

Report to Planning Committee

08 December 2021

Application Reference	DC/21/66182
Application Received	1 October 2021
Application Description	Proposed pair of semi-detached properties to form two, 10 bed HMOs with associated car parking, landscaping and storage facilities.
Application Address	Land Adjacent To 241 Horseley Heath Tipton
Applicant	Taylor Reed Homes Ltd
Ward	Great Bridge
Contact Officer	Alison Bishop alison_bishop@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to:

- (i) Details of a sustainable drainage system (SuDS);
- (ii) Parking laid out (to include SuDS) and retained;
- (iii) New footway crossover;
- (iv) Details of refuse strategy, implemented and retention;
- (v) Electric vehicle charge point provided;
- (vi) Low NOx boilers within the development;
- (vii) Method of working statement during construction and control of hours of working and deliveries;




- (viii) Noise report to assess appropriate mitigation from traffic and commercial plant/equipment;
- (ix) Ground investigation and remediation measures;
- (x) Secure cycle storage implemented and retained; and
- (xi) Details of security measures.

2 Reasons for Recommendations

- 2.1 The proposal is of a good design which meets the spatial standards both within the Revised Residential Design Guide SPD and HMO regulations. In addition, parking spaces are in accordance with our parking standards for HMOs. The scheme also provides an opportunity to remove an untidy piece of land which is currently used for fly tipping and anti-social behaviour and introduce a new building for residential accommodation, which would provide additional natural surveillance within this area. Finally, there is no evidence to suggest that the introduction of a HMO would result in either an increase in crime or anti-social behaviour. The licencing regime can ensure that the landlord manages the operation of the HMO.

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 This application is being reported to your Planning Committee because nine planning objections have been received. Councillor William Gill has objected to the proposal, having concerns about anti-social behaviour and increased crime.
- 4.2 To assist members with site context, a link to Google Maps is provided below:



5 Key Considerations

- 5.1 The site is not allocated within the development plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)
Planning history (including appeal decisions)
Overlooking/loss of privacy
Layout and density of building
Access, highway safety, parking and servicing
Traffic generation/Air quality
Noise and disturbance from the scheme
Fear of crime/anti-social behaviour

6. The Application Site

- 6.1 The site is adjacent to Dudley Port Local Centre. The site is situated on a commercial frontage along Horseley Heath, Tipton, referred to as the A461. The New Testament Church is situated to the immediate south and a parade of shops to the immediate north. To the rear of the site (east) are residential properties and opposite (west) there is triangular island junction with further commercial property beyond.

7. Planning History

- 7.1 The site previously benefited from several advertisement consents during the 1980/90s, but these have now been removed from the site.
- 7.2 The most recent planning application related to proposed residential development for four, two bed family houses with associated landscaping and parking (DC/21/65459). This application was refused for the following reasons:



- i) The proposed development would have a detrimental effect in terms of noise and disturbance to future occupiers due to high levels of traffic noise from Horseley Heath;
- ii) Adequate provision has not been made for the parking of vehicles within the curtilage of individual plots for family housing. This is contrary to policies ENV3 'Design Quality' of the Black Country Core Strategy, SAD Policy EOS9 'Urban Design Principles' of the Site Allocations and Delivery Development Plan Document and the Council's revised Residential Design Guide SPD 2014.
- iii) The private amenity space located at the rear of the proposed properties do not meet the minimum standard of 70sq.m. This is in direct conflict with policies ENV3 'Design Quality' of the Black Country Core Strategy, SAD Policy EOS9 'Urban Design Principles' of the Site Allocations and Delivery Development Plan Document the Council's Revised Residential Design Guide SPD 2014.

7.2 Relevant planning applications are as follows:

DC/21/65459	Proposed 4 No. 2 bedroom houses with associated parking, landscaping and external storage facilities.	Refused 19.07.2021
BCS2379A	1 x 48 sheet advertising display.	Advert Consent 10.09.1993
BCS2270A	1 x 48 sheet advertising display.	Advert Consent 18.06.1993
BCS1008	Site for temporary location of accommodation.	Grant permission with conditions 18.04.1990
BCS0737	Siting of temporary accommodation for Ladbroke's Racing Ltd,	Grant permission with conditions 21.08.1989



	during underpinning works to 5 Dudley Port, Tipton.	
DC/2033A	Three 48 sheet display panels.	Advert Consent 10.10.1983

8. Application Details

- 8.1 The applicant proposes to construct two, two storey blocks of residential accommodation which would each provide 10 single bedroom HMOs.
- 8.2 The combined measurement of the two adjoining blocks would be 20.1m (L) by 9.3m (W) with a gable roof to a maximum of pitch of 8.5m reducing to 5m at the eaves. The building would be constructed of a combination of facing brick and render.
- 8.3 A car parking area is proposed between the new development and existing commercial premises which would provide 10 spaces and a bin storage area. A new drop kerb would serve the car park. The surface would comprise a sustainable drainage solution which includes permeable paving with the addition of underground attenuation tanks. A close boarded fence would surround the proposed bin store area and the frontage would be enclosed with an electronic gate. No lighting is proposed given that a lighting column exists on street adjacent to the car park. A Transport Statement has also been submitted which refers to the various public transport options, i.e. buses, trains within 300 metres of the site.
- 8.4 To the rear of the proposed block and the car parking area, existing mature trees will be retained. Furthermore, additional planting of silver birch trees and shrubs would be introduced to the rear of the proposed block. A secure bike store would also be situated in this area.
- 8.5 A refuse strategy has stated the applicant will provide 3no. 1100 litre wheelie bins for use by the residents in a specific waste area adjacent the car park. Each bin will be dedicated for a certain use, i.e. food waste,



recycling (glass, paper, cardboard, etc.) and general waste. They would be collected twice a week by a private company.

9. Publicity

9.1 The application has been publicised by site notice and 51 neighbour letters. Nine objections have been received.

9.2 Objections

Objections have been received on the following grounds:

- i) Increased traffic generation and road safety concerns (children and the elderly). Questions raised over whether the access is suitable due to the busy nature of the A461;
- ii) Increased issues with air pollution due to the increase in cars from the development;
- iii) Invasion of privacy;
- iv) Light pollution;
- v) Noise nuisance
- vi) Nuisance from cooking odours;
- vii) Increase of crime/ASB – already an issue with drug use;
- viii) Fear of crime;
- ix) Increase in rubbish and fly tipping;
- x) HMOs can cause problems when they are not managed well;
- xi) Loss of trees (has a tree survey been undertaken?);
- xii) Increased demand of services – doctors/dentist already at capacity;
- xiii) Detract from the character of the area;
- xiv) Sewerage system is at capacity;
- xv) Concerns about children being vulnerable when passing the HMO; and
- xvi) Vulnerable to break-ins.

Immaterial objections have been raised regarding loss of property values.



9.3 Responses to objections

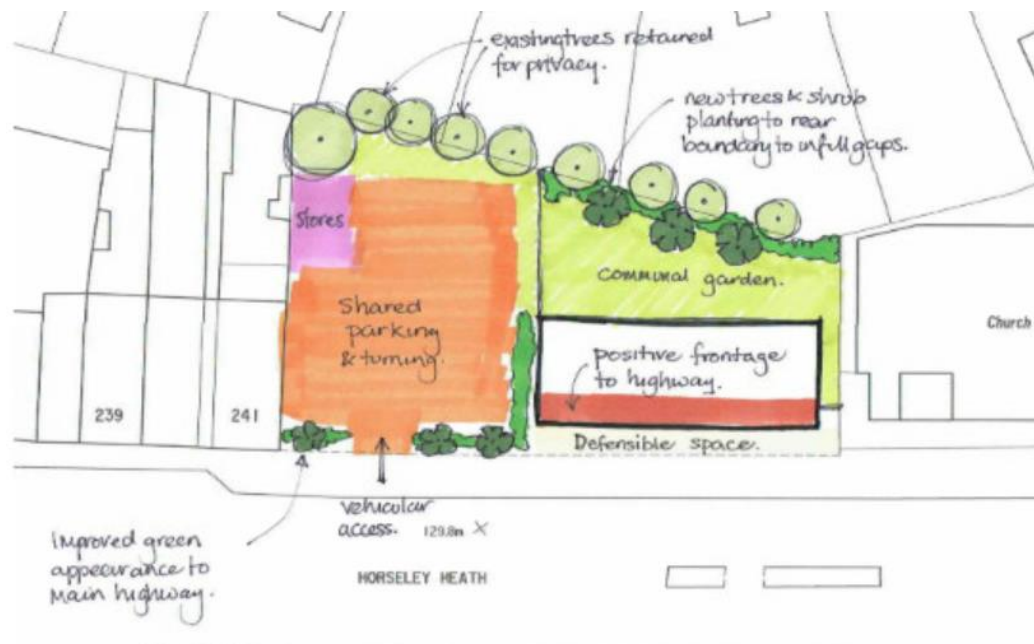
I respond to the objectors' comments in turn:

- i) The scheme has raised no objections from Highways (refer to point 10.2 below). The scheme accords with standards for HMOs in terms of parking provision and the access is deemed to be acceptable.
- ii) The scheme has raised no objection from Public Health in terms of air quality (refer to point 10.3), however they have recommended mitigation measures to include an electric vehicle charge point, low NOx boilers and a method statement during construction. All of which can be conditioned.
- iii) The scheme accords with the separation distances within the Revised Residential Design Guide SPD, and also benefits from the retention of trees at the rear of the site, along with additional planting.
- iv) No additional lighting is proposed.
- v) Public Health recognise that road traffic is high in this area which will generate noise and so new residents will need appropriate protection in the form of additional glazing, but in terms of noise nuisance to existing residents no objections have been raised (refer also to point 13.7 below).
- vi) The proposal provides two domestic kitchens; hence odours would be no greater than a usual household.
- vii) It is accepted that the area has issues with drug use from the comments of residents, however the vacant nature of this site exacerbates this, and by developing the site it removes an area where people can loiter. By introducing this development, it would remove an untidy piece of vacant land and introduce increased natural surveillance from future occupiers. In addition, in terms of future occupiers, they would be expected to abide by the rules and regulations set out in the conditions of their tenancy and these will be managed by the landlord. The local authority can impose fines



of up to £5,000 on landlords, if these regulations are not complied with.

- viii) Fear of crime cannot be corroborated in this instance. The police have offered no evidence in terms of existing high criminal activity and have raised no objections to the proposal.
- ix) As referred to in (vii) above these matters can be controlled by the HMO licence. In addition, the refuse strategy states that refuse will be collected twice weekly.
- x) It is acknowledged that HMOs can cause problems when they are not managed well, however as indicated above, there are penalties that can be imposed when this occurs.
- xi) The extract from the Design and Access Statement below shows that the existing trees will be retained with additional planting being introduced.



- xii) I am unable to comment on the demand upon existing medical services; however, this proposal is only an additional 20 residents and hence it not considered to be significant when measured against the population of the area.
- xiii) The area is primarily a commercial area with a variety of mixed uses, therefore it is considered that this proposal fits well within this context.



- xiv) The proposal will provide sustainable drainage systems to ensure that water run off accords with the standards set by Severn Trent who manage the sewer systems. This can be ensured by condition.
- xv) There is no evidence to suggest that the occupiers of the HMO would be criminals. As indicated in (vii) above, HMO licensing can ensure that the HMO is appropriately managed.

10. Consultee responses

10.1 Planning and Transportation Policy

There are no policy issues with this application. The proposal is liable for the Community Infrastructure Levy (CIL).

10.2 Highways

No objections subject to a drop kerb being provided and full details of refuse strategy and its implementation and retention.

10.3 Public Health (Air Quality)

No objections, there is no requirement for a detailed air quality assessment for exposure as the development is classed as minor. They recommend mitigation to include an electric vehicle charge point, low NOx boilers and a method statement during construction.

10.4 Public Health (Contaminated Land)

No objection subject to standard ground/remediation conditions.

10.5 Public Heath (Air Pollution and Noise)

No objection, subject to a noise report being provided by condition to assess appropriate mitigation for HMO residents from traffic and adjacent commercial plant/equipment. In addition, it is recommended



that restrictions of construction hours of work and deliveries are imposed.

10.6 West Midlands Police

No objection; however, they state that a flatted development would have been preferable as HMOs can be drain on police resources if not properly managed. Notwithstanding this, they make recommendations in terms of security of the building and refer to ensuring that the property is licenced by Private Sector Housing. Recommendations by the police relating to security have been forwarded to the applicant/agent.

10.7 Private Sector Housing

No objections, the bedrooms comply with the HMO standards for single occupancy. Other matters such as means of escape, ventilation, emergency lighting would be dealt within under a HMO licence and the building regulations.

10.8 Transportation Policy

No objection.

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. In this instance the area is of a mixed use with largely commercial development fronting the A461 (Horseley Heath) and hence this proposal is deemed to be complimentary.

11.2 The policy also refers to highways and states that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative*



impacts on the road network would be severe’. No objections have been raised by highways.

- 11.3 In addition, with regard to crime and anti-social behaviour: *‘... create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*’ As indicated above, there is no factual evidence to suggest that the proposal would increase crime, and the development itself is well designed according to the standards of the council’s residential design guidance and HMO regulations.

12. Local Planning Policy

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

DEL1: Infrastructure provision

HOU1: Delivering Sustainable Housing Growth

HOU2: Housing Density, Type and Accessibility

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV8: Air Quality

TRAN4: Creating Coherent Networks for Cycling and Walking

SAD H2: Housing Windfalls

SAD EOS9: Urban Design Principles

- 12.2 DEL1 refers to providing suitable on-site infrastructure provision. In this instance the scheme provides electric vehicle charge points, a parking area, bins and cycle stores which support other policies within the core strategy. In addition, the site is liable for the Community Infrastructure Levy which can be in part used towards community projects within Great Bridge and for wider infrastructure in Sandwell.



- 12.3 HOU1 requires the local planning authority to deliver 63,000 homes upto 2026, at present there is a housing shortfall and hence the introduction of this HMO will create additional homes for residents.
- 12.3 HOU2 refers to providing a range of types of accommodation. In the instance of this locality, the area has a variety of commercial, leisure and residential including family housing and flats above shops. It is considered that a HMO would contribute to the existing range of accommodation in the area.
- 12.4 ENV3 and SAD EOS9 refers to design standards, this is a new residential block which sits well within the street context, being complementary to the lower height of the adjacent church and the increased height of the commercial shops. The materials proposed for the building suit the vernacular of the area and window proportions are in keeping with the context. The layout accords with the standards set out in HMO regulations in terms of bedroom sizes for single occupancy and bathroom and dining/kitchen accommodation. In terms of security, the car park would be gated and recommendations set out by the police have been forwarded to the applicant.
- 12.5 ENV5 requires development to reduce the capacity on sewers through the use of SuDS, and the scheme can be conditioned to ensure that the car park provides a drainage scheme that meets this requirement.
- 12.6 ENV8 and the Black Country Air Quality SPD considers the need to minimise the impacts of air quality and recommends mitigation measures for minor development. In this instance these are electric charge points, low NOx boilers and a construction management plan. All these are conditioned as part of the recommendation.
- 12.7 TRAN4 encourages development to introduce sustainable travel. In this instance a secure bike storage area has been provided and the development is well located to a variety of public transport options.



12.8 SAD H2, refers to new development being on brownfield land and compatible with other policies, of which the proposal is compliant.

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 Planning history (including appeal decisions)

In the first instance, the local planning authority has previously refused a scheme for family housing in this location. This is because the site area does not work spatially for traditional housing, being too close to commercial noise and road traffic associated with it and having insufficient space to provide appropriate garden amenity and parking within the curtilage of each plot. The site as current is in a poor condition and results in fly tipping including needles, therefore development of the site does provide an opportunity to improve the area. However, given the design concerns regarding family housing, a scheme for a HMO where the layout can be better accommodated within the site has been proposed with this new scheme.

Members should also be mindful of a previous inspector's decisions following the planning appeal for HMOs along Bearwood Road, and indeed more recent appeals have been allowed following refusal. The critical factors to consider are whether members consider that in this location the scheme would be inappropriate in its scale and character, and whether there is factual evidence to suggest that in introducing HMOs in this area, they would increase crime and anti-social behaviour. In my opinion, the mixed use/commercial nature of this site would suit a HMO proposal. In addition, from the information presented, there is no evidence to suggest that crime and anti-social behaviour would worsen, particularly given that the scheme would be licensed and fines can be issued of up to £5,000 for breaches of the licence.



13.3 Overlooking/loss of privacy

Separation distances between the proposal and residential properties on Bevan Close range from 22 metres to 27 metres. This complies with the 21 metre separation distances set out within residential design guide SPD. Furthermore, the retention of existing trees coupled with additional tree planting would add further screening.

13.4 Layout and density of building

As indicated above, the footprint of the building fits well into the street scene in terms of its height and proportions.

13.5 Access, highway safety, parking and servicing

No objections have been received from highways, the scheme accords with standards for HMOs in terms of parking provision and the access is deemed to be acceptable.

13.6 Traffic generation/Air quality

Whilst it is accepted that the A461 is a busy road, the scheme is of a minor scale and would not introduce a significant amount of additional traffic to warrant refusal. When referring to national policy, the proposal would not have a severe impact on the highway network. It is also accepted that due to the nature of the A461 existing air quality is likely to be poor, however the proposal is minor in nature and Public Health have recommended appropriate mitigation measures.

13.7 Noise and disturbance from the scheme

Public health has stated that the scheme would need to provide a noise assessment due to the proximity of the A461, therefore the noise associated with this development is unlikely to be significant when compared to existing traffic noise. Furthermore, the licencing regime



would ensure that the occupants abide by rules and conditions relating to conduct and behaviour.

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 scheme is of a suitable design and appropriate to the context of the area, raises no highway or public health concerns and there is no evidence to suggest that crime or anti-social behaviour would worsen as a consequence of this development.

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.
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

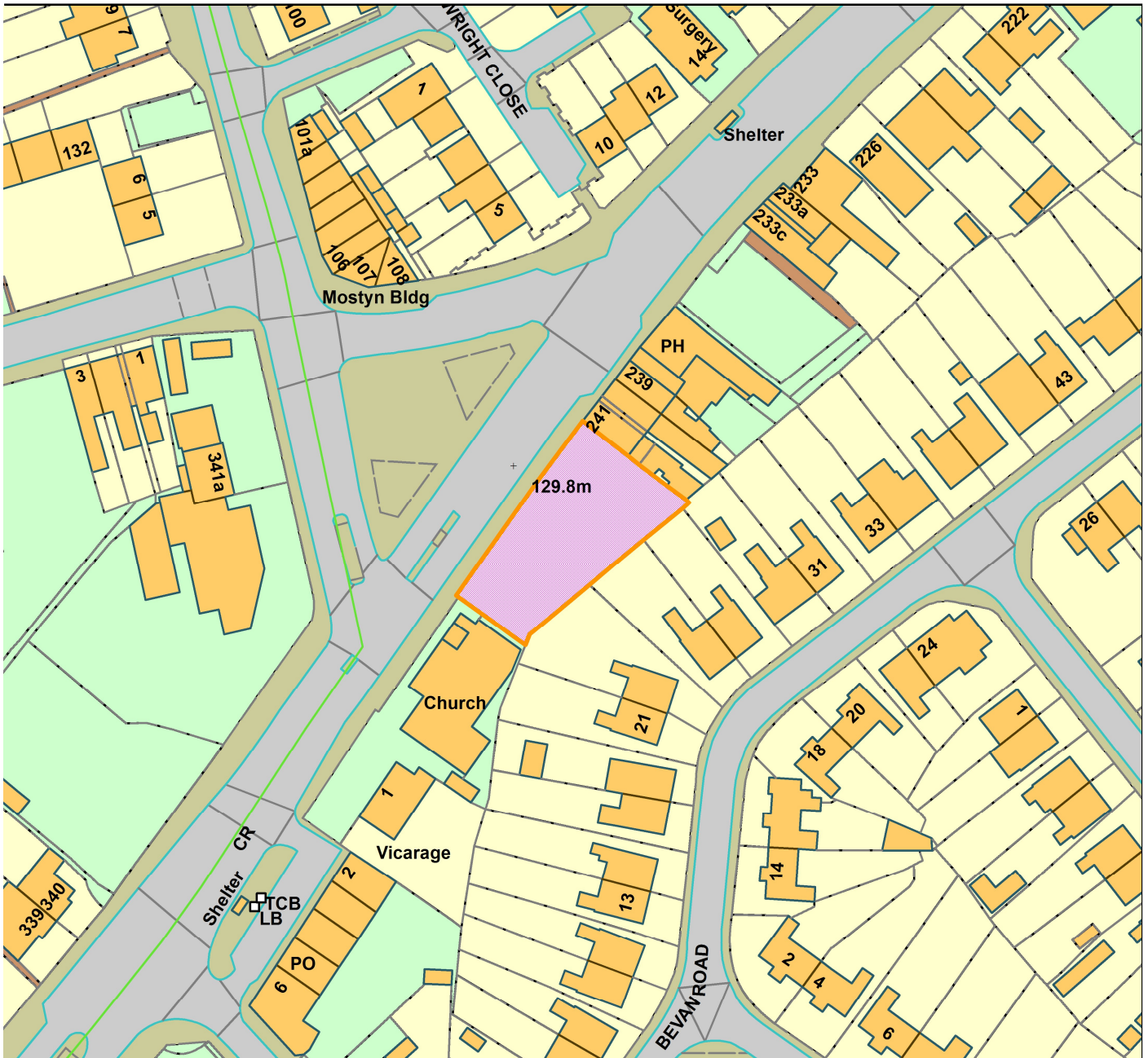
16. Appendices

Site Plan
Context Plan
2432 DO1 Rev B
2432 DO2
2432 DO6 Rev B
2432 DO7 Rev A



DC/21/66182

Land Adjacent to 241 Horseley Heath, Tipton



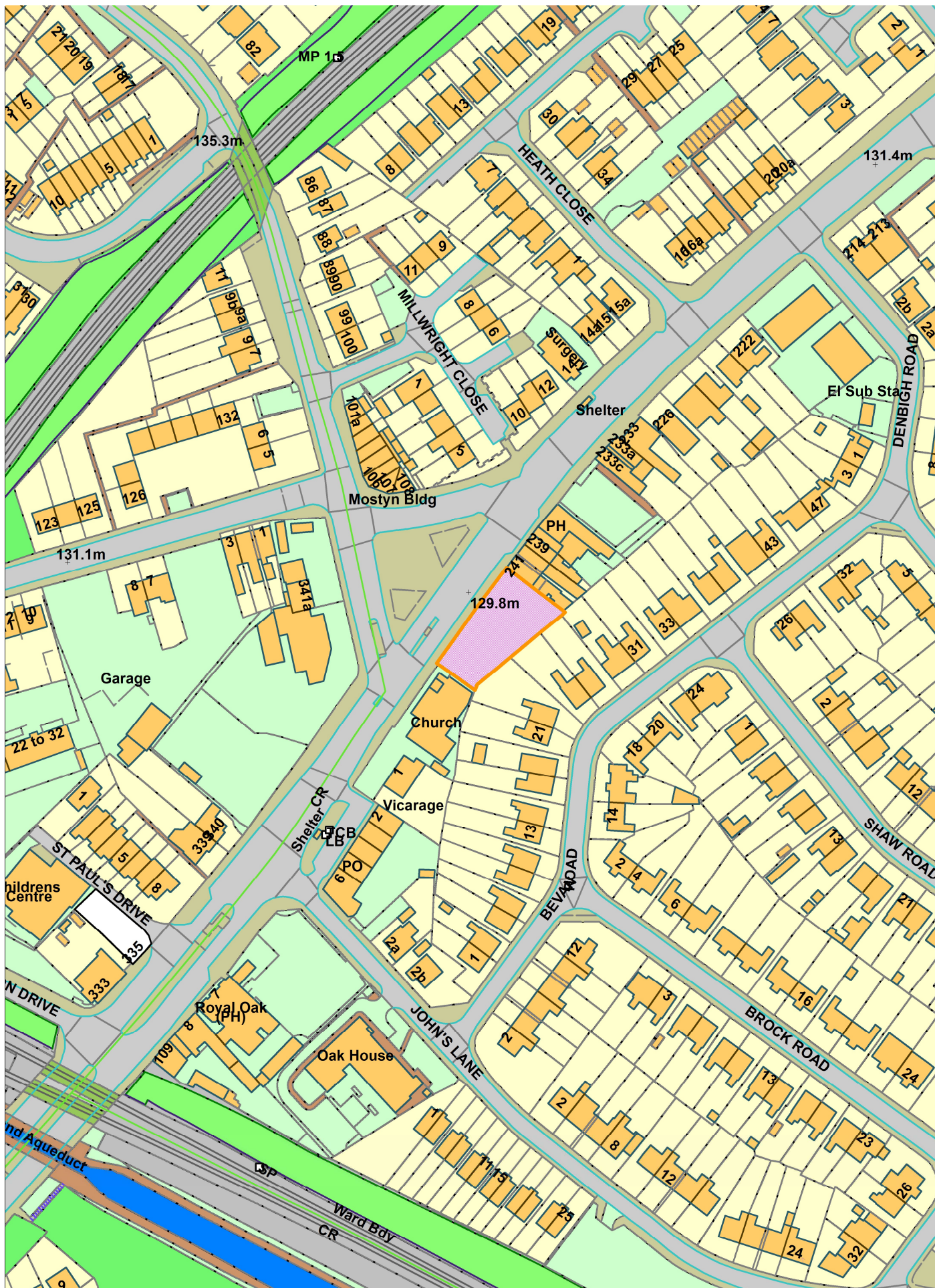
Legend

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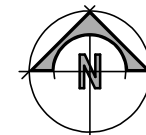
Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	23 November 2021
OS Licence No	





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SITE LOCATION PLAN (1:1250)



Scale
0 4 8 10m

Figured dimensions only to be taken from this drawing.
All contractors must visit the site and be responsible for taking and checking dimensions relative to this work.

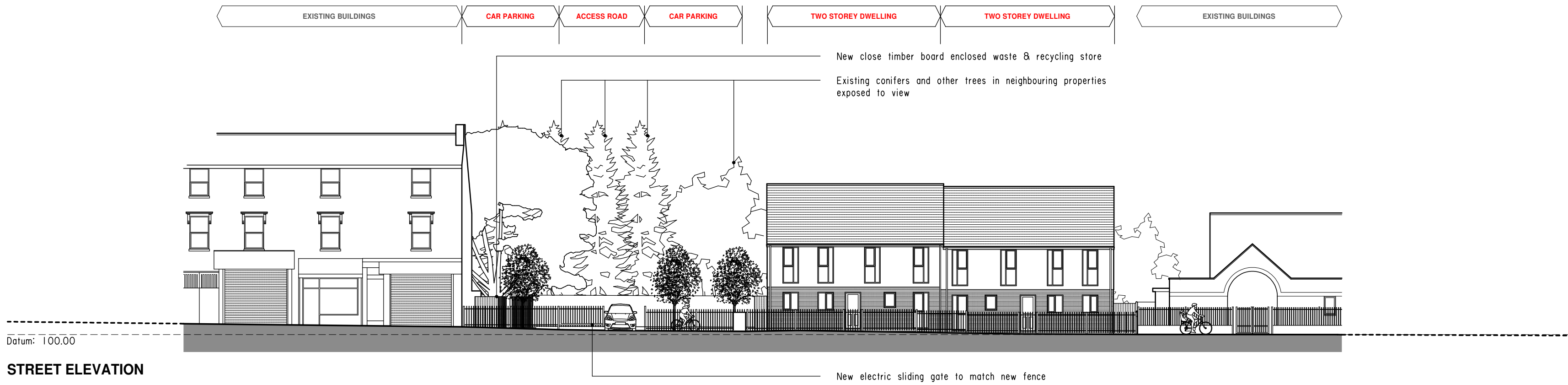
REVISIONS		
	Date	Description
A	07/10/21	Scale added.



Chartered Architects

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Tel. 01384 252622

CLIENT	
TAYLOR REED HOMES LTD	
OLDBURY	
WEST MIDLANDS	
JOB	
NEW DWELLINGS ON	
LAND ADJ. 241 HORSELEY	
HEATH, TIPTON	
TITLE	
SITE LOCATION PLAN	
NUMBER 2432/D01	REVISION A
Scale 1:1250 @ A4	Date FEB '21
CAD 2432-200 Rev 1	



STREET ELEVATION



NOTE: THIS DRAWING IS BASED UPON A COMBINATION OF SITE SURVEY INFORMATION PROVIDED BY THE CLIENT AND AN ENLARGED O/S MAP. TREE INFORMATION IS INDICATIVE; BASED UPON A VISUAL SURVEY ONLY.

SITE/GROUND FLOOR PLAN

- KEY:**
- Proposed ground level
 - Existing ground level
 - Existing trees
 - Proposed trees
 - Proposed shrubs

ENCLOSURE DETAILS:

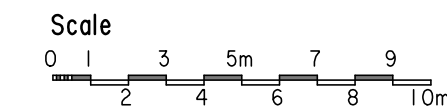
Privacy screen type fences to rear boundary and between car park/communal garden to be 1800mm high closed boarded timber fence.

Existing concrete post and panel fence to right boundary (with Church) to remain along with brick wall to left boundary (with no. 241).

Front boundary to receive 1200mm high metal railing fence and gates.

- LANDSCAPING SCHEDULE:**
- TREES:**
- Betula Pendula (Silver Birch)
 - Crataegus Laevigata (Midland Hawthorn)
 - Sorbus Aucuparia (Rowan)
- SHRUBS:**
- Ass. Berberis
 - Ass. Pyracantha
 - Euonymus
 - Cytisus
 - Lavandula
 - Viburnum Tinus

NOTE: A selection of the above trees and shrubs will be used along the rear and front boundaries and between the car parking area and the new building.



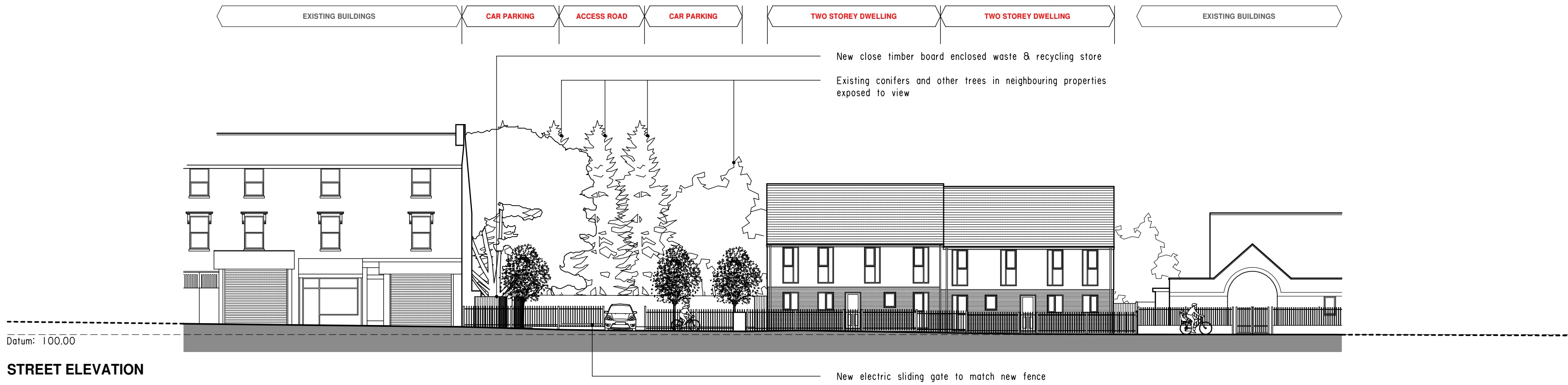
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REVISIONS		
	Date	Description
A	07/10/21	Enclosure details re-written.



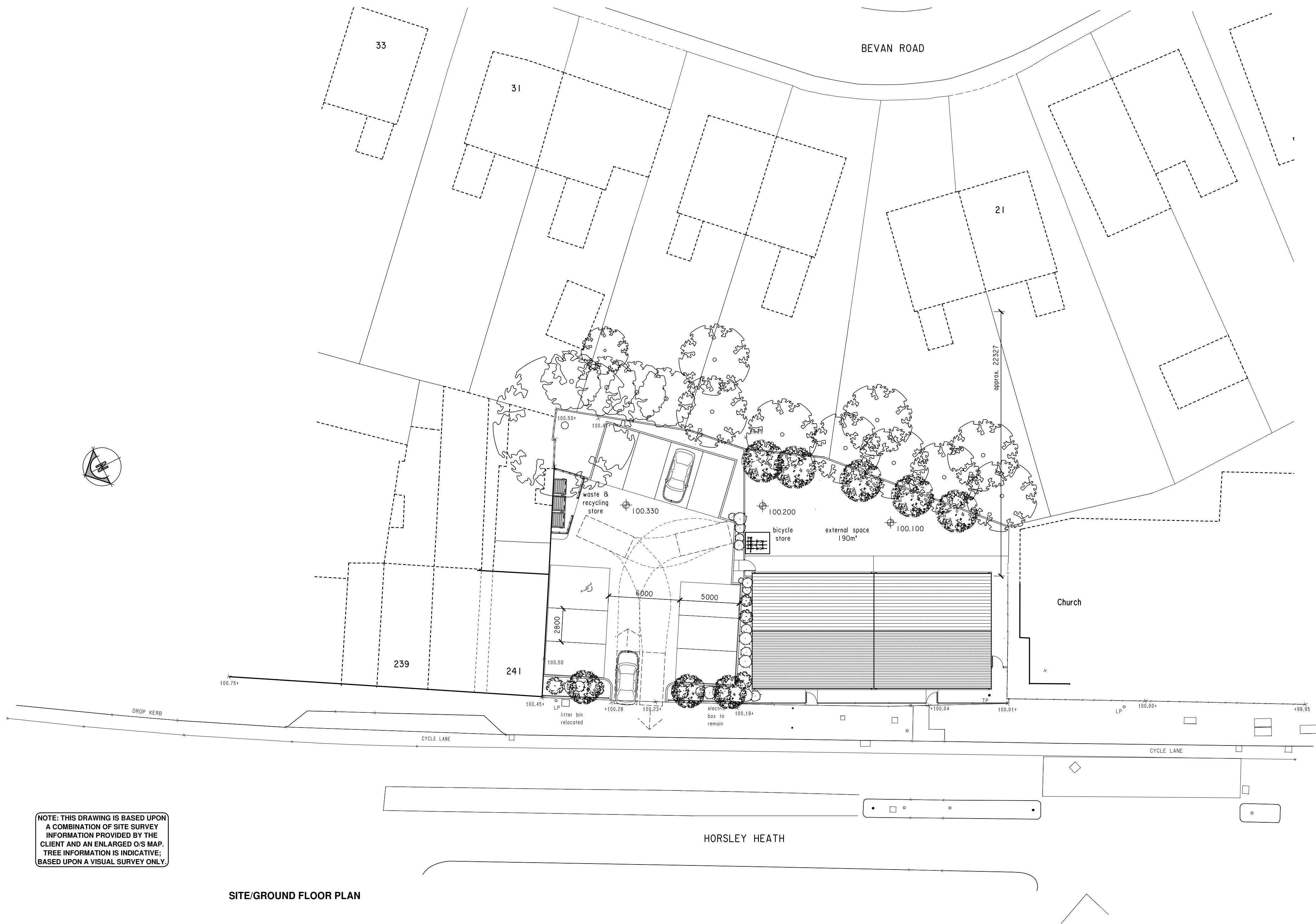
Chartered Architects

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CLIENT TAYLOR REED HOMES LTD OLDBURY, WEST MIDLANDS	
JOB RESIDENTIAL DEVELOPMENT, LAND ADJ. 241 HORSELEY HEATH, TIPTON	
TITLE SITE PLAN & STREET ELEVATION: AS PROPOSED - SCHEME 2	
NUMBER 2432/D06	REVISION A
Scale 1:200 @ A1	Date SEPT 21
CAD 2432-205 Rev 1	GROUP A



STREET ELEVATION



NOTE: THIS DRAWING IS BASED UPON A COMBINATION OF SITE SURVEY INFORMATION PROVIDED BY THE CLIENT AND AN ENLARGED O/S MAP. TREE INFORMATION IS INDICATIVE; BASED UPON A VISUAL SURVEY ONLY.

SITE/GROUND FLOOR PLAN

- KEY:
- Proposed ground level
 - Existing ground level
 - Existing trees
 - Proposed trees
 - Proposed shrubs

ENCLOSURE DETAILS:

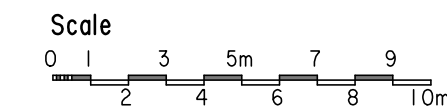
Privacy screen type fences to rear boundary and between car park/communal garden to be 1800mm high closed boarded timber fence.

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NOTE: A selection of the above trees and shrubs will be used along the rear and front boundaries and between the car parking area and the new building.



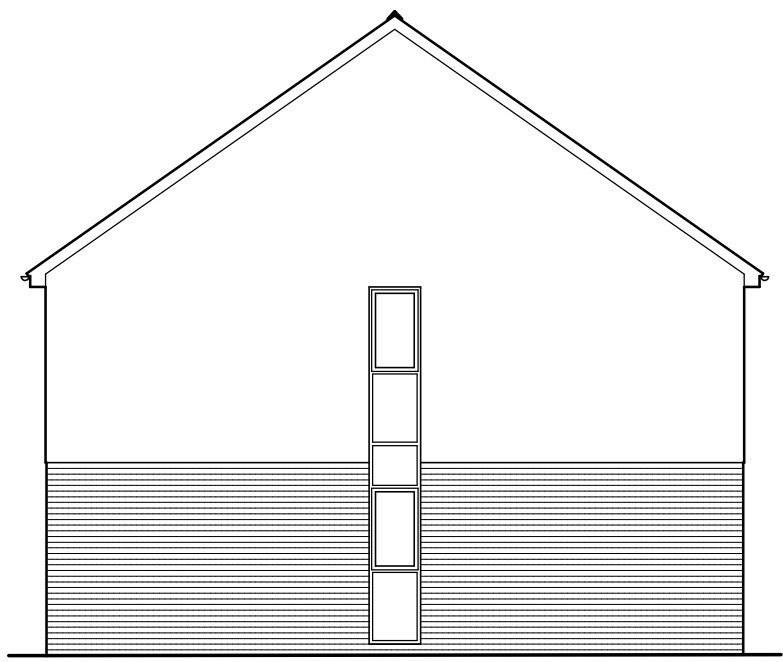
Figured dimensions only to be taken from this drawing.		
REVISIONS		
	Date	Description
A	07/10/21	Enclosure details re-written.
B	17/11/21	Bicycle store relocated to rear garden and bins redrawn to reflect revised proposal.



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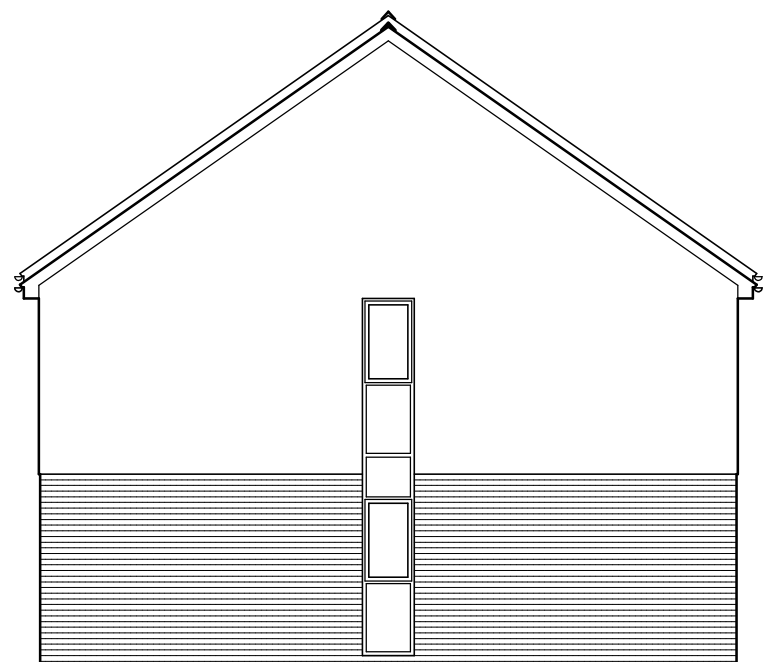
CLIENT	TAYLOR REED HOMES LTD OLDBURY, WEST MIDLANDS	
JOB	RESIDENTIAL DEVELOPMENT, LAND ADJ. 241 HORSELEY HEATH, TIPTON	
TITLE	SITE PLAN & STREET ELEVATION: AS PROPOSED - SCHEME 2	
NUMBER 2432/D06	REVISION B	
Scale 1:200 @ A1	Date SEPT 21	
CAD 2432-205 Rev 1	GROUP A	



SIDE (NORTH) ELEVATION



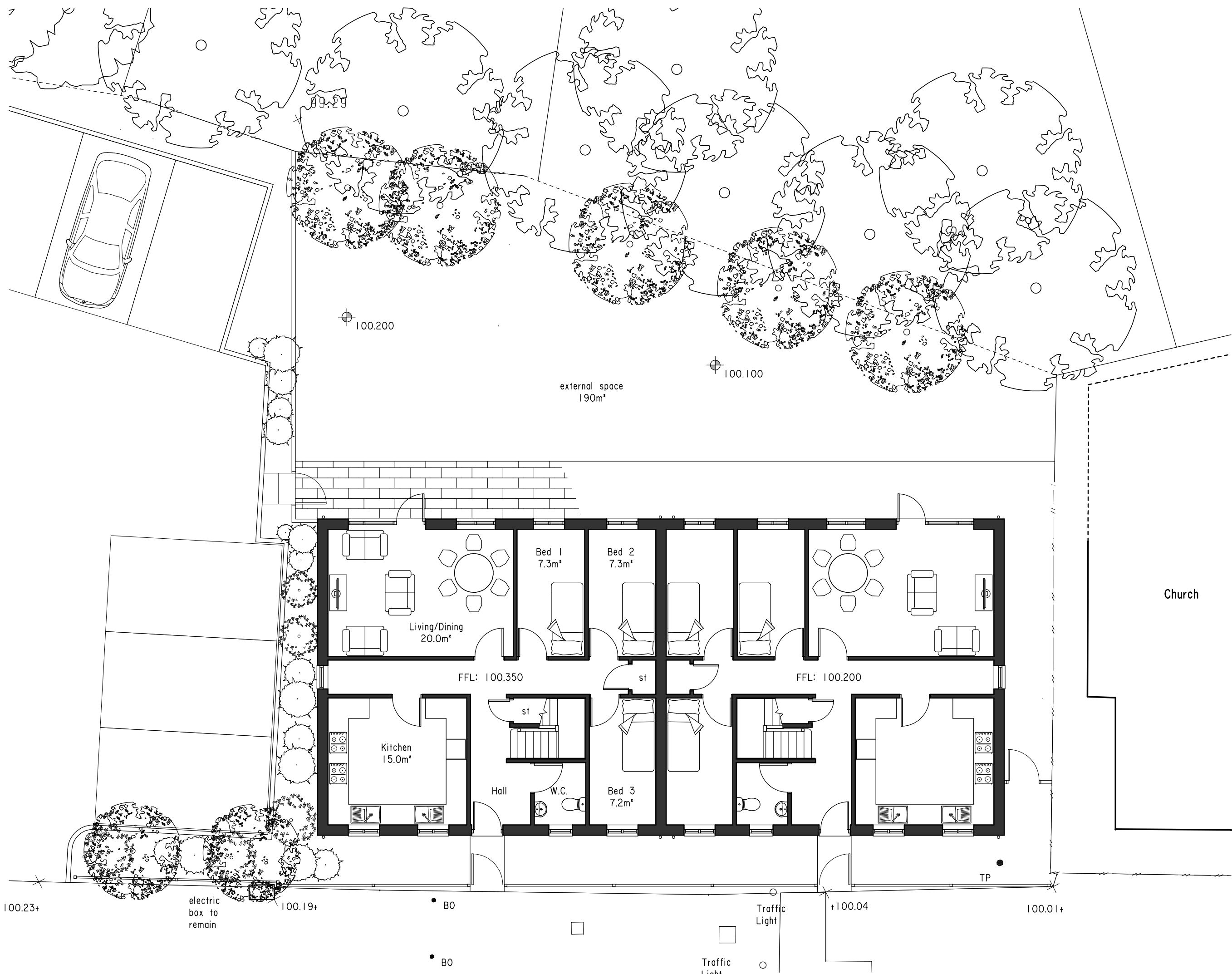
FRONT (WEST) ELEVATION



SIDE (SOUTH) ELEVATION



REAR (EAST) ELEVATION



GROUND FLOOR PLAN

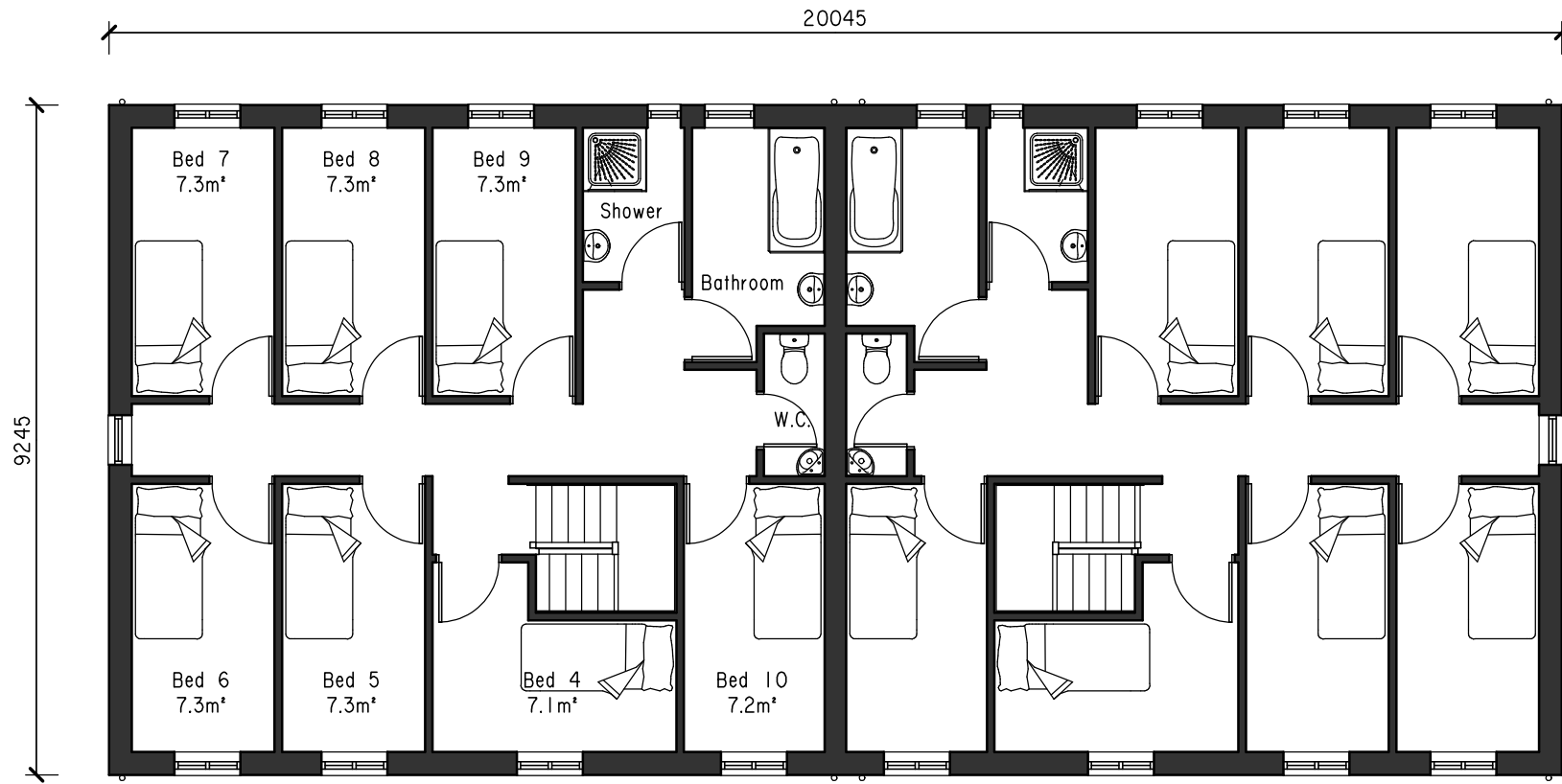
PROPOSED MATERIALS:-

WALLS: IBSTOCK 'STAFFORDSHIRE SLATE BLUE SMOOTH'
FACING BRICKWORK TO GROUND FLOOR AND
WHITE PAINTED RENDER TO FIRST FLOOR

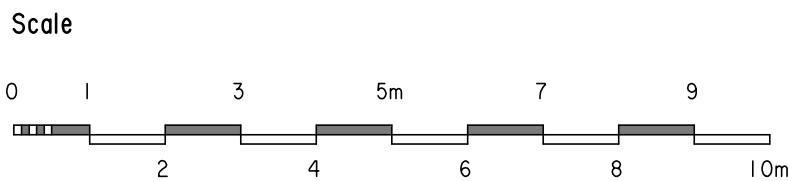
ROOFS: MARLEY 'MODERN SMOOTH GREY' CONCRETE ROOF
TILES TO PITCHED ROOFS

WINDOWS & DOORS: UPVC

RAINWATER GOODS: UPVC



FIRST FLOOR PLAN



Figured dimensions only to be taken from this drawing.		
REVISIONS		
	Date	Description
A	07/10/21	Dimensions and scale bar added.



Chartered Architects

The Old School, St. Johns Road, Dudley, DY2 7JT
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CLIENT TAYLOR REED HOMES LTD OLDBURY, WEST MIDLANDS	
JOB RESIDENTIAL DEVELOPMENT LAND ADJ. 241 HORSELEY HEATH, TIPTON	
TITLE FLOOR PLANS & ELEVATIONS: AS PROPOSED - SCHEME 2	
NUMBER 2432/D07	REVISION A
Scale 1:100 @ A1	Date SEPT 21
CAD 2432-206 Rev 1	GROUP A