



Planning Committee

Report of Head of Planning and Building Control on 25 July 2024

Plans List Item Number: 3

Reason for bringing to committee

Significant community interest - Local petition objecting to the proposal.

Application Details

Location: 205, HIGH STREET, BROWNHILLS, WALSALL, WS8 6HE

Proposal: FULL PLANNING APPLICATION FOR THE CHANGE OF USE OF EXISTING BUNGALOW TO AN 8 BED HMO (SUI GENERIS) WITH REAR AND ROOF EXTENSIONS.

Application Number: 24/0277

Case Officer: Peter Gittins

Applicant: Morethan Property Ltd

Ward: Brownhills

Agent: Drawing Services (Houseplans) Ltd.

Expired Date: 22-May-2024

Application Type: Full Application: Minor Use Class Sui Generis

Time Extension Expiry: 05-Jul-2024



Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and Section 111 legal agreement to secure the Cannock Chase Special Area of Conservation mitigation payment and subject to
 - The amendment and finalising of conditions.

Proposal

A full planning application has been submitted for converting an existing bungalow into an 8-bedroom house in multiple occupation, with a rear and roof extension. The proposal includes extending the rear of the property by some 3 metres and raising the roof apex by some 1.8 meters to create additional accommodation. There will be 5 rooms with showers on the ground floor, entrance hall corridor and communal kitchen, dining and living accommodation and three rooms with showers and corridor on the first floor. Vehicle access will be maintained at the front, with parking spaces at the front and rear with a communal rear garden.

Site and Surroundings

The site consists of an existing bungalow fronting High Street, in a residential area next to bungalows north of Warren Place. Additionally, it is close to a residential redevelopment comprising 45 apartments, located on the former Warreners Arms public house site at the junction of High Street and Ogley Road. The site is sustainably located with good access to public transport and is less than 200m from the Brownhills District Centre.

Relevant Planning History

23/0670 - Demolition of existing bungalow and proposed 3 storey apartment building to create 7 no. 1 bedroom apartments with associated parking, communal gardens and bin stores - Refused 5 January 2024 for the following reasons:

1. The distance between the two-storey blank elevation of the proposal and the rear principal windows of the bungalow at no.51 Warren Place is some 8 metres which is significantly below the Council's adopted standard of 13 metres and light to the rear principal windows and main garden amenity area is considered to be significantly affected by the proposed development contrary to policy GP2, Environmental Protection, of the Walsall Unitary Development Plan and contrary to The Council's design guide Designing Walsall, Appendix D: Numerical Guidelines for Residential Development.
2. The positioning of the vehicle access to the rear parking area of the proposal, together with increased vehicle movements from the proposed development and near to nos. 47-51 Warren Place will lead to unacceptable pollution in terms of noise light and fumes to the existing bungalows, contrary to saved policies GP2,

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*". The NPPF is a material consideration in the determination of a planning application.

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Walsall Council Development Plan

[Read more on the development plan published on the council website.](#) .

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocation Document (SAD)
- Saved policies of Walsall Unitary Development Plan (UDP)
- Walsall Town Centre Area Action Plan (AAP)

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultation Replies

Clean and Green – No comment.

Designing Out Crime Officer/West Midlands Police – HMOs increase demand on local resources and risk conflict, especially in shared areas used by more than five people.

Enhanced security measures, including CCTV, suitable lighting, secure doors, and mail systems, are recommended to reduce conflict and provide reassurance. These should meet specific standards for safety and crime prevention. No objection subject to informatives.

Ecology Officer – No comment.

Environmental Health – No comment.

Fire Officer - No objections, subject to building regulations on fire safety – note for applicant.

Housing Standards – No objections, however it is noted that the property will require a separate house in multiple occupation license.

Local Highways Authority - Support subject to conditions. Although there is no specific parking policy for HMOs, the provision of parking for 8 cars is considered sufficient due to the expected low car ownership among residents and the site's sustainable location. The site is highly sustainable, offering good access to public transport and nearby facilities.

Representations

A local petition has been received, comprising some 39 signatures, objecting to the proposal on the following grounds: unacceptable noise and privacy to existing residents; potential problems with antisocial behaviour; and traffic and parking issues.

It is considered that the material planning issues are covered in the proposal's assessment.

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Crime and security
- Highways
- Ecology
- Cannock Chase SAC and HRA

Assessment of the Proposal

Principle of Development

The proposal will increase the residential accommodation supply and promotes the efficient use of a previously developed site in accordance with the Black Country Core Strategy (BCCS) policy CSP1, Site Allocation Document (SAD) policy HC2, and NPPF paragraphs 60 and 125.

The Council lacks a 5-year housing land supply and did not meet the requirements of the Housing Delivery Test, published in January 2022. Consequently, the presumption in favour of sustainable development, outlined in NPPF paragraph 11d), is applicable and this weighs in favour of the application.

Design, Layout and Character

Policy ENV32: Design and Development Proposals, of the Unitary Development Plan states: (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

The planning application involves converting an existing bungalow into an 8-bed HMO with rear and roof extensions. The proposed changes, extending the rear by 3 meters and raising the roof apex by 1.5 meters, are of an acceptable design and do not affect the built character of the area significantly.

Vehicle access will be maintained at the front, with parking spaces at the front and rear and the frontage will not be dominated by the parking. The proposal also includes a communal garden space at the rear. The property will remain in residential use. Overall, the proposal is considered in accordance with Policy ENV32 and its design criteria.

Amenity of Neighbours and Amenity of Future Occupiers

Saved Policy GP2 of the UDP states that “the Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment” and includes the necessary assessment of “overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property” as part of this impact. Expanding on this, the Council’s design guide Designing Walsall, Appendix D: Numerical Guidelines for Residential Development suggests: ‘24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front; and 13m separation between habitable windows and blank walls exceeding 3m in height’.

The distance between the blank side elevation of the existing bungalow on the site, which is proposed to be extended, and the rear principal windows of the bungalow at no.51 Warren Place is some 8 metres which is significantly below the Council’s adopted

standard of 13 metres. However, the difference between the existing situation and the proposal is that the property would be extended out at the rear by some 3 metres and the apex of the roof would be some 1.8 metres higher than the existing one. Given that we can only reasonably consider the difference between the bulk of the existing property and the proposal, on balance the additional effect on the light to the neighbouring property is not considered to be so significant that it would merit a refusal on its own in this case.

Policy GP2 also states that the council will not permit development which would have an unacceptable adverse impact on the environment, including the creation of, or susceptibility to, pollution of any kind. Policy ENV10a defines pollution as including smoke, fumes, gases, dust, steam, heat, light, vibration, smell, noise or other polluting emissions, and states that b. Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution as identified in part (a) of the policy.

The proposal utilises the existing access at the front and four and spaces are provided at the front of the property and four at the rear, accessed from the southeast side of the plot, and away from the neighbouring bungalows. The rear parking bays proposed area further separated from the neighbouring bungalows by a communal garden area. On balance and compared to the existing situation the proposal is not considered likely to lead to unacceptable noise and disturbance and accords with policy GP2: Environmental Protection and ENV10: Pollution of the Walsall Unitary Development Plan.

Appendix D: Numerical Guidelines for Residential Development of the Designing Walsall, supplementary planning document (SPD) also gives an adopted standard of 20sqm of useable space per dwelling where communal provision is provided. There is some 200sqm of communal, usable garden space at the rear of the property which is some 25sqm per bedroom unit and is therefore in accordance with Appendix D in this regard.

Crime and security

The proposed HMO will be subject to further Council licensing controls. The applicant should proactively engage with the Council HMO Team and pursue Landlord Accreditation Training to demonstrate their commitment to high standards. It is considered that proper management and regulatory oversight can mitigate the demand

on local resources and that well-managed HMOs with accredited landlords can operate efficiently without unduly burdening police, council, and social services.

The suggested security measures (CCTV, lighting, secure doors) are necessary for enhancing safety.

An informative attached to the decision notice is considered appropriate to ensure that the applicant is aware of the separate regulatory controls related to HMOs and to provide advice on necessary security measures.

Highways

The site is located on High Street which is a classified road (A452) and a strategic highway. The carriageway is 8m wide with traditional with at least 2m wide footways either side.

The site is located close to the Brownhills District Centre.

There is an existing dropped kerb vehicle access which is to be retained.

The site is currently surrounded by a hard-standing area. The proposed formalisation of the car park, to provide amenity space for residents, provides sufficient turning space for vehicles to turn and exit the site in a forward gear. There is currently no specific parking policy for HMOs, however parking for 8 cars is retained on site in a formalised car park which is considered to be more than adequate for the proposed use whereby residents are likely to have low car ownership and the site's sustainability credentials.

The site is considered to be a highly sustainable location with nearby access to public transport links and commercial and community facilities.

The Local Highway Authority supports the development, concluding that it will not significantly impact road safety or network operation. However, they recommend specific conditions, including providing a cycle shelter/store to encourage sustainable travel, and ensuring the completion and proper use of parking areas before occupation, aligning with local policies on sustainable development and transportation in accordance with NPPF December 2023 paragraph 115, UDP policy GP2, Environmental Protection, T7, Car Parking; T13, Parking Provision for Cars, Cycles and Taxis.

Ecology

The proposal is a relatively minor development that changes the use of an existing building together with its modest extension and there is not considered to be any likely effect on protected species (bats).

Cannock Chase SAC and HRA

This proposed application is located within the 15km zone of influence of the Cannock Chase SAC and proposes a net increase of 8 new units in a house in multiple occupation. The Conservation of Habitats and Species Regulations 2017 (“Habitats Regulations”) place a duty on competent authorities (in this case Walsall Council) to consider the potential for effects upon sites of European importance prior to granting consent.

The applicant’s submitted Habitat Regulation Assessment demonstrates that this development would result in an increase in recreational disturbance and significant harm to the SAC.

The mitigation payment of £344.01 per each net new unit is required in accordance with Black Country Core Strategy Policy EQ2 and the Habitat Regulations. This payment is non-negotiable.

The applicant has agreed to provide the SAC mitigation payment via S111 Unilateral Undertaking.

Conclusions and Reasons for Decision

The proposed conversion and extension of the bungalow into an 8-bed HMO complies with the Black Country Core Strategy and relevant NPPF paragraphs addressing the Council’s housing shortfall. On balance, the design and layout are considered acceptable in relation to local policy standards, given the existing development on the site, maintaining the residential character, and providing sufficient parking and communal space. The impact on neighbours’ amenity is minimal and acceptable. The proposal supports sustainable travel and meets ecological requirements, with an

agreed mitigation payment for the Cannock Chase SAC. Overall, the development aligns with key policies.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable, and no further changes have been requested.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and Section 111 legal agreement to secure the Cannock Chase Special Area of Conservation mitigation payment and subject to:

- The amendment and finalising of conditions.

Conditions and Reasons

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Location and block plans, drawing number V8557-PL-101 revision A, dated March 2024.
- Proposed ground full plan and site plan drawing number V8557- PL-104, revision A, dated March 2024.
- Proposed building elevations, drawing number V8557-PL-106, dated March 2024.
- Design statement dated March 2024

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3: Prior to the commencement of the development hereby permitted details shall be submitted in writing to and approved in writing by the Local Planning Authority for suitable bin storage.

Reason: To safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

4a: Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b: Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

4c: If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or

diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

5a: Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

5b: The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

5c: The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

6a. Prior to the commencement of building operations above damp-proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces, including details of the colour, size, texture, material and specification of bricks, render, and roof tiles shall be submitted in writing to and approved in writing by the Local Planning Authority.

6b: The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

7a: The development hereby permitted shall not be occupied until the access, turning area and parking facilities shown on the approved plan have been hard surfaced and drained and no loose stone.

7b: The approved accesses, turning area and parking facilities shall not be used for any purpose than for access, turning and parking, respectively.

7c: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the access, turning and parking areas shall thereafter be retained for the lifetime of the development.

Reason: To reduce the need for on street parking in the interest of highway safety and ensure surface water does not run onto the highway and to avoid increased surface flooding to comply with Walsall's Unitary Development Plan saved policies GP2, T7, T13 and ENV40.

8a: Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, details of a cycle shelter, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

8b: The cycle shelter facility shall thereafter be retained and used for no other purpose for the lifetime of the development.

Reason: To encourage sustainable modes of travel and in accordance with Saved UDP Policy T13 and the Black Country Core Strategy Policy TRAN4.

Notes for Applicant

1: Fire Service - Building Regulations approval is required under Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England. Requirement B5 relates to access and facilities for the fire service.

2: The proposed HMO will be subject to further Council licensing controls. The applicant should proactively engage with the Council HMO Team and pursue Landlord Accreditation Training to demonstrate their commitment to high standards.
<https://go.walsall.gov.uk/housing/information-landlords/houses-multiple-occupation-hmo/licensing-houses-multiple-occupation>

3: The necessary security measures including CCTV, lighting, secure doors should be implemented with reference to the principle of Secure by Design and further information can be found at: <https://www.securedbydesign.com/guidance/building-regulations#part-q-home-types-2>

END OF OFFICERS REPORT