



## REPORT TO PLANNING COMMITTEE

7 October 2020

<b>Application Reference</b>	DC/20/64552
<b>Application Received</b>	3 August 2020
<b>Application Description</b>	Proposed change of use of first and second floors and part change of use of ground floor at rear to create 6 No. bedroom HMO (house in multiple occupancy) and rear storage area
<b>Application Address</b>	530 Bearwood Road, Smethwick B66 4BX
<b>Applicant</b>	Mr Satinder Shoker
<b>Ward</b>	Abbey
<b>Contribution towards Vision 2030:</b>	 
<b>Contact Officer(s)</b>	Carl Mercer 0121 569 4048 carl_mercer@sandwell.gov.uk

### **RECOMMENDATION**

That planning permission is granted subject to conditions relating to:-

- (i) Noise assessment and implementation of recommendations;
- (ii) Air quality mitigation plan and implementation of recommendations;
- (iii) Provision and retention of refuse storage area (to include boundary treatment);
- (iv) Provision and retention of cycle storage (materials to match existing building);
- (v) External lighting scheme;
- (vi) No use of staircase or flat roof as external amenity area.

### **1. BACKGROUND**

1.1 The application is being reported to your Planning Committee as the proposal has received seven objections.

- 1.2 To assist Members with site context, a link to Google Maps is provided below:

[530 Bearwood Road, Smethwick](#)

## **2. SUMMARY OF KEY CONSIDERATIONS**

- 2.1 The site is within the Bearwood town centre boundary within the development plan.
- 2.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF);  
Proposals in the Development Plan;  
Planning history (including appeal decisions);  
Layout and density of building; and  
Access, highway safety, parking, servicing and traffic generation.

## **3. THE APPLICATION SITE**

- 3.1 The application relates to a three storey commercial premises situated on the west side of Bearwood Road, within Bearwood town centre.
- 3.2 The ground floor of the premises is retail with a flat above.

## **4. PLANNING HISTORY**

- 4.1 There is no relevant planning history for this site (although planning history in respect of HMOs in the wider area is relevant).

## **5. APPLICATION DETAILS**

- 5.1 The applicant proposes to change parts of the property to a six-bedroom house in multiple occupation (HMO).
- 5.2 At ground floor, the retail element would be partially retained and accessed from Bearwood Road with a change to the rear of the ground floor area to two bedrooms and a shared lounge and kitchen area. The first floor would provide a further two bedrooms with an additional lounge and kitchen area, whilst the second floor would accommodate two more bedrooms.
- 5.3 Each bedroom would have its own toilet and washing facilities.
- 5.4 Bin storage would be provided to the rear of the unit, as well as secure cycle storage.

5.5 Access to the HMO would be gained via an existing doorway from an alleyway between the application property and The Midland public house. The access leads to a small courtyard area where the ground floor bedrooms would be accessed, and the first floor would be accessible by an existing external staircase, as is the arrangement for the existing flat.

## **6. PUBLICITY**

6.1 The application has been publicised by neighbour notification letter, with seven objections being received – including one from Councillor Jaron.

### **6.2 Objections**

Objections have been received on the following grounds:

- i) The number of HMOs already in the area is already excessive;
- ii) Number of residents the proposal would accommodate;
- iii) Lack of parking;
- iv) Insufficient bin storage, which would exacerbate existing issues with rubbish in the vicinity;
- v) Anti-social behaviour;
- vi) Lack of fire escapes;
- vii) Noise; and
- viii) Loss of retail.

### **6.3 Responses to objections**

I respond to the objectors' comments in turn:

- i) The area is a town centre and many of the units are typically characterised by business premises at ground floor and residential above. The principle for a mixture of commercial and residential in this area is established and no 'threshold' for HMOs in the area is set in planning policy.
- ii) Whilst the proposed plans depict single occupancy rooms, it is accepted that two people could reside in each unit – especially as the proposed bedroom sizes would permit up to two people under the Housing Act. However, in my opinion the most immediate concern in this regard is the quality of life of the occupants, which would largely be managed under the HMO licence. If the occupancy is acceptable under HMO guidance and the Housing Act, refuse storage is adequate and Highways have no objection, I do not attach significant weight to the impact of occupancy on the surrounding area.

- iii) Highways have no objection to the proposal. Given the town centre location, access to public transport and cycle parking provision, I am not significantly concerned that the proposal would exacerbate traffic or parking issues in the area.
- iv) A refuse storage area is shown to the rear of the site for four 240 litre bins and one 140 litre bin for residents, and further 240 litre bin for the commercial unit. At the time of my visit the footpath and access to the rear of the shops were not significantly untidy; certainly not exceeding what one would expect at the rear of a busy parade of shops and takeaways. Furthermore, there appeared to be no rubbish or storage emanating from the application property, and the property has its own space in which to store refuse bins.
- v) The application has been submitted to judge the appropriateness of the proposed residential use in this location, not the character of its potential residents. Appeal decisions have tended to allude to the fact that responsible management of HMOs is the major issue in respect of anti-social behaviour (which is beyond the scope of planning), and whilst the number of HMOs in the area has been brought to my attention, no evidence of anti-social behaviour from these existing HMOs has been provided by objectors or West Midlands Police. Furthermore, West Midlands Police raise no objection to the proposal.
- vi) In respect of fire safety, the applicant has been notified that the bedrooms would not comply with the Housing Act in regard to fire escape (as per the comments of our Private Sector Housing officer). Although this is not a material planning consideration, the applicant's agent has been asked to comment and has rightly stated that the accommodation would require Building Regulations approval. The agent further states that as long as warning mechanisms and escape routes are put in place, then Building Regulations in respect of a fire strategy would be met.
- vii) There is no evidence before me that the occupiers of the HMO are any more or less likely to create noise issues than any other form of residential accommodation.
- viii) The change to residential at ground floor would only be partial, to the rear of the unit. This is not considered to be a significant loss – and certainly would not undermine the retail function of the centre. Planning Policy raise no objection in respect of this issue.

## **7. STATUTORY CONSULTATION**

### **7.1 Planning and Transportation Policy**

No objection. The officer has noted that the access to the side of the premises is public footpath.

### **7.2 Highways**

No objection. The proposal is not adding to the existing floor area of the building and first and second floors already have residential use. This is a High Street location with sustainable transport links and existing parking restrictions in place to the front of the property.

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

No objection. Air quality mitigation plan required via condition.

### **7.4 Public Health (Noise)**

No objection. Noise assessment required (to safeguard future occupants) via condition.

### **7.5 West Midlands Police**

No objection. The officer mentions HMO licensing, security and Building Regulation matters, which are outside of the planning remit. The officer also lists the number of licensed HMOs in the area that the Police have on record but does not raise an objection. Lighting and cycle storage can be controlled by condition.

### **7.6 Private Sector Housing**

They raise matters under Building Regulations and the Housing Act. These comments have been passed to the agent.

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

- 8.1 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.

## **9. LOCAL PLANNING POLICY**

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

HOU2: Housing Density, Type and Accessibility

TRAN4: Creating Coherent Networks for Cycling and Walking  
ENV3: Design Quality  
ENV8: Air Quality  
SAD CEN 1: Non-Retail uses in Town Centres  
SAD EOS 9: Urban Design Principles

- 9.2 HOU2 identifies the need for a range of types and sizes of accommodation within the Borough and accessibility in terms of sustainable transport to residential services. Given its town centre location, the proposal is compliant with this policy.
- 9.3 The provision of cycle storage would make the proposal compliant with TRAN4. This is proposed as part of the scheme and can be ensured by condition
- 9.4 ENV3 and SAD EOS 9 refer to well-designed schemes that provide quality living environments. The internal room sizes and shared areas of the HMO would meet housing requirements.
- 9.5 Air quality mitigation can be ensured by condition, in accordance with ENV8.
- 9.6 In respect of SAD CEN 1, the proposal relates to the upper floors and rear of the property only. It would not impact on the ground floor frontage of the unit, which would remain as retail.

## **10. MATERIAL CONSIDERATIONS**

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

### **10.2 Planning history (including appeal decisions)**

Whilst each planning application should be dealt with on its merit, it would be negligent to determine the application without having regard to the 2019 appeal decisions for eleven HMOs along Bearwood Road. Planning Committee refused these applications for (inter alia) over-intensification, highway safety and fear of crime. None of the reasons for refusal carried weight with the Inspector, and the appeals were allowed with heavy costs awarded against the Council. The issues raised above are similar to concerns raised during the determination of the eleven appeal losses and, similarly, I see no justification for refusal of the current application on such grounds, given the principle set by these appeal decisions.

### **10.3 Layout and density of building**

As detailed above, the room sizes would accord with the Housing Act. I acknowledge the absence of external amenity area but given the town centre location and the proximity of local green spaces, potential residents would not be unduly affected by this onsite deficiency.

### **10.4 Access, highway safety, parking, servicing and traffic generation**

As detailed above, I have no significant concerns in respect of the impact of the proposal on these matters.

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

11.1 The proposal supports Ambitions 7 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 considered to be appropriate in this location, would cause no significant harm to residential amenity or highway safety and is acceptable from a policy perspective.

## **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 equality 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 There are no crime and disorder issues with this application.

## **18. SUSTAINABILITY OF PROPOSALS**

18.1 Refer to the National Planning Policy Framework (8), Development Plan policies (9) and material considerations (10).

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

19.1 Provision of housing.

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

20.1 There would be no impact.

## **21. APPENDICES:**

Site Plan

Context Plan

20/015/P01 – existing floor plans

20/015/P02 – existing elevations

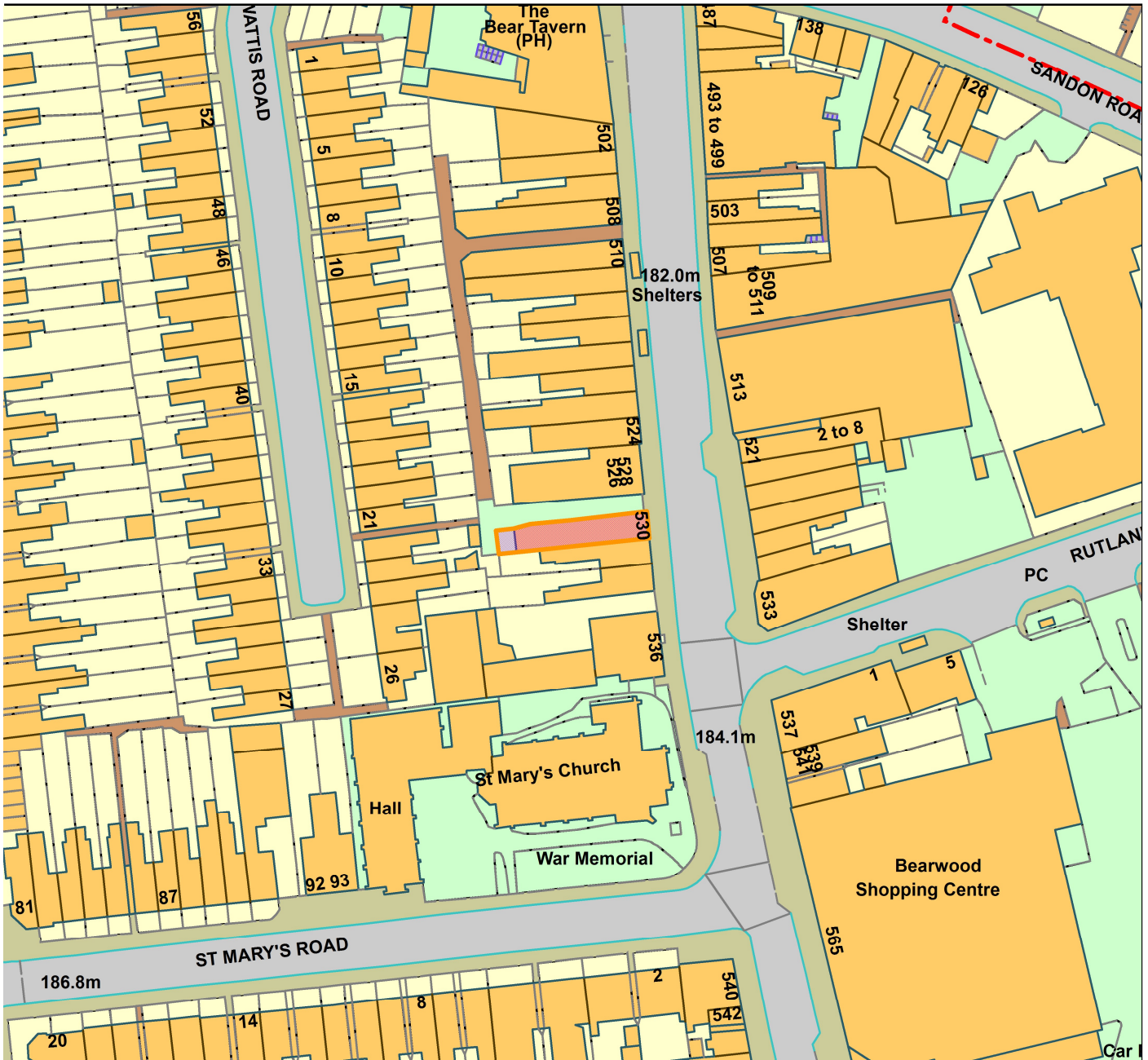
20/015/P03 – proposed floor plans

20/015/P04 - proposed elevations



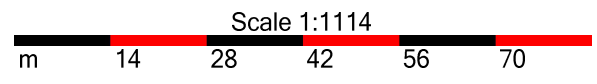
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530 Bearwood Road, Smethwick,



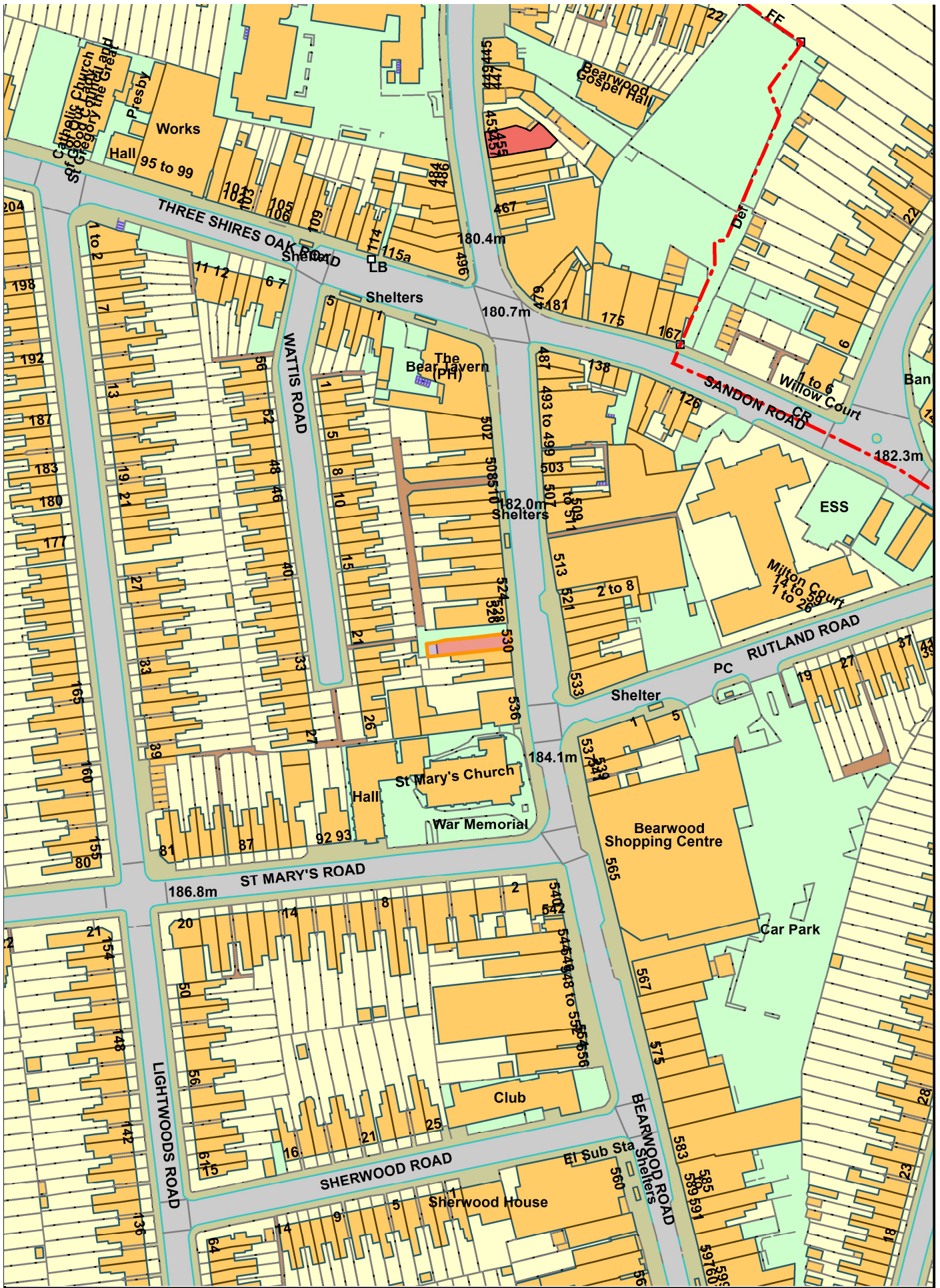
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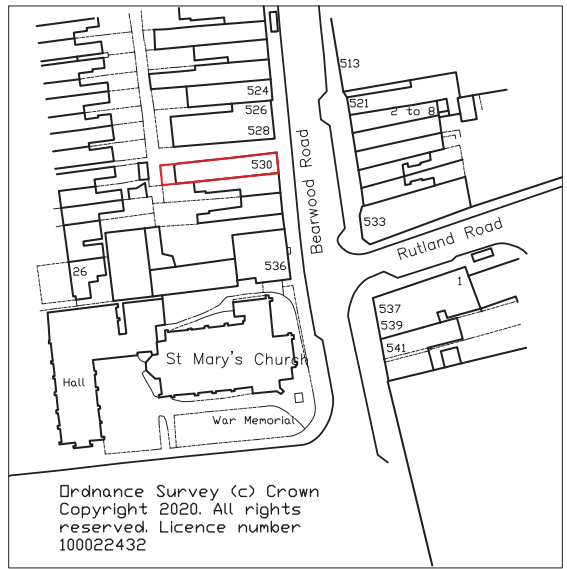
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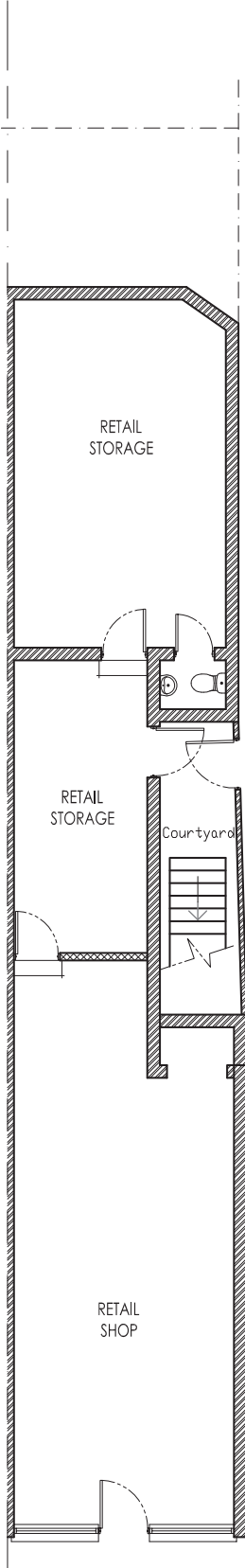
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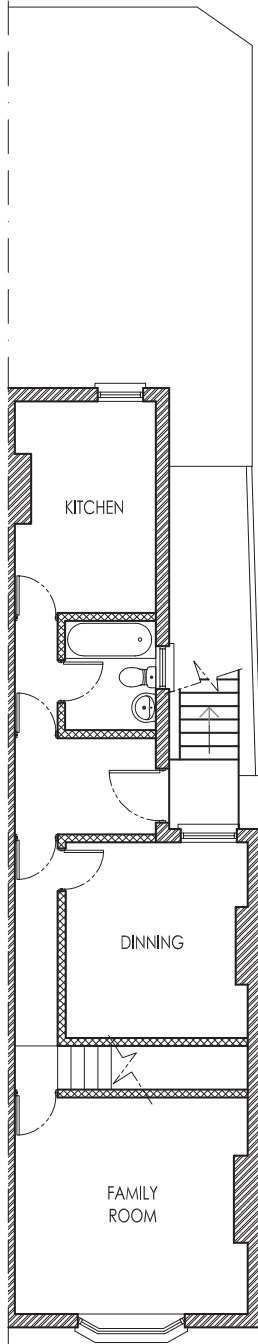


**EXISTING AREA LOCATION**

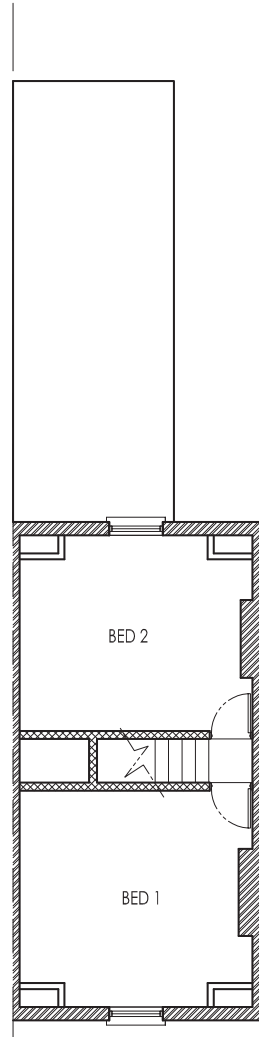
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EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN



EXISTING SECOND FLOOR PLAN

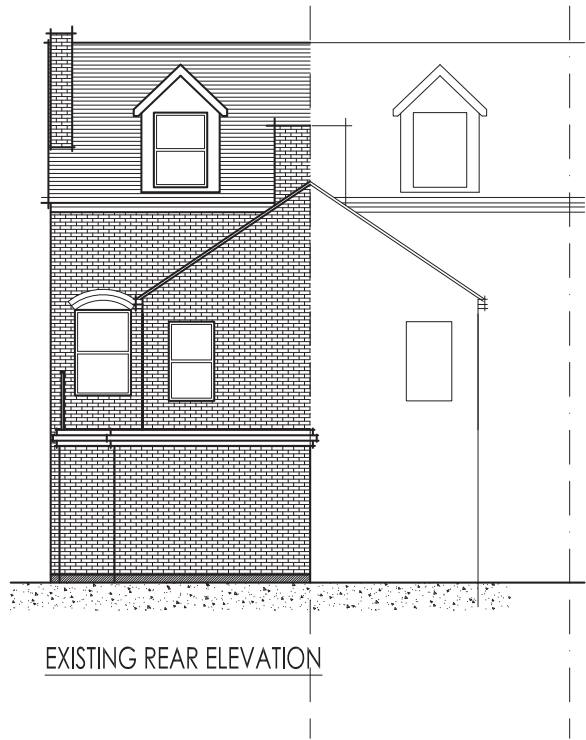
Stairs to first floor

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Iss	Revision	Date
		
<b>UDDIN DESIGN</b> BESPOKE BUILDING PLANNING 3 Monway Building, Holyhead Road Wednesbury, West Midlands WS10 7PY Tel: 07958 773443 Email: <a href="mailto:info@uddindesign.co.uk">info@uddindesign.co.uk</a>		
Client	360 Projects Ltd 530 Bearwood Road Smethwick B66 4BX	
Project	Change of use to 1No. 6 bed HMO	
Scale: 1:100(UNO)@A3 Date: 20/07/20 Drawn: SU Paper Size: A3		
Drawing Number: <b>20/015/P01</b>		Revision



EXISTING REAR ELEVATION

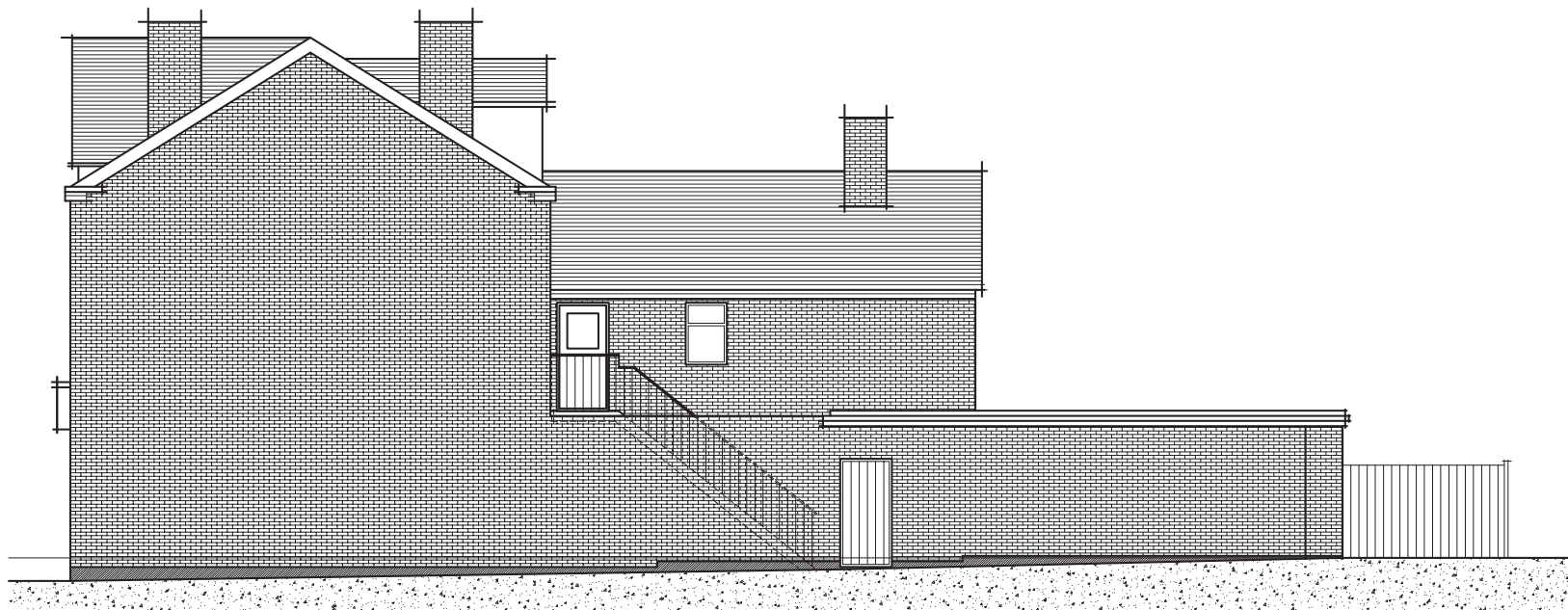


EXISTING FRONT ELEVATION


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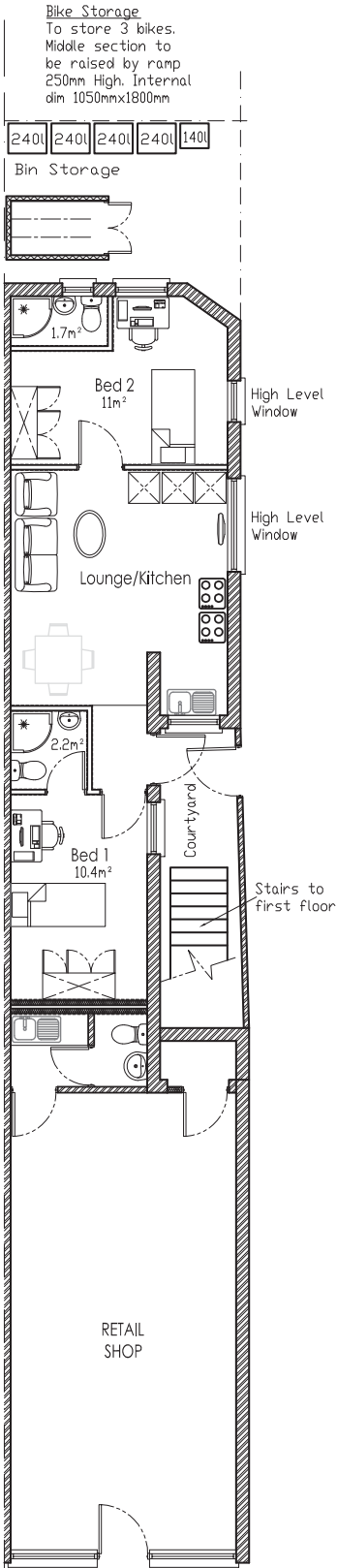
EXISTING SIDE ELEVATION

Iss	Revision	Date
 <b>UDDIN DESIGN</b> BESPOKE BUILDING PLANNING 3 Morway Building, Holyhead Road Wednesbury, West Midlands WS10 7PY Tel: 07958 773443 Email: info@uddin.design.co.uk		
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Drawn: SU Paper Size: A3		
Drawing Number:		Revision
20/015/P02		

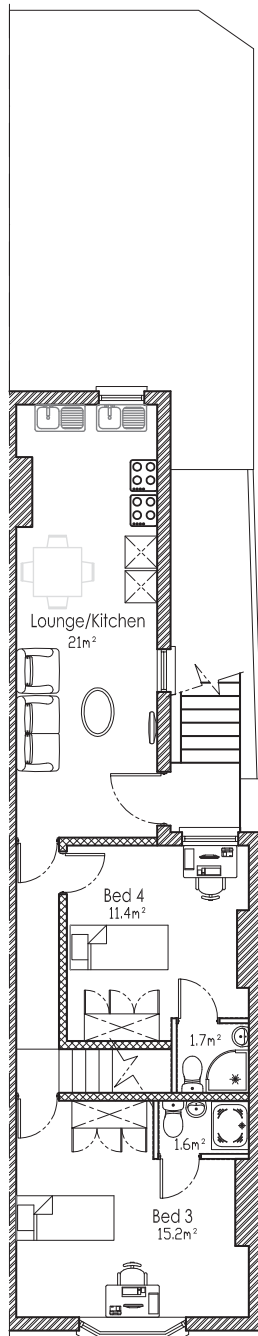


PROPOSED SITE LOCATION

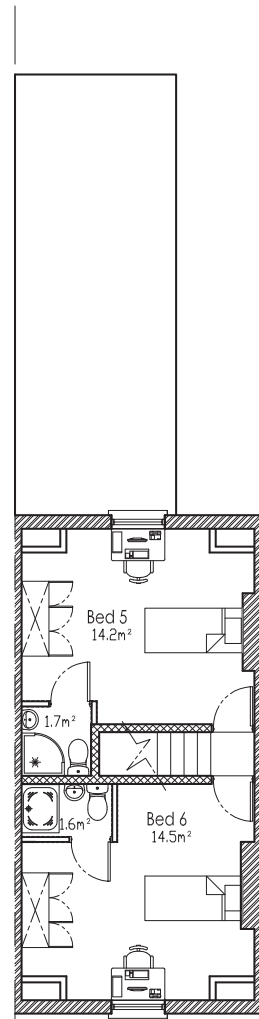
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PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN




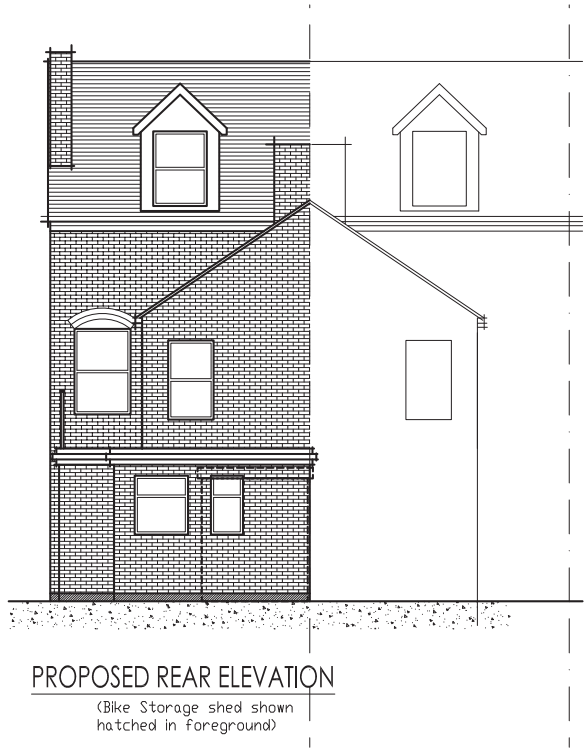
PROPOSED SECOND FLOOR PLAN

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Iss	Revision	Date
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Client	360 Projects Ltd 530 Bearwood Road Smethwick B66 4BX	
Project	Change of use to 1No. 6 bed HMO	
Scale: 1:100(UNO)@A3	Date: 20/07/20	
Drawn: SU	Paper Size: A3	
Drawing Number:	20/015/P03	Revision



**PROPOSED REAR ELEVATION**

(Bike Storage shed shown hatched in foreground)

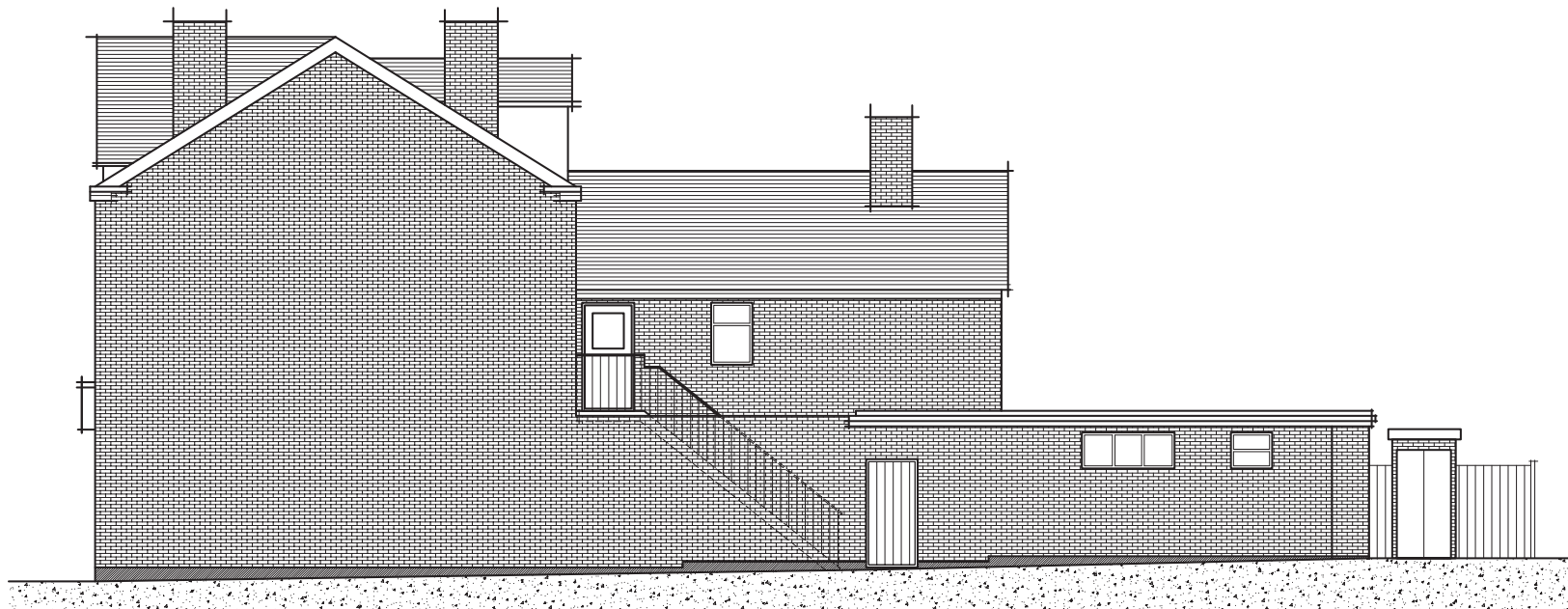


**PROPOSED FRONT ELEVATION**

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(Scale 1:100)

0 200 400  
(Scale 1:200)

0 5000 10000  
(Scale 1:500)



**PROPOSED SIDE ELEVATION**

Iss	Revision	Date
 <b>UDDIN DESIGN</b> BESPOKE BUILDING PLANNING 3 Morway Building, Holyhead Road Wednesbury, West Midlands WS10 7PY Tel: 07958 773443 Email: info@uddindesign.co.uk		
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Scale: 1:100(UNO)@A3 Date: 20/07/20		
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20/015/P04		