

Committee:	Planning Committee
Date of Meeting	22 October 2025.
Application Reference	DC/25/70450
Application Description	Proposed change of use to 2 no. ground floor retail units and 2 no. HMO's at ground floor, 2 no. apartments and 3 no. HMO's at first floor, with single storey rear extensions, extension to the front, and external alterations.
Application Address	Former Nags Head PH, 34 Market Place, Tipton, DY4 7EJ
Application Received	24 March 2025.
Report Author	Anjan Dey anjan_dey@sandwell.gov.uk
Lead Officer	Tammy Stokes
Ward	Great Bridge.
Appendices (if any)	<ol style="list-style-type: none"> 1. 3194 AD(25) 01- Location plan. 2. 3194 AD(25) 03 REV A - Floor plan(s) 3. 3194 AD(25) 04 REV A - Elevation plan(s)

1. Application Summary

- 1.1 The application is being reported to Planning Committee because 4 material planning objections have been received.
- 1.2 To assist members with site context, a link to Google Maps is provided below:

[The former Nag's Head, 34 Market Place, Tipton.](#)

2. Recommendations

That planning permission is granted subject to the following conditions relating to:

- i) External materials;
- ii) Submission of a noise risk assessment;
- iii) Submission of a construction management plan including control of dust;

- iv) Details of external roller shutter doors;
- v) Details, provision & retention of waste storage;
- vi) Details, provision & retention of internal cycle storage;
- vii) External lighting scheme;
- viii) If required, details of odour abatement equipment to be submitted for approval;
- ix) Restriction on hours of construction and associated activities;
- x) Security measures to the entrances & rooms;
- xi) Retention of shared/communal facilities when provided (HMO);
The HMO rooms hereby approved shall be occupied as bedsit accommodation only.
- xii) Single occupancy only (HMO rooms).

3. Reasons for the recommendation and conditions

- 3.1 The proposed development would be acceptable in this location because it would bring a vacant building into a beneficial use which, would cause no significant harm to residential amenity, highway safety or the character and appearance of a locally listed building, and is acceptable from a policy perspective. The provision of additional retail uses in this town centre location is also welcomed.

4. Key Considerations

- 4.1 The site is allocated in the development plan for housing.
- 4.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.
- 4.3 The material planning considerations which are relevant to this application are:
- Government policy (NPPF);
 - Planning history (including appeal decisions);
 - Design;
 - Highways considerations - traffic generation, access, highway safety, parking and servicing.

5. The Application Site

- 5.1 The application property is a vacant public house known as 'The Nag's Head' that's located within Great Bridge town centre on the south side of Market Place within a predominantly commercialised area. The site surrounding is

mainly commercialised in nature with residential properties to the south along Mill Street. The building is of historical significance as it is locally listed.

5.2 Planning History

Planning permission was granted for proposed partial demolition, part change of use at ground floor with alterations to facade, and first and second floor side extension to create 6 No. 1 bed apartments. A full list of the planning history is provided below:

DC/18/62081	Proposed partial demolition, part change of use at ground floor with alterations to facade, and first and second floor side extension to create 6 No. 1 bed apartments.	Grant permission subject to conditions. 20.09.2018.
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6. Application Details

- 6.1 It is now proposed change of use to 2 no. ground floor retail units and 2 no. Houses in Multiple Occupation (HMO's) at ground floor, 2 no. apartments and 3 no. House in Multiple Occupation (HMO's) at first floor, with single storey rear extensions, extension to the front, and external alterations.

Submitted floor plans show 2 retails units (Class E (a)) with ancillary storage and kitchens at ground floor level with the 2 HMOs at western part of the building. At first floor level there would be 2 no 1 bedroom apartments and the other 2 HMOs also at the western side of the building.

Internal space for HMO rooms and apartments are:

Ground Floor:

Room 1: 14.37 Sq. M

Room 2: 16.12 Sq. M

First Floor:

Room 3: 14.45 Sq. M

Room 4: 14.48 Sq. M

Room 5: 16.12 Sq. M

Apartment 1: 45.6 Sq. M

Apartment 2: 37.2 Sq. M

- 6.2 There is no off-road parking provision, given the constraints of the site.

- 6.3 The agent has submitted a supported statement to address the lack of amenity space which is primarily due to the constraints of the site, However, it has been demonstrated that the site is in proximity of a range of high quality public open spaces and recreation facilities such as Sheepwash local nature reserve.

7. Publicity

- 7.1. The application has been publicised by 63 neighbour notification letters and by site notice. Four objections have been received and are summarised below:
- a. The lack of off-road parking for the proposal would exacerbate parking issues in the area and impact on highway safety;
 - b. Poor design and alterations to the main front elevation would be detrimental to the character and appearance of the building that's of historical significance
 - c. The vacant public house is a community asset and its conversion should be resisted.

8. Consultee Responses

8.1 Highways

No objections following receipt of a parking survey. It is considered that the parking survey shows there is sufficient space for the 5 required parking spaces to be accommodated on Mill Street.

8.2 Public Health (Contaminated land)

No comments have been submitted.

8.3 Public Health (Noise)

No objections subject to the imposition of conditions relating to the submission of a noise risk assessment relating to the commercial nature of the surroundings and also a restriction on hours of construction related activities. If required, details of odour abatement equipment for the ground floor uses shall be submitted to this department for approval.

8.4 Public Health (Air Quality)

No objections subject to the imposition of a condition relating to the submission of a construction management plan including the control of dust.

8.5 West Midlands Police

The state that the following crime statistics are recorded for this post code:

4 ASB offences

1 vehicle crime offences

8 Burglary offences

21 violent crime offences

They make observations relating to parking concerns the lack of secure cycle storage. They recommend that a management plan is provided to include CCTV, lighting and security if permission is granted.

8.6 Conservation and heritage

No objections following the receipt of amended plans to improve the elevation to Mill Street. Circular windows on the Mill Street elevation have been retained, and it is no longer intended to extend between the bays at the front elevation. Final details of proposed roller shutter doors are to be agreed to further ensure the satisfactory appearance of the development, and that the character and appearance of this locally listed building is not unduly harmed.

8.7 Biodiversity Net Gain

The authority's ecologist has confirmed that the proposal is exempt from related obligations.

9. Relevant Planning Policy Considerations

9.1 National Planning Policy Framework (NPPF)

The NPPF sets out government's planning policies for England and how these are expected to be applied.

Design

The framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts.

Taking into account the views of the council's conservation & heritage officer, I am of the opinion that the scheme is of a good design and would assimilate into the overall form and layout of the site's surroundings; in accordance with the design principles of the NPPF.

Highway safety

The framework promotes sustainable transport options for development proposal and 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. Taking into account the view of the council's highway officer following the submission of a parking survey and also the town centre location of the property with good public transport links, it is considered that the development would have significant impact on highway safety.

9.2 Development Plan Policy

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

Black Country Core Strategy (BCCS)

CSP4 – Place Making – The Development will contribute to the historic character and local distinctiveness of the area due to the scale proportions, design and materials proposed.

HOU1 - Delivering Sustainable Housing Growth & HOU2 Housing Density, Type and Accessibility - 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. The council's latest Housing Delivery Test indicates that less than 75% of its housing requirement was delivered in the proceeding period and it cannot demonstrate a five-year housing land supply. As such, this proposal would assist with providing much-needed housing in the borough.

TRAN4 - Creating Coherent Networks for Cycling and for Walking – Cycle parking facilities should be provided at all new developments in a convenient location with good natural surveillance. West Midlands Police has recommended that cycle storage should be provided internally in a secure location.

ENV2 - Historic Character and Local Distinctiveness - The design is broadly considered to be positive and would not harm this locally listed building. The use of appropriate external materials would ensure compliance with policy ENV2. The authority's Conservation & Heritage Officer is supportive of the proposals following the receipt of satisfactory amended plans that improve the elevation to Mill Street.

ENV3 – Design Quality - refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered to be acceptable with no concerns being raised from the urban design team.

ENV8 – Air Quality- seeks to protect new residential development from poor air quality. No objections have been received on air quality grounds.

Site Allocations and Delivery Development Plan Document – (SADD)

SAD H2 - Housing Windfalls - The proposed flats and HMOs would be a windfall, subject to SAD H2. The proposal accords with the policy as the site is brownfield land and is acceptable for residential use; being within easy reach of existing facilities, services, and transport options.

SAD EOS 9 - Urban Design Principles – The proposal is appropriate to the location in terms of scale and design.

SAD DM8 – Design and Installation of Shop Front Roller Shutters - Roller shutters should, wherever possible, not obscure architectural detail and metal roller shutters should be perforated and be colour powder coated or painted. Although the conservation officer has no overall objections final details shall be submitted to the planning authority for approval.

10. Material Considerations

10.1 Highway considerations

The Head of Highways has reviewed the application and raised no objections to the application. The agent has submitted a parking survey that shows there is sufficient space for the 5 required parking spaces to be accommodated on Mill Street.

10.2 Planning history (including appeal decisions)

Planning consent was granted in 2018 for a change of use at ground floor level including alterations to the external façade, as well as 6 no 1 bedroom apartments above. However, that consent was not implemented.

10.3 Design and conservation/heritage

The former drinking establishment is a locally listed building and recommendations to improve the external elevations to Mill Street have been taken into account by the agent. Subsequently satisfactory amended plans have been submitted – the circular windows are to be retained, and the building will not be extended between the bays at the front elevation. In view of this the conservation officer has no objections to the proposals subject to details of roller shutter doors being submitted to the planning authority for approval. On balance the revised proposals are considered to adhere to policy ENV2 (Historic Character and Local Distinctiveness).

10.4 Loss of a drinking establishment

The former public house has been vacant for a number of years and Property Services has confirmed that 'The Nags Head' is not registered as an asset of community value. In consideration of this there are no restrictions on its potential conversion to retail and residential uses.

10.5 Presumption and the 'titled balance'

The 'tilted balance' is similar to the normal planning balance but it is only engaged in exceptional circumstances. As the council has less than a five-year housing land supply, relevant local policies are out-of-date. In the most

basic sense, the tilted balance is a version of the planning balance that is already tilted in an applicant's favour. If the tilted balance applies, planning permission should normally be granted unless the negative impacts 'significantly and demonstrably' outweigh the positive impacts.

11 Conclusion

All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the 'planning balance'. To summarise: the proposal should be approved unless any adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed against development plan policies or, where those policies are out of date, the NPPF as a whole. Where national policy takes precedence over the development plan, this has been highlighted in paragraph 11 (National Planning Policy Framework).

With the above in mind, the council cannot currently meet its five-year housing need as it has a shortfall of deliverable housing sites. With reference to the NPPF, this means that all local policies concerned with the supply and location of new housing must be considered out-of-date and the 'tilted balance' is engaged. If the tilted balance applies, planning permission should normally be granted unless the negative impacts 'significantly and demonstrably' outweigh the positive impacts.

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.

12. Legal and Governance Implications

The Planning Committee has delegated powers to determine planning applications within current Council policy. Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe.

13. Other Relevant Implications

- **Crime and Disorder Act 1998** - The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to consider the impact, direct or indirect, that their work may have on crime and disorder, community safety, whether it is a reduction in crime or a potential increase in crime and disorder. Detail any activities undertaken within the service which

have the potential to impact crime and disorder and/or community safety activity, including anti-social behaviour, substance misuse and re-offending and the 2015 Prevent duty in relation to terrorist related activity.

14. Background Documents

None.

15. How does this deliver the objectives of the Strategic Themes?

The development will provide good homes that are well connected and will contribute towards improving the local environment with a focus on cleanliness, ensuring that the community takes pride in its surroundings.

Relevance Check

Budget Reduction/Service Area:

Service Lead Tammy Stokes

Date: 7.10.1025

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No