

Report to Planning Committee

08 December 2021

Application Reference	DC/21/66247
Application Received	19 October 2021
Application Description	Proposed change of use from dwelling to 7 No. bedroom HMO - house in multiple occupation (pursuant to planning permission DC/21/65962).
Application Address	160 Lightwoods Road Smethwick B67 5AZ
Applicant	Bharat Pattni
Ward	Abbey
Contact Officer	Dave Paine david_paine@sandwell.gov.uk

1 Recommendations

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

- (i) Bin storage;
- (ii) Cycle storage;
- (iii) Details of security measures;
- (iv) Details of low NOx boilers; and
- (v) Method of working statement during construction and control of hours of working and deliveries;



2 Reasons for Recommendations

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

3 How does this deliver objectives of the Corporate Plan?

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

- 4.1 This application is being reported to your Planning Committee because at the time of writing this, there have been 18 objections and a petition against the application with 92 signatures.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[160 Lightwoods Road](#)

5 Key Considerations

- 5.1 The site is unallocated in the development plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)
Planning appeal decisions
Layout and density of building
Access, highway safety, parking and servicing
Noise and disturbance from the scheme



6. The Application Site

6.1 The application relates to a mid-terraced dwelling situated on the western side of Lightwoods Road, Smethwick. This street is characterised by terraced dwellings which are typical of housing from between the late 19th century and early 20th century.

7. Planning History

7.1 The property was granted planning permission in September 2021 for a first floor and single storey rear extension and a rear dormer window. This application would have provided a large ground floor kitchen/living/dining room, an additional room on the first floor and two additional rooms and a bathroom on the second floor.

7.2 Relevant planning applications are as follows:

DC/21/65962	Proposed first floor and single storey rear extensions with rear dormer window.	16 September 2021 Grant permission with external materials.
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8. Application Details

8.1 The applicant proposes to change the use of the property from a Dwellinghouse (C3) to House in Multiple Occupation (C4).

8.2 At the ground floor, the two reception rooms towards the front of the property would be converted into bedrooms, each with an en-suite bathroom.

8.3 At the first floor, there would be three further bedrooms, one of these would have an en-suite bathroom and the other two would have a shared bathroom.



- 8.4 At the second floor, there would be three further bedrooms, each with an en-suite bathroom.
- 8.5 The large, open-plan kitchen/living/dining room would be retained on the ground floor. This room would measure 9.2 metres by 4.4 metres internally.
- 8.6 On the plan numbered 21374/009(A), 5 of the bedrooms are shown to be for single occupancy only, 2 of the bedrooms are shown to be able to accommodate 2 occupants. The double bedroom sizes would be 11.6sqm and 15.3sqm. The single bedroom sizes would be 10.5sqm, 8.7sqm, 7.7sqm, 8.9sqm and 9.4sqm.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter and by site notice with 18 objections and a petition being received at the time of writing.

9.2 Objections

Objections have been received on the following grounds:

- (i) Increased numbers of parked cars on the street.
- (ii) The character of the street would change and would affect community cohesion.
- (iii) This would set a precedent for other applications.
- (iv) Increased traffic affecting highway safety.
- (v) Inadequate provision for waste/bins along with increased refuse.
- (vi) Increased noise.
- (vii) This is a poor location for an HMO.
- (viii) Loss of privacy.
- (ix) Impact on the viability of the nearby retail centre.
- (x) Impact on the drainage system.
- (xi) Associated anti-social behaviour and crime.



- (xii) The increase in wheelie bins would create an obstruction to those with a sight impairment, and pushchairs.
- (xiii) Loss of light.
- (xiv) Increase in litter.
- (xv) Health and safety hazard.
- (xvi) Overdevelopment of the site.

Immaterial objections have been raised regarding

- (i) Lack of information on how the HMO will operate.
- (ii) This would cause pollution.

9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) Comments received from the Highways Authority note that the existing permission is for a 5 bedroom dwelling which would require 3 spaces, and that our standards for the proposed HMO would require between 3-4 spaces. This is not deemed to be a sufficient increase so as to cause any concern over parking.
- (ii) Lightwoods Road is characterised by terraced housing along with some commercial properties, typically at street corners. It is close to Bearwood High Street and, as such, there is a wide variety of occupants and living arrangements. This proposal is deemed to be compatible with the existing dwellings along the street.
- (iii) Any further planning applications for HMOs would be considered and determined on their own merit.
- (iv) The Highways Authority commented that the additional trip demand on the highway network would not be classified as severe and therefore did not object.
- (v) I would recommend that provision of bin storage should be controlled by way of a planning condition.
- (vi) The Public Health team were consulted regarding potential noise issues, however, they did not object on this basis. They noted that



the proposed HMO would need to comply with Building Regulations.

- (vii) This property is within a residential area and close to a retail centre with good public transport links, providing a sustainable location and good employment opportunities. It is therefore considered to be an acceptable location for an HMO.
- (viii) This proposal would not impact on neighbours' privacy. The alterations to the structure have been previously approved.
- (ix) Increasing adult occupancy of this property would be likely to increase the viability and vitality of the nearby retail centre.
- (x) Issues relating to the drainage would be considered under Building Regulations and approval by Severn Trent.
- (xi) West Midlands Police did not object to the application. They gave advice regarding the security of the proposal and a condition has been included in relation to details of security measures.
- (xii) While it is noted that it is typical to find wheelie bins on the footpath on bin collection day, it is not considered that the overall number would be substantially impacted by this proposal.
- (xiii) This proposal would not impact on light to neighbours. The alterations to the structure have been previously approved.
- (xiv) There is no evidence that an increase in littering would occur due to this proposal. Enforcement against littering is not a planning matter and is controlled by other legislation.
- (xv) It is unclear what this objection specifically relates to, or whether the concern is for the occupants or others. The safety of the property can be controlled through the HMO licensing process.
- (xvi) This proposal does not include any plans to increase the size of the property. Therefore, no overdevelopment would occur.

10. Consultee responses

10.1 Highways

Highways noted that our parking standards would require parking provision to increase of spaces to 1 at most (3 to 4), where off street parking is available. In this case, the property relies on on-street parking



and the additional parking demand is not deemed severe. The additional trip demand would not be classified as severe. Therefore, Highways did not object.

10.2 Public Health (Air Pollution and Noise)

Requirements for soundproofing have been requested, however this would be a matter for building regulations. It was also noted that the Private Sector Housing Team would need to be contacted regarding licensing. They did not object and did not request any conditions.

10.3 West Midlands Police

West Midlands Police did not object. They noted concerns relating to transient occupants and the impact on community stability. They also referred to Landlord Accreditation Training. This has been forwarded to the applicant.

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 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:

HOU2: Housing Density, Type and Accessibility

TRAN4: Creating Coherent Networks for Cycling and Walking

ENV3: Design Quality

ENV8: Air Quality

SAD EOS9: Urban Design Principles

12.2 HOU2 identifies the need for a range of types and sizes of accommodation within the Borough and accessibility in terms of sustainable transport to residential services. Given its location close to a town centre, the proposal is compliant with this policy.

12.3 This application should be conditioned to include cycle storage in order to comply with this policy (TRAN4). A planning condition should therefore be included for this.

12.4 ENV3 and SAD EOS 9 refer to well-designed schemes that provide quality living environments. The internal room sizes and shared areas of the HMO would meet housing requirements.

12.5 Air quality mitigation measures should be included in terms of construction work and low NOx boilers to comply with ENV8 and the Air Quality SPD.

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)

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, proximity of this site Bearwood Town Centre 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 Layout and density of building

As detailed in 8.3 above, the room sizes would accord with the Housing Act. The smaller rooms are depicted on the plan with single beds, and the larger rooms would have double beds where the rooms sizes allow. The ground floor would have a large shared kitchen/dining room/living room which would exceed size requirements and private amenity space would be provided in the rear garden.

13.3 Noise and disturbance

As referred to in 10.2, the public health team are not unduly concerned by this proposal and do not deem it necessary to impose a condition related to noise.

13.4 Access, highway safety, parking and servicing

Although there would be a small increase in parking demand, and trip demand as a result of this proposal, this would not be deemed to be severe as referred to in 11.2 above.



14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. However, it is considered that this proposal would comply with relevant policies and there are no material considerations to warrant refusal.

15 Implications

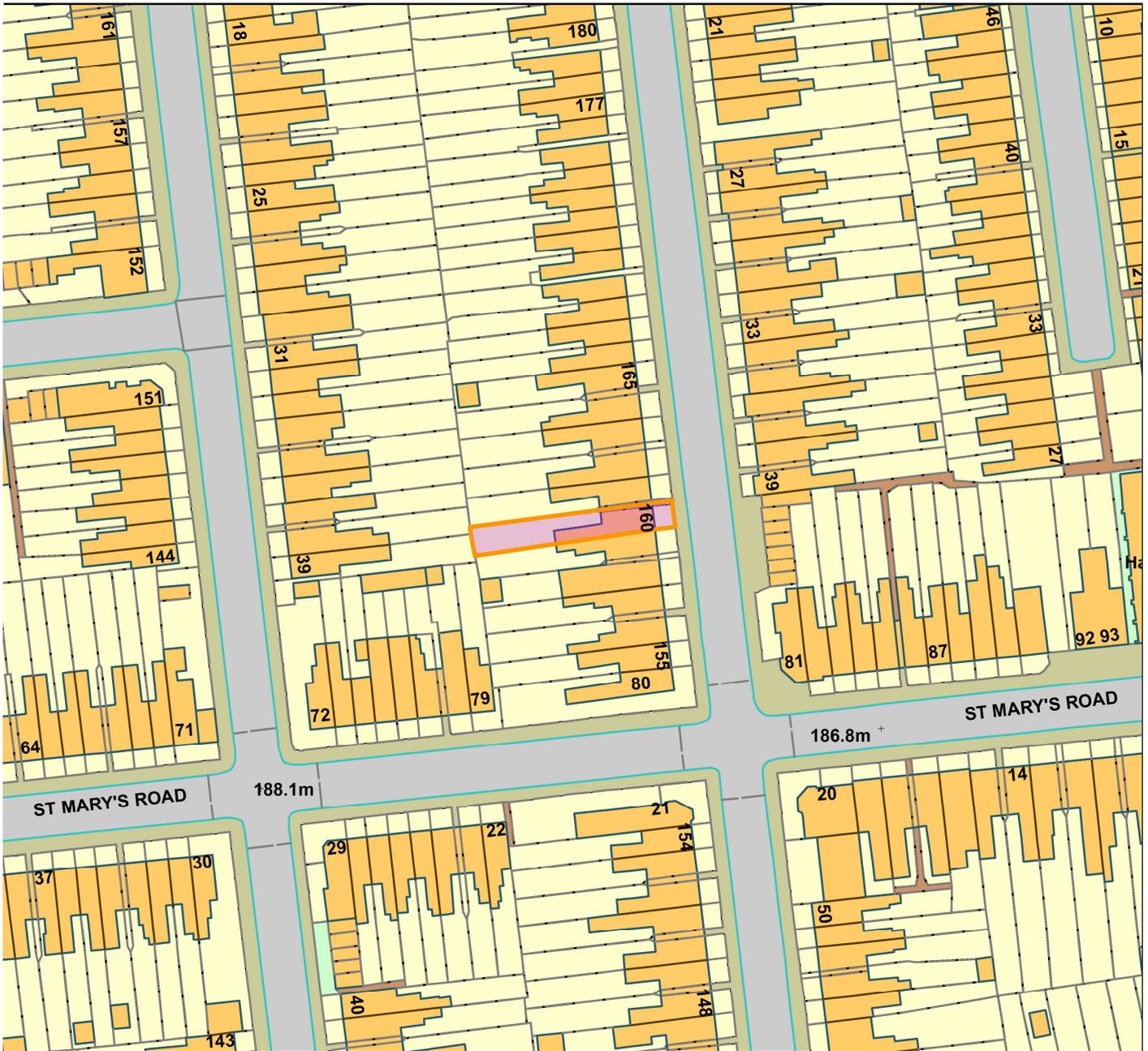
Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are 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

Location Plan
Context Plan
Plan No. 21374/009(A)
Plan No. 21374/003
Plan No. 21374/004
Plan No. 21374/005
Plan No. 21374/006



DC/21/66247
160 Lightwoods Road, Smethwick, B67 5AZ



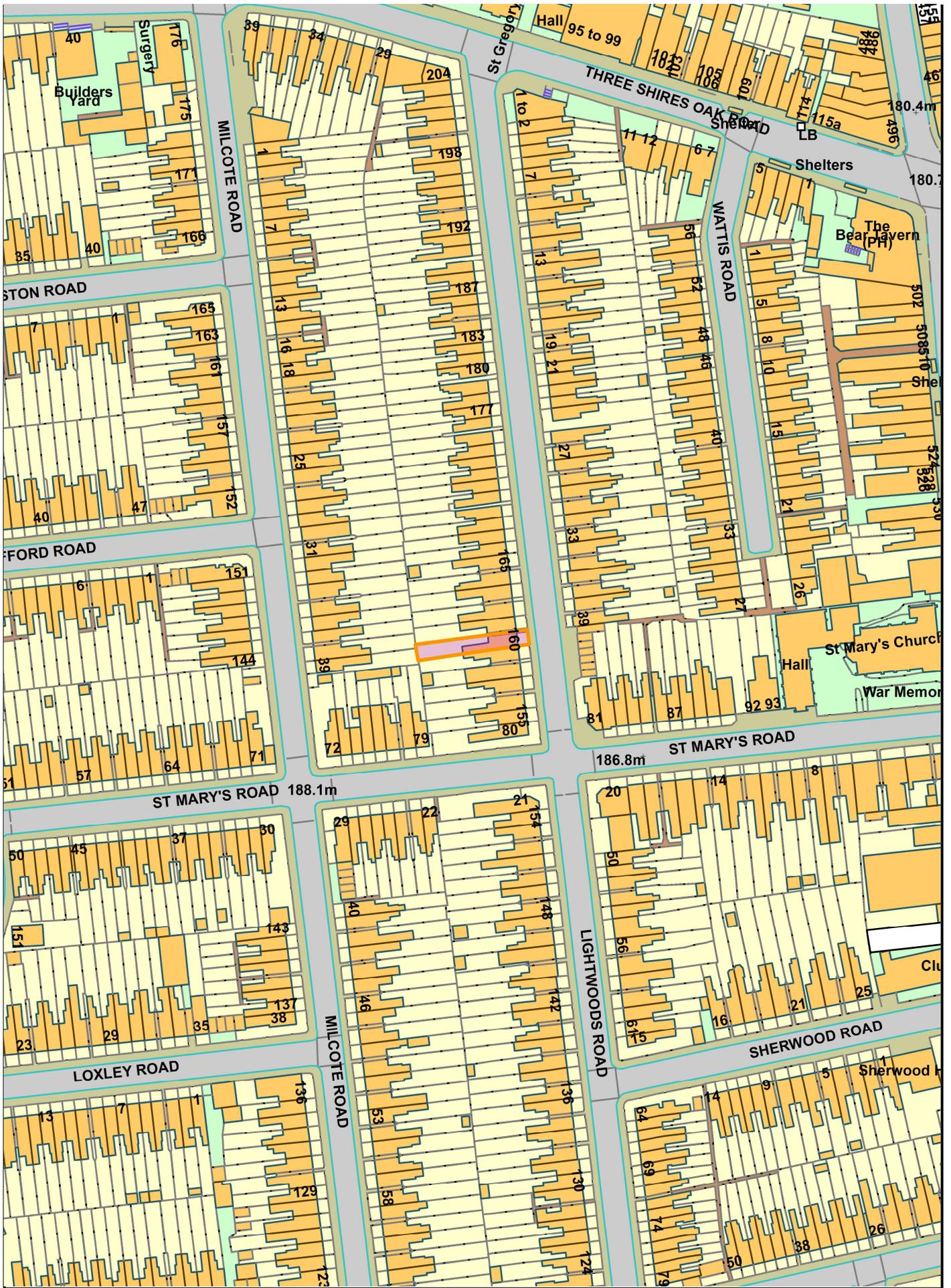
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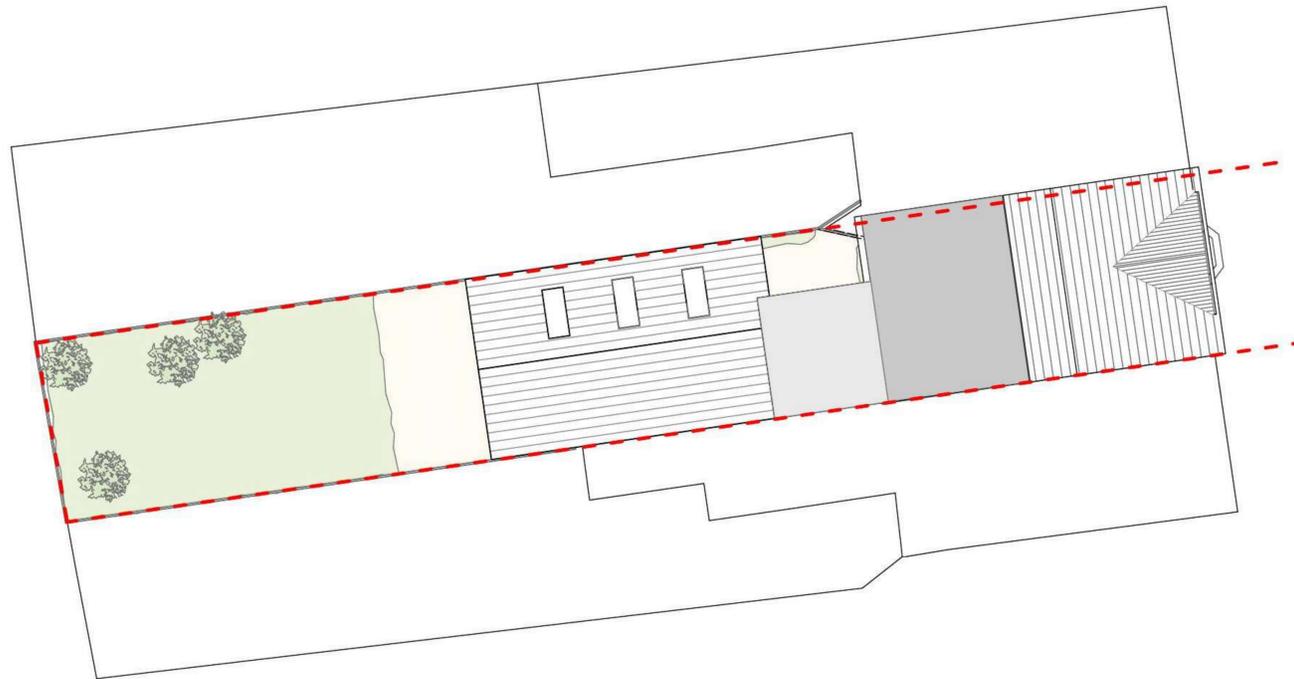
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	23 November 2021
OS Licence No	





Location Plan 1:1250



Site Plan Proposed 1:200

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Scale Bar 1:1

NOTE:
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Rev	By	Amendments	Date
A	NAM	ADDITION OF THE NAME OF THE ROADS IN THE LOCATION PLAN	20.08.2021

drawing status
PLANNING

project name
**Change of use to 7 Bed HMO,
 160 Lightwoods Road,
 Smethwick, B67 5AZ**

drawing title
Location and site plan

drawn	checked	approved
NAM	NP	
sheet size	scale	date
A3	1:1250, 1:200	09.07.2021

drawing number and revision
21374/001(A)





Scale Bar 1:1

NOTE:

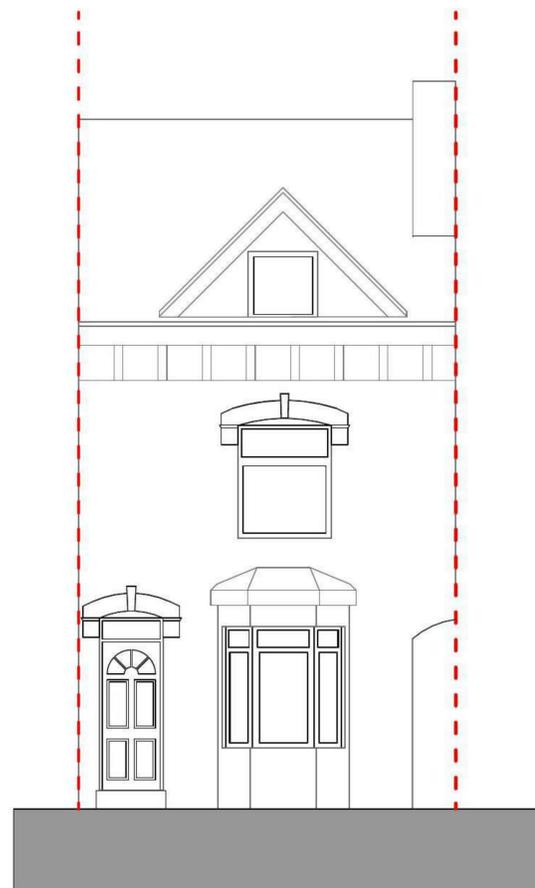
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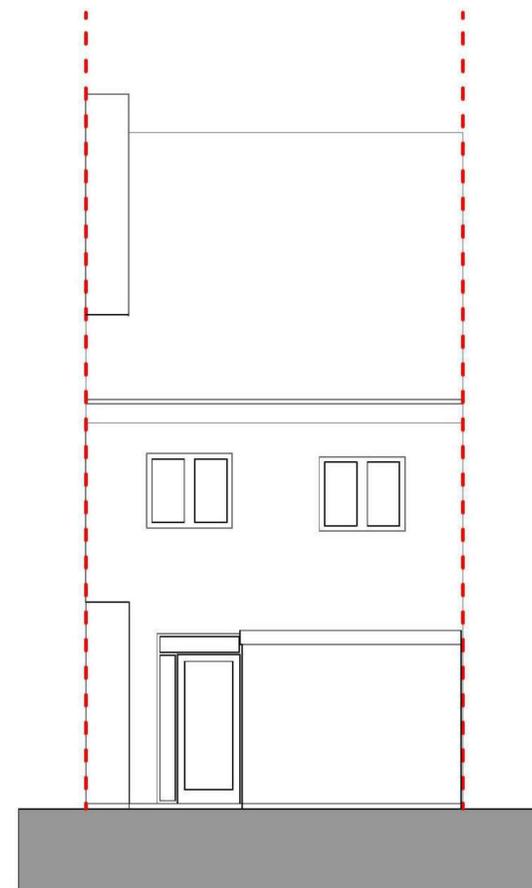
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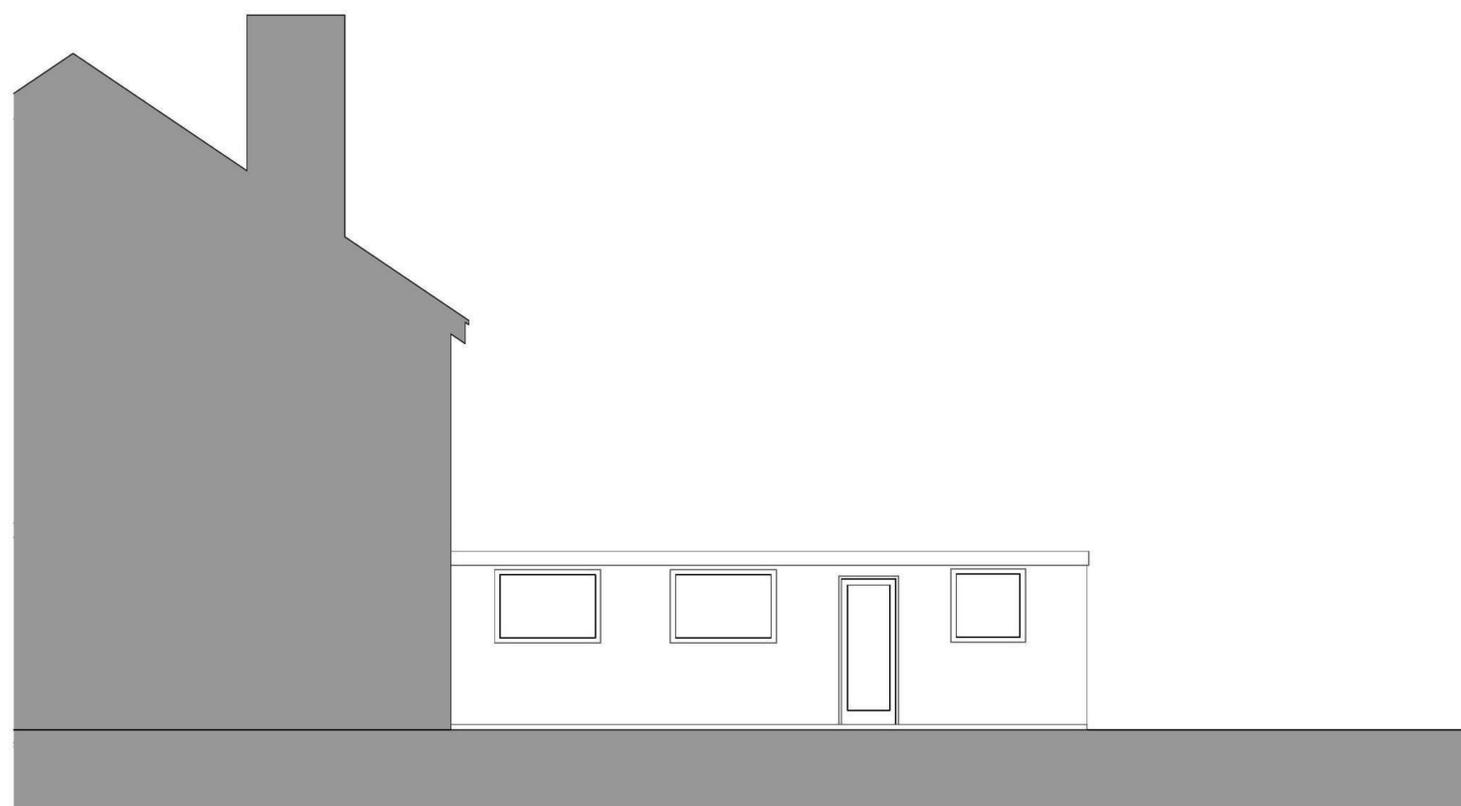
Rev	By	Amendments	Date



A Front Elevation 1:100



B Rear Elevation 1:100



C Side Elevation 1:100

drawing status

PLANNING

project name

**Change of use to 7 Bed HMO,
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drawing title

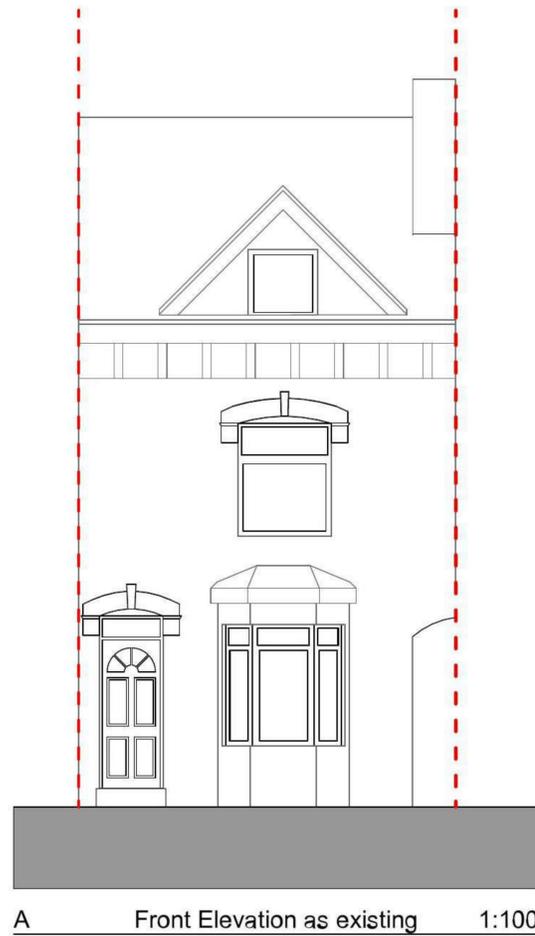
Existing Elevations

drawn	checked	approved
NP	NP	
sheet size	scale	date
A3	1:100	09.07.2021

drawing number and revision

21374/004(-)





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Rev	By	Amendments	Date



drawing status

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project name

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drawing title

Previously Approved Elevations

drawn	checked	approved
NAM	NP	
sheet size	scale	date
A3	1:100	09.07.2021

drawing number and revision

21374/006(-)



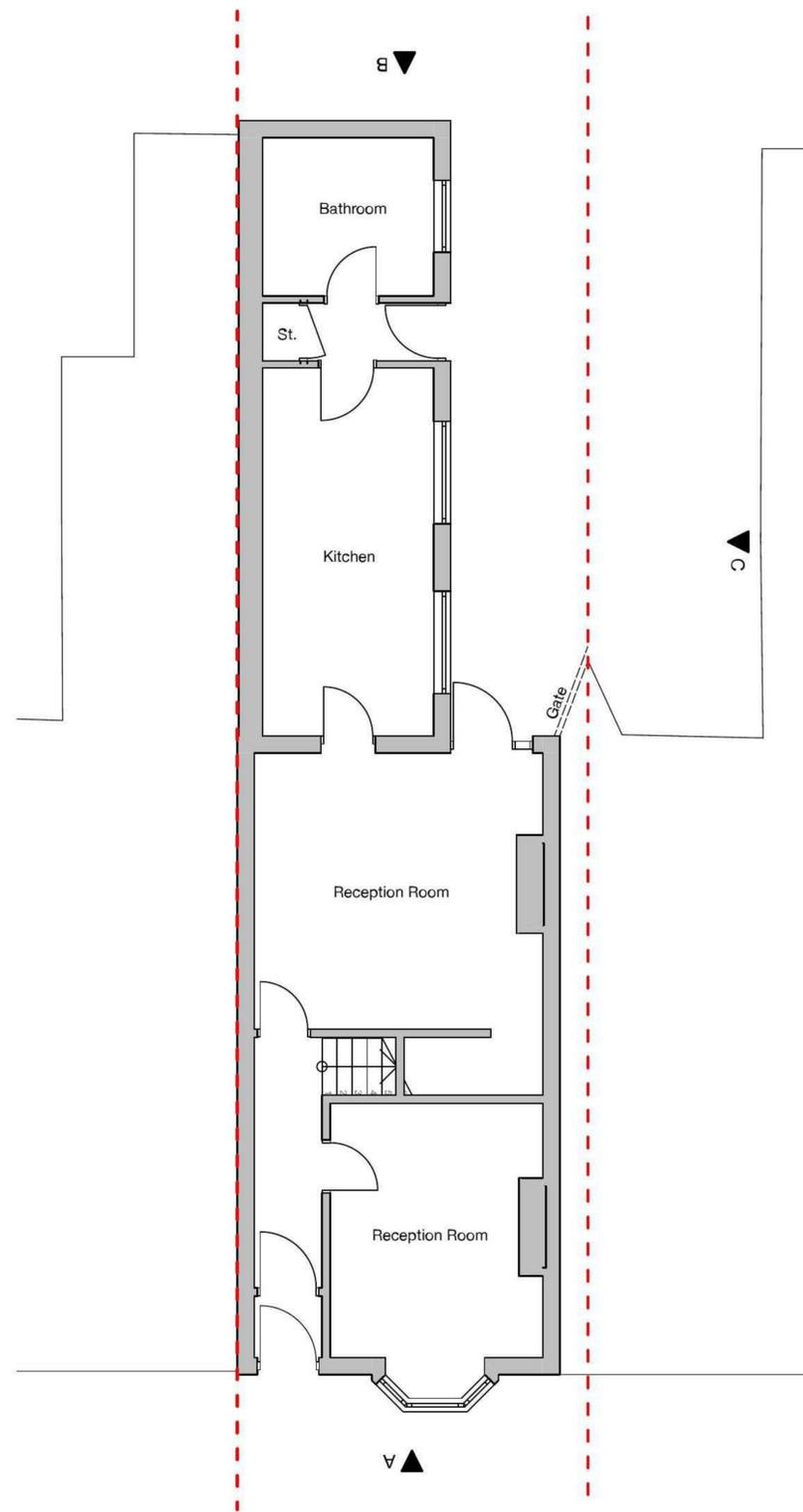


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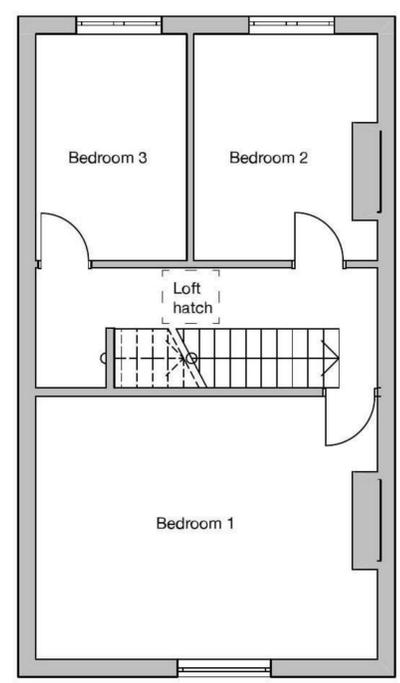


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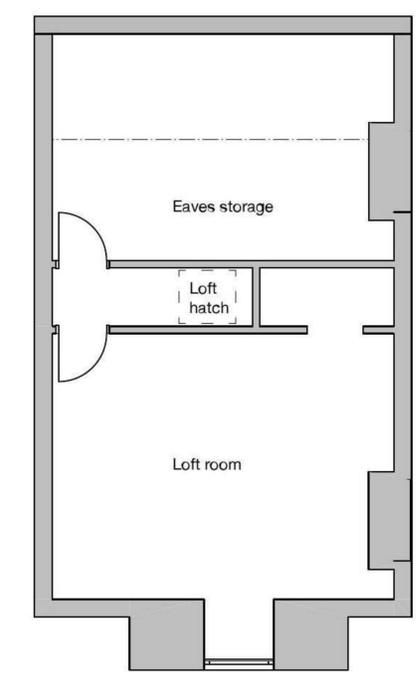
Rev	By	Amendments	Date



Ground floor plan



First floor plan



Second floor plan

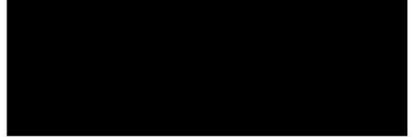
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PLANNING

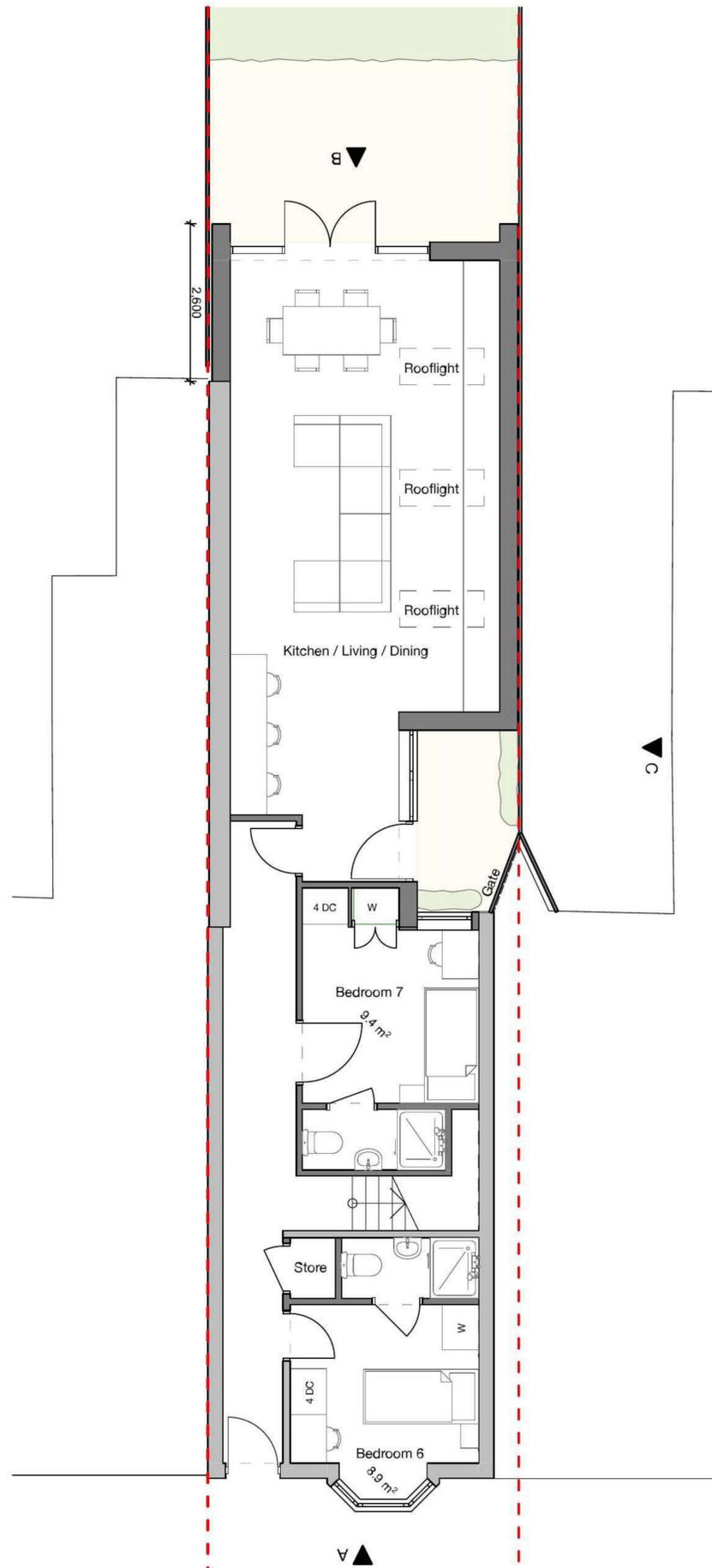
project name
**Change of use to 7 Bed HMO,
 160 Lightwoods Road,
 Smethwick, B67 5AZ**

drawing title
Existing Floor Plans

drawn NP	checked NP	approved
sheet size A3	scale 1:100	date 09.07.2021

drawing number and revision
21374/003(-)

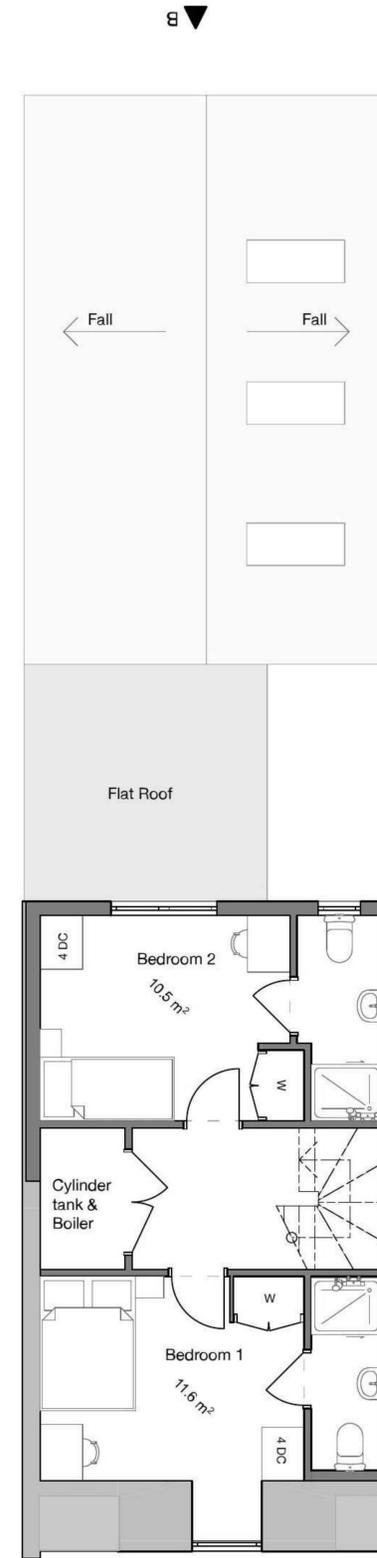




Ground floor plan



First floor plan



Second floor plan



Scale Bar 1:1

NOTE: Scale bar is given in millimeters. To measure correctly, multiply the above given dimension by the noted drawing scale.

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Rev	By	Amendments	Date
A	NP	Beds amended	26.10.21

KEY

█ Proposed wall

█ Existing wall

drawing status

PLANNING

project name

**Change of use to 7 Bed HMO,
160 Lightwoods Road,
Smethwick, B67 5AZ**

drawing title

Proposed Floor Plans

drawn	checked	approved
NP	NP	
sheet size	scale	date
A3	1:100	12.10.2021

drawing number and revision

21374/009(A)

