

Report to Planning Committee

11 January 2023

Application Reference	DC/22/67124
Application Received	1 June 2022
Application Description	Proposed change of use and alteration of
	public house to create 21no. 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	Alison Bishop
	Alison_bishop@sandwell.gov.uk

1 Recommendations

- 1.1 That planning permission is granted subject to the following conditions relating to:
 - (i) External materials;
 - (ii) Finished floor levels;
 - (iii) Contamination;
 - (iv) Drainage;

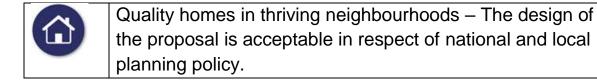


- (v) Boundary treatments to include that visibility splays are retained;
- (vi) Landscaping;
- (vii) Cycle storage to be provided and retained;
- (viii) Waste storage to be provided and retained;
- (ix) Electric vehicle charging;
- (x) External lighting;
- (xi) Construction hours 8am until 6pm Monday 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 to the two dwellings for extensions (dormers and rear/side extensions);
- (xvii) Retention of parking;
- (xviii) New drop kerb to serve the new dwellings prior to occupation;
- (xix) That no boundary treatment/foliage within the visibility splays shown in the attached drawing are over 900mm in height and splays are retained as such; and
- (xx) Internal layout to retained as approved.

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?





4 Context

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

Holly Bush, The Uplands, Smethwick

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 in favour of sustainable development and housing supply.

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 HMO would incorporate 21 bedrooms (ranging from 10 sqm to 15 sqm) over three floors as follows:
 - Ground floor 8 bedrooms with ensuites and a shared kitchen/dining area (28 sqm)
 - First floor 7 bedrooms with ensuites and a shared kitchen/dining area (20 sqm)
 - Second floor 6 bedrooms with ensuites and a shared kitchen area (7.7 sqm)

A proposed layout includes15 parking spaces with bin stores and cycle parking provision to the rear of the site.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter and site notice.
- 9.2 Two petitions of objection have been received one carrying 257 signatures and one carrying 41. A list of addresses is attached to your papers, unfortunately the petitions cannot be attached due to GDPR and



postcodes were not provided; Fifteen individual objections have also been received from residents in the same area.

- 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 Non-material objections regarding the impact of the proposal on property prices have also been received.
- 9.5 The objections will be discussed further under Material Considerations.
- 9.6 Three letters of support have been received along with a 63-signature petition. This is attached and redacted to include just post codes. This welcomes the new housing and the regeneration of the site which retains a non-designated heritage asset. In addition, the use would prevent ongoing vandalism, generate investment into the area and bring an attractive building back into use.

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

Highways raised no concern to the parking provision associated with the HMO or dwellings. In particular the parking provision for the HMO exceeds Sandwell's parking standards of 1 space for every 3 rooms.

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 Heath (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.



10.8 Private Sector Housing

No objection the facilities with the proposed HMO meet the standards under HMO licensing subject to various fire protection measure which would be dealt with through building regulations and the licensing.

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), nevertheless this is deemed acceptable as residents can use the first-floor kitchen also as travel distances are deemed to be appropriate. In addition, the room sizes at this floor all exceed 10m² which also offsets the smaller kitchen. All bedrooms have a window to allow for natural light.

13.5 Access, highway safety, parking and servicing

The development meets with the approval of the highway authority and parking spaces are in accordance with the requirements meet Council's design guidance for the new housing and exceeds parking standards for HMO provision.

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

The previous use was a public house. 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 and would likely be less noisy than activities associated with the existing use as a public house. 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.

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.
Legal and	This application is submitted under the Town and
Governance:	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	None.
Wellbeing:	
Social Value	None.

15 Implications

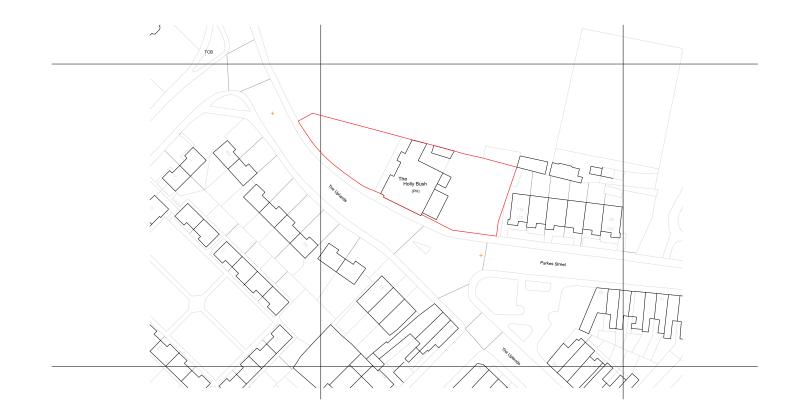


Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.
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16. Appendices

Location Plan Context Plan (30)001 S10 (40)001 S4 (30)002 S5 (30)002 S1 (40)003 S3 Petition 1 – list of addresses Petition 2 – list of addresses Petition in support – redacted (to include post codes only)





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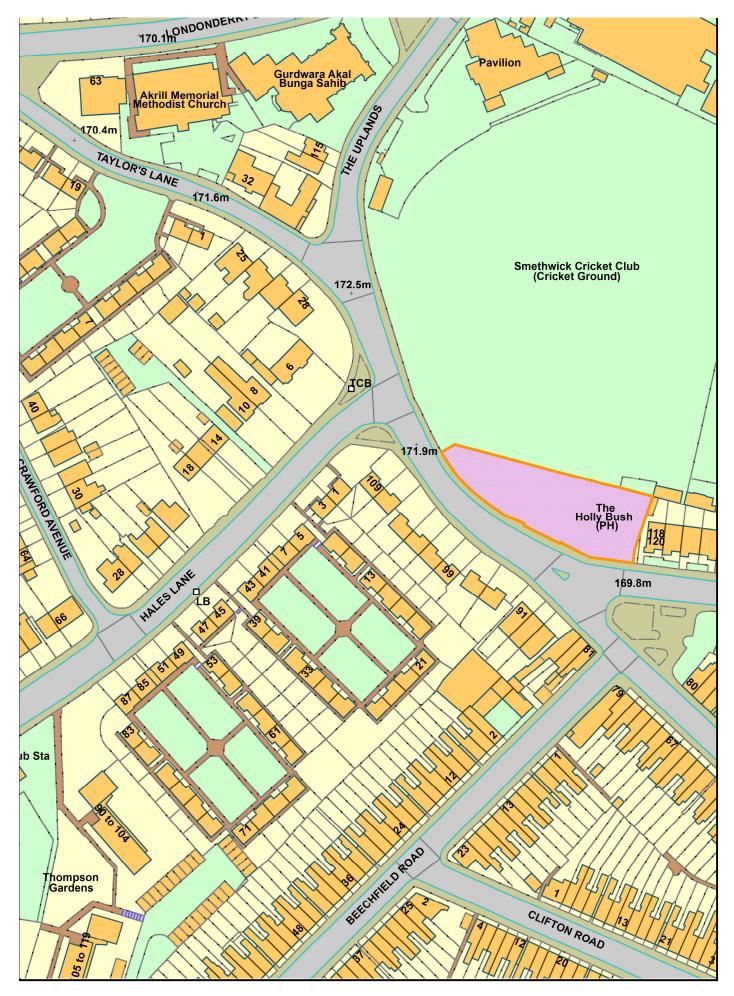
All dimensions are to be checked on site and the Architect is to be notified of any discrepancies prior to commencement. Do not scale. If an accurante dimension is required, please contact the Architect

XXX

Notes

No. XXX Description:









Proposed Site Layout

Scale 1 : 200

Stage Drawing No. Revision Feasibility Scale As Shown (30)001 \$10 Date NOV 22 Drawn CF Checked JW Sheet Number 2908_PHD_A_XX_DR_A_(30)001



Proposed Front Elevation

Scale 1 : 100



Proposed Rear Elevation

Scale 1 : 100

Proposed Side Elevation

Scale 1 : 100



Proposed Side Elevation

Scale 1 : 100

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No. XXX Description:

170.00m AOD

170.00m AOD

Revision Date Description



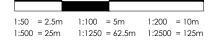
Pinnegar Hayward Design 33a Powell Street Birmingham B1 3DH Tel: 0121 236 7009 Email: design@p-h-d.co.uk Web: www.p-h-d.co.uk

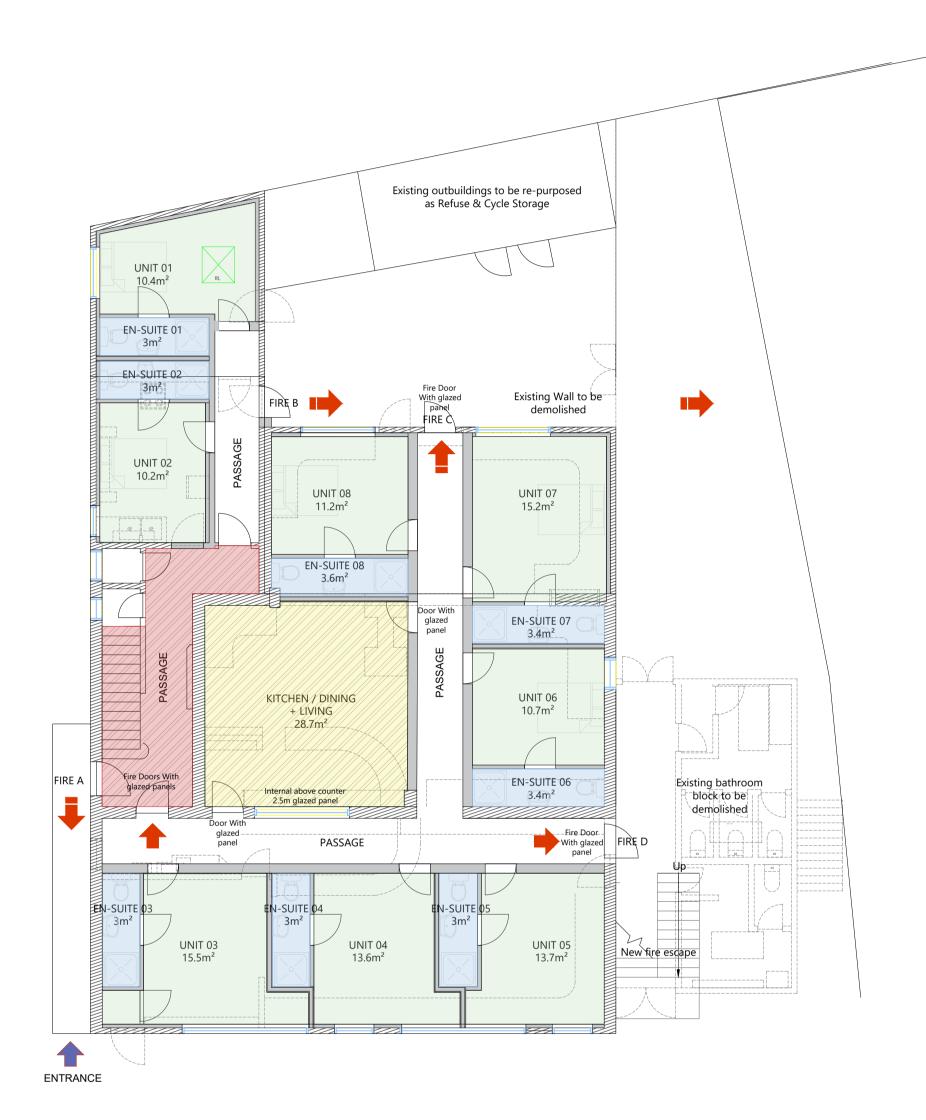
Client

Project

The Hollybush HMO Conversion to HMO + New dwellings Location The Upland, Birmingham Smethwick Drawing Title Proposed Elevations -_____

Project Number	2908		
Stage	Feasibility	Drawing No.	Revision
Scale	As Shown	(40)001	S4
Date	NOV 22	(40)001	5-
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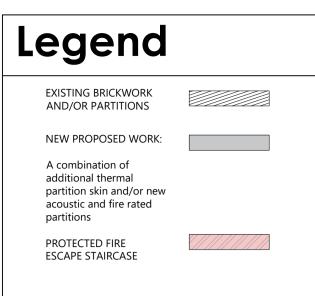


Proposed Ground Floor Plan

Scale 1 : 100



Proposed First Floor Plan Scale 1 : 100





Proposed Second Floor Plan

Scale 1 : 100

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Notes

No. XXX Description: XXX

DEMOLISHED	
COMMON AREA; Kitchen/Dining and Living Layout to be finilized	
NEW HMO UNITS	
FIRE ESCAPE ROUTE AND EXIT	•

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

Revision Date Description



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Client

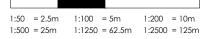
Project

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The Hollybush HMO Conversion to HMO + New dwellings Location The Upland, Birmingham Smethwick

Drawing Title Proposed Floor Layouts

Project Number	2908		
Stage	Feasibility	Drawing No.	Revision
Scale	As Shown	(30)002	S5
Date	NOV 22	(00)002	50
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Semi-Detached Dwelling



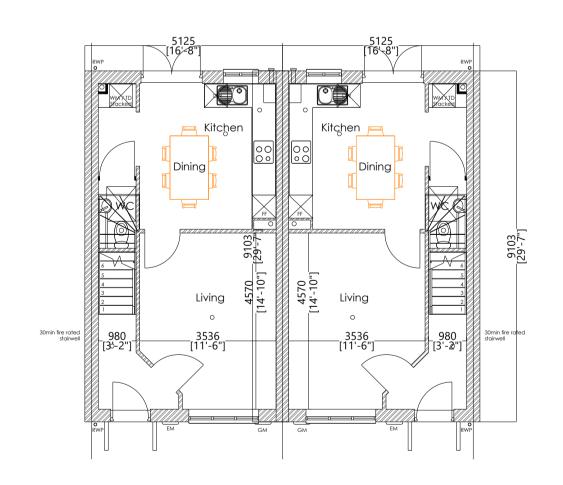


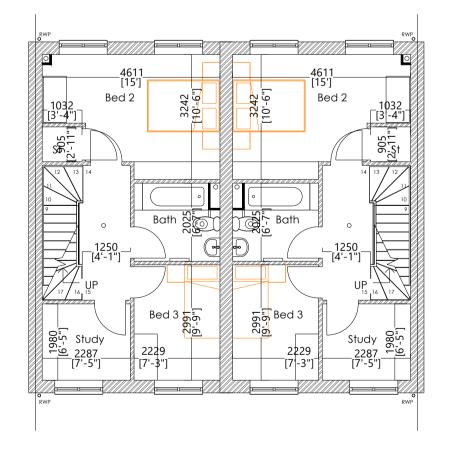
Proposed Front Elevation

Scale 1 : 100



Scale 1 : 100

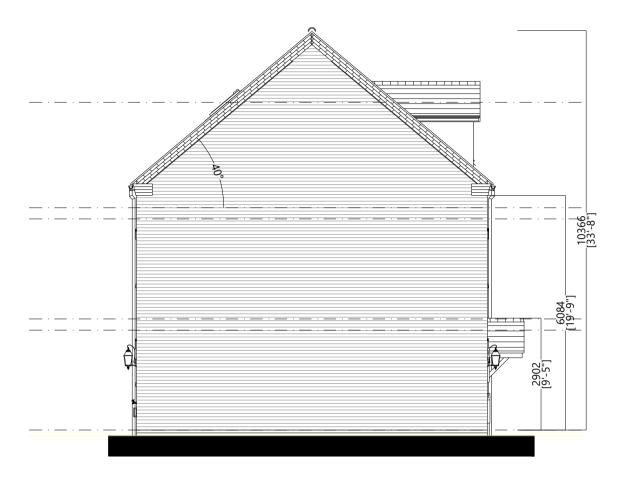


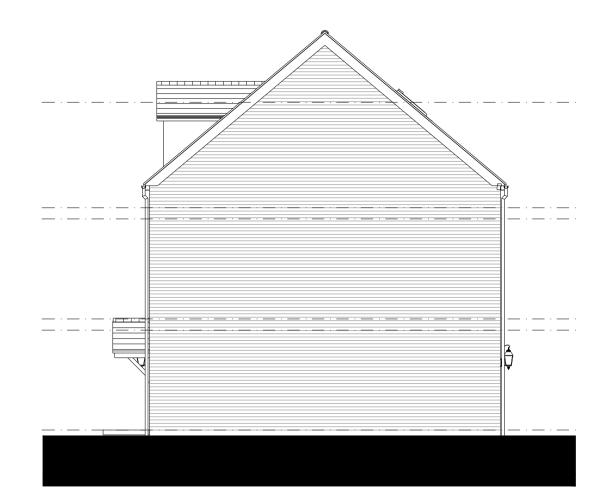


Proposed Ground Floor Plan

Scale 1 : 100

Scale 1 : 100

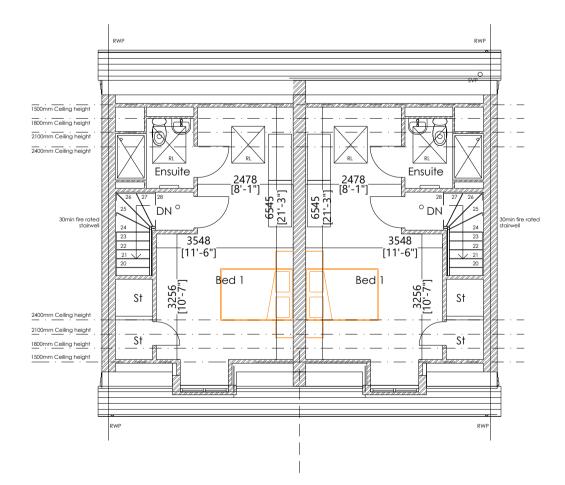




Proposed Side Elevations

Scale 1 : 100

Proposed First Floor Plan



Proposed Second Floor Plan Scale 1 : 100

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Revision



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Project

The Hollybush HMO Conversion to HMO + New dwellings

Location The Upland, Birmingham Smethwick

Drawing Title Proposed Dwellings Plan and Elevations

Project Number	2908		
Stage	Feasibility	Drawing No.	Revision
Scale	As Shown	(41)002	S1
Date	MAY 22	(41)002	51
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1:50 = 2.5m 1:100 = 5m 1:200 = 10m 1:500 = 25m 1:1250 = 62.5m 1:2500 = 125m



Proposed Site Elevation

Scale 1 : 100

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Notes No. XXX Description: XXX



Project The Hollybush HMO Conversion to HMO + New dwellings Location The Upland, Birmingham Smethwick Drawing Title Proposed Site Elevations

Project Number	2908		
Stage	Feasibility	Drawing No.	Revision
Scale	As Shown	(40)003	S3
Date	NOV 22	(40)003	50
Drawn	CF		
Checked	JW		
Sheet Number	2908_PHD	_A_XX_DR_A_(40)	003

Street Name	No. of signatures
Katherine Road	1
Barker Street	1
Radnor Road	1
Old Acres	1
The Uplands	61
Bowden Road	1
South Road	1
Clarendon Road	25
Davison Road	1
Oakwood	38
Starkie Drive	1
Beechwood	2
Hales Lane	48
Old Chapel Road	1
Parkes Street	14
Londonderry Lane	1
Thompson Gardens	6
Moore Crescent	1
c/o Smethwick Cricket Club	4
St Matthews Road	1
Thimblemill Road	1
Beakes Road	1
Trinder Road	1
Thomas Crescent	1
Wheatley Road	1
Ferndale Road	1
Avery Road	2
Southhurst Court	1
Dorothy Road	1
Cemetery Road	1
Farm Road	1
Manor Road	8
Lea Gardens	1
Queens Road	1
Marlbourne Road	1
Rosefield Road	1
Ramsey Road	1
Salop Road	1
Drake Road	1
Edwards Road	1
Mansion Crescent	2
Norman Road	2
Barrett Street	1
Eva Road	2
Galton Road	1
Margaret Gardens	1
Hillifields	1
Unknown	9
Total	257

Street Name	No. of signatures
Broomfield Road	10
Green Street	4
Arden Road	1
Hales Lane	25
Langley Crescent	1
Total	41

....

LOCATION: The former Hollybush, The Uplands, Smethwick, B69 6BL

PETITION TOPIC: Supporting change of use of former Public House to 23 HMO and 3 new dwellings. To improve local environment and support the need for local accommodation. Is it not time we supported all types of community housing?

- 1. To retain the use of a non-designated heritage asset.
- 2. Addressing the need for housing.
- 3. Discouraging acts of vandalism.
- 4. Encourage more local investment.
- 5. Bring an empty property back into use.

Name (Printed)	Address including postcode (this must be an address in the Sandwell Borough)	Signature
	B67 6BT	0
	G68001.	
	BES ODL	
	2 Bbg ODL	-
	B67 6DJ	
-) 	
	B676BT	
	B67 6BT	
	- B676AY	
	B676A)	/
- -	B6760	K
	BGTGAW	
	BGTGAY	
	BEIER	

LOCATION: The former Hollybush, The Uplands, Smethwick, B69 6BL

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- 5. Bring an empty property back into use.

Name (Printed)	Address including postcode (this must be an address in the Sandwell Borough)	Signature
	BG77 DR	
	BOTORN	
-	B67.6AY.	
	- B676A4.	-
	B67 6AY	-
	BGTGAY	
	BGT GAY	
	BETGAU	-
c	B67, 7DR	-
-	BG77DR	-
-	B663TA	
	B66 3TA	-
	B677CH	
	BG7 7PT	

LOCATION: The former Hollybush, The Uplands, Smethwick, B69 6BL

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Name (Printed)	Address including postcode (this must be an address in the Sandwell Borough)	Signature
	36775e	
	B377HQ	
	B6277BB	
	B077BS	
	BG JAL	
	B676BS	
	B643NS	
	B67 7AR	
	BG1 7BX	
	B67 7AT	
	867 7AL	
	BZO 900 B677DN	
	B67 -7A1	

LOCATION: The former Hollybush, The Uplands, Smethwick, B67 6BL

PETITION TOPIC: Supporting change of use of former Public House to 23 HMO and 3 new dwellings. To improve local environment and support the need for local accommodation. Is it not time we supported all types of community housing?

- To retain the use of a non-designated heritage asset.
 Addressing the need for housing.
- 3. Discouraging acts of vandalism.
- 4. Encourage more local investment.
- 5. Bring an empty property back into use.

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LOCATION: The former Hollybush, The Uplands, Smethwick, B69 6BL

PETITION TOPIC: Supporting change of use of former Public House to 23 HMO and 3 new dwellings. To improve local environment and support the need for local accommodation. Is it not time we supported all types of community housing?

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LOCATION: The former Hollybush, The Uplands, Smethwick, B69 6BL

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DESIRED OUTCOMES:

1. To retain the use of a non-designated heritage asset.

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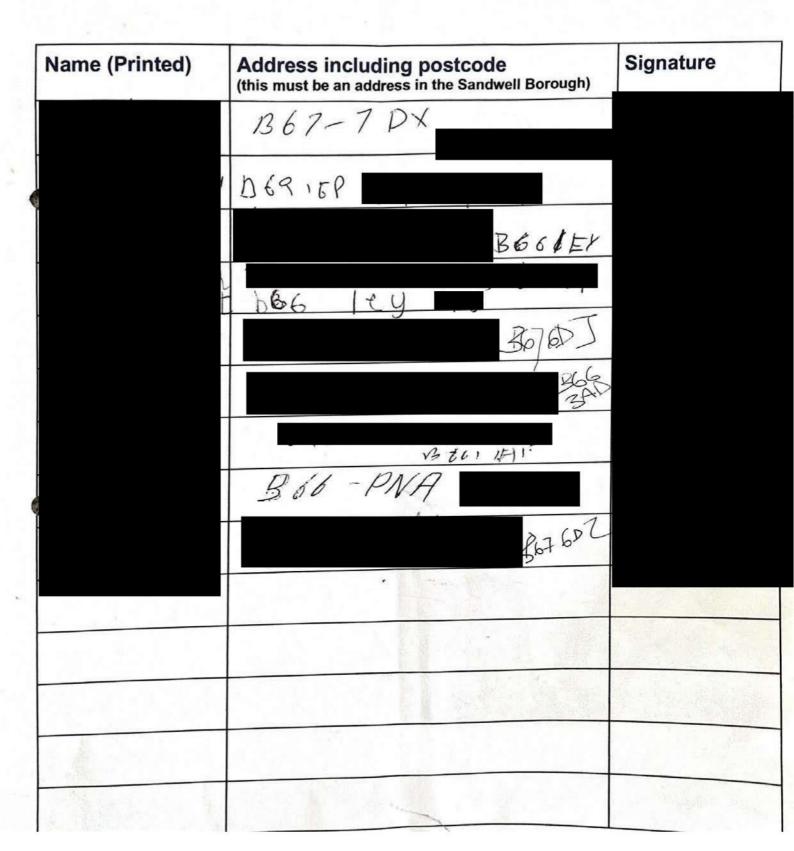
- 2. Addressing the need for housing.
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- 5. Bring an empty property back into use.

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LOCATION: The former Hollybush, The Uplands, Smethwick, B67 6BL

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- 5. Bring an empty property back into use.

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REF. NO. DC/22/67124 LOCATION: The former Hollybush, The Uplands, Smethwick, B67 6BL PETITION TOPIC: Supporting change of use of former Public House to 23 HMO and 3 new dwellings. To improve local environment and support the need for local accommodation. Is it not time we supported all types of community housing? DESIRED OUTCOMES: To retain the use of a non-designated heritage asset. Addressing the need for housing. Discouraging acts of vandalism. Encourage more local investment. Bring an empty property back into use.

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