



## REPORT TO PLANNING COMMITTEE

10th June 2020

<b>Application Reference</b>	DC/19/63440
<b>Application Received</b>	9 <sup>th</sup> September 2019
<b>Application Description</b>	Proposed change of use to part of ground floor to create a self-contained flat on the ground floor with HMO on first floor and second floors, together with associated parking.
<b>Application Address</b>	10 - 12 Park Hill Wednesbury WS10 0PL
<b>Applicant</b>	Mr Balachandran Thiyagrajah
<b>Ward</b>	Friar Park
<b>Contribution towards Vision 2030:</b>	 
<b>Contact Officer(s)</b>	Mr 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) Provision and retention of parking with an electric vehicle charging point;
- (iii) Refuse storage enclosure details, implementation and retention of approved details;
- (iv) Details of security measures,
- (v) Details of bin storage, and service plan,
- (vi) Footway crossing extension, and
- (vii) Provision of secure cycle storage.

## 1. BACKGROUND

1.1 This application was originally reported to your Planning Committee in March because it had generated several objections and was recommended for approval.

1.2 Members will recall visiting the site and a link to google images has been provided:

[10-12 Park Hill, Wednesbury](#)

1.3 At your meeting in March, Committee Members deferred the application in order for the applicant to provide additional information. Section 2 below provides this information.

## 2.0 Additional Information

2.1 This information has been provided by the applicant. The questions and answers are detailed below:-

**i) Please can you clarify the plans? How many rooms are being proposed?**

*Seven bedrooms are proposed. The existing flat has a total of 9 bedrooms, however this has been reduced to allow for shared kitchen and living facilities for the tenants.*

**ii) Do the plans show exactly all works/ extensions proposed?**

*Yes, the plans do show exactly all works proposed. The property is not being extended.*

**iii) There is a large structure in the back garden, reports suggest that there is a bed in it? Can you comment and provide photos please?**

*This is false. The property is currently occupied by the shops tenant, wife and young child. It is used for storage as stated on the submitted plans. (Please see photograph below).*



**iv) Please provide details of any fire escape/fire escape measures?**

*The proposals show a dedicated protected route from the HMO stairs to the outside of the building.*

**v) What fire prevention measures are in place?**

*The proposals will be fitted with a fire alarm system including emergency lighting. Fire doors were shown on the planning drawing 2155 P10B which was submitted with the planning application.*

**vi) Car parking is potentially inadequate. Please confirm spaces (for the flat and HMO) and what measures are in place to protect these and prevent customers parking there?**

*Signage will be in place stating reserved car park spacing for HMO & flat tenants.*

**vii) Members are concerned about HMO's have the potential for Anti-Social Behaviour issues. Please can you tell me what the landlord proposes to do to control this?**

*If any of the residents were to commit anti-social behaviour the landlord would serve them notice to leave.*

**viii) Depending of the numbers of bedrooms, would your client consider reducing the number of bedrooms in order to reduce the need for parking, reduce any potential ASB issues and provide more internal shared facilities, increasing the standard of living for occupants?**

*All of the bedrooms are existing therefore we would not be prepared to reduce them.*

**ix) Over-development? – would the applicant consider reducing the numbers especially to assist with parking as well?**

*We cannot presume every tenant will own a vehicle, therefore we do not believe parking will be an issue.*

**x) Concerns have been raised of the main access to the HMO being right next to No. 14 Park Hill creating noise/ nuisance? Could you comment on this please?**

*The proposed HMO entrance is an existing entrance to the Lifestyle express shop, therefore we are not proposing a new entrance. There is also a gap of approximately 5 meters between this entrance (white door in photograph) and the side of the property 14 Park Hill (please see photograph below)*

### **3. SUMMARY OF KEY CONSIDERATIONS**

- 3.1 The site is unallocated in the adopted development plans.
- 3.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)

Policies in the adopted development plans BCCS and SAD

Planning history

Living space standards

Overlooking/loss of privacy

Parking, highway safety and traffic generation.

Noise and disturbance

- 3.3 Other considerations - Means of Escape (fire safety)

### **4. THE APPLICATION SITE**

- 4.1 The application refers to an existing retail convenience store with living accommodation on the south side of Park Hill close to the junction with Woden Road East, in a residential area.
- 4.2 The application building comprises of a two and a half storey property combining retail and residential use. The residential element is one dwelling (9 bedrooms). The existing ground floor has a shop and storage areas together with a lounge, dining room and kitchen for the dwelling. The first floor has 6 bedrooms (4 with en-suites) and a family bathroom. The loft contains 3 bedrooms and a bathroom. There is a hard-surfaced yard (81.5sq.m) at the rear with a detached garden room and store. At the front of the property there is a forecourt parking area.

### **5. PLANNING HISTORY**

- 5.1 The property has been substantially extended in the past to maximise the floor space of what was originally two semi-detached properties.
- 5.2 Relevant planning applications are as follows: -

DC/15/58184	Proposed door and window to existing shop front elevation and veranda to the rear for storage.	Approved 26/6/15
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DC/13/56272	Proposed revision to DC/12/54776 To increase size of rear dormer	Refused 24/10/13 Appeal Dismissed.
DC/12/55146	Proposed conservatory, and new shed.	Approved 7/11/12
DC/12/54776	Retention of rear dormer window (revisions to planning approval DC/09/51689)	Refused 07/06/12 Appeal Allowed 18/12/12
DC/12/54714	Variation of condition 1 of DC/09/51689 - Proposed flat roofed garage/store, and a higher eaves height to allow appropriate internal access.	Approved 27/7/12
DC/09/51689	Proposed ground floor extension, First floor extension with loft Conversion.	Approved 05/07/10

## 6. APPLICATION DETAILS

- 6.1 The existing ground floor dining, kitchen and lounge would be converted to a 1-bed flat (88sq.m). When the application was originally submitted it was proposed to convert part of the existing ground floor storage area into a hairdressing salon. However, during the processing of the application this has been deleted from the proposal as has a small single-storey extension along the boundary with number 8 Park Hill.
- 6.2 The first and second floors would be converted into a 7 bedroomed HMO, accessed off a separate entrance at the front of the building. There would be shared lounge and kitchen facilities. Each of the rooms would be single occupancy and range in size between 10 and 18sq.m. No other external alterations to the building are proposed.
- 6.3 Parking for 4 cars would be provided on the forecourt along with enclosed refuse storage areas.
- 6.4 **Outbuilding**
- 6.5 Concerns have been raised over the existing outbuilding being used for sleeping accommodation (see point 11.1 iii). The occupation of this

building is not part of this application, and any reports of these activities would require planning permission and would be investigated accordingly

## **7. PUBLICITY**

7.1 The application has been publicised by an extended neighbour notification letter process, writing to 51 individual properties; 18 objections have been received.

### **7.2 Objections**

Objections have been received on the following grounds: -

- (i) Concern about the proposed hairdressing salon and increased parking problems from staff, residents and customers;
- (ii) There are too many salons already in the area;
- (iii) Concern about the type of clientele living in the HMO, and community cohesion;
- (iv) Loss of privacy from additional residents overlooking nearby gardens and houses;
- (v) Increased noise;
- (vi) Increased refuse and dust;
- (vii) The HMO would cause significant parking problems;
- (viii) The HMO detracts from the Council's "Ambitions";

Other points have been raised which have been taken into consideration but are not planning related matters.

### **7.3 Responses to objections**

I respond to the objector's comments in turn;

- (i) The originally proposed hairdressing salon has been deleted from the proposal to reduce demands on parking. Highways has no further objections.
- (ii) The fact that there are several salons in the area is not a material reason to refuse a planning application. The salon element however, has been deleted.
- (iii) The local planning authority has no control over the prospective occupants of the HMO. West Midlands Police has raised no objections. Furthermore, 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.
- (iv) It could be argued that the property would be more intensively used than currently because individuals would reside in the property rather than a single family.
- (v) Given that the proposed salon has been deleted and that the development would be in residential use, I do not consider that there would be an appreciable noise impact.
- (vi) Refuse storage is proposed as part of the planning submission and can be controlled by planning conditions. I do not consider that this proposal would generate any dust. Public Health has raised no objection in this regard.
- (vii) The Council's Highway Safety Team have raised no objections (see 8.2).
- (viii) It is considered that Homes in Multiple Occupation contribute to the range of housing needs that are required within our community as stated in Ambition 7. With the right design and layout and appropriate management through private sector housing licensing they can make a positive contribution to an area.

## **8. STATUTORY CONSULTATION**

### **8.1 The Coal Authority**

No objections. The originally proposed extension to the building has been deleted from the scheme.

### **8.2 Highways**

No objections following the deletion of the proposed hairdressing salon from the proposal.

### **8.3 Public Health (Air Quality)**

No objections.

### **8.4 Private Sector Housing**

No objections but point out that the HMO would require Building Regulations Approval. Comments have been forwarded to the applicant as this would be dealt with under separate legislation.



## **8.5 West Midlands Police**

No objections subject to secured by design measures being employed. The advice has been forwarded to the applicant and a condition recommended that details of the proposed security measures be submitted to the local planning authority for approval.

## **8.6 Public Health - Healthy Urban Development Officer**

No objections subject to secure cycle storage for the HMO occupants.

## **9. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY**

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

## **10. LOCAL PLANNING POLICY**

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

BCCS policy ENV3

SADD policy SADEOS9

Sandwell's Supplementary Revised Residential Design Guide (HMO Annex)

10.2 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.

10.3 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.

## **11. MATERIAL CONSIDERATIONS**

11.1 The material considerations relating to Government policy (NPPF) and proposals with the local plan have been referred to above in Sections 9 and 10. With regard to the other considerations these are highlighted below:

## **11.2 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 original submission to reduce the intensity of the proposal (deletion of the salon and of the small extension).

## **11.3 Living space standards**

Minimum internal living space standards have been met (paragraph 9.2 above). Concerns have been raised over the lack of fire escape details; these are covered by other legislation such as Building Control and the Licencing Team.

## **11.4 Overlooking/loss of privacy**

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

## **11.5 Parking, highway safety and traffic generation**

The proposed parking provision is deemed appropriate following the deletion of the hair salon from the proposal resulting in no objections from Highways.

However, I note that the footway crossing would need to be extended in order to accommodate the extra spaces. This can be controlled by condition.

## **11.6 Noise and disturbance**

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

## **11.7 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 7.3 (iii) b) above].

## **12. IMPLICATIONS FOR SANDWELL'S VISION**

- 12.1 The proposal supports Ambitions 7 and 10 of the Sandwell Vision 2030: -
- 12.2 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.
- 12.3 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.

## **13. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

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

## **14. STRATEGIC RESOURCE IMPLICATIONS**

- 14.1 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.

## **15. LEGAL AND GOVERNANCE CONSIDERATIONS**

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

## **16. EQUALITY IMPACT ASSESSMENT**

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

## **17. DATA PROTECTION IMPACT ASSESSMENT**

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

## **18. CRIME AND DISORDER AND RISK ASSESSMENT**

- 18.1 Objections have been received regarding the clientele of the proposed HMO. West Midlands Police has raised no objections.

## **19. SUSTAINABILITY OF PROPOSALS**

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

## **20. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

20.1 Refer to the summary of the report (13).

## **21. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

21.1 There will be no impact.

## **22. APPENDICES:**

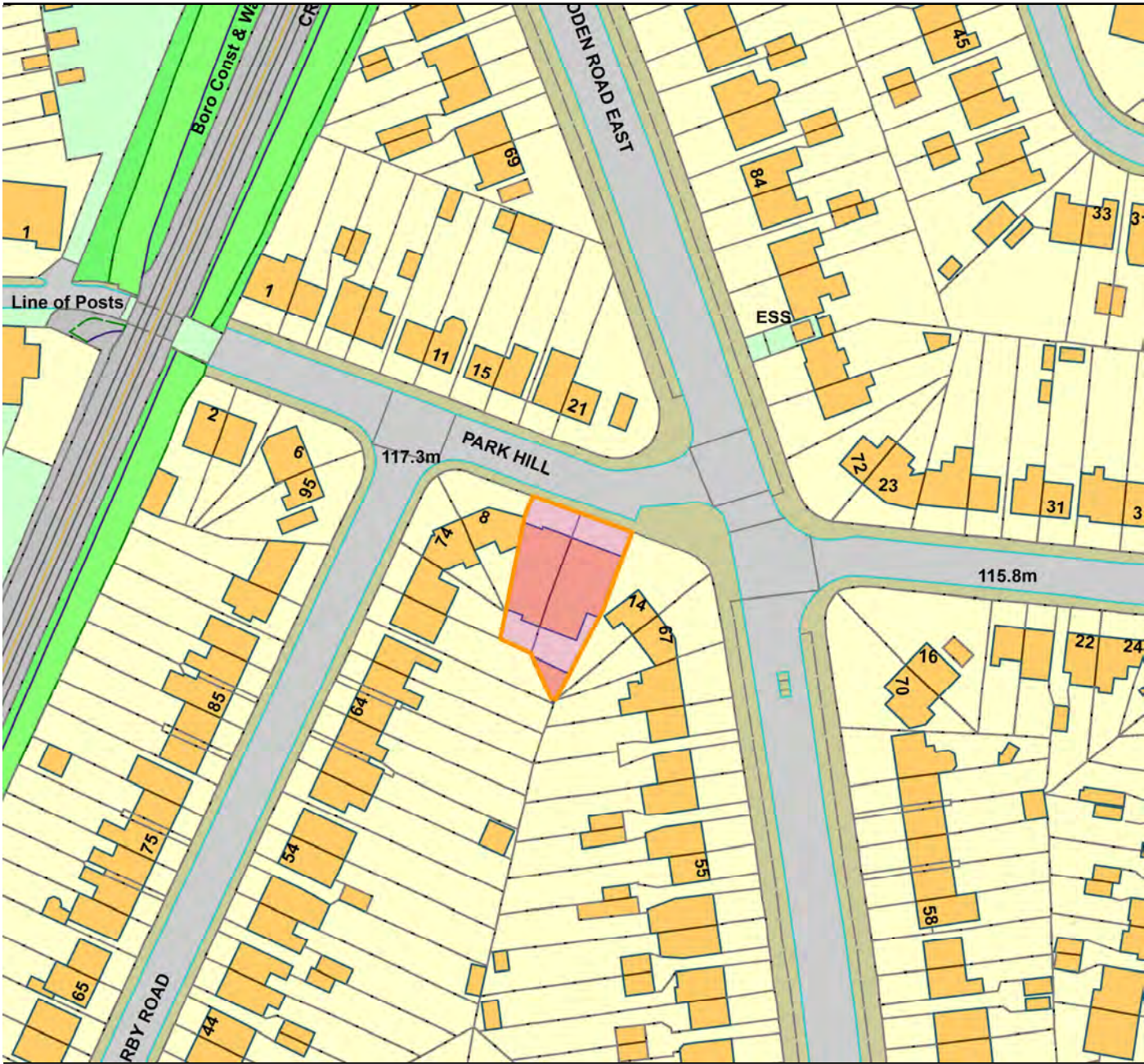
Site Plan

Context Plan

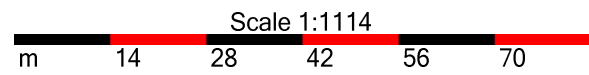
Plan No. 2155/S1

Plan No. 2155/P10 Rev B

DC/19/63440  
10 - 12 Park Hill, Wednesbury, WS10 0PL

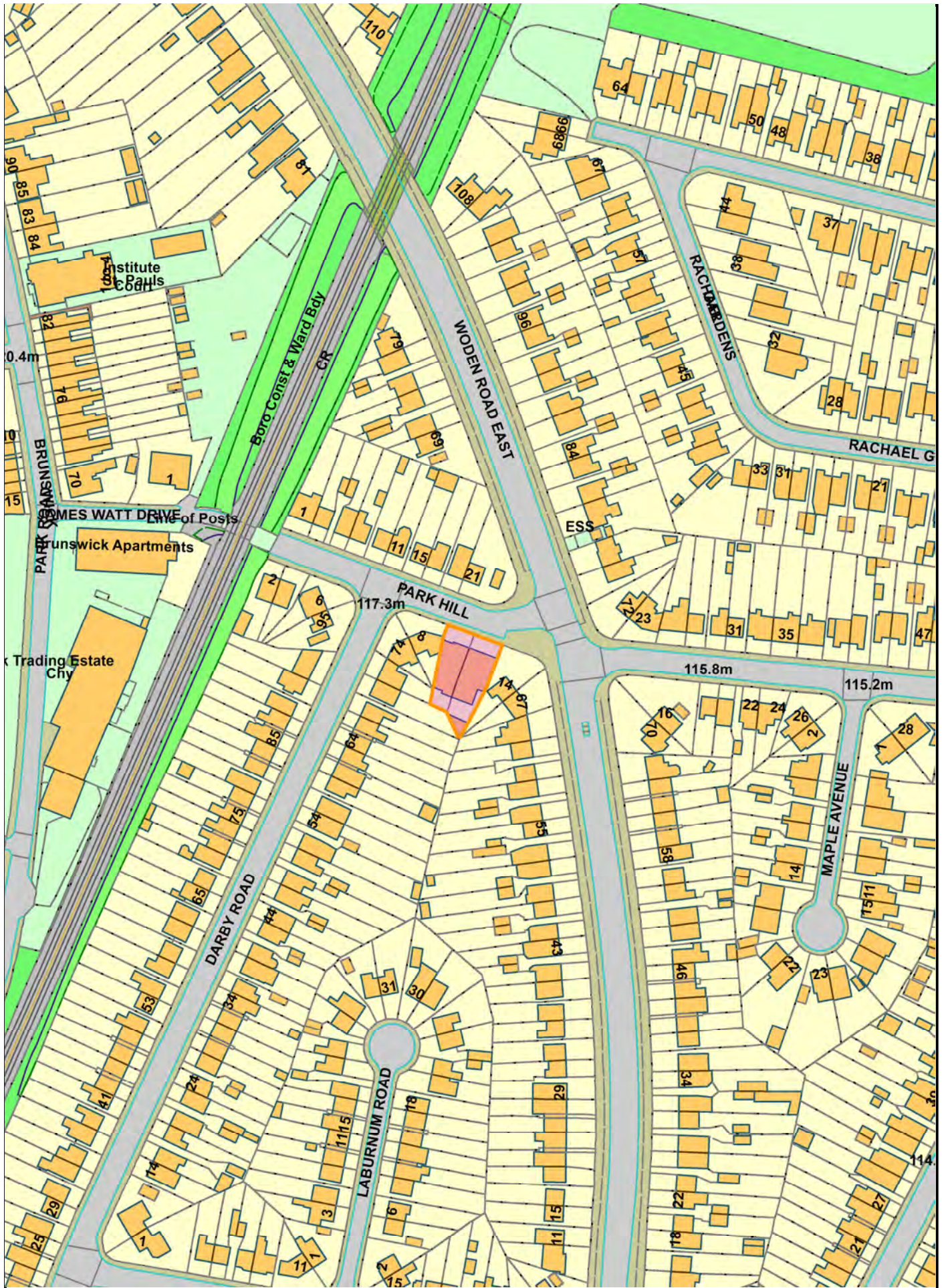


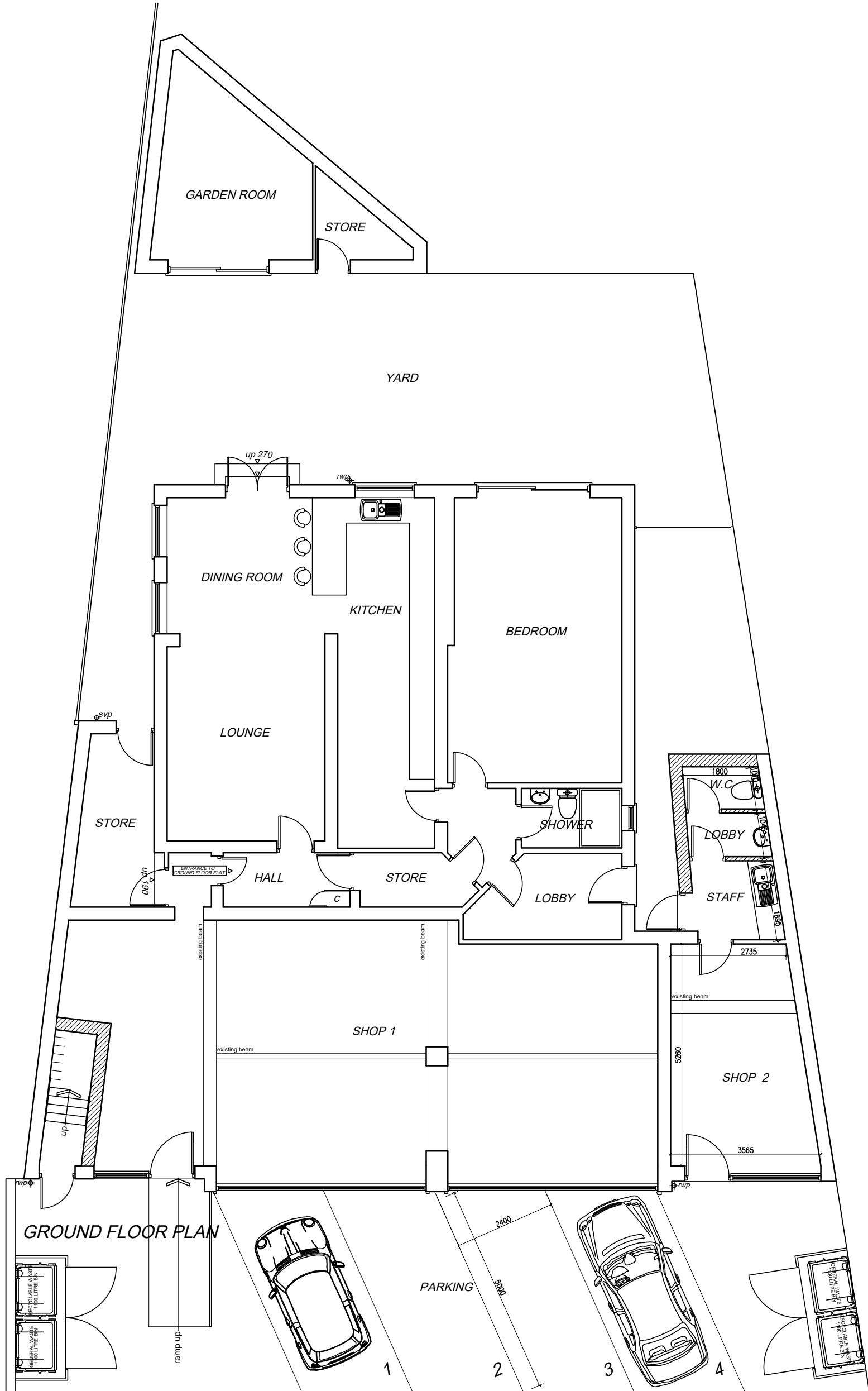
**Legend**



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	21 May 2020





GROUND FLOOR PLAN

FOOTPATH

○ LAMP POST

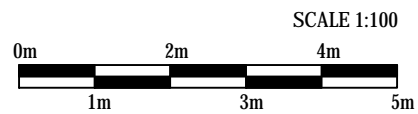
existing drop curb

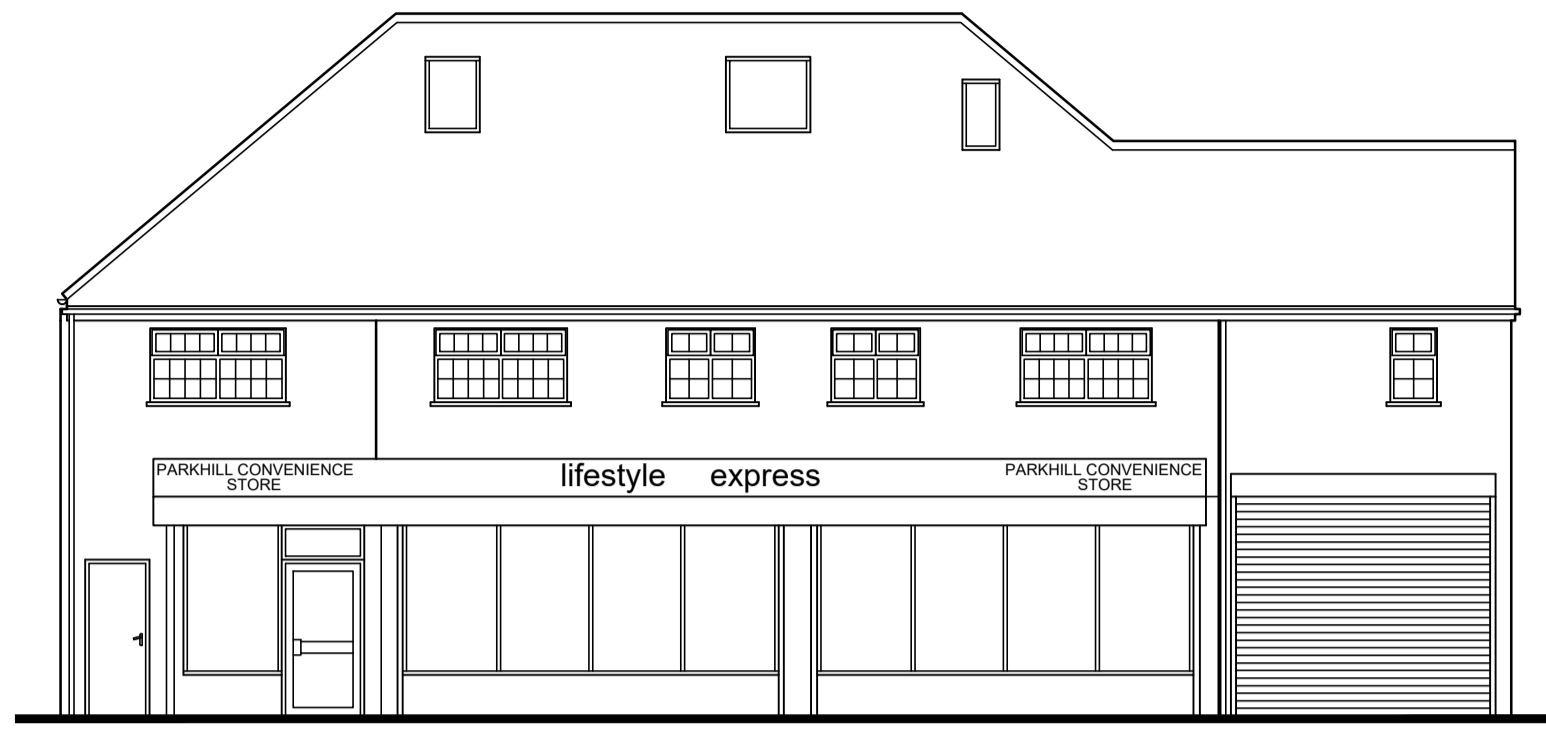
proposed drop curb

existing drop curb

PARK HILL

# SITE PLAN SCALE 1:100

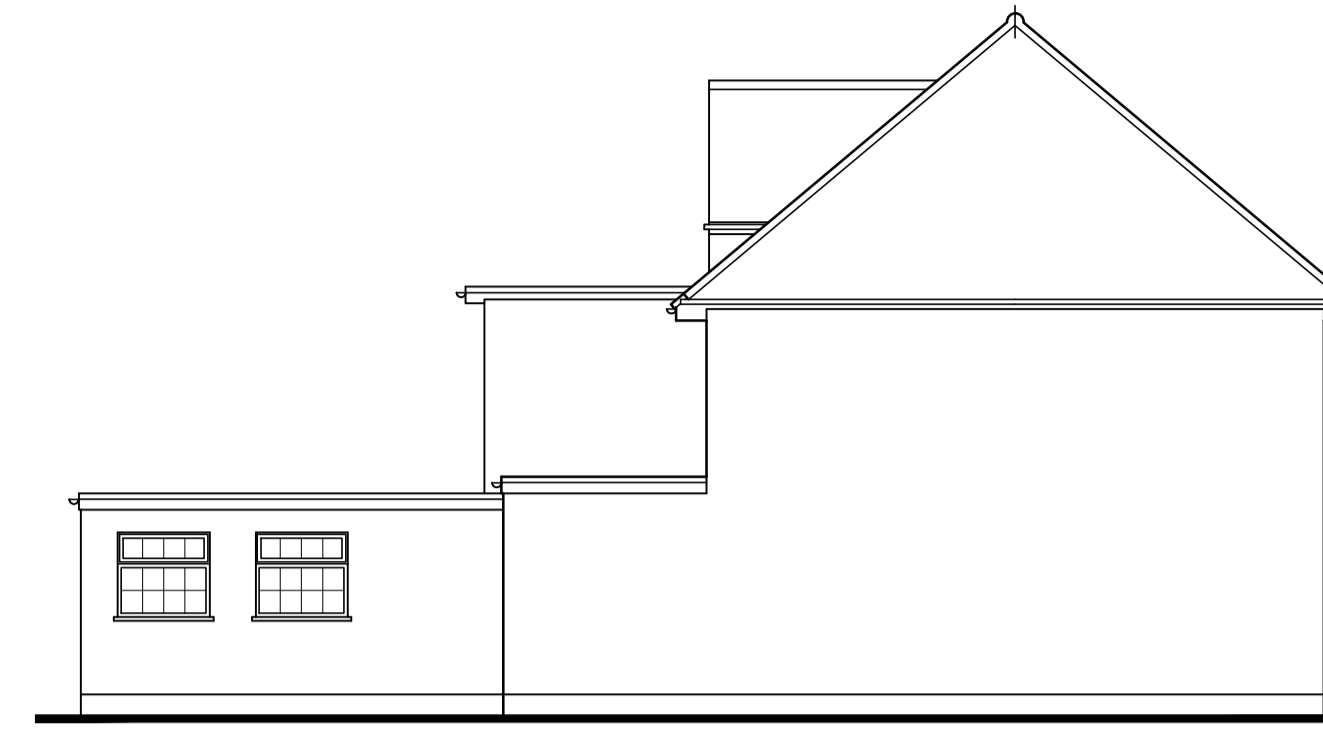




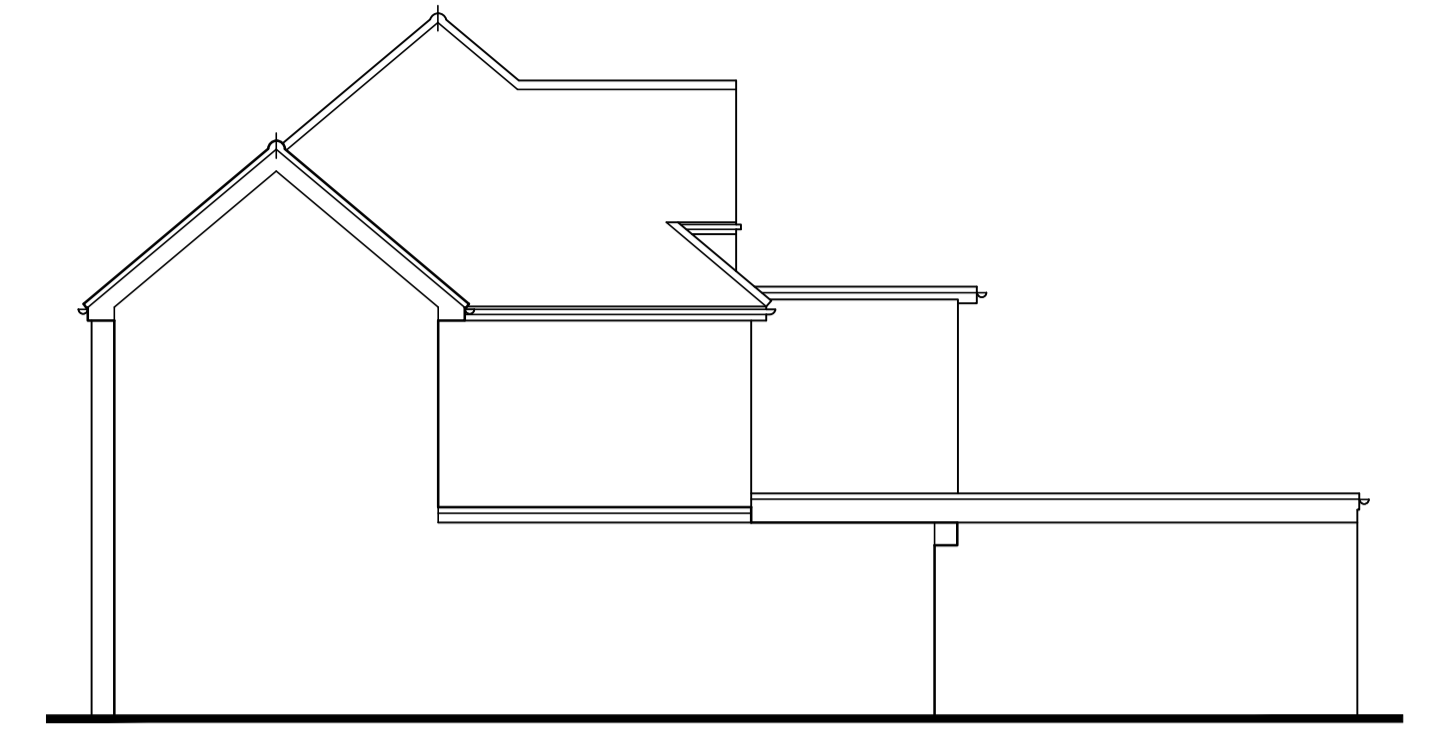
FRONT ELEVATION



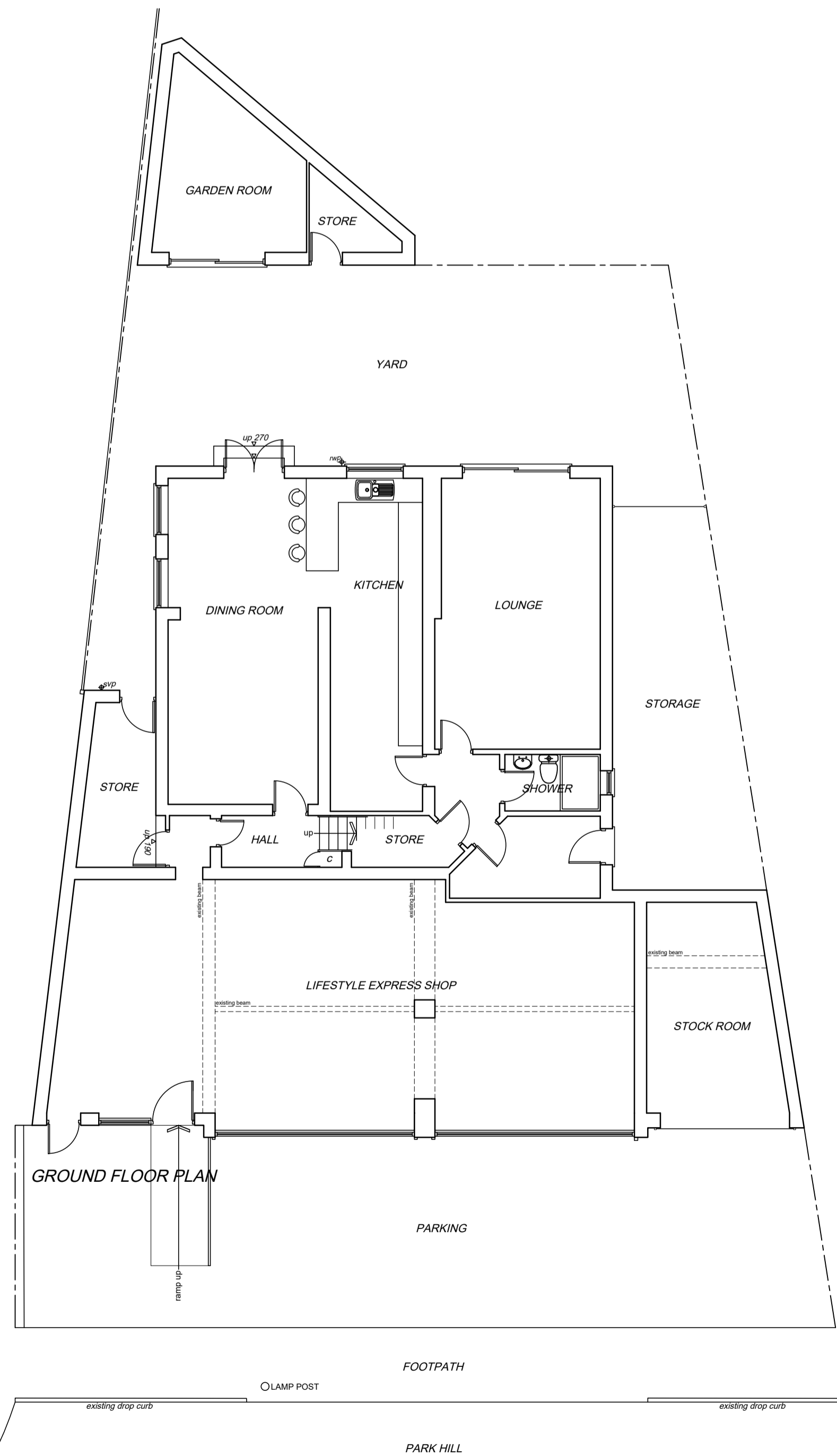
REAR ELEVATION



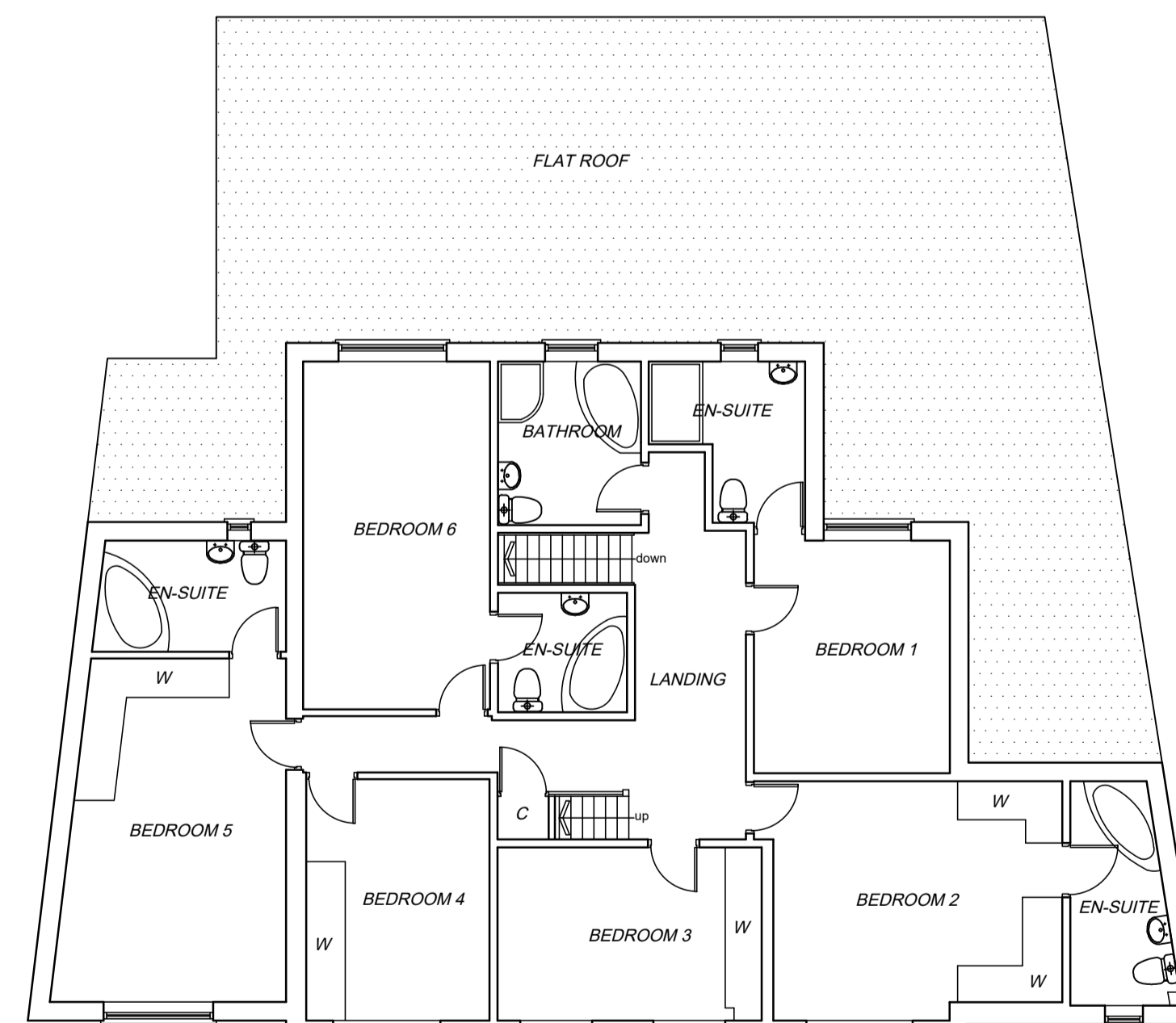
SIDE ELEVATION



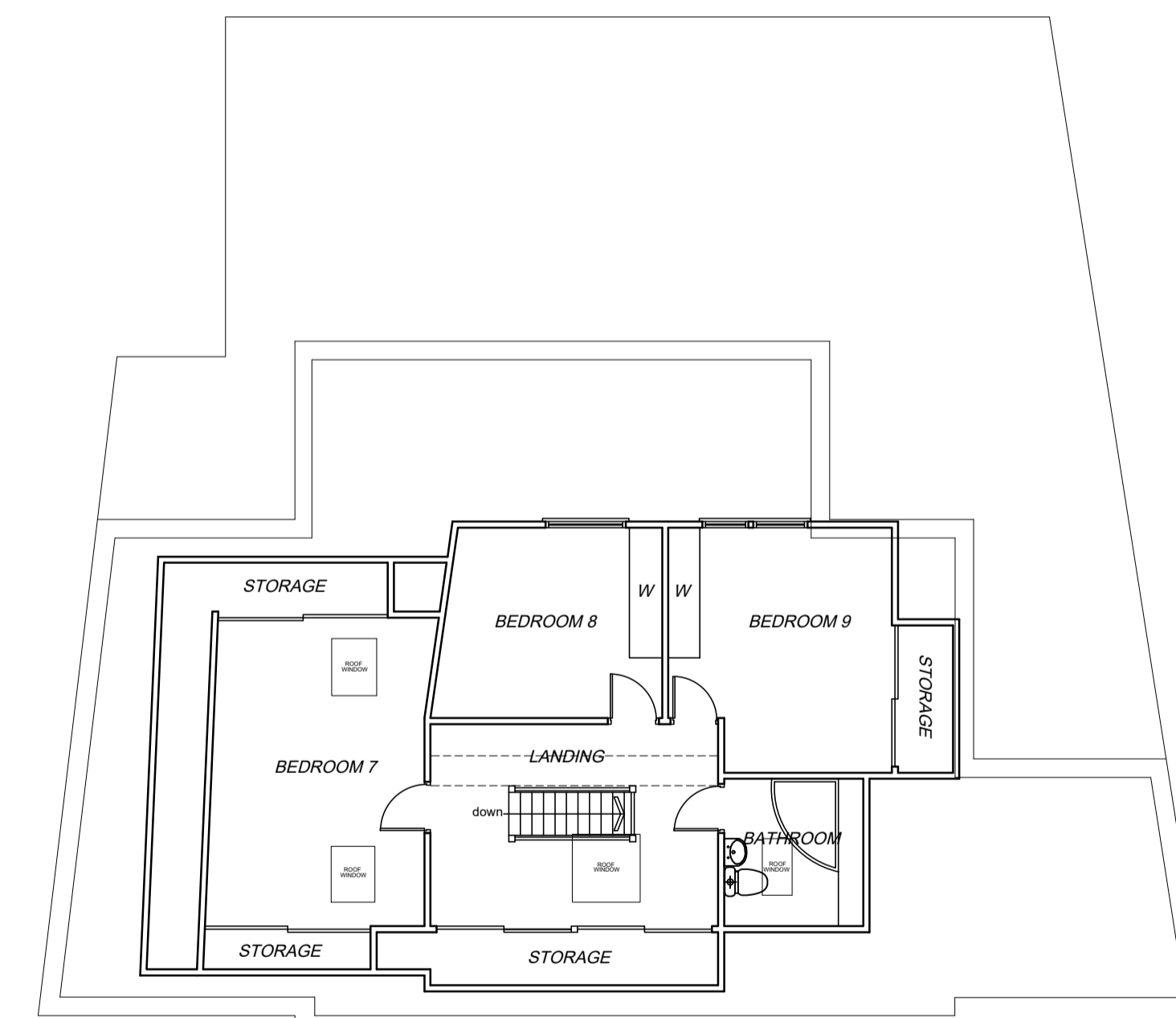
SIDE ELEVATION



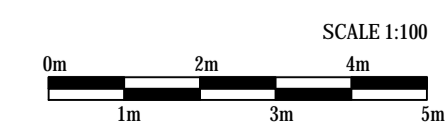
GROUND FLOOR PLAN




FIRST FLOOR PLAN



SECOND FLOOR PLAN



REV	DRAWN	DATE
 <b>Sdb architecture</b> DESIGN, PLANNING & PROJECT MANAGEMENT 20 B&Ignorth Road, Wombourne, Staffs. WVS 0AA Tel: 01902 894517 Mob: 07866454194 Email: petertyle@sevendesignbuild.com		
PROJECT PROPOSED GROUND FLOOR SALON & HMO ON FIRST AND SECOND FLOORS PARK HILL CONVENIENCE STORE, 10-12 PARK HILL, WEDNESBURY, WS10 0PL		
CLIENT MR BALACHANDRAN THIYAGARAJAH		
DRAWING SURVEY		
DRAWN	CHECKED	APPROVED
CAD	SCALE 1/100@A1	DATE 12.06.19
DRAWING No:	2155/S1	
		REV

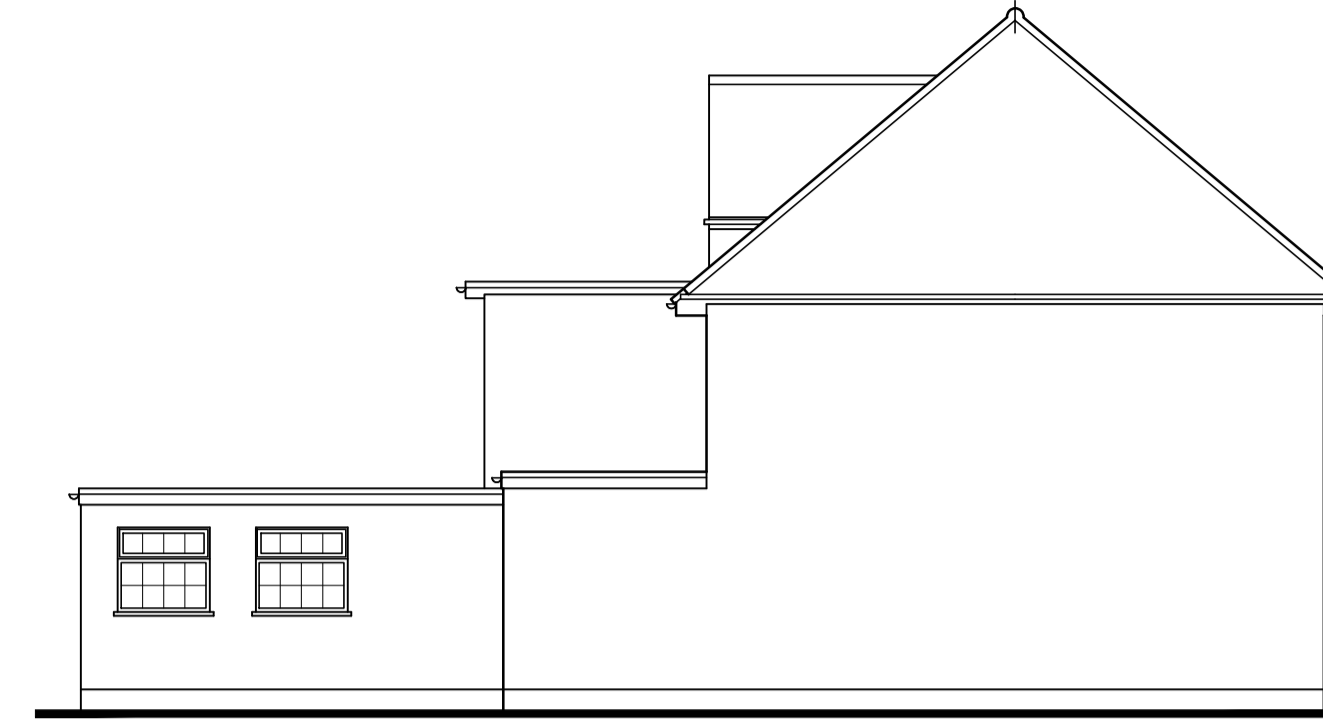




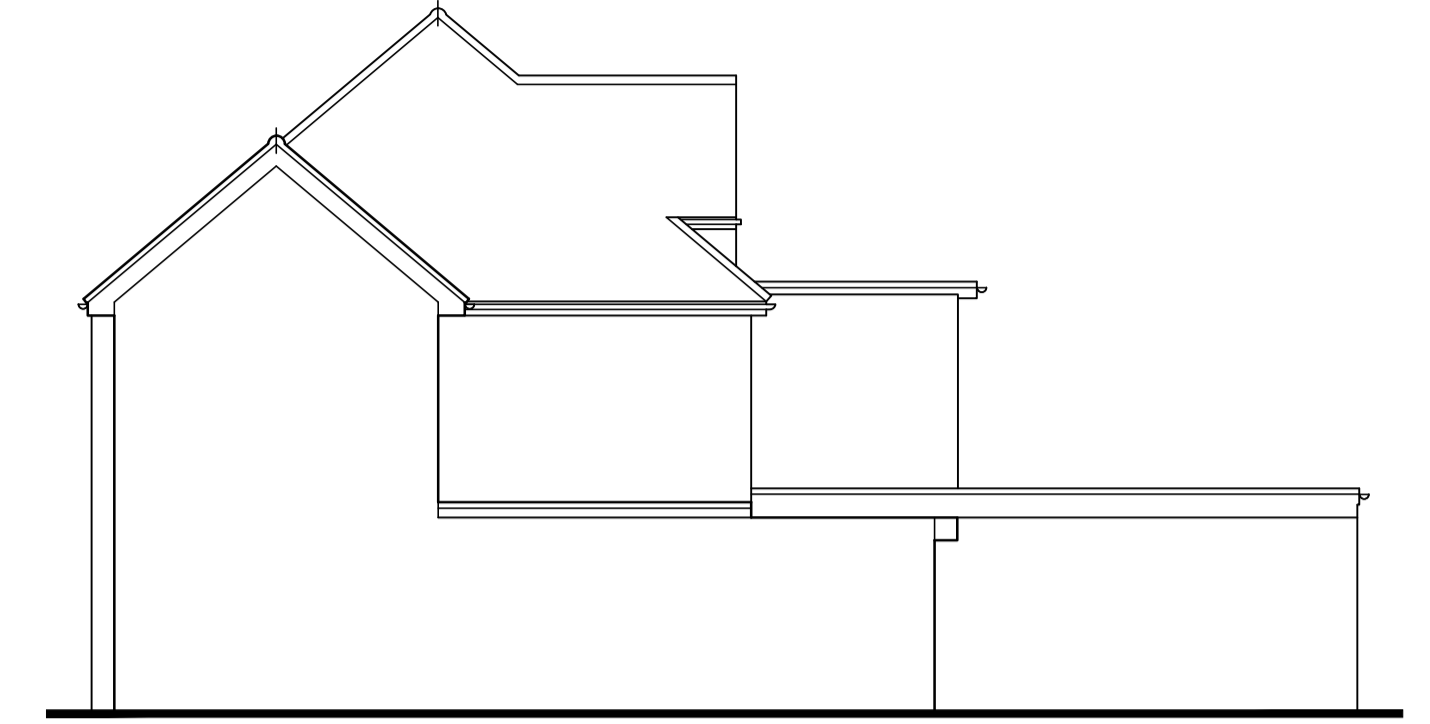
FRONT ELEVATION



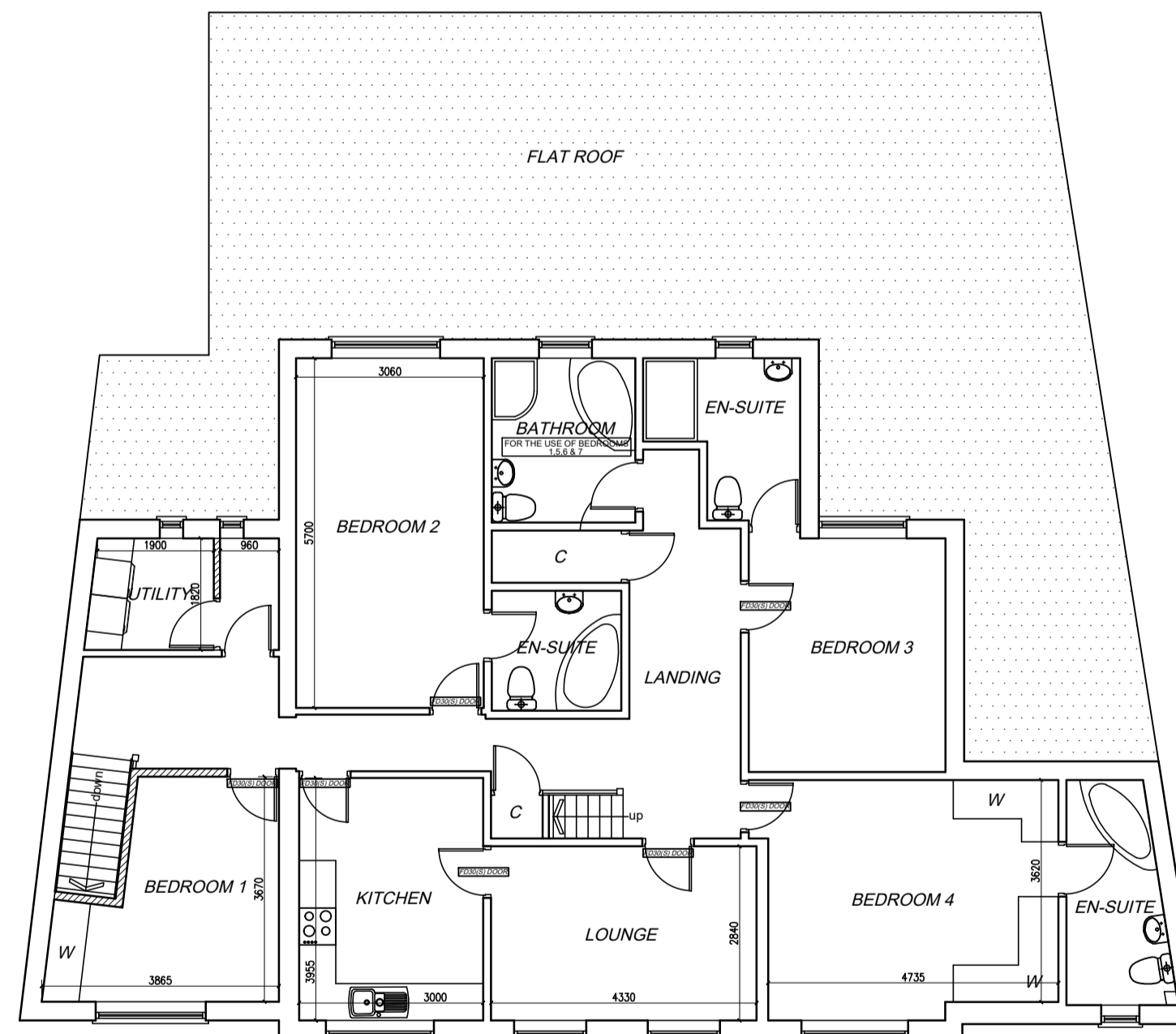
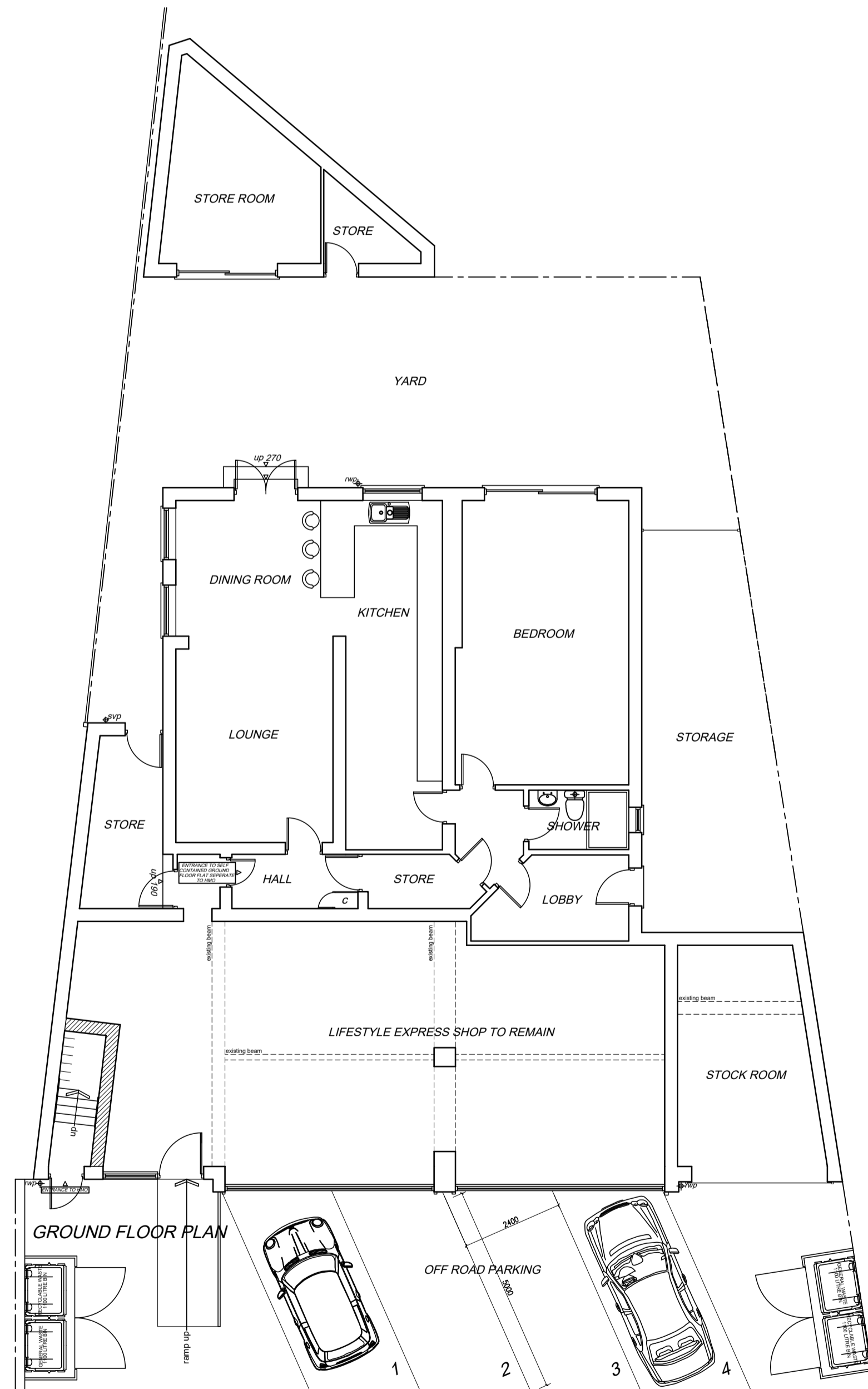
REAR ELEVATION



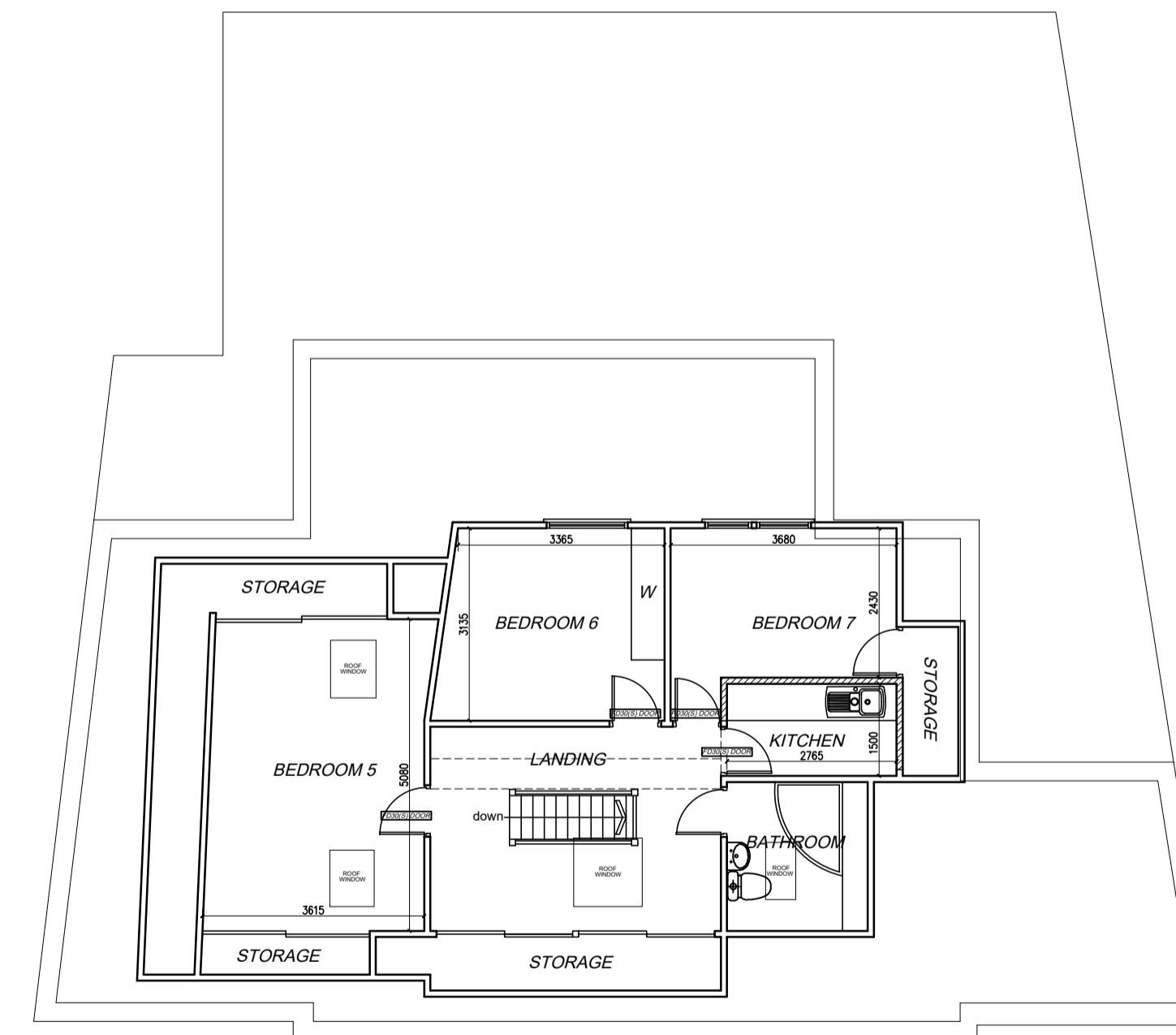
SIDE ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN



SECOND FLOOR PLAN

**FLOOR AREAS:**

FLOOR	ROOM	AREA (sq.m)
GROUND FLOOR	SHOP 1	88.10 sq.m
	FLAT	99.80 sq.m
HMO FIRST FLOOR	BEDROOM 1	11.00 sq.m
	BEDROOM 2	17.44 sq.m
	BEDROOM 3	12.23 sq.m
	BEDROOM 4	18.31 sq.m
	KITCHEN	11.90 sq.m
	LOUNGE	12.30 sq.m
	UTILITY	5.60 sq.m
HMO SECOND FLOOR	BEDROOM 5	18.00 sq.m
	BEDROOM 6	11.30 sq.m
	BEDROOM 7	9.53 sq.m
	KITCHEN	4.14 sq.m

**Notes for the Client and Contractor:**

**sdb Architecture**  
 (Seven Design Build) take no responsibility for checking any building works on site.  
 The contractor must check and verify all building and site dimensions, levels, a drain/sewer and IC locations.  
 The contractor must check that they are working from the latest drawing revisions.  
 Prior to commencement of the work on site, the client must ensure that Planning Approval where necessary has been obtained and has not expired.  
 Planning Conditions ( listed on planning approval) which are required to be discharged prior to commencement of work must be dealt with otherwise the planning approval could be lost and a fresh application required.  
 Where the building is listed then the Local Authority Conservation officer must be informed of the commencement of the works, and kept fully informed of progress.  
 Facing materials must be approved by the Local Planning Authority ie facing bricks, roof tiles, window frames etc.  
 Written approval to the materials must be obtained from the Local Authority prior to commencement.  
**THE PARTY WALL ACT:**  
 It is a legal requirement (of the Party wall act) that home owners give the required notice to their neighbours when intending to build on or adjacent to the site boundary.  
**BUILDING REGULATIONS:**  
 The contractor must comply with the current Building Regulations whether specifically stated on this drawing or not. All necessary stage Building Inspections must be requested at the appropriate times. On completion, a Completion Certificate must be requested from building control, and supplied to the Building owner.

REV	DRAWN	DATE	Local authority amendments - GF Salon removed
B		12/11/19	

**Sdb architecture**  
 DESIGN, PLANNING & PROJECT MANAGEMENT  
 20 B&Igroth Road, Wombourne, Staffs, WVS 0AA  
 Tel: 01902 894517 Mob: 07866454194 Email: petertyle@seven-design-build.com

PROJECT  
**PROPOSED HMO ON FIRST & SECOND FLOORS PARK HILL CONVENIENCE STORE, 10-12 PARK HILL, WEDNESBURY, WS10 0PL**

CLIENT  
**MR BALACHANDRAN THIYAGARAJAH**

DRAWING  
**PLANNING DRAWING**

DRAWN	CHECKED	APPROVED
CAD	SCALE 1/100@A1	DATE 12.06.19
DRAWING No:	2155/P10	
REV	B	

