

Report to Planning Committee

23 November 2022

Application Reference	DC/22/67124
Application Received	1 June 2022
Application Description	Proposed change of use and alteration of public house to create 21 no. bedroom house in multiple occupation (HMO), erection of 2no. dwellings, car parking, access, cycle and refuse store and associated works.
Application Address	Holly Bush The Uplands Smethwick B67 6BL
Applicant	Mr G Dillon
Ward	Smethwick
Contact Officer	Carl Mercer carl_mercer@sandwell.gov.uk

1 Recommendations

1.1 That, subject to submission of amended plans showing the re-arrangement of amenity space and waste storage and final comments from Highways, planning permission is granted subject to the following conditions relating to:

- (i) External materials;
- (ii) Finished floor levels;




- (iii) Contamination;
- (iv) Drainage;
- (v) Boundary treatments;
- (vi) Landscaping;
- (vii) Cycle storage to be provided and retained;
- (viii) Waste storage to be provided and retained;
- (ix) Electric vehicle charging;
- (x) External lighting;
- (xi) Construction hours – 8am until 6pm Monday to Friday; 8am until 2pm Saturdays; no working on Sundays or public holidays;
- (xii) Construction method statement;
- (xiii) Submission of management plan;
- (xiv) All shared areas in HMO to be provided and retained;
- (xv) Windows in northwest elevation of HMO to be obscurely glazed;
- (xvi) Removal of permitted development rights; and
- (xvii) Retention of parking.

2 Reasons for Recommendations

- 2.1 The proposal raises no significant concerns from a policy, design or highway perspective and would deliver a range of housing in a sustainable location.

3 How does this deliver objectives of the Corporate Plan?

	<p>Quality homes in thriving neighbourhoods – The design of the proposal is acceptable in respect of national and local planning policy.</p>
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4 Context

- 4.1 The application is being reported to your Planning Committee due to the volume of objections received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:



5 Key Considerations

5.1 The material planning considerations which are relevant to this application are:

Government policy (NPPF);
Design and overdevelopment;
Appropriateness of the use;
Internal layout and amenity of the HMO;
Access, highway safety, parking and servicing;
Anti-social behaviour;
Contamination by a previous use;
Noise;
Flood risk; and
Presumption.

6. The Application Site

6.1 The application relates to a vacant public house on the north side of The Uplands, Smethwick. A cricket ground lies to the rear of the site, but the surrounding area is otherwise residential.

7. Planning History

7.1 None relevant.

8. Application Details

8.1 The development proposes a change of use and alteration of public house to create a 21-bedroom house in multiple occupation (HMO), erection of two, three bed semi-detached dwellings, car parking, access, cycle and refuse store and associated works.



- 8.2 The two dwellings would be situated adjacent to the public house and would have their own private amenity space with two off-street parking spaces per dwelling.
- 8.3 The initial plans proposed three dwellings and 23 HMO rooms. Amended plans have been received which omitted one dwelling (due to concerns regarding over-intensification) and an extension to the rear of the public house, which removed two HMO rooms (due to poor quality living environment). However, further plans are awaited regarding the re-arrangement of amenity space to both the dwellings and the HMO, as well as demonstrating adequate waste storage for the HMO. It is expected that these items can be accommodated in a revised layout.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter and site notice.
- 9.2 Two petitions have been received; one carrying 257 signatures and one carrying 41. Fifteen individual objections have also been received.
- 9.3 The main points of objection mainly relate to the HMO and may be summarised as follows:
- i) The HMO would affect the character of the area;
 - ii) Internal layout and lack of amenity space;
 - iii) Overdevelopment;
 - iv) Anti-social behaviour;
 - v) Transient nature of HMO occupants;
 - vi) Traffic; and
 - vii) Noise and increased comings and goings.
- 9.4 Three letters of support have been received welcoming the new housing and the regeneration of the site which would prevent ongoing vandalism and bring an attractive building back into use.



9.5 Non-material objections regarding the impact of the proposal on property prices have also been received.

9.6 The objections will be discussed further under Material Considerations.

10. Consultee responses

10.1 Planning and Transportation Policy

No overall objection. The new build element is a 'windfall', subject to SAD policy H2 of the same name. The proposal meets the H2 policy requirements as it is previously developed land suitable for residential use, and capable of meeting other development plan requirements. The officer has noted parking provision and the lack of amenity space for HMO residents. Both matters can be addressed via amended plans.

10.2 Highways

On submission of revised information Highways raised no concern to the parking provision associated with the HMO or dwellings. As stated above, the applicant has now submitted further revisions which reduce the intensity of the HMO and housing layout. Highways will be consulted on the latest amendments and are not expected to object on this basis. A final response will be made verbally to the committee.

10.3 Severn Trent

No objection subject to condition.

10.4 Public Health (Air Quality)

No objection. Electric vehicle charging, low NOx boilers and construction method statement required by condition.



10.5 Public Health (Contaminated Land)

No objection subject to condition.

10.6 Public Health (Noise)

No objection subject to conditions relating to hours of construction and a construction method statement.

10.7 West Midlands Police

No objection. The officer's comments refer to general design and security principals for HMOs (which are covered under licensing regulations). Whilst the officer states that large HMOs can cause conflict between residents, no overall objection has been made.

11. National Planning Policy

11.1 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.

11.2 Presumption in favour of sustainable development is engaged. This is discussed further below.

12. Local Planning Policy

12.1 The following polices of the council's development plan are relevant:

BCCS

CSP4 – Place Making

DEL1 – Infrastructure Provision

HOU1 - Delivering Sustainable Housing Growth

HOU2 – Housing Density, Type and Accessibility

TRAN4 - Creating Coherent Networks for Cycling and for Walking



ENV3 – Design Quality

ENV5 – Flood Risk, Sustainable Drainage Systems / Urban Heat Island

ENV8 – Air Quality

SADD –

SAD H2 - Housing Windfalls

SAD EOS 9 - Urban Design Principles

- 12.2 In respect of CSP4 the design of the new houses would enhance the attributes the area offers in terms of its local character. Additionally, the conversion of the public house would retain a building of considerable character, having a positive impact on the visual appearance of the wider area.
- 12.3 Infrastructure provision, in this case EVC bays, would be ensured by condition (DEL1). The proposal is CIL liable.
- 12.4 Whilst land is identified and allocated in the development plan to meet the borough's sustainable housing growth, under policy HOU1 additional housing capacity will also be sought elsewhere through planning permissions on suitable sites. As such, this proposal would assist with providing much needed housing within the borough.
- 12.5 The proposal meets the requirements of policy HOU2 in that it proposes a range of types and sizes of accommodation which would be accessible by sustainable transport to residential services. The dwellings would also achieve high quality design with minimal amenity impact.
- 12.6 Sufficient amenity space is provided to allow for cycle parking provision (TRAN4).
- 12.7 The proposal raises no significant concerns in respect of design and is therefore compliant with policy ENV3 and SAD EOS 9.



- 12.8 Drainage can be addressed by the submission of further information by condition (ENV5).
- 12.9 In respect of air quality (ENV8), electric vehicle charging points can be ensured by condition.
- 12.10 The proposed dwellings would be a windfall, subject to SAD H2. The proposal meets the requirement of the policy as it is previously developed land, suitable for residential development, and capable of meeting other plan policies.

13. Material Considerations

- 13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Design and overdevelopment

With regards to the new dwellings, the internal living space would exceed the national standard. The site is large enough to provide adequate external amenity space and provide sufficient space for such purposes as well as for cycle and waste storage. The massing and scale of the dwellings raise no concerns and the scale of the dwellings respond well to the existing public house – the design of which has been careful not to compete with this building. With regards to overdevelopment, the proposals have been scaled back to remove one dwelling and two HMO rooms. Whilst a large HMO is still proposed, this now has sufficient private and shared space to accommodate residents and provide for amenity space, waste and cycle storage.

13.3 Appropriateness of the use

I note objector's concerns regarding the character of the area; however, the HMO proposes a residential use in a residential area. It must be noted that the application has been submitted to judge the



appropriateness of the proposed residential use in this location, not the character of its potential residents. Anti-social behaviour is discussed further below. The building would also be set apart from other dwellings.

13.4 Internal layout and amenity of the HMO

Council design guidance, derived from housing regulations, states that for one-person units of accommodation each bedroom should be 10m² except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 6.51m². All rooms exceed 10m² which is appropriate as there are no separate living rooms provided. Concern was raised due to the possibility of twin occupancy in each room; however, twin occupancy rooms in this instance requires an internal space of at least 15m² and only three of the rooms exceed this floor area. On this basis, I do not consider the potential for twin occupancy to be a significant concern. The kitchen/diner space at ground and first floor is sufficient to serve residents of those floors in accordance with the standards; however, the second-floor kitchen is below the standard (7.7m² provided versus 10m² required), but the room sizes at this floor all exceed 10m² which offsets the smaller kitchen. All bedrooms have a window to allow for natural light.

13.5 Access, highway safety, parking and servicing

The development is expected to meet with the approval of the highway authority and parking spaces are in accordance with the requirements of Council design guidance.

13.6 Anti-social behaviour

Whilst I note the concerns raised by objectors and the police regarding the matter, appeal decisions have tended to allude to the fact that responsible management of HMOs is the paramount 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. I note that the transient nature of HMO occupants has also been raised by the police and objectors, but again, I find no reason to recommend refusal based on this factor.

13.7 Contamination by a previous use

No significant issues anticipated. The matter can be addressed by condition.

13.8 Noise

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. The building is set apart from other dwellings in the immediate area and amenity space is to the rear. It seems unlikely that excessive noise from general comings and goings would significantly impact on the noise environment. Furthermore, the noise officer does not object on this basis.

13.7 Flood risk

Further information awaited but can be addressed by condition.

13.8 Presumption

The Council cannot currently demonstrate a five-year housing land supply. The development plan cannot therefore be considered as being up to date. Paragraph 11d of the NPPF and the presumption in favour of sustainable development is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole. The site is sustainably located, and the



proposal makes a modest contribution towards the council's housing targets without any evidenced detriment to the local area.

13.9 Other matters

During the determination of the application it was reported to the council that a break in had occurred at the premises and that the roof was unsafe. The applicant was notified to secure the premises and Building Consultancy acted in respect of the roof issue. The applicant has confirmed that these issues are now resolved, but the event highlights the need to bring the building back into beneficial use to avoid further dereliction.

13.10 It is worthy of note that the HMO will be licensed and inspected by the council and any issues regarding anti-social behaviour and other matters such as maintenance can be addressed moving forward. To demonstrate the good will of the applicant, a draft management plan has been submitted to the council detailing a management schedule for the premises, which can be conditioned to be finalised and complied with.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. Whilst the objectors raise credible concerns, the benefits in providing the range of accommodation, the reuse of a noteworthy building and no significant objections from consultees, it is considered that refusal of the application would not be easily defensible at appeal.

15 Implications

Resources:	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.
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Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.
Social Value	None.

16. Appendices

Site Plan
 Context Plan
 (30)001 S8
 (30)002 S5
 (40)003 S3
 (40)001 S4

The above plans are subject to amendments.



Legend

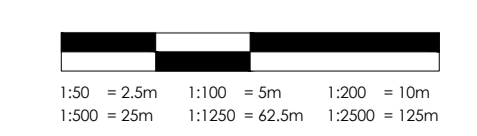
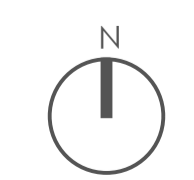
- GRASS/SOFT LANDSCAPED AREAS
- TARMAC/HARD LANDSCAPED AREAS
- RESIDENTIAL TARMAC/HARD LANDSCAPED AREAS
- HOLLYBUSH EXISTING
- HOLLYBUSH EXTENSION

Area Schedules

HMO UNIT AREAS	
TOTAL(HMO)	-408.8m² /4400.3sqft
TOWNHOUSE	
Unit 1 TYPE E2	-109m ² /1173.3sqft
Unit 2 TYPE E2	-109m ² /1173.3sqft
TOTAL(DWELL)	-218m² /2346.3 sqft
TOTAL (Accom)	-627m² /6747sqft



Proposed Site Layout
Scale 1 : 200



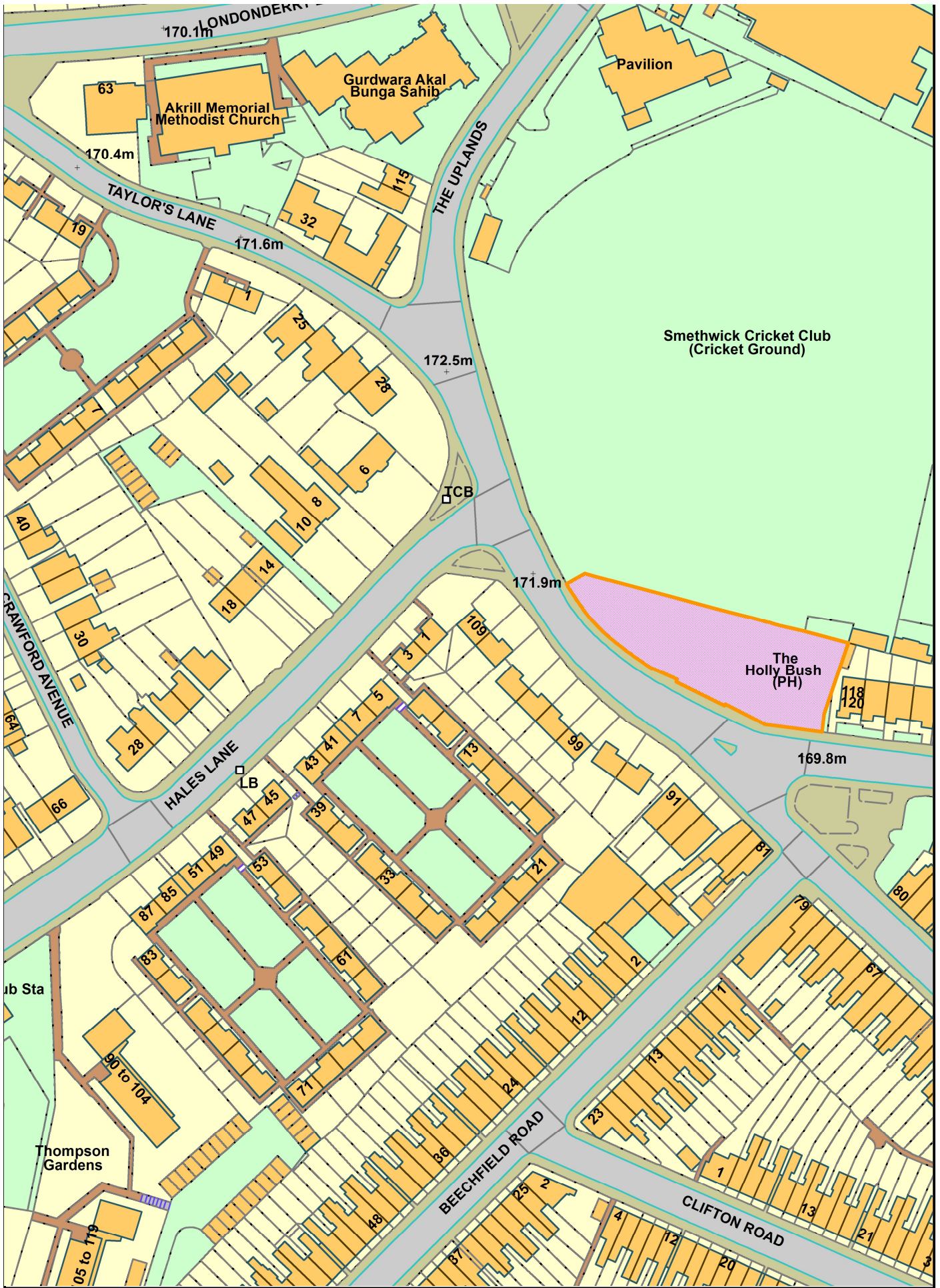
Revision	Date	Description

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Client: -
Project: The Hollybush HMO Conversion to HMO + New dwellings
Location: The Upland, Birmingham Smethwick
Drawing Title: Proposed Sketch Site Layout

Project Number	2908	Drawing No.	(30)001	Revision	S9
Stage	Feasibility	Scale	As Shown	Date	NOV 22
Date	CF	Drawn	JW	Checked	JW

Sheet Number 2908_PHD_A_XX_DR_A_(30)001



Notes

No.	XXX	Description	XXX



Proposed Front Elevation

Scale 1 : 100



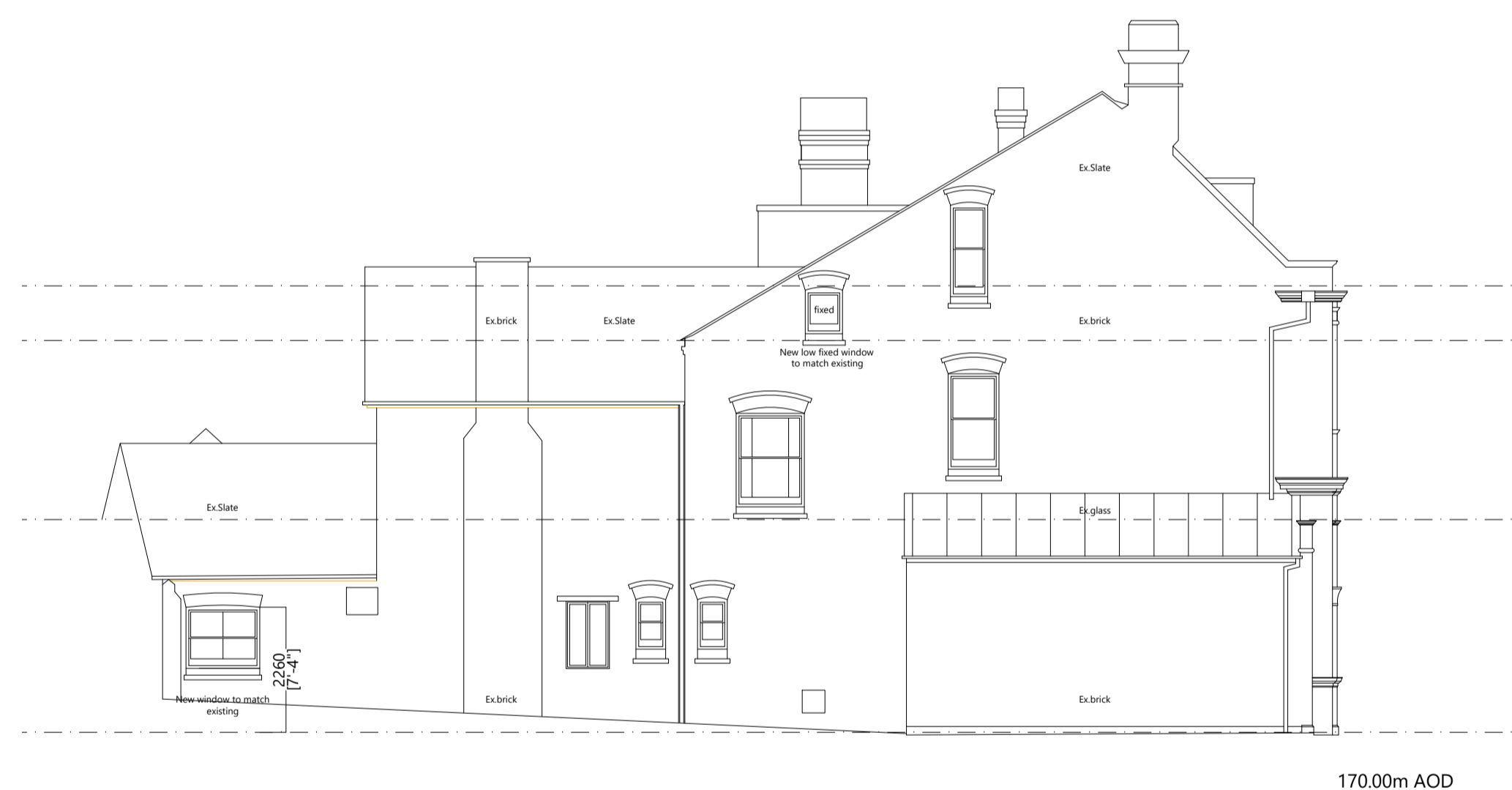
Proposed Side Elevation

Scale 1 : 100



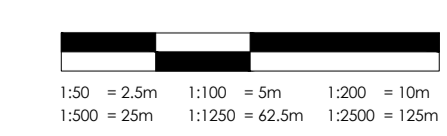
Proposed Rear Elevation

Scale 1 : 100



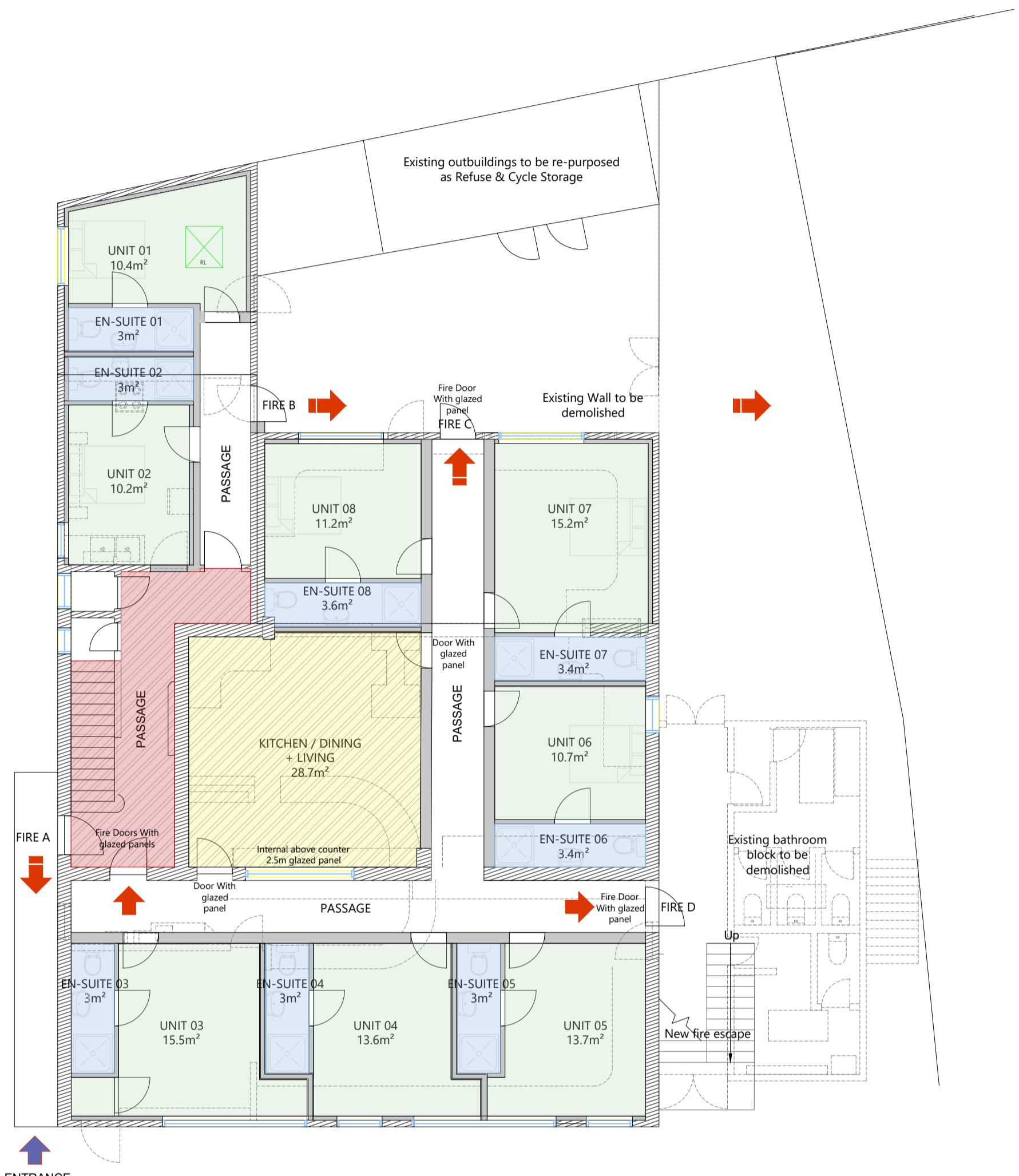
Proposed Side Elevation

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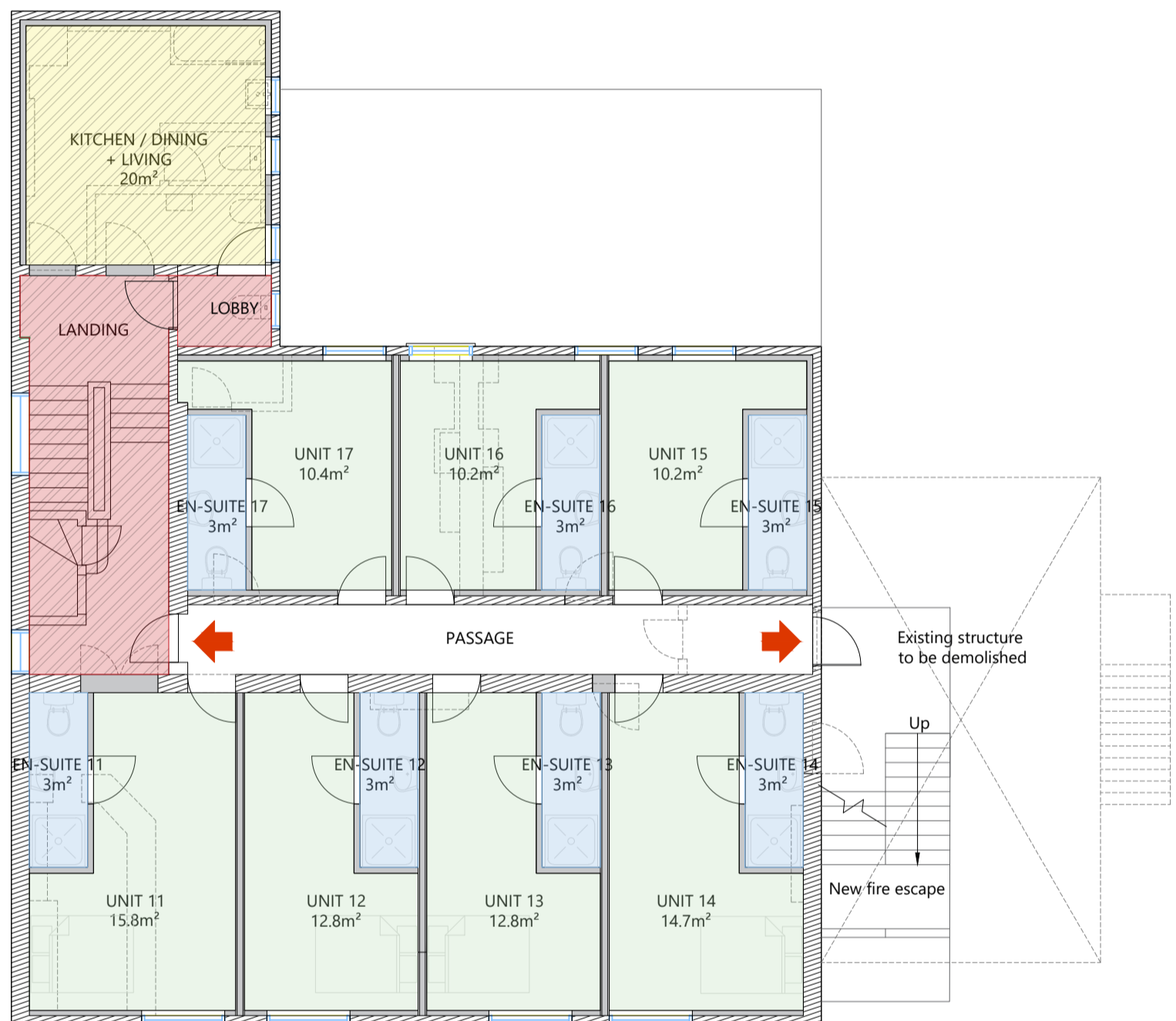
Revision	Date	Description

 Pinnegar Hayward Design 33a Powell Street Birmingham B1 3DH Tel: 0121 236 7009 Email: design@p-h-d.co.uk Web: www.p-h-d.co.uk	
Client	-
Project	The Hollybush HMO Conversion to HMO + New dwellings
Location	The Upland, Birmingham Smethwick
Drawing Title	Proposed Elevations
Project Number	2908
Stage	Feasibility
Scale	As Shown
Date	NOV 22
Drawn	CF
Checked	JW
Sheet Number	2908_PHD_A_XX_DR_A_(40)001



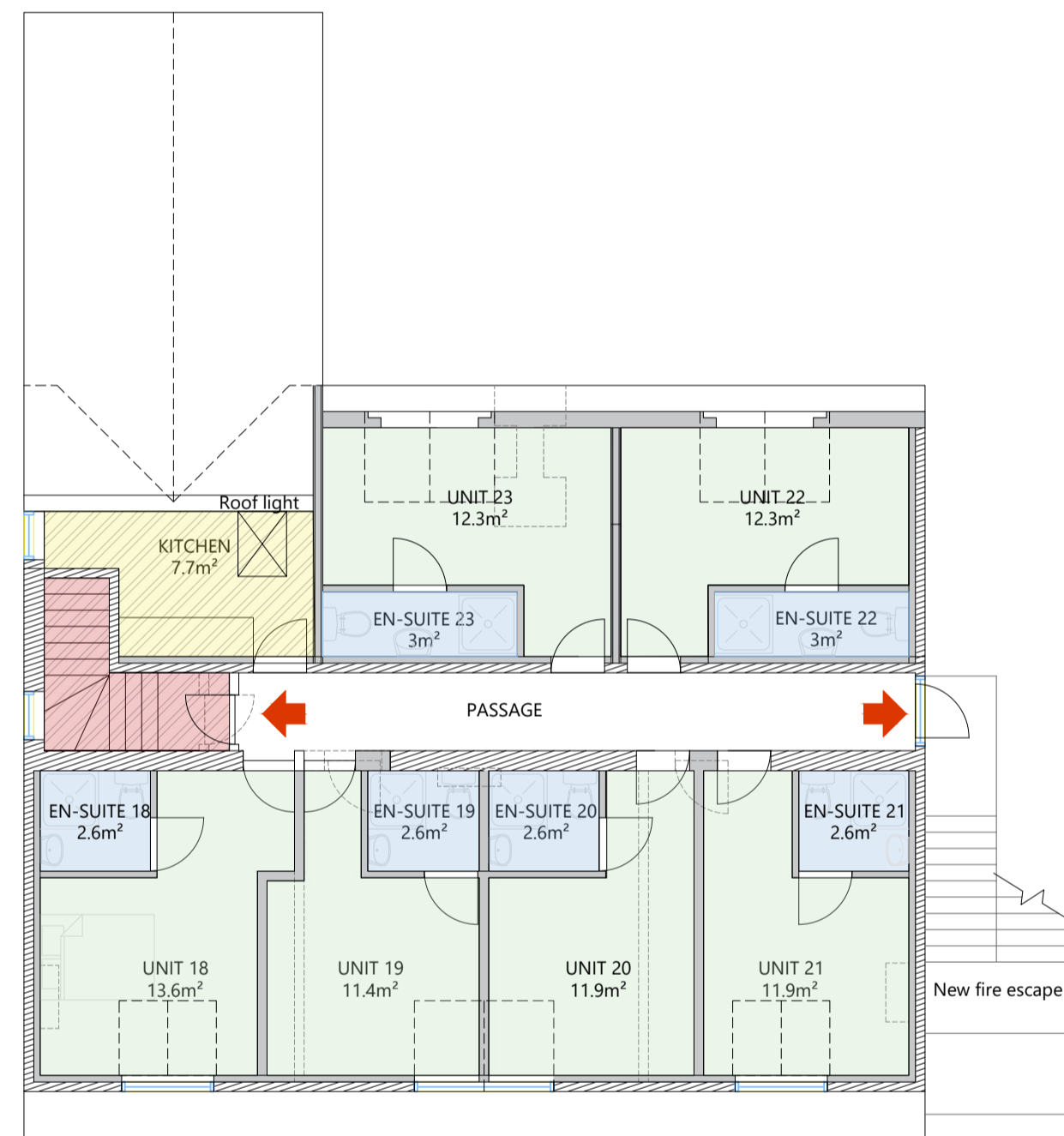
Proposed Ground Floor Plan

Scale 1 : 100



Proposed First Floor Plan

Scale 1 : 100



Proposed Second Floor Plan

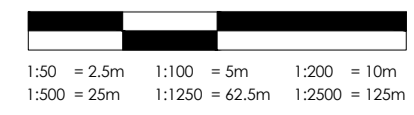
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Legend		Area Schedules	
EXISTING BRICKWORK AND/OR PARTITIONS		DEMOLISHED	
NEW PROPOSED WORK: A combination of additional thermal partition skin and/or new acoustic and fire rated partitions		COMMON AREA: Kitchen/Dining and Living Layout to be finalized	
PROTECTED FIRE ESCAPE STAIRCASE		NEW HMO UNITS	
		FIRE ESCAPE ROUTE AND EXIT	

UNIT AREAS		EN-SUITE AREAS	
GROUND FLOOR		GROUND FLOOR	
Unit 01	-10.4m ²	Unit 01	-3m ²
Unit 02	-10.2m ²	Unit 02	-3m ²
Unit 03	-15.5m ²	Unit 03	-3m ²
Unit 04	-13.6m ²	Unit 04	-3m ²
Unit 05	-13.7m ²	Unit 05	-3m ²
Unit 06	-10.7m ²	Unit 06	-3.4m ²
Unit 07	-15.2m ²	Unit 07	-3.4m ²
Unit 08	-11.2m ²	Unit 08	-3.6m ²
Unit 09	-10.4m ²	Unit 09	-3m ²
Unit 10	-12.4m ²	Unit 10	-3m ²
Sub-Total	-100.5m²	Sub-Total	-25.4m²
COMMON AREAS		COMMON AREAS	
Kitchen		Kitchen	
Dining		Dining	
Living	-28.7m²	Living	-28.7m²
FIRST FLOOR		FIRST FLOOR	
Unit 11	-15.8m ²	Unit 11	-3m ²
Unit 12	-12.8m ²	Unit 12	-3m ²
Unit 13	-12.8m ²	Unit 13	-3m ²
Unit 14	-14.7m ²	Unit 14	-3m ²
Unit 15	-10.2m ²	Unit 15	-3m ²
Unit 16	-10.2m ²	Unit 16	-3m ²
Unit 17	-10.4m ²	Unit 17	-3m ²
Sub-Total	-86.9m²	Sub-Total	-21m²
COMMON AREAS		COMMON AREAS	
Kitchen		Kitchen	
Dining		Dining	
Living	-20m²	Living	-20m²
SECOND FLOOR		SECOND FLOOR	
Unit 18	-13.6m ²	Unit 18	-2.6m ²
Unit 19	-11.4m ²	Unit 19	-2.6m ²
Unit 20	-11.9m ²	Unit 20	-2.6m ²
Unit 21	-11.9m ²	Unit 21	-2.6m ²
Unit 22	-12.3m ²	Unit 22	-3m ²
Unit 23	-12.3m ²	Unit 23	-3m ²
Sub-Total	-73.4m²	Sub-Total	-16.4m²
COMMON AREAS		COMMON AREAS	
Kitchen		Kitchen	
Dining		Dining	
Living	-7.7m²	Living	-7.7m²
TOTAL	-317m²	TOTAL	-62.8m²

Revision	Date	Description
-	-	-

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Client	-
Project	The Hollybush HMO Conversion to HMO + New dwellings
Location	The Upland, Birmingham Smethwick
Drawing Title	Proposed Floor Layouts
Project Number	2908
Stage	Feasibility
Scale	As Shown
Date	NOV 22
Drawn	CF
Checked	JW
Sheet Number	2908_PHD_A_XX_DR_A_(30)002



Notes

No.	XXX	Description	XXX



Proposed Site Elevation

Scale 1 : 100

Revision	Date	Description

phd
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Client
-

Project
The Hollybush HMO
Conversion to HMO + New dwellings

Location
The Upland, Birmingham
Smethwick

Drawing Title
Proposed Site Elevations
-

Project Number	2908	Drawing No.	Revision
Stage	Feasibility	(40)003	S3
Scale	As Shown		
Date	NOV 22		
Drawn	CF		
Checked	JW		

Sheet Number 2908_PHD_A_XX_DR_A_(40)003

