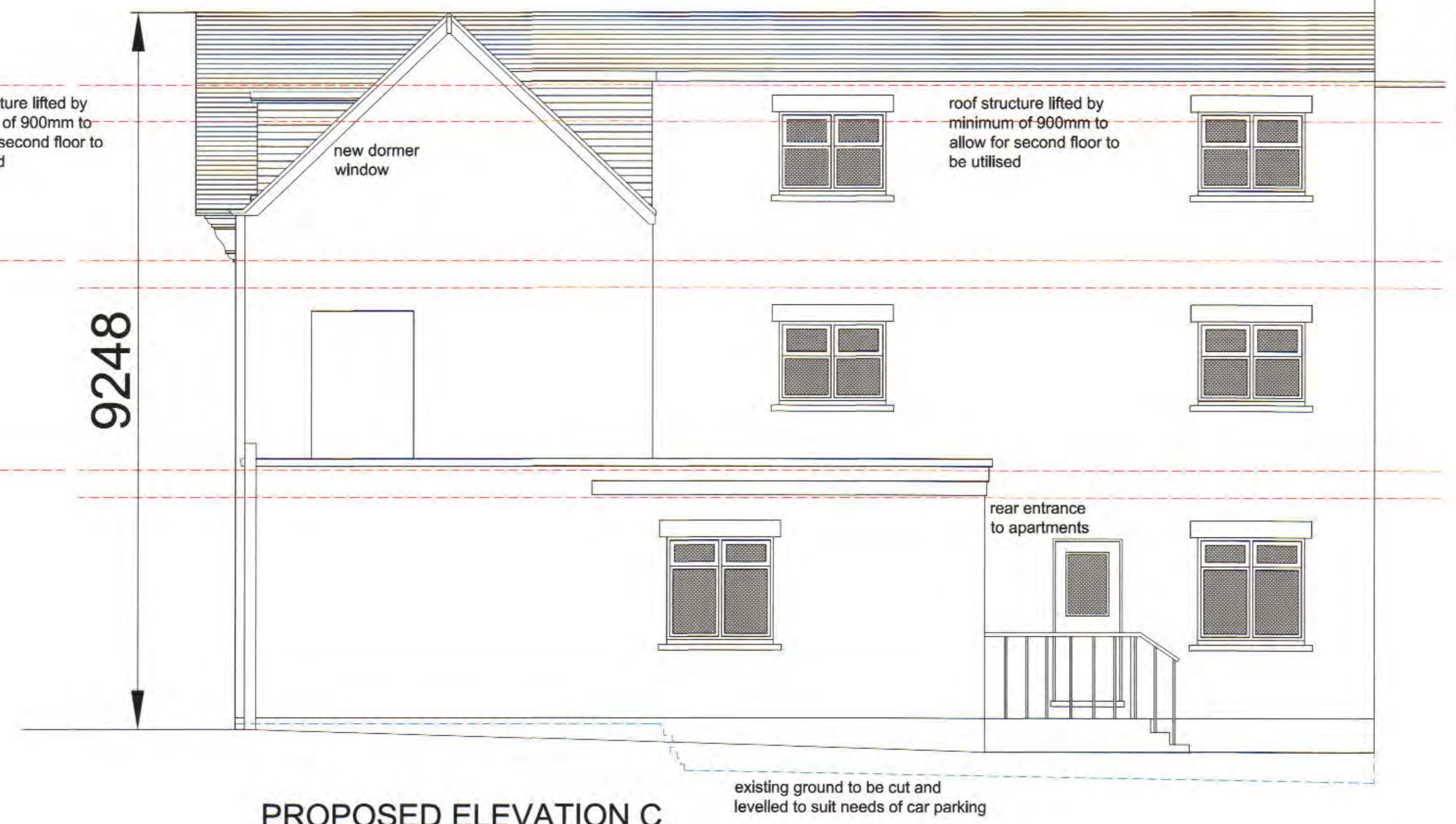
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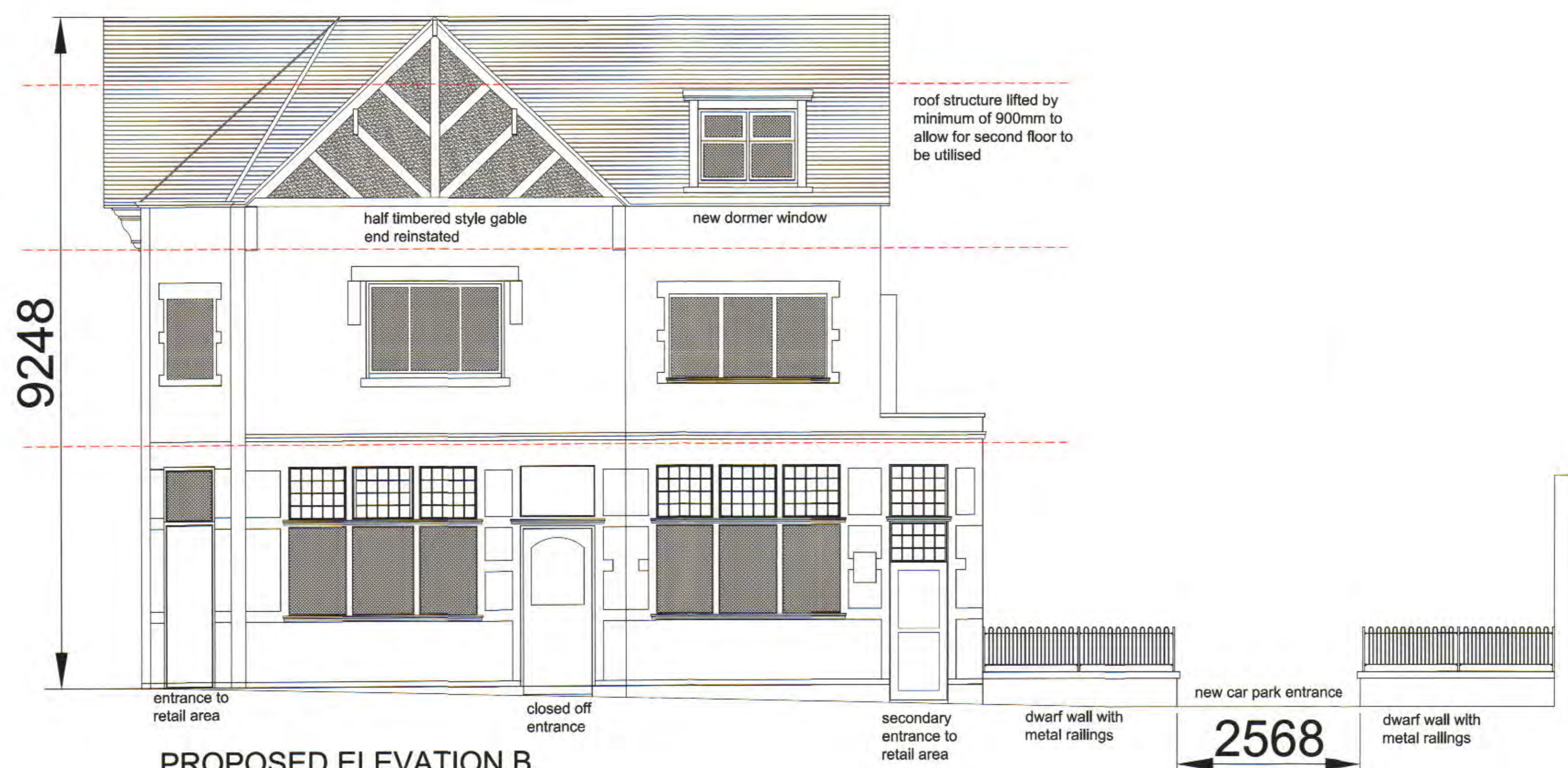
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PROPOSED ELEVATION A



PROPOSED ELEVATION C



PROPOSED ELEVATION B

REVISIONS

B	29.11.19	Elevations C amended
A	28.08.19	Scale bar added

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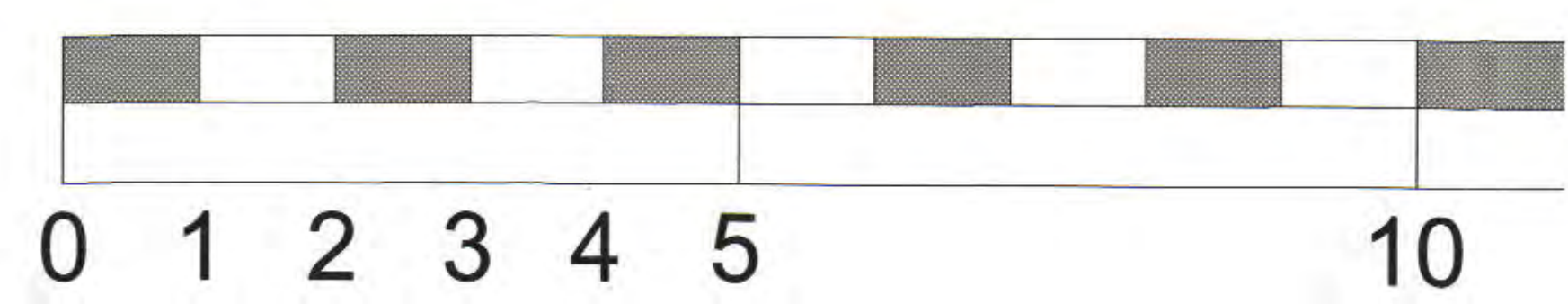
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DRAWING TITLE:
 Proposed Elevations

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PLAN
03/11/20

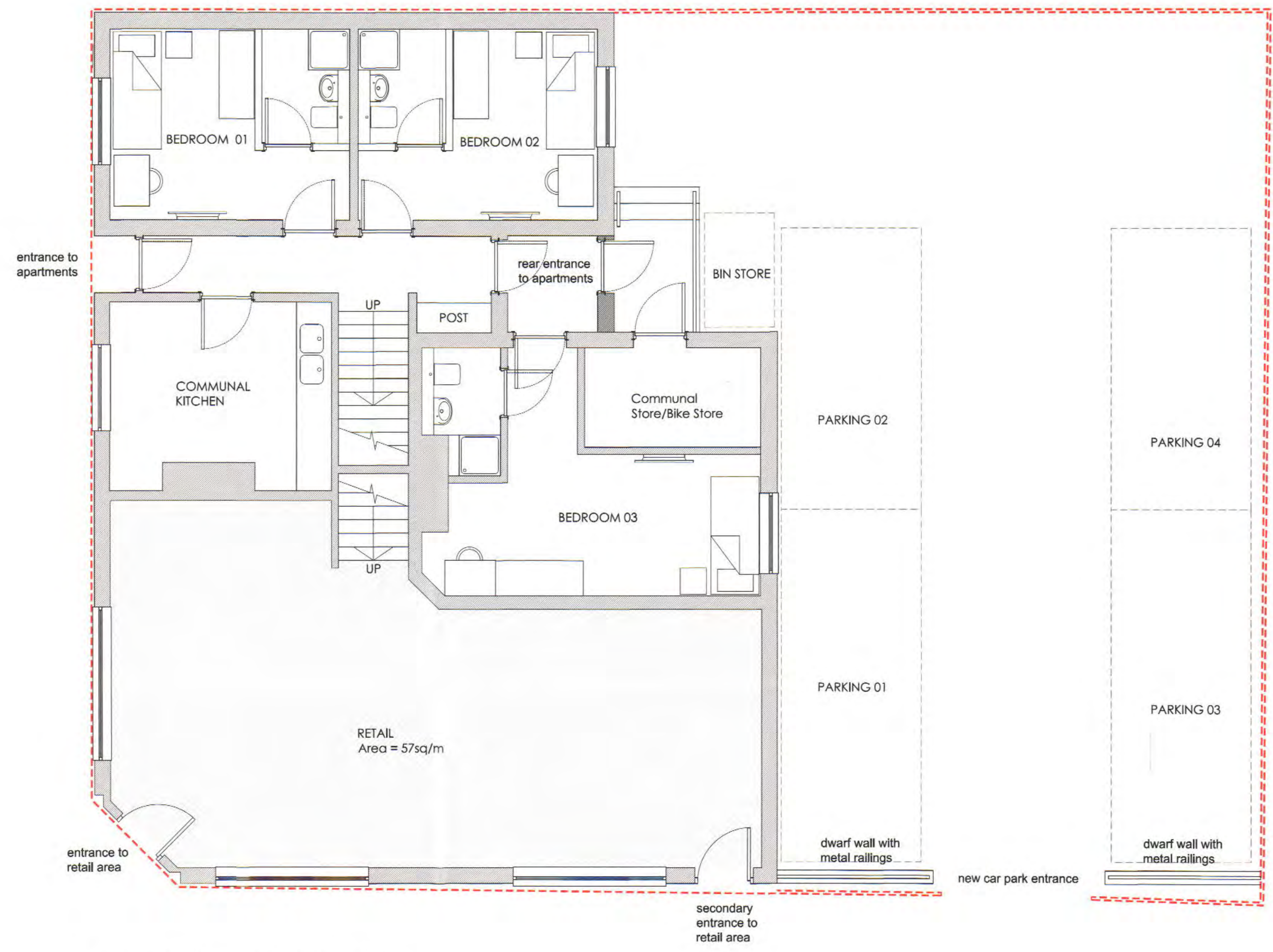
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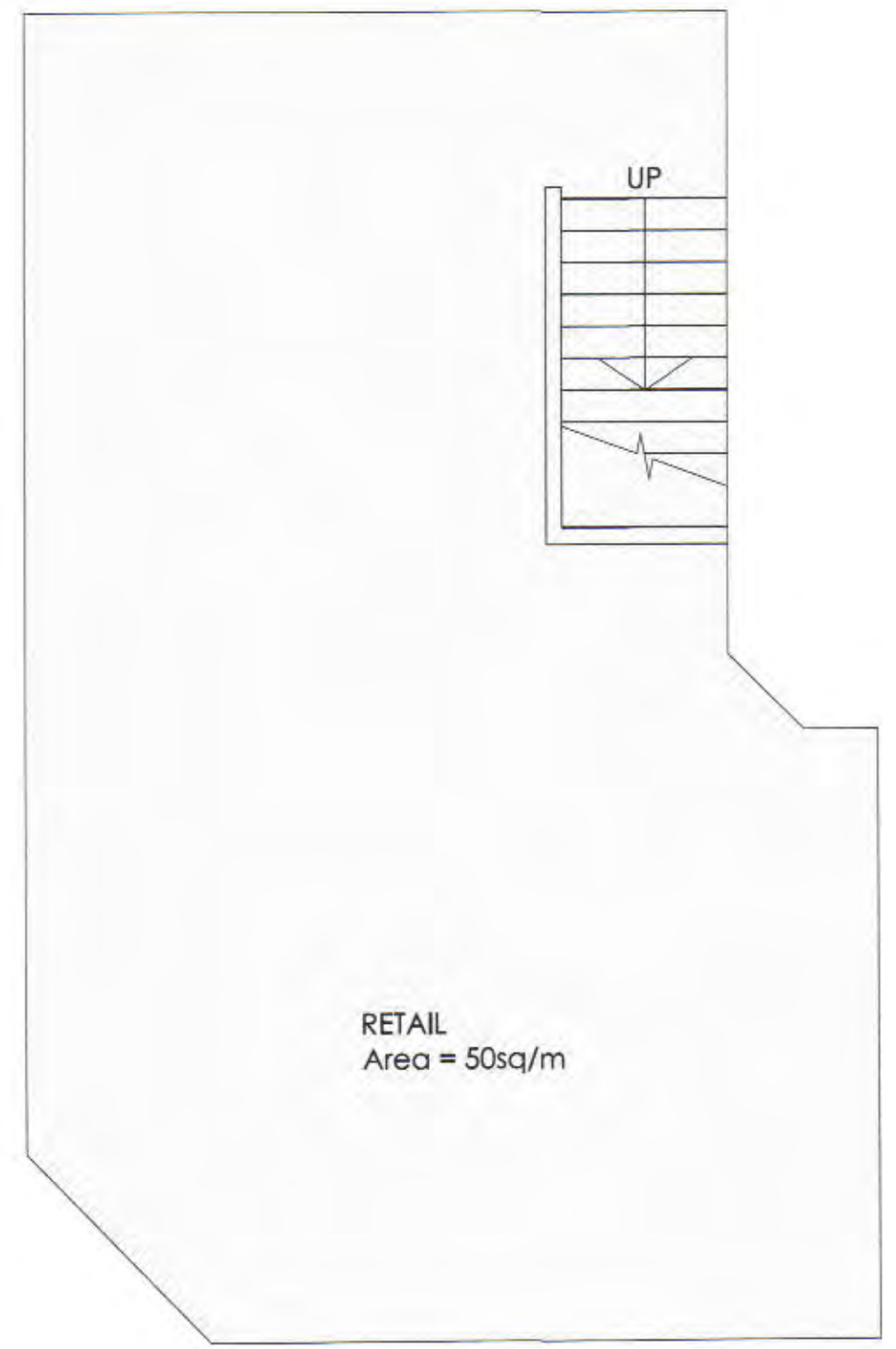
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Proposed Ground Floor Plan
Scale 1:50



Proposed Basement Plan
Scale 1:50

REVISIONS

B	29.11.19	Rear entrance and bedroom 3 amended
A	28.08.19	rooms relabeled, windows added

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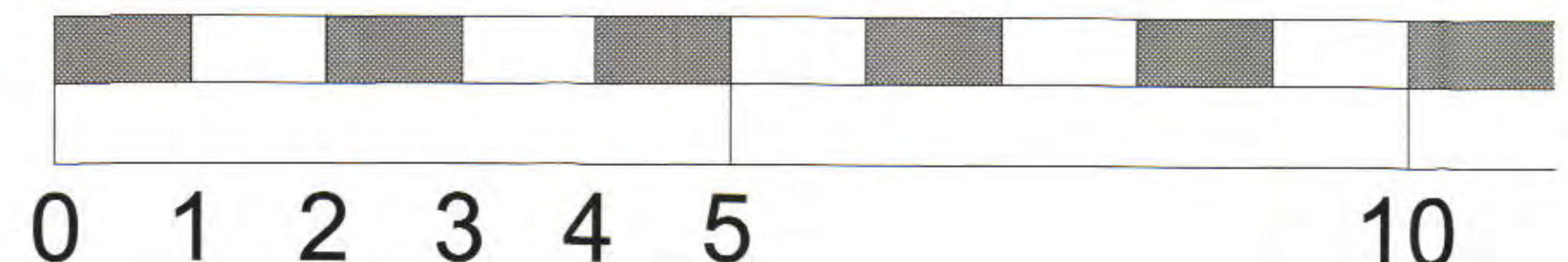
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DRAWING TITLE:
Proposed Ground & Basement Floor Plans

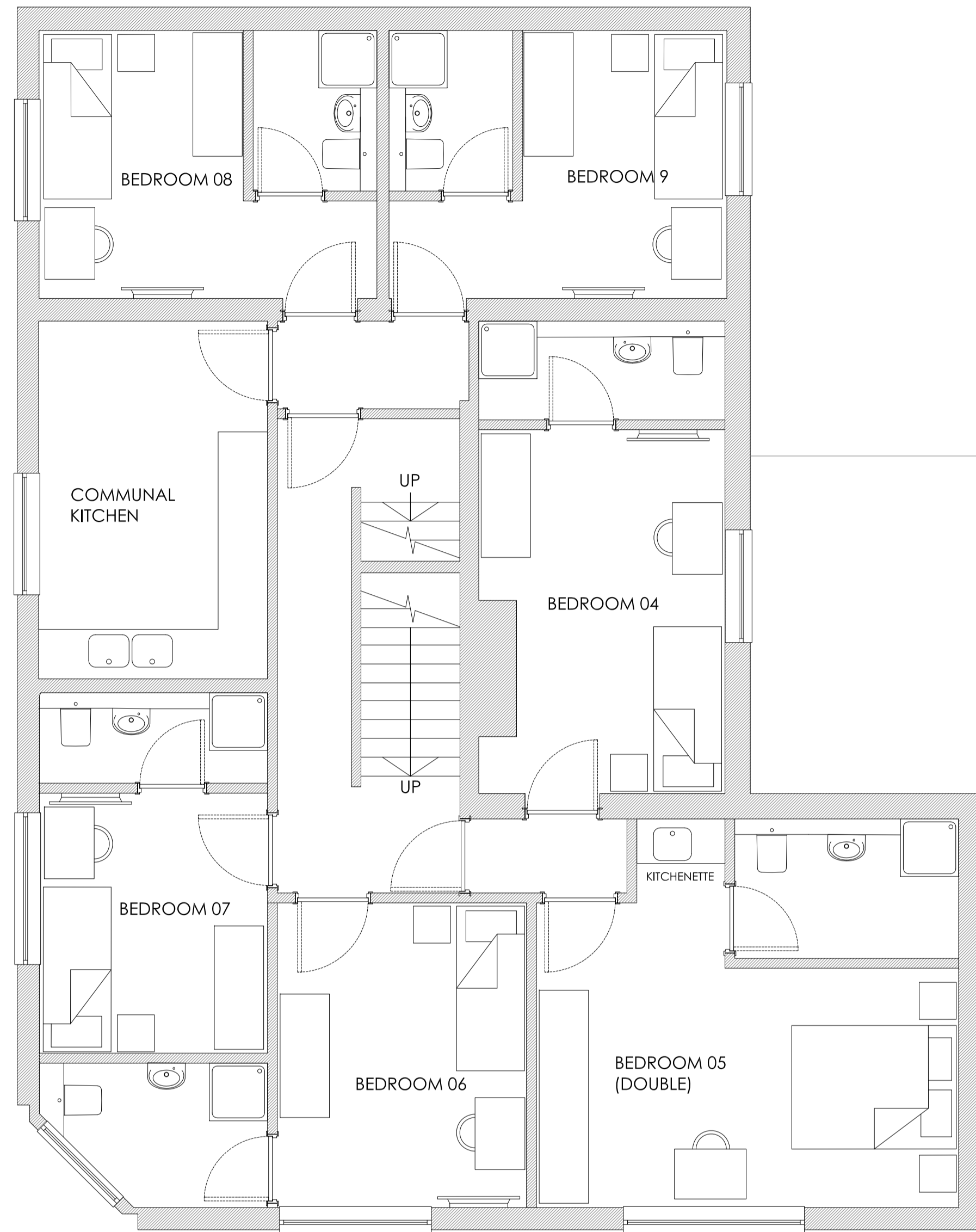
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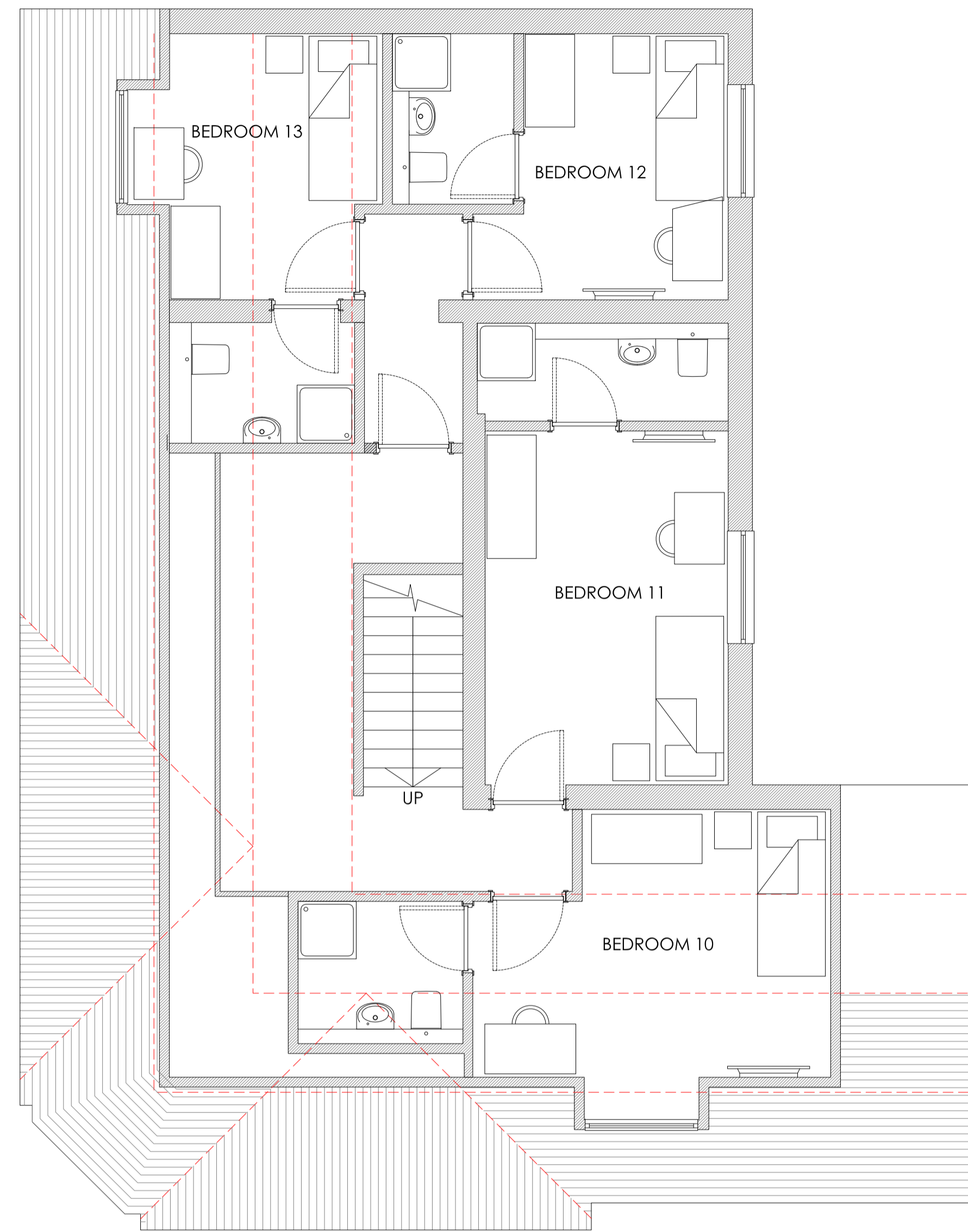
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Proposed First Floor Plan
Scale 1:50



Proposed Second Floor Plan
Scale 1:50

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REVISIONS

C	23.01.20	second communal kitchen added
B	29.11.19	landing lobbies added
A	28.08.19	rooms relabeled, windows added

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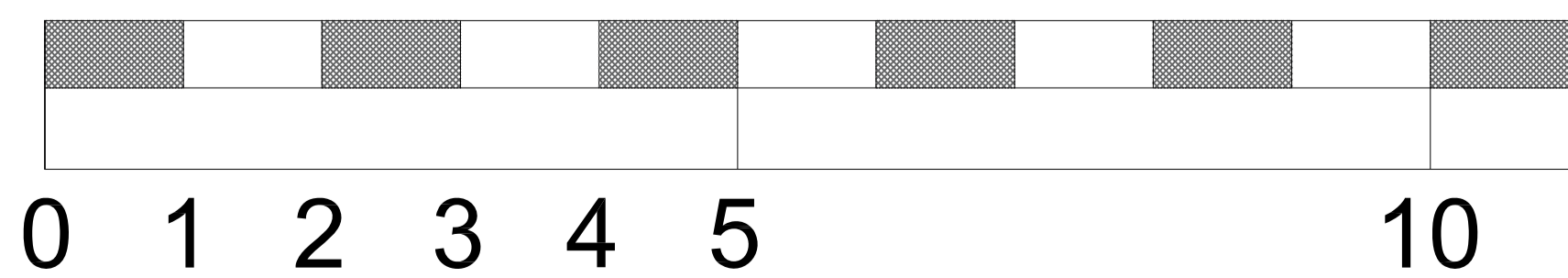
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DRAWING TITLE:
Proposed First & Second Floor Plans

PLANNING DRAWING

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