

# Report to Planning Committee

**10 February 2021**

<b>Application Reference</b>	DC/20/64463
<b>Application Received</b>	9 July 2020
<b>Application Description</b>	Proposed change of use from a single dwelling to a House in Multiple Occupation (14no. bedrooms), external alterations and parking.
<b>Application Address</b>	113 Dudley Road, Tipton, DY4 8DJ
<b>Applicant</b>	Mr Harmohan Singh
<b>Ward</b>	Tipton Green
<b>Contact Officer</b>	Alison Bishop Alison_bishop@sandwell.gov.uk

## 1 Recommendations

1.1 That planning permission is granted subject to:

- (i) Details of sustainable drainage shall be provided for the parking area;
- (ii) The parking area (including drainage) shall be laid out in accordance with the approved plans and retained as such;
- (iii) A detailed landscaping scheme shall be submitted indicating the retention of trees within the rear garden;
- (iv) A method of working statement shall be provided to include hours of working, control of dust and parking of construction vehicles;
- (v) An acoustic glazing scheme shall be provided for the rooms on the front elevation;
- (vi) Details of an external lighting scheme;



- (vii) Details of the location of bin stores to the front elevation;
- (viii) Details of CCTV monitoring equipment;
- (ix) Details of an electric vehicle charging point to the front forecourt;
- (x) Secure cycling provision; and
- (xi) Detailed design specifications for the alterations of the bay window to the frontage (including materials, method of construction).

## 2 Reasons for Recommendations

2.1 The proposed conversion would not harm the character of this Victorian property and proposes suitable living accommodation and parking provision in accordance with the standards set out for homes in multiple occupation, included in the council’s residential design guidance.

## 3 How does this deliver objectives of the Corporate Plan?

	People live well and age well - This facility would assist in meeting the needs of our most vulnerable residents providing them with the most basic of needs, shelter. In so doing, this affords them the opportunity to seek employment and improve their situation in life.
	Strong resilient communities – Sandwell celebrates its diversity within our communities, therefore bringing in new residents of different ages, nationalities can build on this diversity.
	Quality homes in thriving neighbourhoods – The scheme assists with meeting a specific housing need for low income and vulnerable people which will be regulated by Private Sector Housing HMO licensing.

## 4 Context

- 4.1 This application is being reported to your Planning Committee because 13 material planning objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[113 Dudley Road, Tipton](#)



## 5 Key Considerations

- 5.1 The site is unallocated within the Development Plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Planning history (including appeal decisions);  
Layout and density of building;  
Design, appearance and materials;  
Access, highway safety, parking and servicing;  
Noise nuisance; and  
Loss of trees.

## 6. The Application Site

- 6.1 The application site is situated within a predominantly residential area characterised by a mixture housing types and tenure.

## 7. Planning History

- 7.1 There is no planning history for this site.

## 8. Application Details

- 8.1 The application is for the conversion of the existing large residential property to a 14 bedroom, home in multiple occupation (HMO). The applicant has indicated that the development will provide housing accommodation for asylum seekers.
- 8.2 The ground floor would be converted to provide eight bedrooms, a communal lounge area, kitchen and two shared bathroom facilities. The bedroom, lounge and kitchen sizes are as follows:-

Bedroom 1 – 9.5 sqm

Bedroom 2 – 7.5 sqm

Bedroom 3 – 10 sqm



Bedroom 4 - 12 sqm  
Bedroom 5 – 12.5 sqm  
Bedroom 6 – 7.6 sqm  
Bedroom 7 – 7.4 sqm  
Bedroom 8 – 9.2 sqm  
Kitchen – 15.4 sqm  
Lounge – 23.5 sqm

8.3 The first floor would provide a further 6 bedrooms with a kitchen and bathroom facility and a further toilet. The bedroom sizes are as follows:

Bedroom 9 – 8.8 sqm  
Bedroom 10 – 7 sqm  
Bedroom 11 – 7.6 sqm  
Bedroom 12 – 10.3 sqm  
Bedroom 13 – 8.9 sqm  
Bedroom 14 – 9.1 sqm  
Kitchen – 14.7 sqm

8.4 The proposal would also include minor external alterations which are as follows:-

- A new flat roof to the side/rear ground floor element of the property;
- Replacing the garage doors for a window to the both the front and rear;
- The bay window to the frontage would be modified to accommodate the new room arrangements;
- A door to be removed on the rear and replaced with a window; and
- A door to be removed on the side elevation and replaced with a window and further smaller window blocked up.

8.5 A total of nine parking spaces are proposed which includes seven spaces to rear garden area accessed from a rear service road and a further two parking spaces to the frontage forecourt. The rear parking plan indicates that the landscaping to the rear of the garden will be retained.



## 9. Publicity

9.1 The application has been publicised by site notice and two neighbour notifications to 75 addresses. The second consultation notified the neighbours of the receipt of the revised parking plan and to clarify the description of development to include the external alterations and specify the number of bedrooms proposed; namely 14.

## 9.2 Objections

Thirteen objections were received from the first neighbour consultation with an additional three objections received from households that responded to the first consultation. In addition, the member of parliament, Shaun Bailey, also contacted the planning service seeking further information about the proposal and its occupants. A response was provided to Mr Bailey on 7<sup>th</sup> and 17 September 2020 which confirmed details of the proposal and that the occupants would be asylum seekers. The objections are summarised below:

### (i) Highway concerns

Parking provision is inadequate for the number of residents;  
Contradiction of parking stated on forms and those on drawings;  
Additional pressures due to existing parking problems (care home, no parking provided to some existing properties on Dudley Road);  
Accidents have occurred in the area;  
Pedestrian safety (children, elderly visiting residents of the care home); and  
Questions over the legality of using the right of way which is for single occupancy use only.

### (ii) Poor standard of accommodation

Bedrooms are small, there would be insufficient communal space, namely not enough kitchens and bathrooms and only one living room, which could not accommodate 14 residents at once;  
No bin storage shown, questions where they will be located; and



Is it fit for purpose? Asylum seekers would be vulnerable with complex needs.

(iii) Fire Safety/means of escape concerns

Would the conversion present a fire risk and would there be adequate means of escape to the rear of the property?

(iv) Noise pollution

Increased noise due to number of residents; and  
Potential increase in noise from cars.

(v) Proposed use

Not telling residents what it would be used for; and  
Concerns that this will be a drug re-habilitation centre, a bail hostel or for asylum seekers.

(vi) Affect historic character

The area has rich historical character with this property being an example of a good quality Victorian town house, and the proximity of the Grade II listed church. This proposal would destroy the original features and have a detrimental effect on the historic character of the area.

(vii) Does not meet the council's Corporate Plan 2020

The proposal does not meet the objective of providing 'high quality homes' or allow residents 'to live well', with people being crammed into a poor standard of accommodation;

The proposal would not achieve 'strong resilient communities', if the residents are transient with a high turnover they would not integrate into the community. Equally the area is already rich in diversity, social housing, private properties the introduction of this facility would reduce diversity; and

The property would largely serve younger people which is out of character with the area, the character of which is housing for families and predominantly elderly people.



(viii) Anti-social behaviour

Concerns about the behaviour of residents;  
Concerns about fly tipping and litter; and  
Concerns about managing the facility to ensure that the property is appropriately maintained and that of the behaviour of the residents.

(ix) Community safety

Concerns about the safety of residents of the residential care home, Matthias House;  
Fear of crime; and  
Concerns about safety of nearby neighbours.

(x) Insufficient information

No details regarding additional demands on the public sewers and whether this can be accommodated; and  
No reports dealing with the impact of the development.

(xi) COVID 19 impacts

Implications of COVID 19 transmissions between residents due to the shared accommodation proposed; and  
The community includes many elderly residents who are shielding.

### 9.3 Responses to objections

I respond to the objectors' comments in turn;

(i) Highway concerns

Whilst it is acknowledged that the original drawings and planning forms stated that six parking spaces would be provided, an amended parking plan was submitted to show a total of nine spaces, and the residents have been consulted to inform them of this. The revised parking plan meets the council's standards for HMO and highways have no objections (refer to 10.2 below).



Therefore, it is considered that the proposal provides sufficient parking within the curtilage of the development and hence would not place additional parking pressure on the public highway.

Turning to the rights of rear access, the applicant provided evidence which confirms that he has a right of access for parking of vehicles associated with the property.

(ii) Poor standard of accommodation

The HMO licensing officer has confirmed that the room sizes for each bedroom are all above the minimum standard (6.5 sqm). I am also advised that the shared facilities meet and exceed the standards for HMO provision. I am therefore satisfied that the scheme is fit for purpose for future residents.

It is acknowledged that bin storage details have not been provided, however I am satisfied that there is sufficient space to the frontage and the details can be conditioned accordingly.

(iii) Fire safety

Fire safety and means of escape would be addressed through building regulations and the HMO licence.

(iv) Noise Pollution

The scheme would need to incorporate appropriate noise insulation to satisfy building regulations. No objections have been received from Public Health in terms of external noise pollution and it is considered that, in context to the wider area, the number of residents would not increase noise levels to unacceptable standard.

(v) Proposed use

The applicant has confirmed that the proposed use would be for asylum seekers and the neighbours have been informed as such.





(vi) Effect on Historic Character

The Conservation Officer (refer to 10.7) does not consider that the proposal would harm the historic character of the area or the setting of the listed building (St Matthews Church).

(vii) Does not meet the council's Corporate Plan 2020

Quality homes – Whilst I appreciate that residents consider that the accommodation is poor, the scheme as proposed meets the standards set out for HMOs and addresses a need for this type of accommodation in the area.

Live well - This facility would assist in meeting the needs of our most vulnerable residents providing them with the most basic of needs, shelter. In so doing, this affords them the opportunity to seek employment and improve their situation in life.

Strong resilient communities – Sandwell celebrates its diversity within our communities, therefore bringing in new residents of differing ages and nationalities accords with this notion.

(viii) Anti-social behaviour

(i) No objections have been received from West Midlands Police. The HMO would also 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 arrangements made by the landlord in respect of fire precaution and litter storage/disposal;
- c) Taking reasonable care to avoid damaging items; and
- d) Ensuring residents do not take part in anti-social behaviour that affects occupiers/residents.



(ix) Community safety

Whilst there is uncertainty about the type of residents who would reside at the proposed HMO, it is accepted by some objectors that they will be asylum seekers who themselves are vulnerable and need the support of the community. The police have no objections, and I am not presented with evidence to substantiate that the occupants would be a threat to public safety.

(x) Insufficient information - drainage

It is considered that the kitchen and bathroom facilities are not significantly greater than those that would be provided for a large family home. Furthermore, I am satisfied that any future drainage details and connections to the public sewer would be dealt with via building regulations and Severn Trent. In terms of drainage to the proposed parking area at rear, a condition is recommended to provide detail of sustainable drainage to reduce surface water run-off.

(xi) COVID 19 impacts

Government guidance has been set to prevent transmissions of COVID 19, therefore the occupants of a future HMO would have to comply with this guidance. The police have powers to enforce any breaches of these regulations.

## 10. Consultee responses

### 10.1 Planning and Transportation Policy

The proposal should be considered a housing windfall (Policy H2) which includes, use of previously developed land, no loss of employment land and being compatible with other policies. In this instance other policies would refer to design policies including standards for HMOs. In addition, appropriate cycle storage should be provided which can be conditioned.



## 10.2 Highways

No objections following receipt of the revised parking layout. Highways have confirmed that the off-street parking requirements for the proposed HMO are one off street parking space per two bedrooms, which equates to seven spaces. The revised parking layout provides seven spaces at the rear and further two spaces to the frontage. This provision therefore exceeds the standards for HMO parking.

## 10.3 Public Health (Air Quality)

The proposed should provide an electric vehicle charging point in accordance with the mitigation requirements set out with the SPD 'Air Quality'. In addition, low emission boilers (NO<sub>x</sub> Boilers) have been requested within the development, however I consider that this is a matter that would be dealt with at the building regulations and HMO licensing stages.

## 10.4 Public Health (Air Pollution and Noise)

The bedrooms fronting the main Dudley Road should be protected against noise and hence it is recommended that an acoustic glazing scheme is provided. This can be conditioned accordingly.

## 10.5 West Midlands Police

No objections have been raised, but recommendations regarding CCTV, external lighting, secure cycle storage and appropriate bin storage have been highlighted. These recommendations are conditioned accordingly.

## 10.6 Private Sector Housing

No objections but re-iterated the need for building regulation compliance, including appropriate means of escape. They have also referred to the need for bin storage and that the accommodation should meet the required standards for HMOs under the Housing Act. Subsequent



clarification regarding these standards has been sought from the HMO licencing officer. They have confirmed that both the bedroom sizes and the communal facilities (kitchens, lounge and bathrooms) meet these standards.

## 10.7 Conservation Officer – Historic character

The property itself has a wealth of detailing that dates from the turn of the twentieth century and it stands amongst several positive buildings including St Matthews Church (Grade II listed building). The Conservation Officer has confirmed that the building is not listed and as such is afforded no statutory protection for its alteration, primarily being internal. He does however acknowledge that the principle heritage consideration is to the frontage and refers to the subdivision of the ground floor bay. The alteration to the bay is mitigated by the insertion of an additional mullion which ensures that the overall character of the frontage is retained. It is however recommended to ensure that the standard work is appropriate that this alteration is controlled by condition. He thus concludes that the proposal would not harm the setting of the listed building or the overall appearance of the application property.

## 10.8 Tree Preservation Officer

The trees within the vicinity of the proposed car park are of limited value being self-setting sycamore and lime trees and their retention is not considered necessary.

## 11. National Planning Policy

11.1 The National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area. The proposal seeks the conversion of an existing property, is of good design and accords with standards within HMO policy guidance.



11.2 National policy also emphasises the need to achieve healthy, inclusive and safe places which promote social interaction, the policy espouses the need to design places with a mixture of developments. This proposal contributes towards providing diversity within the community.

## 12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:-

DEL1: Infrastructure Provision

TRAN4: Creating Coherent Networks for Cycling and Walking

ENV3: Design Quality

ENV8: Air Quality

SAD H2: Housing Windfalls

SAD EOS9: Urban Design Principles

12.2 The proposal by virtue of its conversion, makes use of existing brownfield land and does not result in the loss of employment land given that the original property was an established residential use (SAD H2). In terms of compatibility with other policies these are deemed to be acceptable and are referred to below.

12.3 The proposal provides a good quality layout (Policy ENV3 and SAD EOS9) which accords with housing standards for HMO properties. Furthermore, matters relating to secure by design such as lighting, CCTV and appropriate bin and cycle storage can be conditioned. Furthermore, the external changes are proportionate to the historic features of the original building.

12.4 The provision of an electric vehicle charging point meets the mitigation measures set out within the Black Country Air Quality SPD and accords with policy ENV8 and provision of said infrastructure under DEL1. This can be conditioned accordingly.

12.5 New developments should provide cycle parking facilities (TRAN4), a condition is proposed to provide secure parking provision.



### 13. Material Considerations

13.1 The material considerations relating to government policy (NPPF) and proposals within the Development Plan have been referred to above in Sections 11 and 12. With regards to the other considerations these are highlighted below:

#### 13.2 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.

#### 13.3 Layout and density of building

The layout of the proposal accords with the standards set out for HMOs.

#### 13.4 Design, appearance, historic character and materials

The external alterations to the building are minimal, being new window openings that are proportionate to the existing building. The key change is to the front bay window; however, the proposed design is considered sympathetic to the historic character of the building.

#### 13.5 Access, highway safety, parking and servicing

It is appreciated that residents are concerned about parking associated with this proposal and the potential negative effects it would have on road safety. I am satisfied that the proposed parking provision will meet



the needs of the development, according to parking standards for HMOs and this raises no objections from Highways.

### 13.6 Noise Nuisance

No concerns have been raised by Public Health regarding external noise nuisance owing to the scale of the proposal. In terms of internal noise, this can be controlled as part of the both building regulations and HMO licensing procedures.

### 13.7 Loss of trees

As indicated in 10.8 above the trees in the vicinity of proposed car parking area in the rear garden are deemed of limited value. Nonetheless the rear garden area also benefits from established trees and I consider that it is prudent to condition that a detailed landscaping scheme is provided to indicate the retention of these trees. This will ensure that the overall character of the rear garden amenity will be retained.

### 13.8 Other considerations – Building regulations/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. In this instance, the council's Building Consultancy and Private Sector Housing departments would regulate fire safety, means of escape and drainage.

## 14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant policies and there are no material considerations that would justify refusal.



## 15 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	Refer to the summary of the report (2.1).
<b>Social Value</b>	Refer to the summary of the report (2.1).

## 16. Appendices

Site Plan

Context Plan

HS/DR/PP01 Rev A

HS/DR/PP02 Rev A

HS/DR/PP03 Rev A

HS/DR/PP04 Rev A

HS/DR/PP05 Rev B

HS/DR/PP06

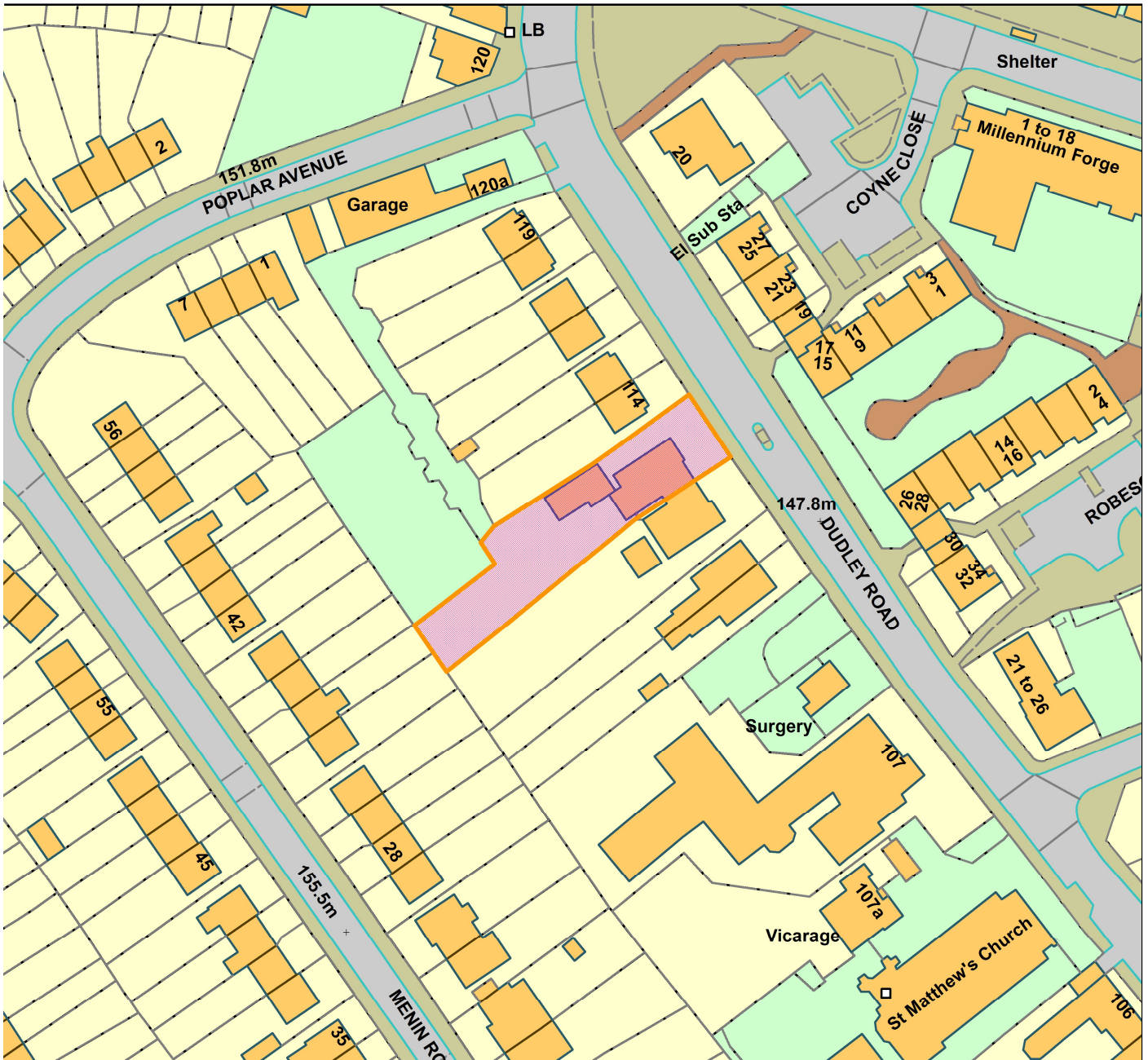
## 17. Background Papers

None.



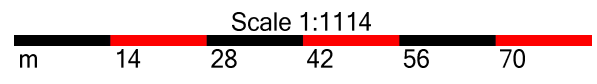


DC/20/64463  
113 Dudley Road



**Legend**

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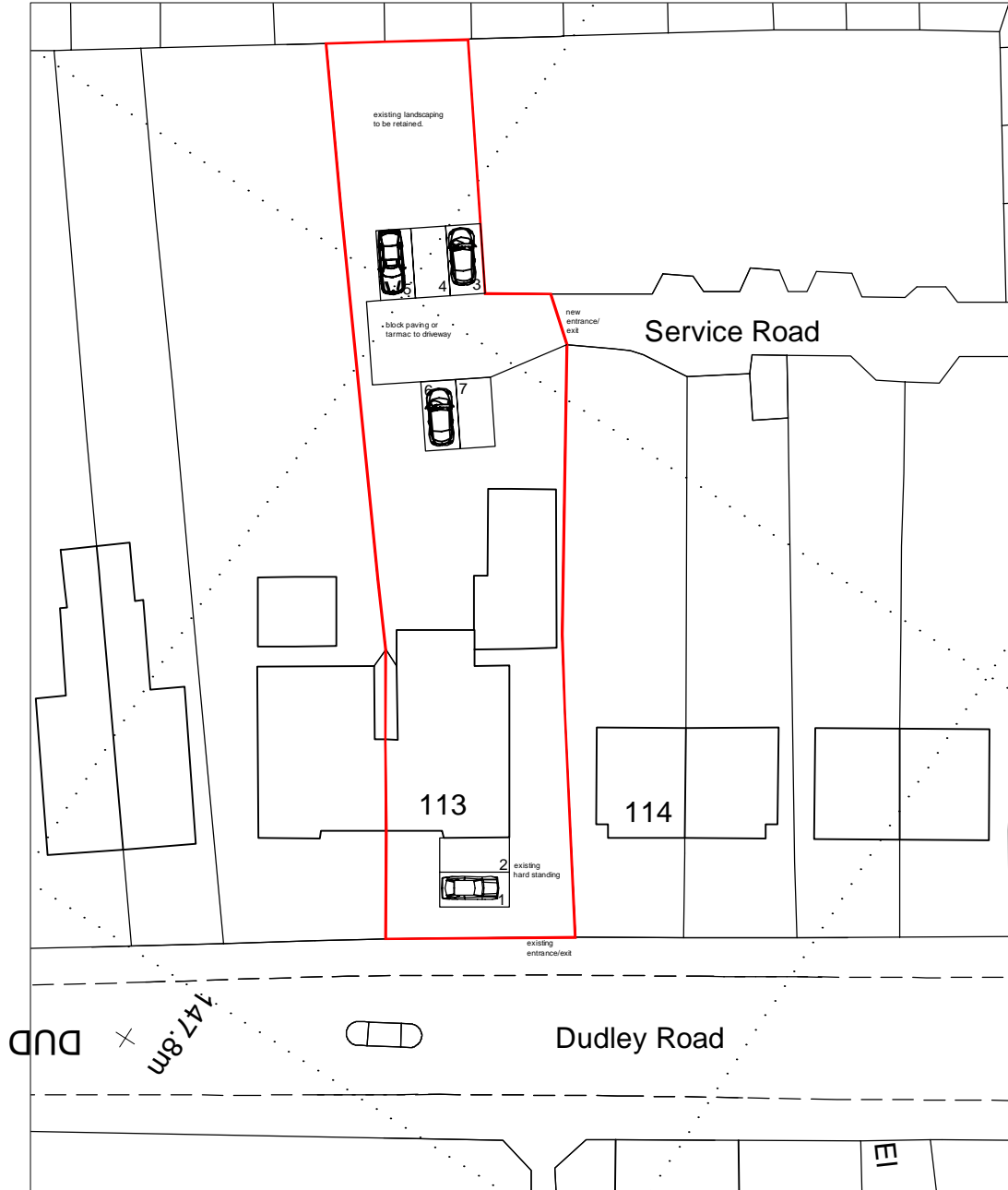
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<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	25 January 2021
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### PROPOSED SITE PLAN

B - 27/10/20 - Parking spaces increased and reconfigured.  
A - 14/07/20 - Scale Bar and North arrow added to dwg.

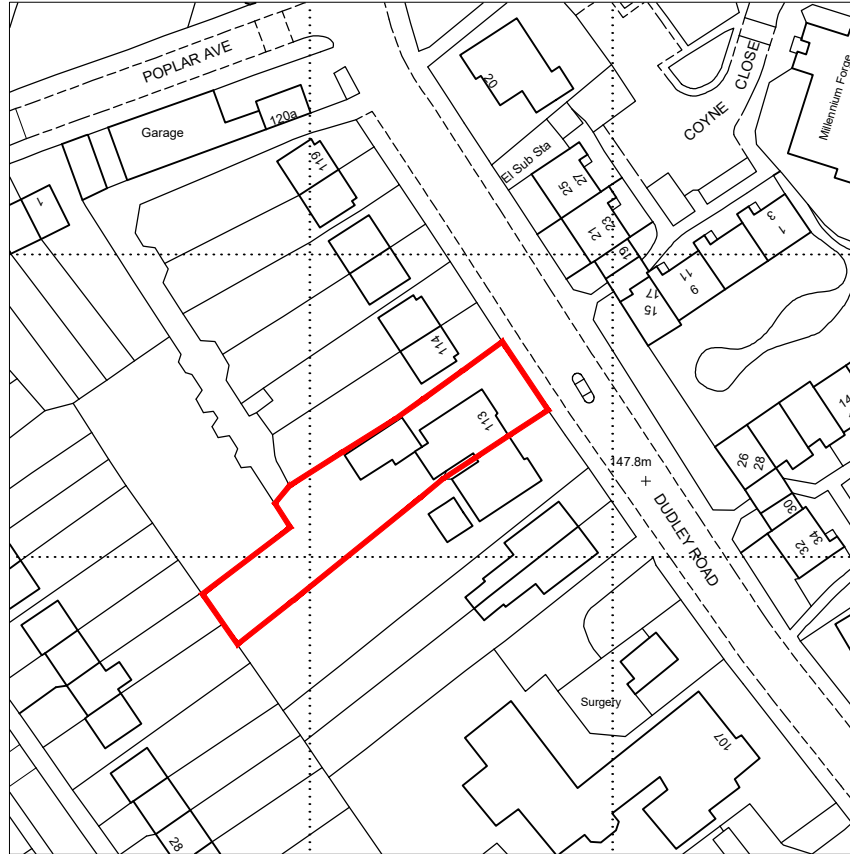
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Proposed Site Plan

Scale : 1:500 @ A4  
Date : July 2020  
Drawn : HMS  
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LOCATION PLAN

113 Dudley Road  
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Block Plan

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Date : July 2020

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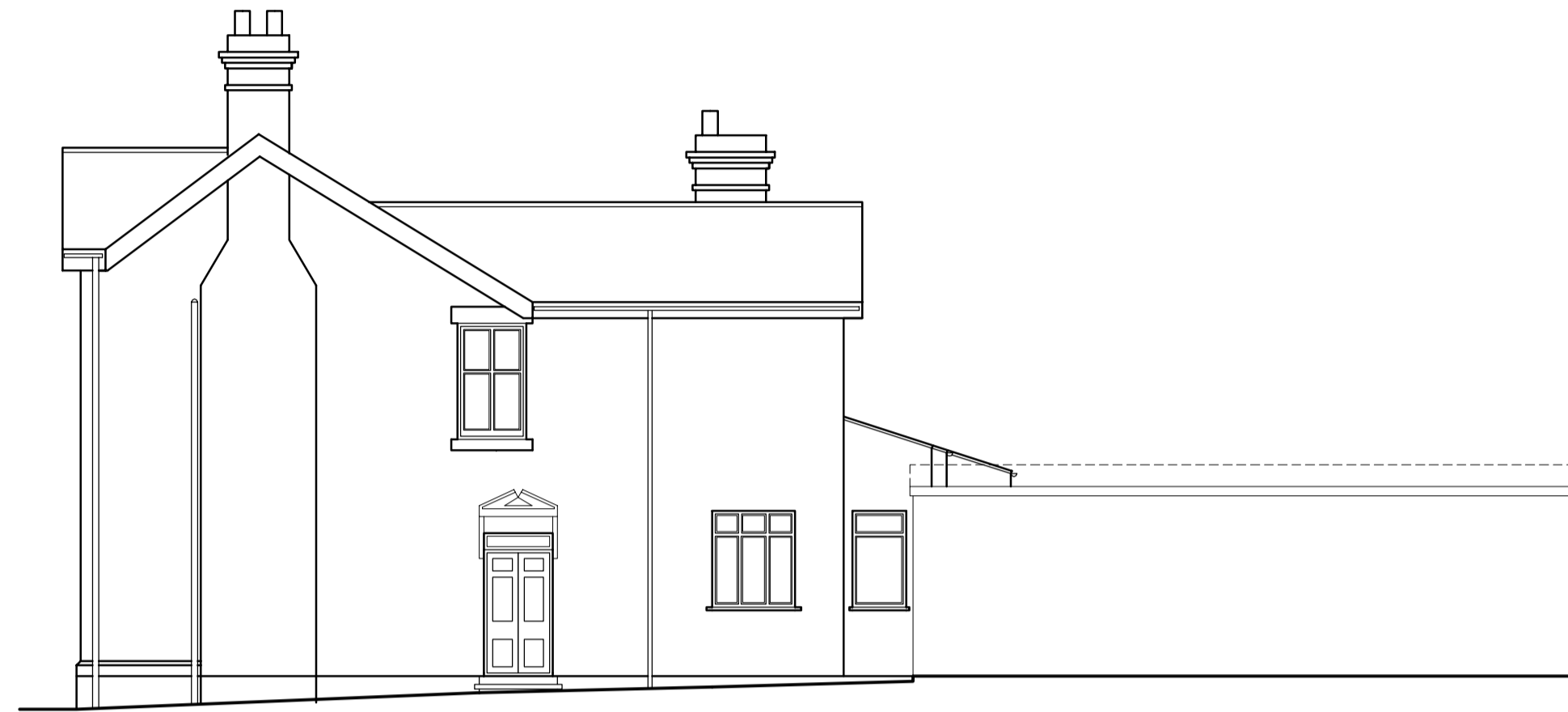
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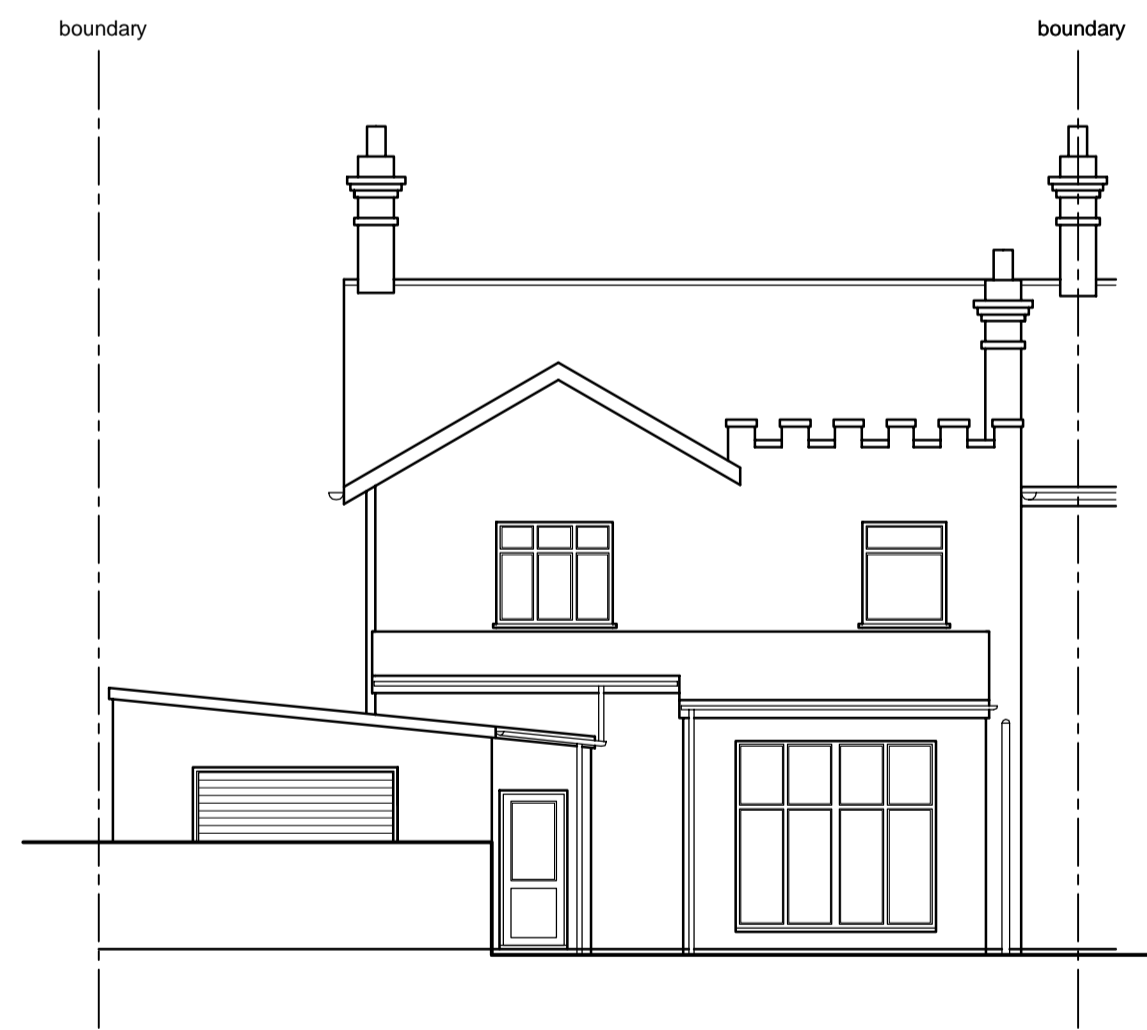
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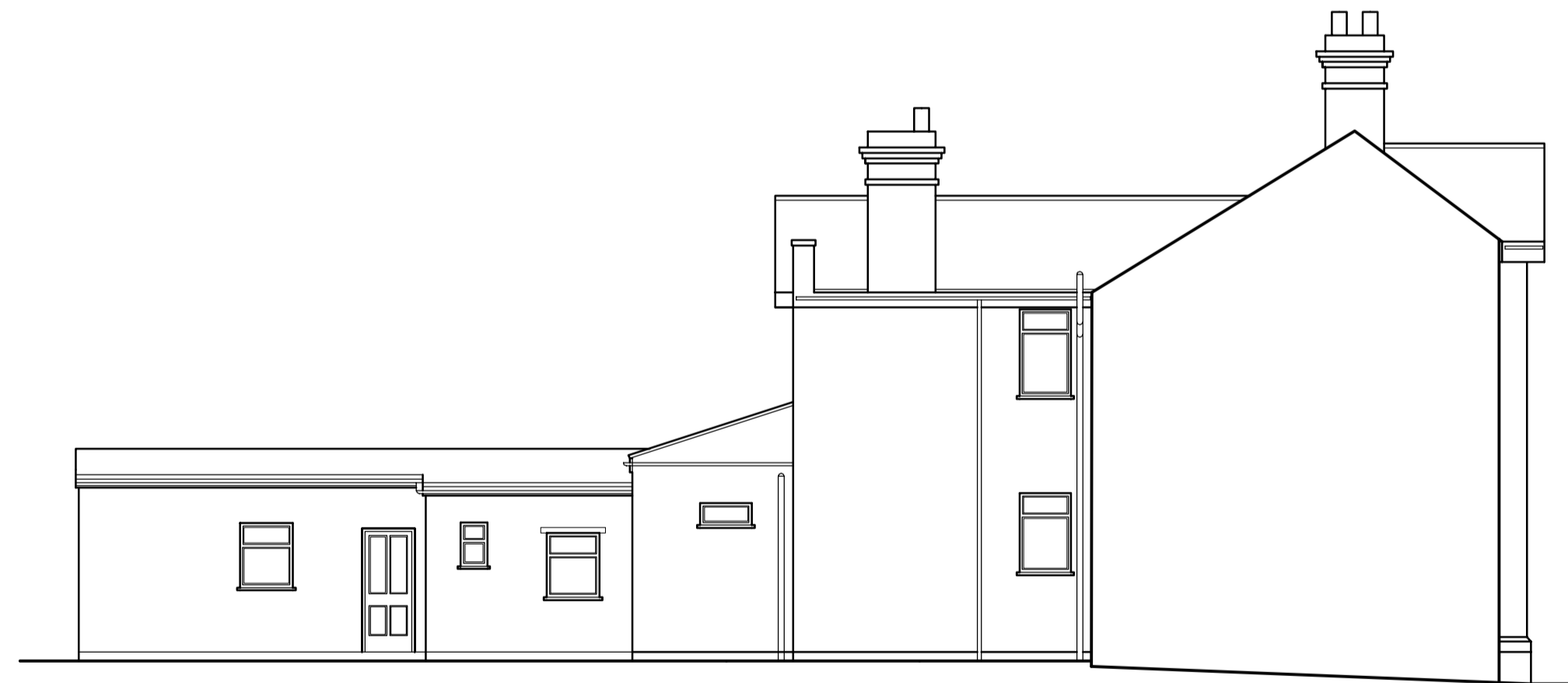
EXISTING FRONT ELEVATION



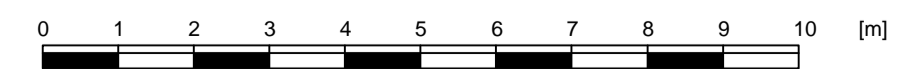
EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION



Rev A - 08.01.2021 - Scale Bar added.

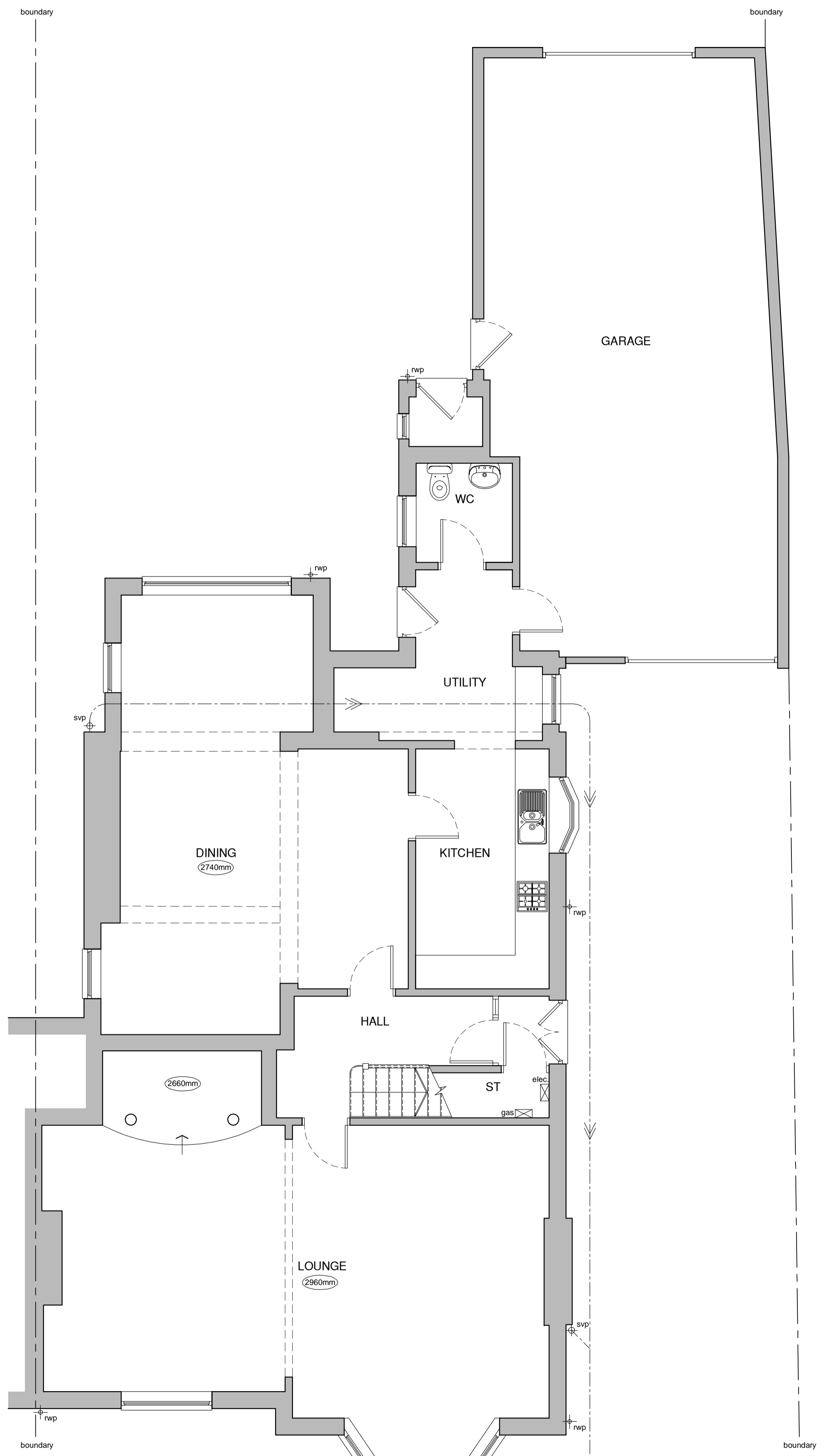
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Existing Elevations

Scale : 1:100 @ A1  
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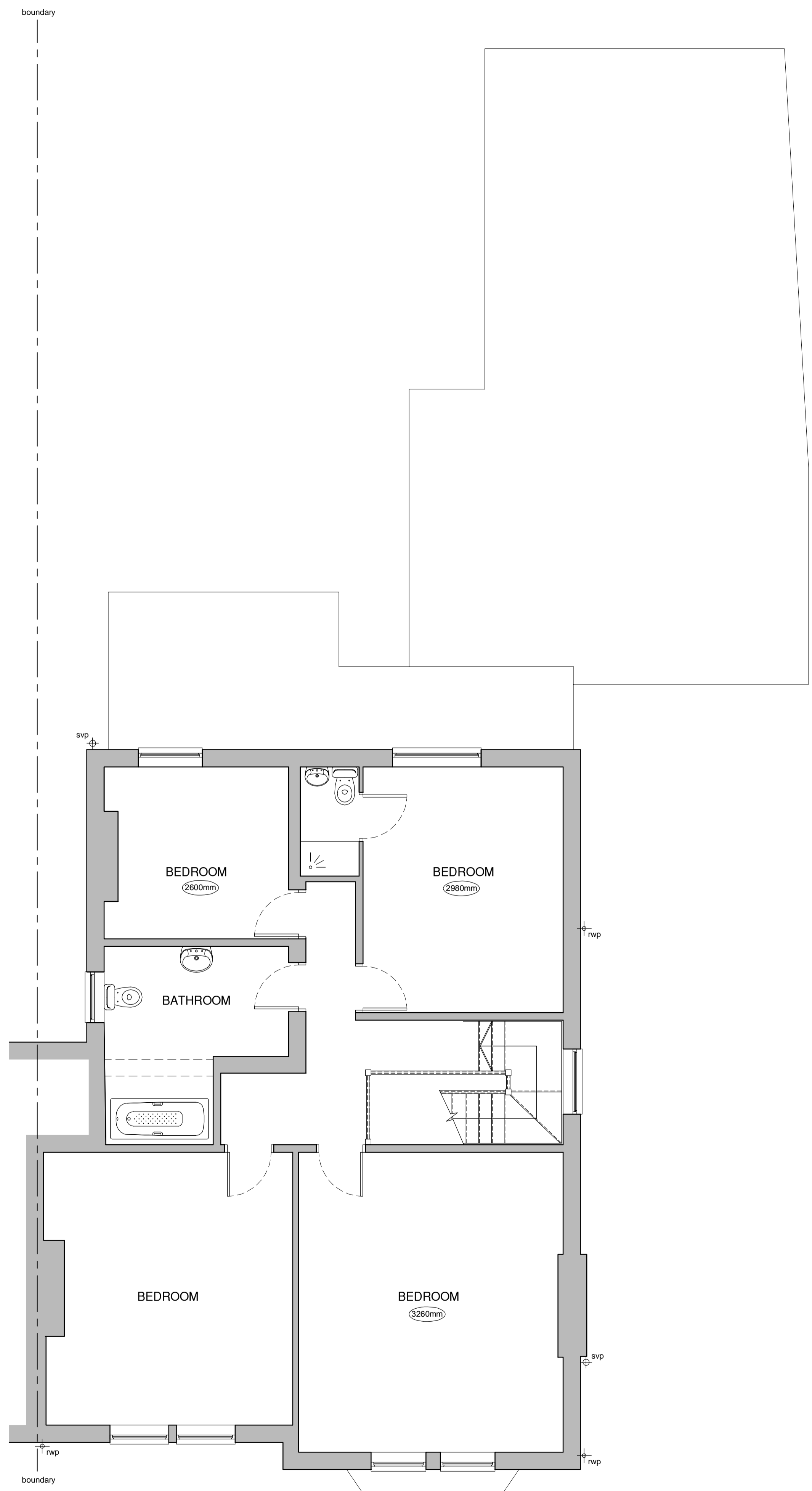
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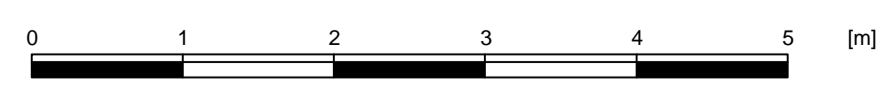


EXISTING GROUND FLOOR PLAN

NOTE:  
existing and proposed  
drainage runs to be  
verified on site by builder



EXISTING FIRST FLOOR PLAN



Rev A - 08.01.2021 - Scale Bar added.

113 Dudley Road  
Tipton  
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Existing Floor Plans

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Date : July 2020  
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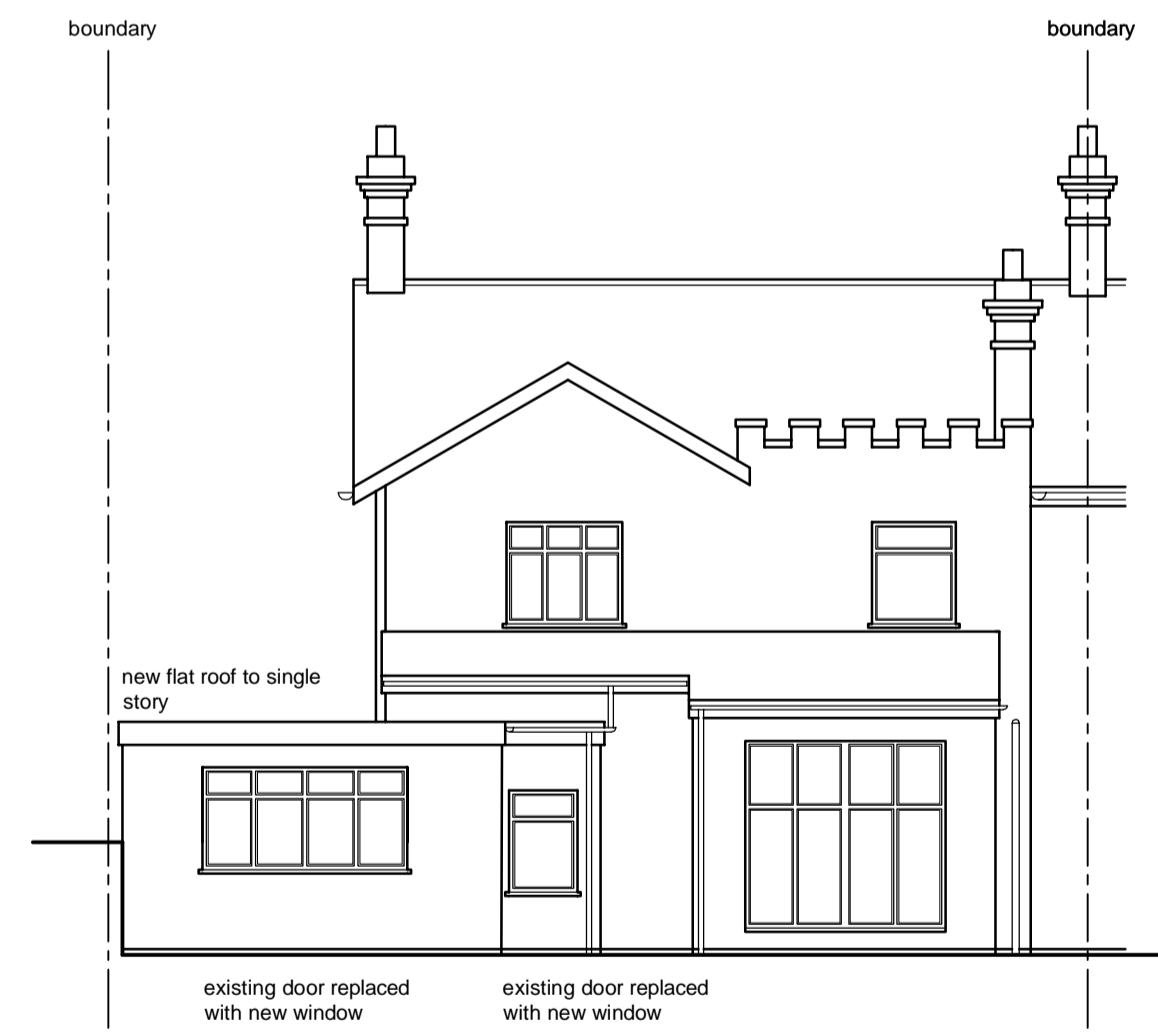
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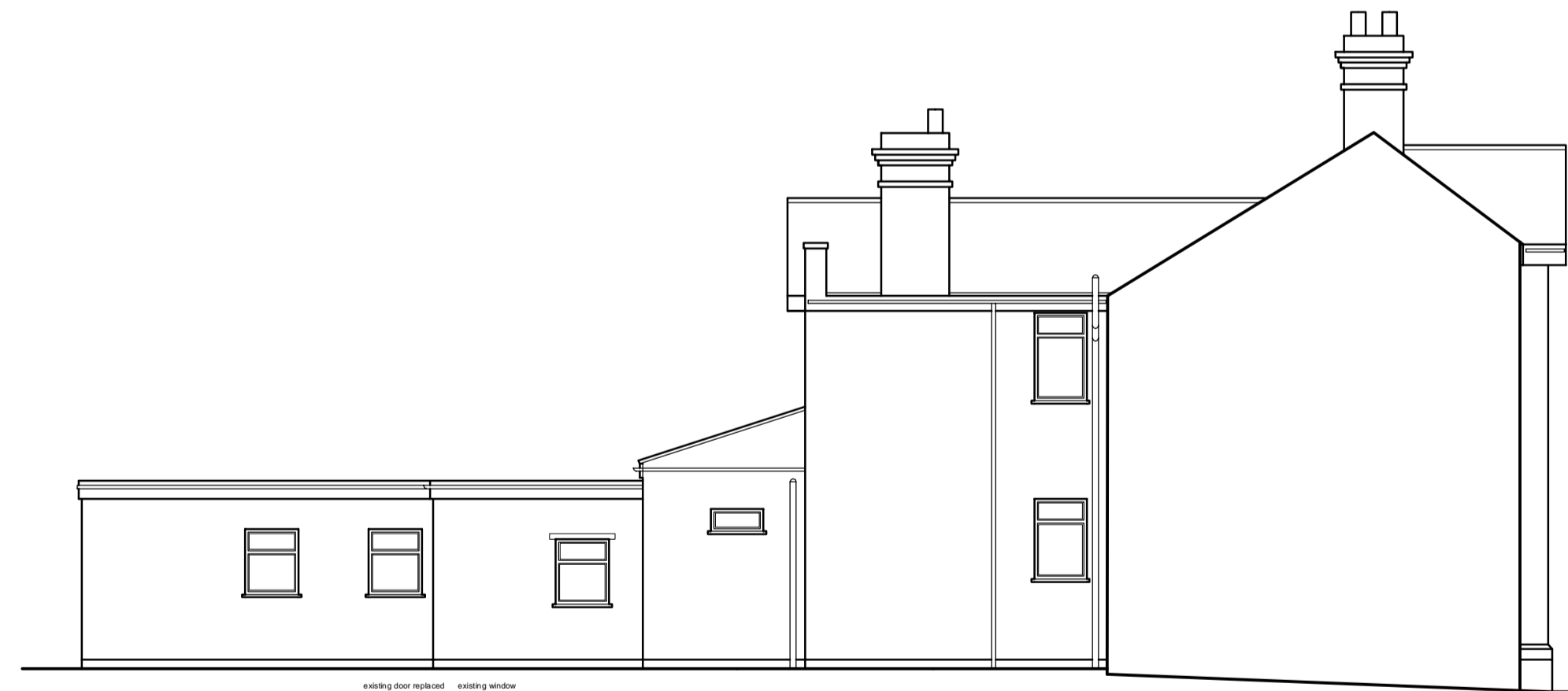
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



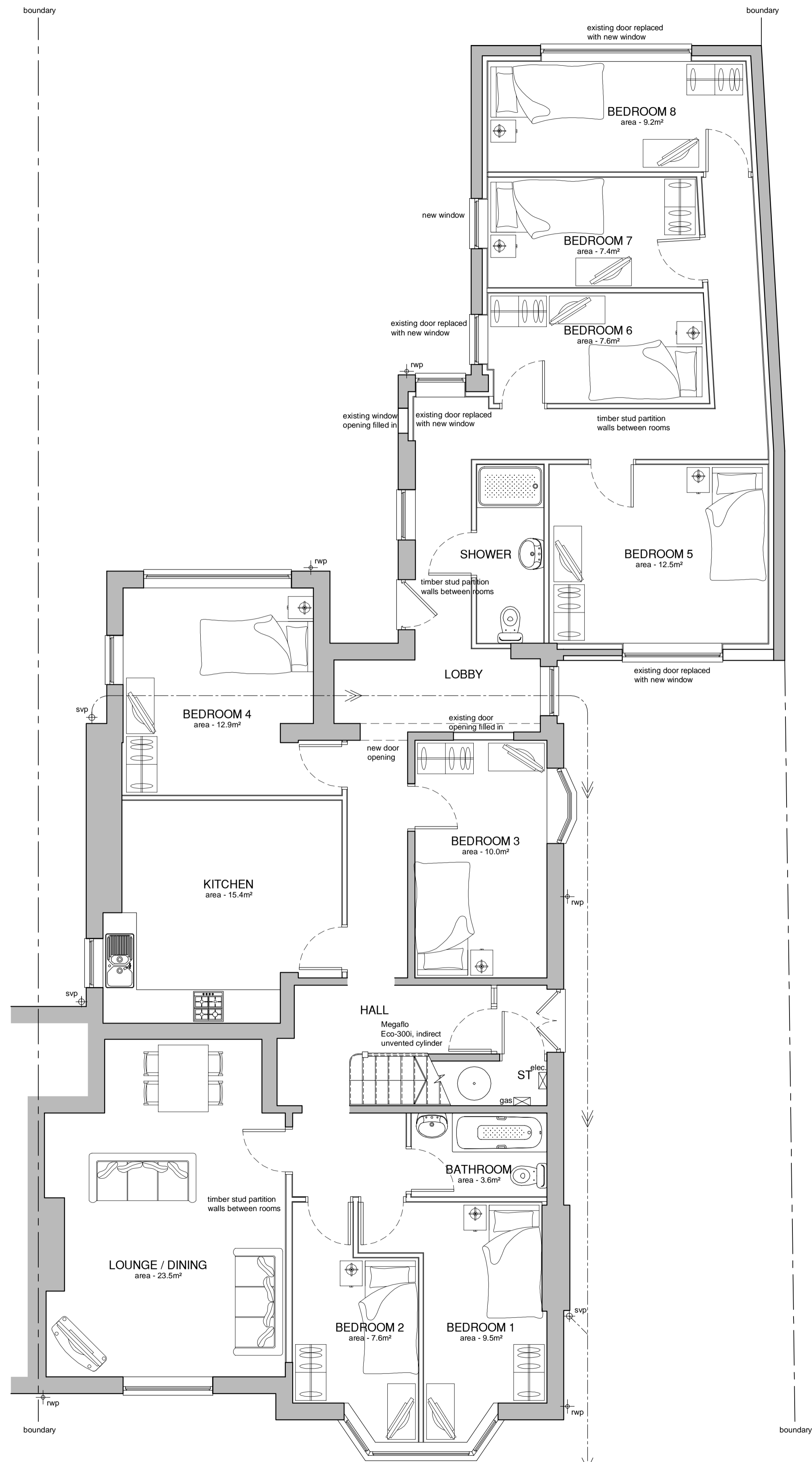
Rev A - 08.01.2021 - Scale Bar added.

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Proposed Elevations

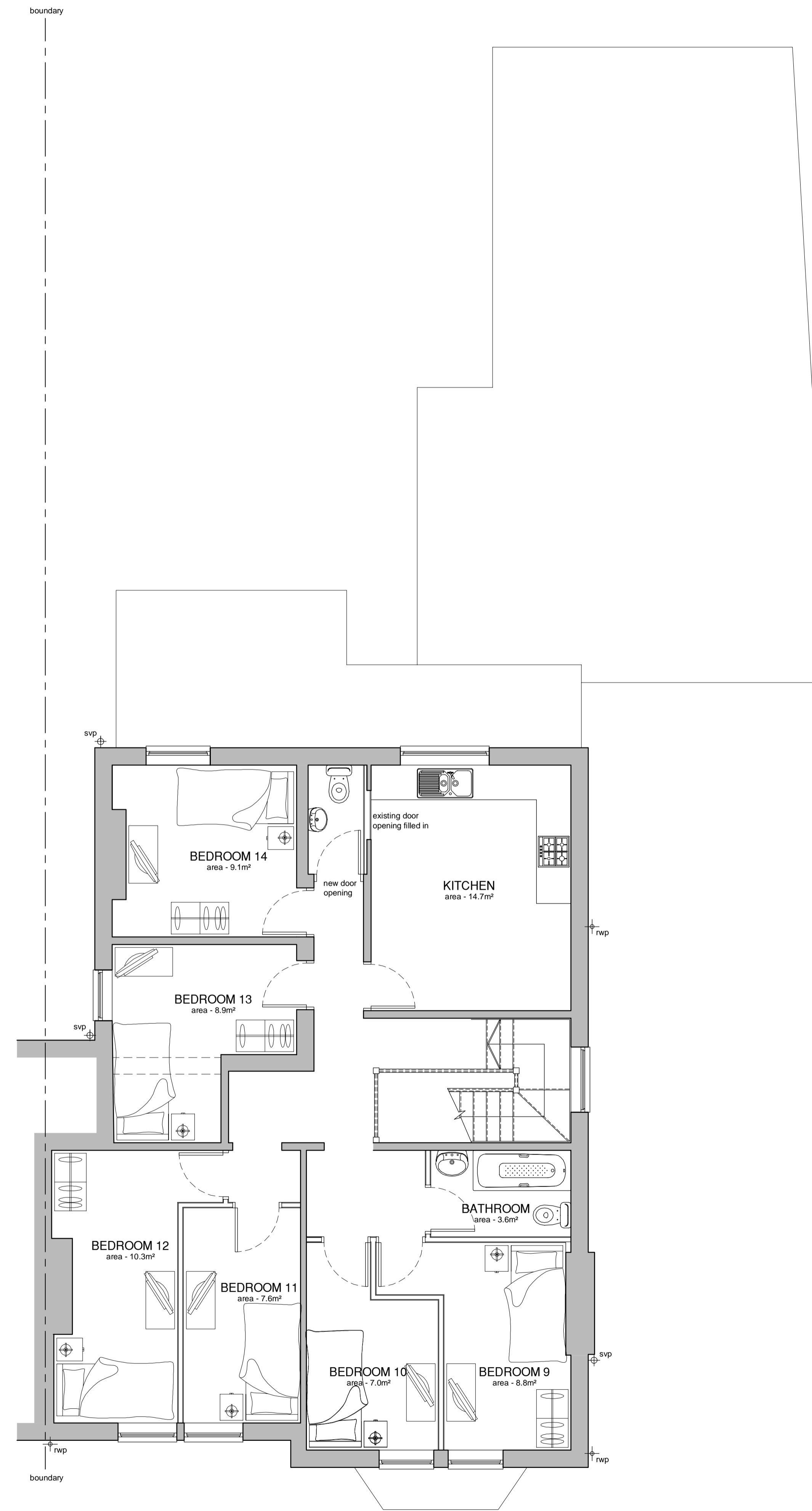
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HS/DR/PP04A



PROPOSED GROUND FLOOR PLAN

NOTE:  
existing and proposed  
drainage runs to be  
verified on site by builder



PROPOSED FIRST FLOOR PLAN

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Rev A - 06.01.2021 - Scale Bar added.

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Proposed Floor Plans

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