

Report to Planning Committee

25 October 2023

Application Reference	DC/23/68252
Application Received	9 May 2023
Application Description	Proposed change of use of part-ground floor, first and second floors and two-storey rear extension to accommodate 19 No. bedsits (house in multiple occupation - HMO) with 2 No. rear dormer windows, 2 No. external staircases, bicycle parking and bin store.
Application Address	576-578 Bearwood Road Smethwick B66 4BW
Applicant	Mr Ahsan Raza
Ward	Abbey
Contact Officer	Carl Mercer carl_mercer@sandwell.gov.uk

1 Recommendations

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

- i) Materials to match existing building;
- ii) Noise assessment and implementation of recommendations;
- iii) Detailed air quality mitigation plan to include glazing, mechanical ventilation, maintenance and retention thereafter;
- iv) Construction management plan;



- v) Low NOx boilers;
- vi) Provision and retention of waste storage area;
- vii) Provision and retention of cycle storage (materials to match existing building);
- viii) External lighting scheme;
- ix) No use of staircase or flat roof as external amenity area;
- x) Communal areas to be provided and retained; and
- xi) To be used as HMO accommodation only – not individual dwellinghouses.

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
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4 Context

- 4.1 At its last meeting the committee resolved to visit the site. The proposal has received four objections.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[576-578 Bearwood Road, Smethwick, B66 4BW](#)

5 Key Considerations

- 5.1 The site is within the Bearwood town centre boundary in the context of the development plan.



5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF);
Proposals in the Development Plan;
Planning history (including appeal decisions);
Layout and density of building; and
Parking.

6. The Application Site

6.1 The application relates to a three storey commercial premises situated on the west side of Bearwood Road, within Bearwood town centre.

7. Planning History

7.1 The site was part of several applications refused by the council for conversion to HMOs in 2018. This decision was ultimately overturned by the Planning Inspectorate with considerable costs awarded to the applicant.

7.2 Lawful development certificates have been issued by the council which establish that previous permissions have commenced at the site. Therefore, the site has active consent for a single storey extension and change of use to six bed HMO.

7.3 Relevant planning applications are as follows:

DC/18/61845	Proposed change of use and refurbishment of first and second floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle	Refused 28.08.2018 Appeal allowed 08.03.2019
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	parking facilities, refuse and recycling storage and external staircase to rear.	
DC/18/62292	Lawful development certificate for a proposed change of use of upper floors to a house in multiple occupancy (HMO) (Use Class C4).	Refused 10.01.2019
DC/19/63029	Pursuant to planning application DC/18/61845 proposed single storey rear extension to provide two bedsit units together with bicycle parking facilities, refuse and recycling storage, and external alterations.	Approved 12.06.2019
DC/22/66540	Lawful development certificate to confirm that planning permission for change of use and refurbishment of first and second floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities, refuse and recycling storage and external staircase to rear (granted under appeal ref APP/G4620/W/18/3212732) has been lawfully implemented.	Approved 01.04.2022
DC/22/66714	Lawful development certificate to confirm that planning permission for proposed single storey rear extension to provide two	Approved 20.04.2022



	bedsit units together with bicycle parking facilities, refuse and recycling storage, and external alterations (granted under DC/19/63029) has been lawfully implemented.	
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8. Application Details

- 8.1 The applicant now proposes a change of use of part-ground floor, first and second floors and two-storey rear extension to accommodate 19 No. bedsits (house in multiple occupation - HMO) with two rear dormer windows, two external staircases, bicycle parking and bin store.
- 8.2 Each bedroom would exceed the minimum room size standard of 6.51m² and the two kitchen/dining areas at ground and first floor would provide 19.5m² and 21.5m² respectively; the minimum standard being 29m² for one kitchen/dining area for 16+ residents.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter with four letters of objection being received.

9.2 Objections

Objections have been received on the following grounds:

- i) Overdevelopment;
- ii) Waste;
- iii) Parking;
- iv) Too many already;
- v) Out of character;
- vi) Anti-social behaviour; and
- vii) Quality of life for neighbours.



These objections will be addressed in section 13 (Material Considerations).

10. Consultee responses

10.1 Highways

Due to previous decisions by the Planning Inspectorate, Highways have no objections.

10.2 Pollution Control (Noise)

The officer has raised no objection subject to a condition requiring a suitable glazing scheme and a construction management plan.

10.3 Pollution Control (Air)

The officer has asked for an air quality mitigation plan; however, other HMOs approved over the last five years have not required such a condition and the rooms fronting the main road already have consent. I therefore do not recommend the inclusion of such a condition.

10.4 West Midlands Police

No objection. The officer mentions HMO licensing, security and building regulation matters, which are outside of the planning remit. The officer also lists the number of licensed HMOs in the B66 area – 56 in total, although this list is likely not exhaustive. As the number of HMOs in the area was raised by committee at its September meeting, this list has been included as an appendix to the report. A plan of those registered HMOs in the exact postcode of the application site is also included. Lighting and cycle storage can be controlled by condition.



10.5 Housing Standards Team

General advice provided for the attention of the applicant regarding building regulations and housing acts.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be considered to reflect the character, needs and opportunities for each area. The Framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. It also states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12. Local Planning Policy

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

DEL1: Infrastructure Provision

HOU1: Sustainable Housing Growth

HOU2: Housing Density, Type and Accessibility

TRAN4: Creating coherent Networks for Cycling and Walking

ENV3: Design Quality

ENV8: Air Quality

SAD CEN 1: Non-Retail uses in Town Centres

SAD EOS9: Urban Design Principles

12.2 Low NOx boilers would be required by condition (DEL1).

12.3 HOU1 states that housing supply will be supplemented by sites which are not allocated as such in the Development Plan.



- 12.4 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 town centre location, the proposal is compliant with this policy.
- 12.5 The provision of cycle storage would make the proposal compliant with TRAN4. This is proposed as part of the scheme and can be ensured by condition.
- 12.6 ENV3 and SAD EOS9 refer to well-designed schemes that provide quality living environments. The internal room sizes and shared areas of the HMO would exceed housing requirements. Additionally, the extensions would be of a sufficient distance from neighbouring properties as for no significant concerns to be raised regarding amenity.
- 12.7 Air quality mitigation (boilers) can be ensured by condition, in accordance with ENV8.
- 12.8 In respect of SAD CEN 1, the proposal would not detrimentally impact on the ground floor frontage of the units, which would remain as commercial.

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

Whilst each planning application should be dealt with on its merit, it would be negligent to determine the application without having regard to the 2019 appeal decisions for eleven HMOs along Bearwood Road. Planning Committee refused these applications for (inter alia) over-intensification, highway safety and fear of crime. None of the reasons for refusal carried weight with the Inspector, and the appeals were allowed



with heavy costs awarded against the Council. The issues raised above are similar to concerns raised during the determination of the eleven appeal losses and, similarly, I see no justification for refusal of the current application on such grounds, given the principle set by these appeal decisions.

13.3 Overdevelopment

In respect of design, the extensions would be proportionate to the existing building. The amount of rooms is considered to be a large-scale HMO; however, there would be sufficient communal space within the property and the site is within easy walking distance of parks and local amenities. I have considered the potential for twin occupancy rooms as all rooms would be capable of accommodating two persons. Inspector views vary on the use of conditions to limit occupancy, not least due to the difficulty in enforcing numbers; however, the committee may wish to consider the use of such a condition at their discretion.

13.4 Waste

Waste storage is shown on plan and complies with the council's housing standards regarding HMOs (three x 1100 litre domestic waste containers required for up to 18 bedrooms). Any further issues regarding provision can be addressed via HMO licencing. Commercial waste storage has not been shown and further information together with a management plan has been requested from the agent. However, I do not consider this issue insurmountable.

13.5 Parking

Highways do not object to the proposal and the inspector decisions attached limited weight to this issue. It is appreciated that the HMO is larger than other HMOs which have been approved in proximity, but there is as yet no evidence that Highways can provide which demonstrates that these properties are having a detrimental impact on on-street parking.



13.6 Existing HMOs

Objectors have referred to the number of existing HMOs. There is no limit on the number of HMOs permitted in Sandwell, and the town centre environment is suitable for this type of accommodation.

13.7 Out of character

Given the town centre location and the reference to existing HMOs, it cannot be argued that the development would be out of character with its surroundings.

13.8 Anti-social behaviour

Whilst objectors raise concerns in respect of anti-social behaviour, this matter very much hinges on the responsible management of the premises, and some associated matters can be addressed under a licence. West Midlands Police have brought to my attention certain issues which can emanate from HMO accommodation.

13.9 Quality of life for neighbours

Whilst this concern has been raised in the objections, the reasons for the proposal having the potential to affect quality of life of surrounding residents is unclear. I have no reason to suspect that the development would unduly impact on quality of life.

13.10 Other matters

The submitted plans show elevations which do not relate to this application. Amendments have been requested to rectify this issue.



14. Conclusion

On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

15 Alternative Options

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

16 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.
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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17. Appendices

Context plan

A100

A101 Rev A

A103

A105 Rev A

A106 Rev A

Sectional Elevation Key

List of HMOs in B66 Postcode

Map of HMOs in B66 4BW



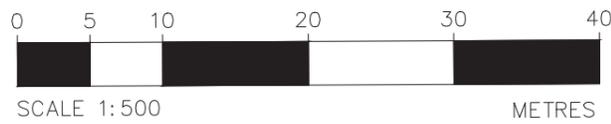


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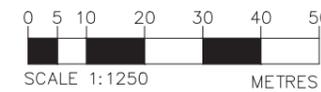
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SITE PLAN



LOCATION PLAN



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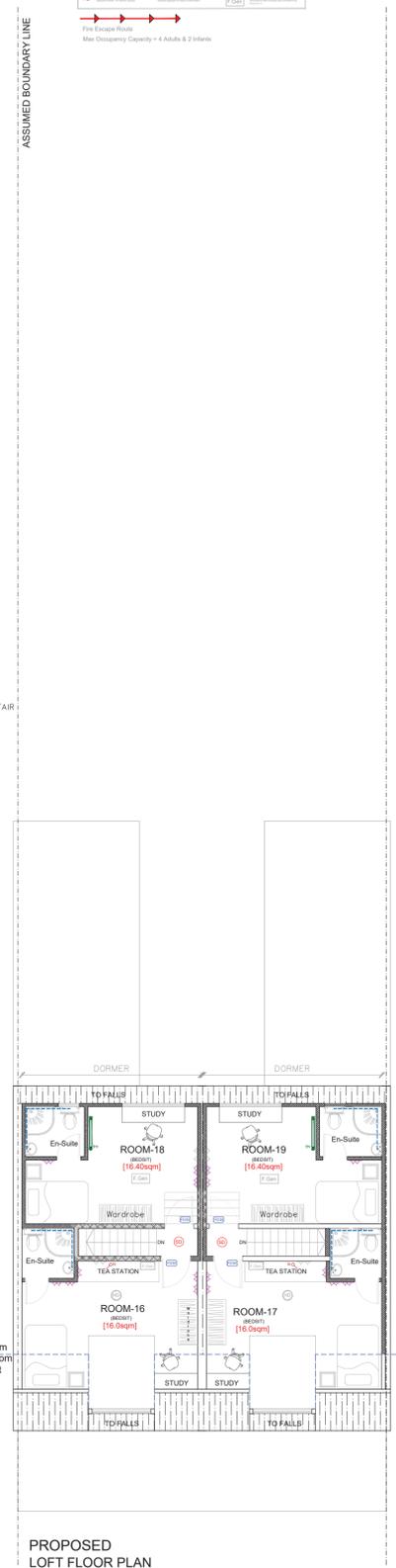
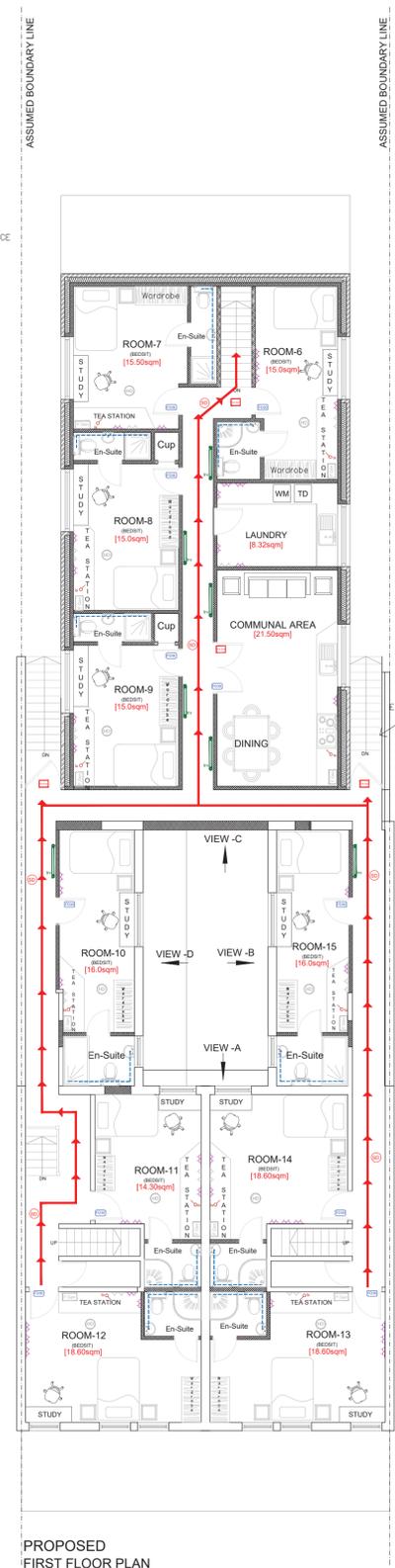
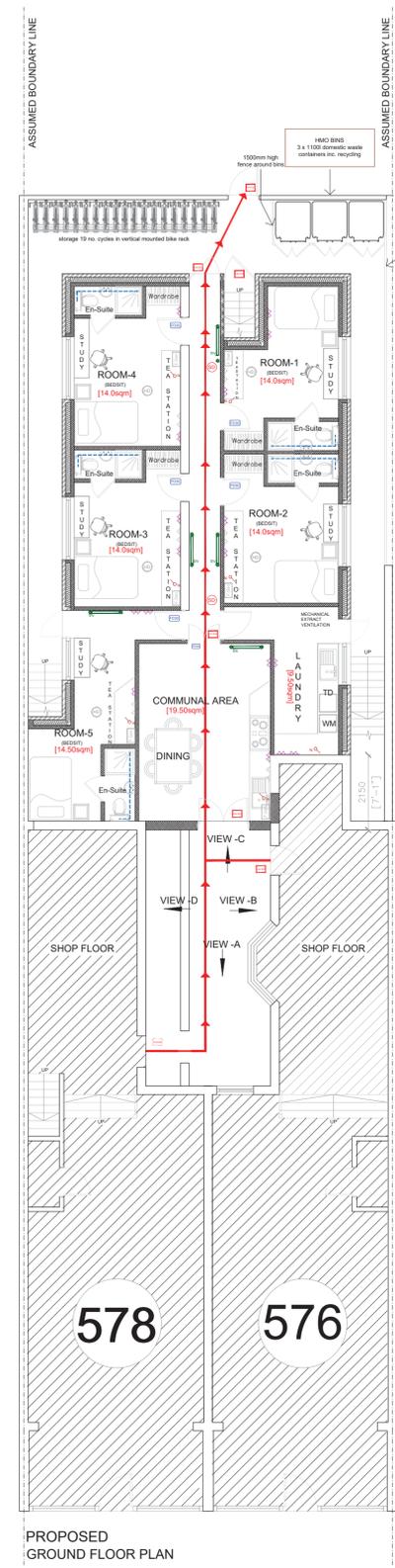
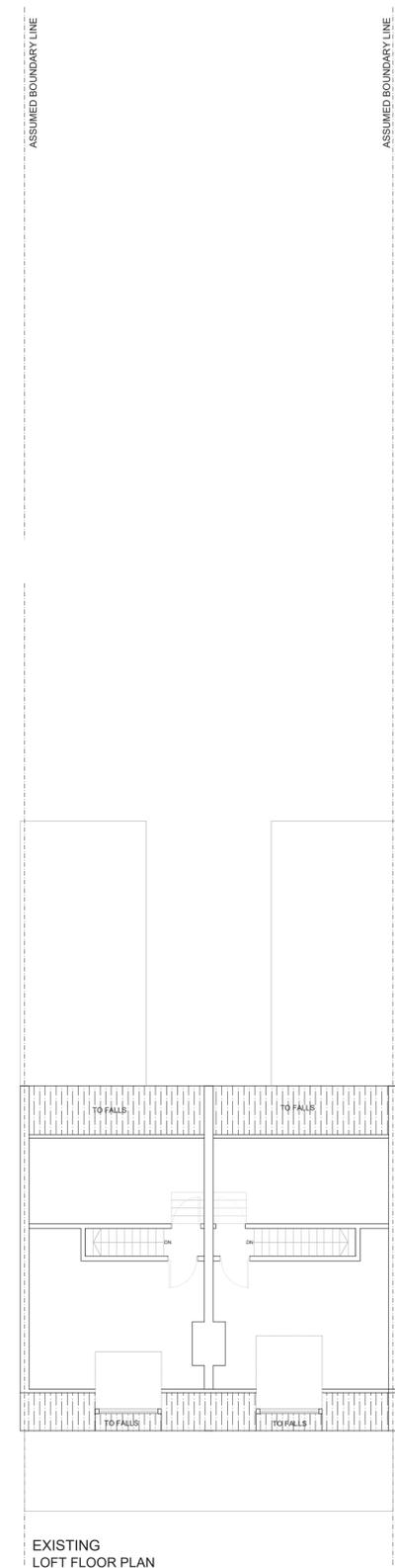
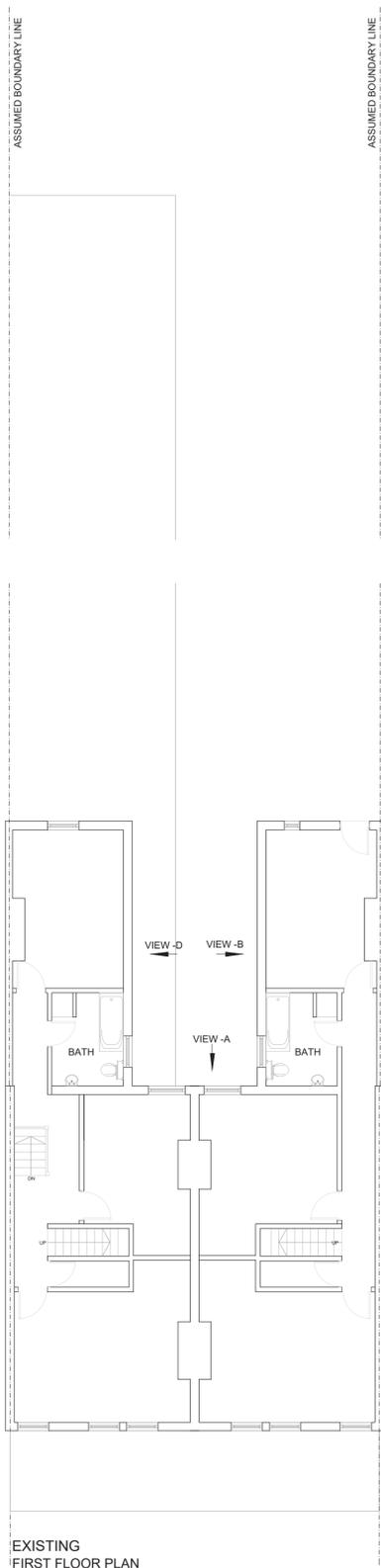
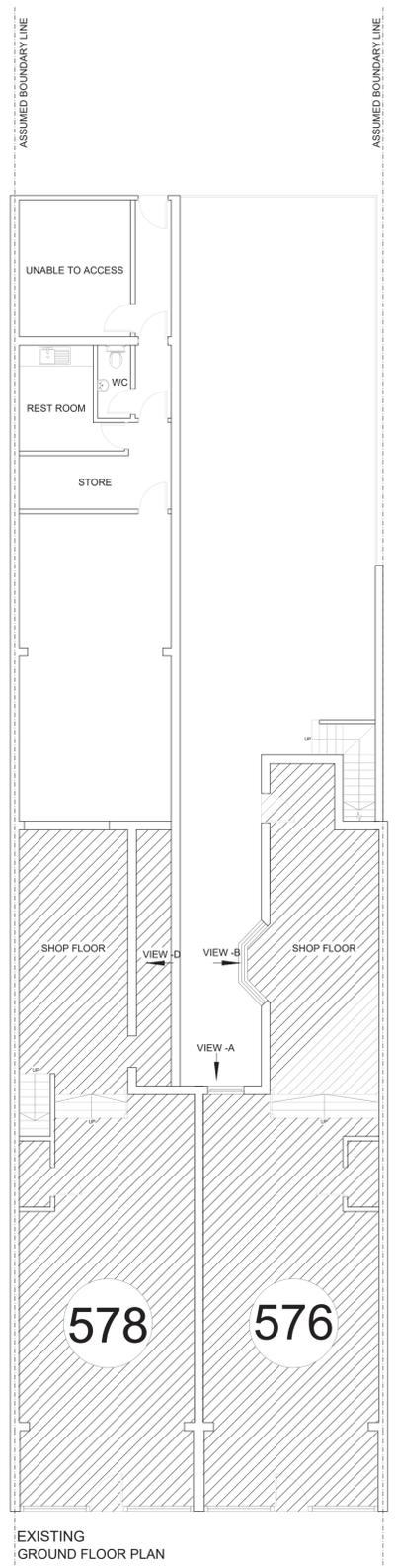
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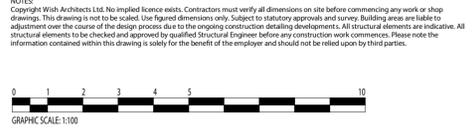
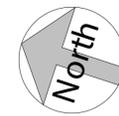


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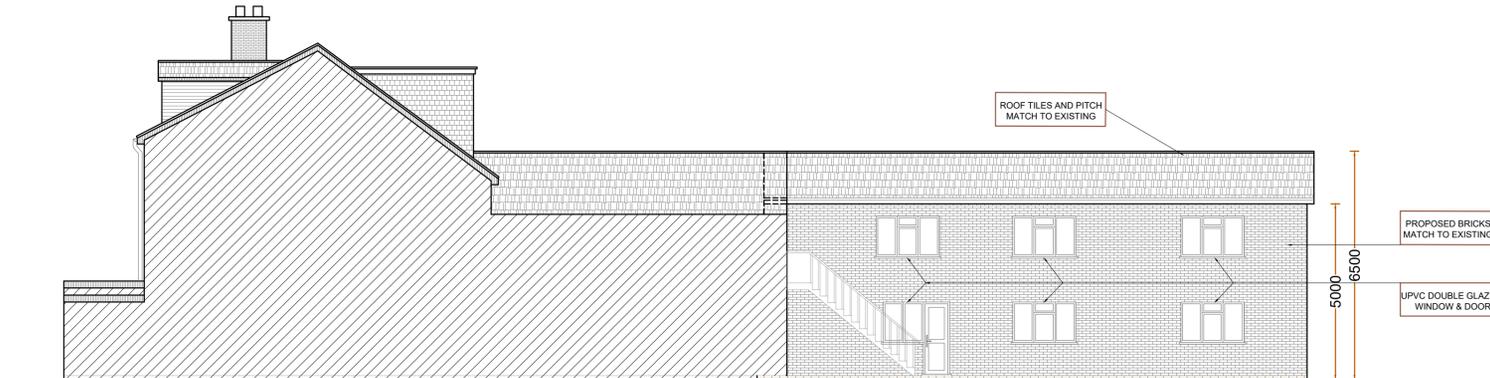


ELECTRICAL NOTES & KEY





FRONT ELEVATION
(no change proposed)



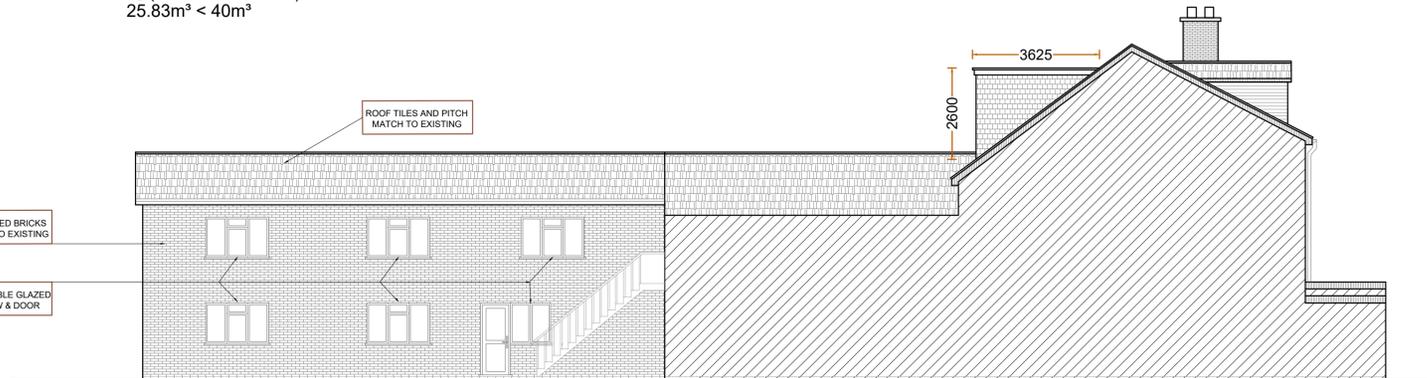
PROPOSED
SIDE ELEVATION-1

PERMITTED DEVELOPMENT RIGHTS FOR LOFT CONVERSION FOR TERRACED PROPERTIES = 40m³

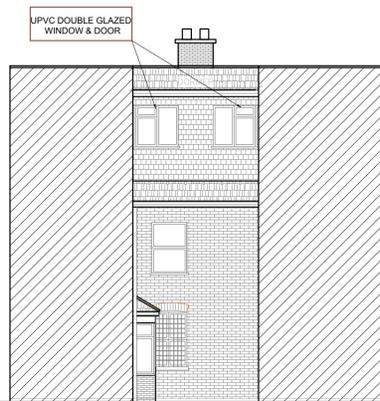
PROPOSED DORMER VOLUME = $\frac{1}{2}$ (LENGTH x DEPTH x HEIGHT)
 $\frac{1}{2}$ (L x D x H)
 $\frac{1}{2}$ (5.50 x 3.62 x 2.60)
 $25.83m^3 < 40m^3$



PROPOSED
REAR ELEVATION



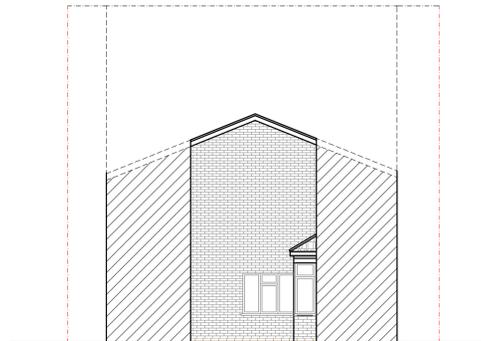
PROPOSED
SIDE ELEVATION-2



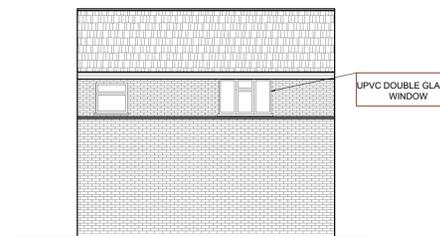
VIEW A ↓



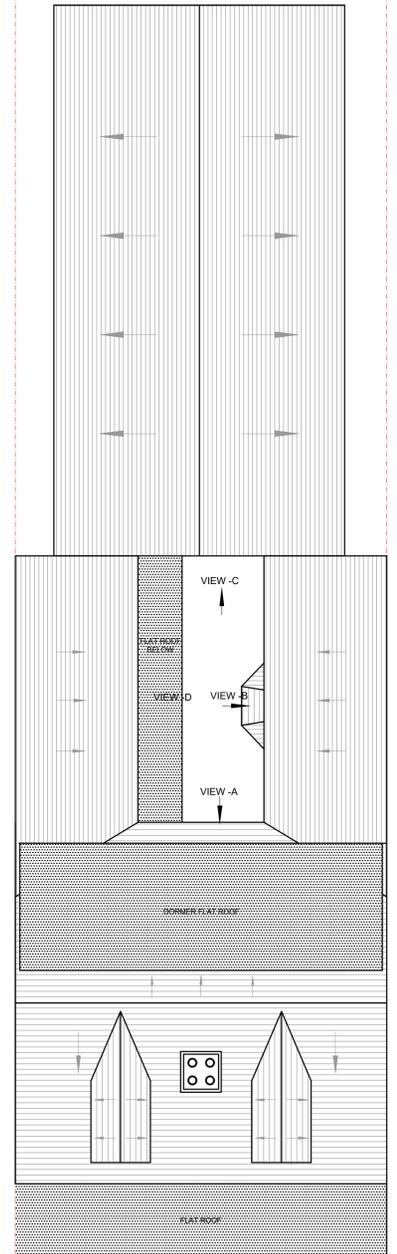
VIEW B →



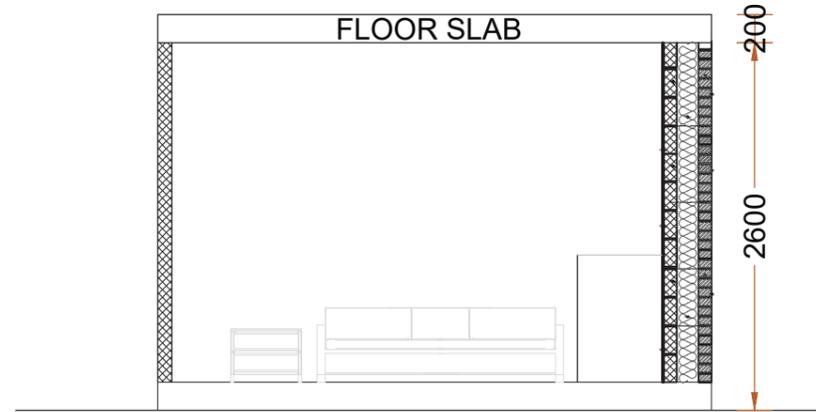
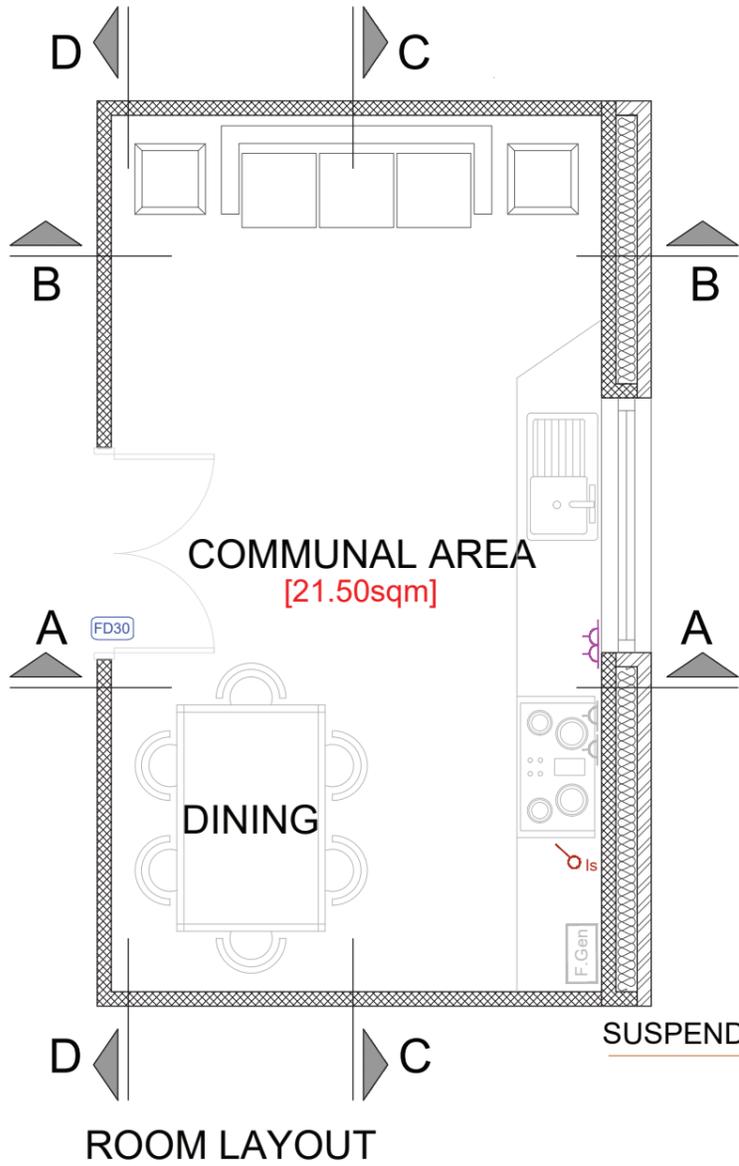
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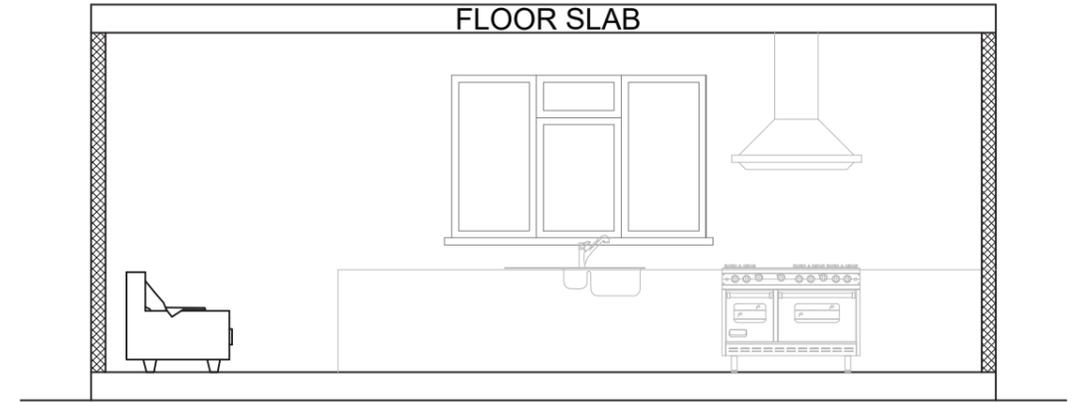
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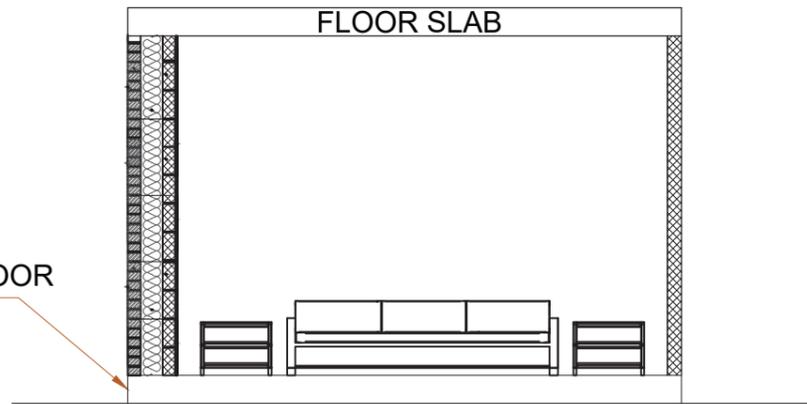
PROPOSED
ROOF PLAN



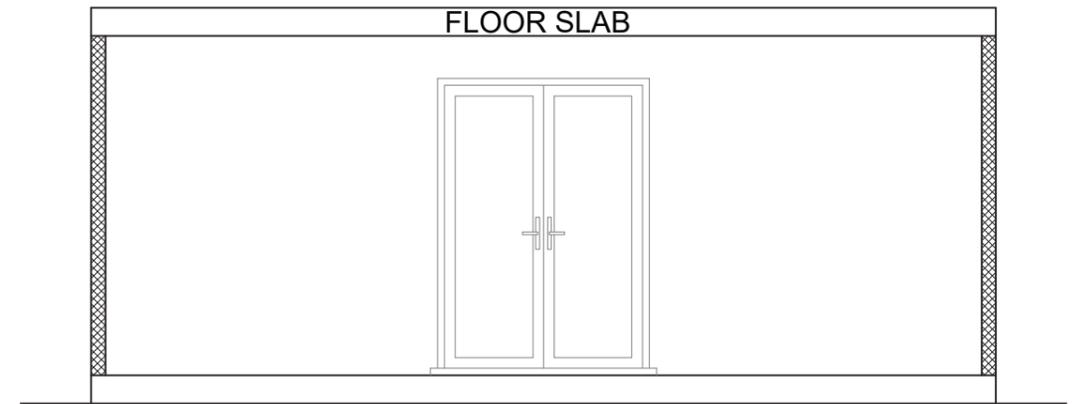
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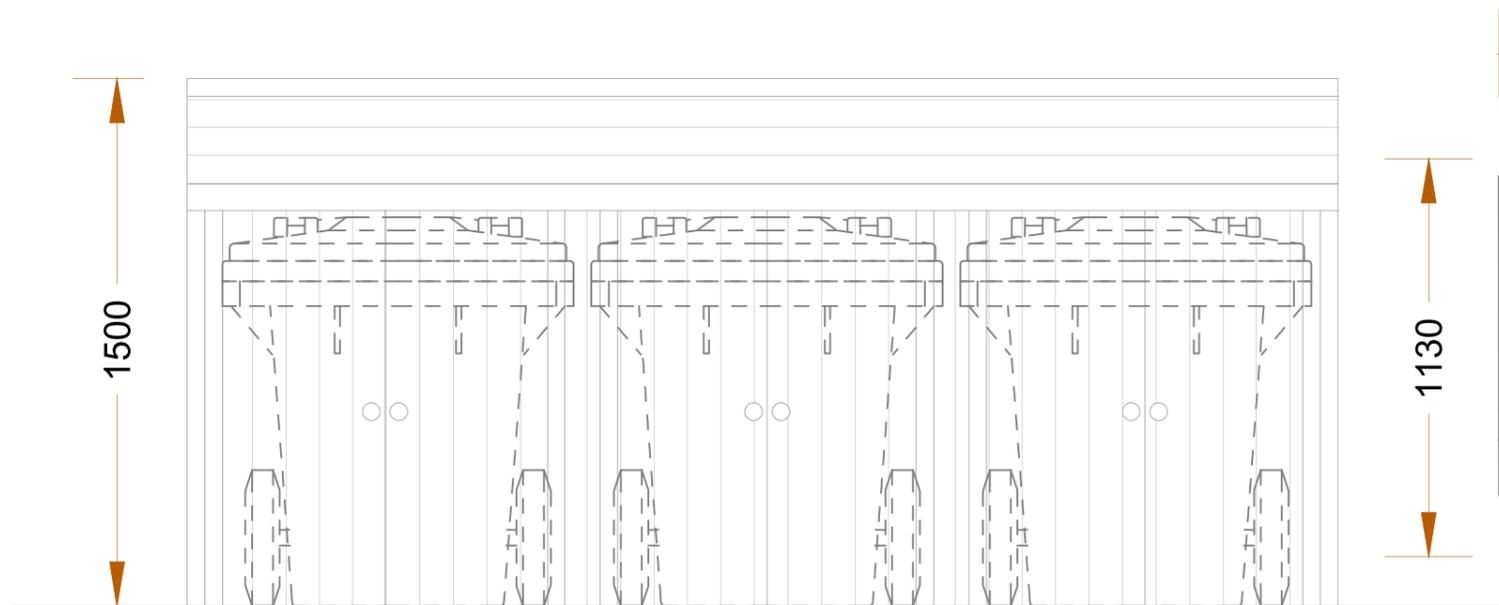
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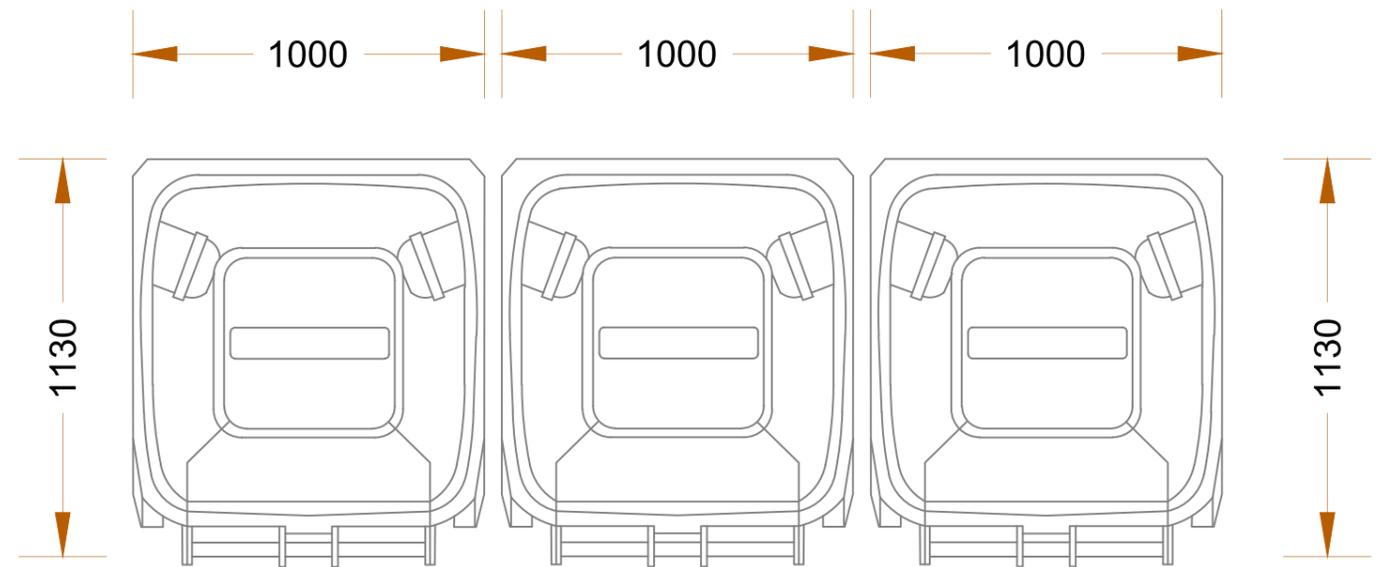
SECTION-BB



SECTION-DD



Front View

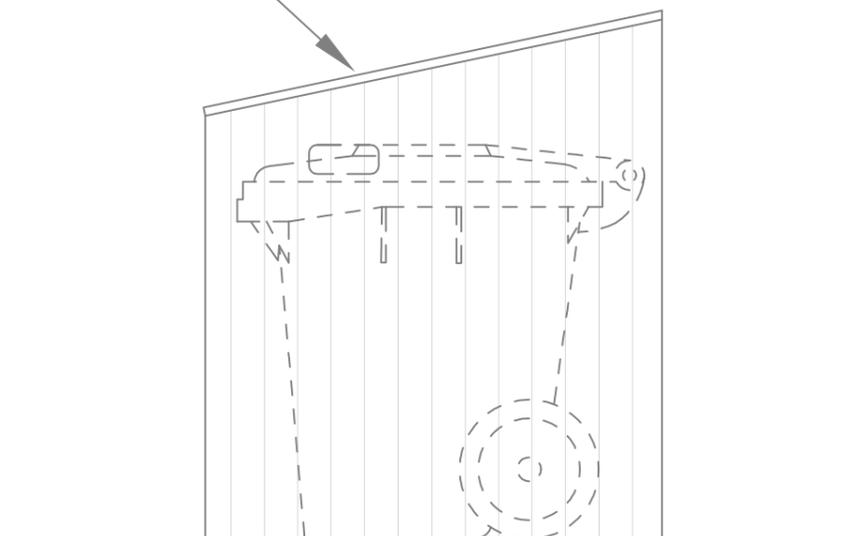


Top View

HMO BINS

3 x 1100L domestic waste containers inc. recycling

Timber Bin Store



Side View

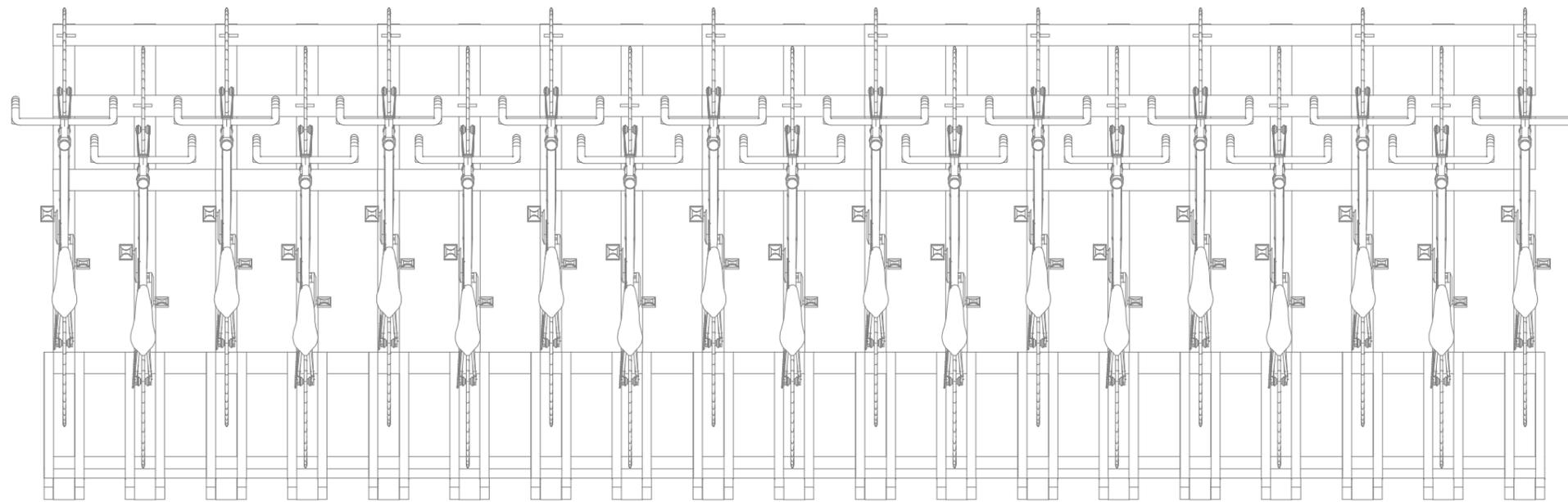


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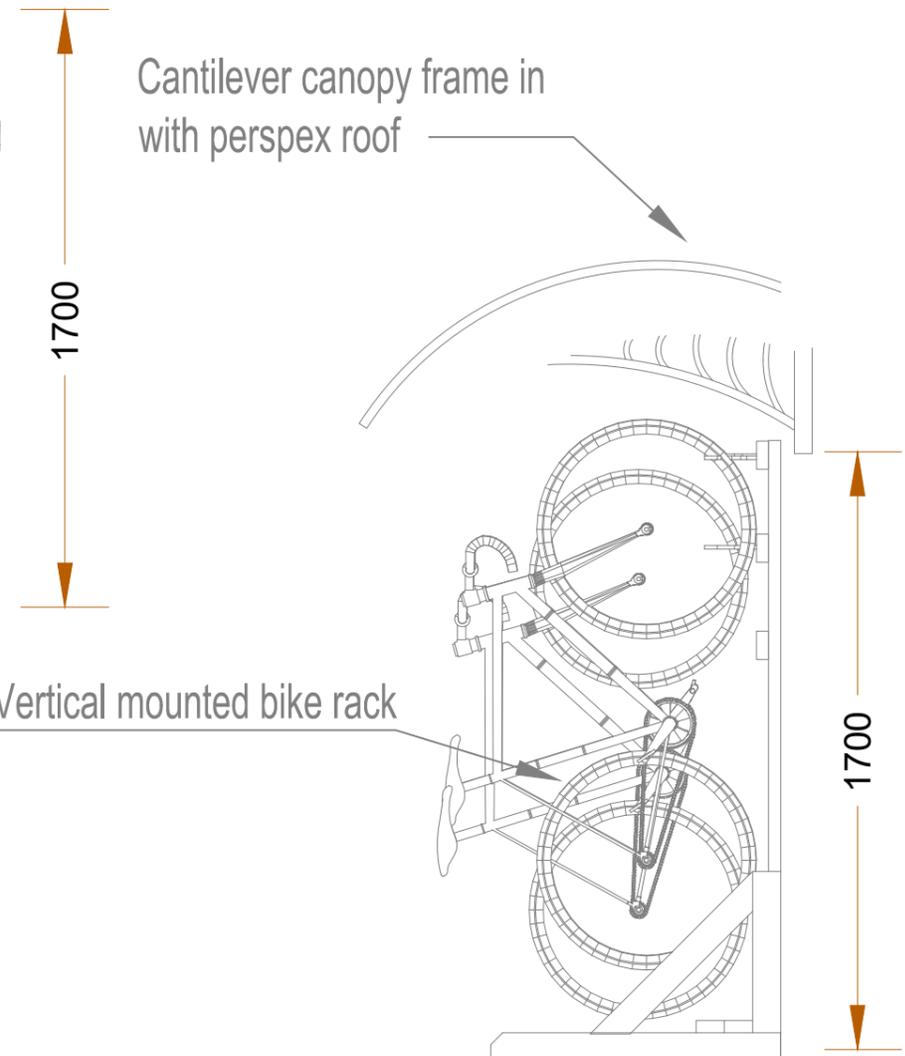
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P1 FOR PLANNING

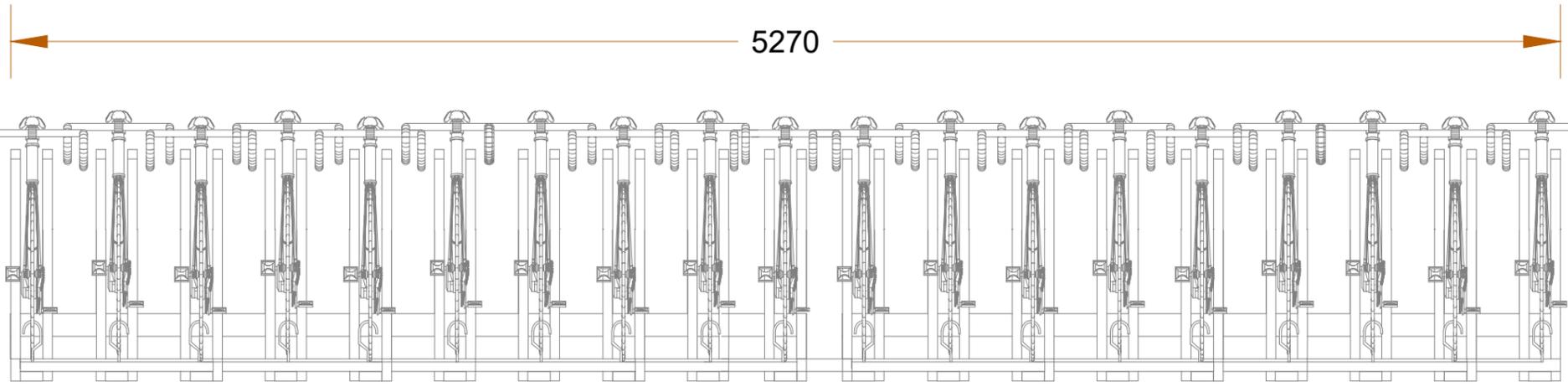
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Front View



Side View



Top View



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List of HMOs in B66 Postcode – Provided by WM Police

M-110014-00014-22219-x141	24 BARRETT STREET SMETHWICK B66 4SE
M-120019-00052-05218-x142	112 Poplar Roads Smethwick B66 4AP
M-120019-00052-05118-x141	120 Montague Road Smethwick B66 4PW
M-110020-00020-02218-x110	261 BEARWOOD ROAD SMETHWICK B66 4NA
M-120019-00052-04518-x136	155 Cape Hill Smethwick B66 4SH
M-110016-00057-02118-x122	71 GRANGE ROAD SMETHWICK B66 4NG
M-100015-00008-01518-x112	21 THOMAS CRESCENT SMETHWICK B66 3LF
M-120019-00053-07018-x109	41 Corbett Street Smethwick B66 3PU
M-120019-00053-07518-x114	41 Piddock Road Smethwick B66 3BL
M-120019-00053-11918-x141	199 Bearwood Rd Smethwick B66 4LT
M-120014-00032-03218-x134	79 LINDEN ROAD SMETHWICK B66 4DZ
M-010013-00047-12319-x124	25 ROSEDALE AVENUE SMETHWICK B66 3JB
M-020006-00039-13019-x117	82 WINDMILL LANE SMETHWICK B66 3EW
M-030001-00032-13819-x138	143 BEARWOOD ROAD SMETHWICK B66 4LN
M-120019-00053-09318-x119	26 Doulton Drive Smethwick B66 1RA
R-030007-00002-14019-x141	58 NORTON CLOSE SMETHWICK B66 3JA
M-120019-00052-04918-x140	Unit 21 West Cross Shopping Centre Oldbury Road Oldbury B66 1JG
R-050017-00006-16719-x124	89 WATERLOO ROAD SMETHWICK B66 4JS
M-110005-00049-21019-x103	151 CAPE HILL SMETHWICK B66 4SH
M-120019-00053-10618-x131	119 Sycamore Road, Smethwick, B66 4NS
M-040002-00029-15519-x140	92 ST PAULS ROAD SMETHWICK B66 1EY
M-090027-00046-19619-x125	21 ST MATTHEWS ROAD SMETHWICK B66 3TP
M-120019-00053-10818-x131	102 Poplar Road Bearwood B66 4AW
M-090029-00039-19719-x114	289 ST PAULS ROAD SMETHWICK B66 1HF
M-100011-00048-20119-x132	80 SYCAMORE ROAD SMETHWICK B66 4NT
R-100007-00033-19919-x121	41 POPLAR ROAD SMETHWICK B66 4AN
M-120019-00052-03718-x134	6 Grange Road Smethwick B66 4NG
M-120019-00053-06918-x108	155 Bearwood Road Smethwick B66 4LN
M-110015-00032-22319-x101	128 RAGLAN ROAD SMETHWICK B66 3SR
M-030031-00000-25220-x114	143 BEARWOOD ROAD SMETHWICK B66 4LN

M-060011-00012-26520-x145	70 POPLAR ROAD SMETHWICK B66 4AN
R-090009-00240-30820-x136	257 WATTVILLE ROAD SMETHWICK B66 2NU
M-030016-00054-24520-x147	71 GRANGE ROAD SMETHWICK B66 4NG
M-080013-00207-28920-x146	110 POPLAR ROAD SMETHWICK B66 4AP
M-110018-00053-22419-x122	384 HIGH STREET SMETHWICK B66 3PJ
M-080031-00216-29920-x110	268a HIGH STREET SMETHWICK B66 3NL
M-020026-00209-34721-x131	36 CLAREMONT ROAD SMETHWICK B66 4JY
M-100001-00227-31720-x11	229 BEARWOOD ROAD SMETHWICK B66 4NA
M-110016-00255-43721-x133	1 MARRIOTT ROAD SMETHWICK B66 1NA
M-010021-00240-34321-x157	30 EDGBASTON ROAD SMETHWICK B66 4LQ
M-070001-00228-38921-x159	145 BEARWOOD ROAD SMETHWICK B66 4LN
M-100028-00222-42721-x146	10 ANDERSON ROAD SMETHWICK B66 4AR
M-090020-00256-42121-x117	258 BEARWOOD ROAD SMETHWICK B66 4HR
M-110001-00228-42821-x101	45 SYCAMORE ROAD SMETHWICK B66 4NT
M-050004-00241-36821-x110	374 HIGH STREET SMETHWICK B66 3PJ
M-110014-00017-22019-x114	149 CAPE HILL SMETHWICK B66 4SH
M-060028-00209-38721-x113	588A BEARWOOD ROAD SMETHWICK B66 4BW
M-070002-00224-39421-x159	590A BEARWOOD ROAD SMETHWICK B66 4BW
M-120016-00213-45221-x154	606A BEARWOOD ROAD SMETHWICK B66 4BW
M-010022-00248-74622-x109	530A BEARWOOD ROAD SMETHWICK B66 4BX
M-090008-00222-42021-x118	602A BEARWOOD ROAD SMETHWICK B66 4BW
M-120029-00219-45721-x113	48 SYCAMORE ROAD SMETHWICK B66 4NT
M-110005-00049-21019-x103	151 CAPE HILL SMETHWICK B66 4SH
M-120021-00231-45621-x117	608A BEARWOOD ROAD SMETHWICK B66 4BW
M-060027-00654-84522-x134	28 Bearwood Road Smethwick B66 4HH
FS-Case-452755035	8 Anderson Road Smethwick B66 4AR

Potentially additional premises not on the HMO Register.