

Report to Planning Committee

23 October 2024

Application reference	DC/24/69346
Application address	16 Market Place, Wednesbury, WS10 7AY.
Application description	Proposed single and two storey rear extension, third storey extension to accommodate residential use to rear of ground floor and upper floors, and new shop front.
Application received	01.05.2024
Ward	Wednesbury South
Contact officer	Anjan Dey anjan_dey@sandwell.gov.uk

1. Recommendations

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

- i) External materials;
- ii) Contamination;
- iii) Construction Management Plan;
- iv) Details of external lighting;
- v) Details of cycle storage & implementation thereafter;
- vi) Details of separate commercial and residential waste storage & implementation thereafter;
- vii) Single occupancy only.

2. Reasons for Recommendations

- 2.1 The proposal raises no significant concerns from a policy, design or highway perspective and would deliver housing in a sustainable location.

3. How does this deliver objectives of the Council Plan?

Living in Sandwell	Improving the local environment with a focus on cleanliness, ensuring that the community takes pride in its surroundings.
One Council One Team	Sandwell Council's ethos of 'One Council One Team' reflects a commitment to unity and Collaboration, striving for excellence in serving the community. All of our residents, including our children and young people, are active participants in influencing change – through being listened to, their opinions are heard and valued.

4. Context

- 4.1 The application is being reported to Planning Committee as 3 material planning objections have been submitted.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[16 Market Place, Wednesbury.](#)

5. Key Considerations

- 5.1 The site is not allocated in the development plan.
- 5.2 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.

5.3 The material planning considerations which are relevant to this application are:

- Government policy (NPPF);
- Amenity concerns – overlooking/loss of privacy, loss of light and/or outlook and overshadowing;
- Highways considerations - traffic generation, access, highway safety, parking and servicing;
- Environmental concerns – noise, air quality, pollution and general disturbance;
- Planning balance.

6. The Application Site

6.1 The application site is situated on the north side of Market Place, Wednesbury in the town centre. Considering the town centre location the surrounding area is mainly commercialised/retail in character and the site is located within Wednesbury Market Place conservation area that forms part of the town's retail core.

7. Planning History

7.1 None relevant.

8. Application Details

8.1 At ground floor level a new shop front is proposed for the existing retail use, with proposed single and two storey rear extensions, third storey extension to accommodate residential use to rear of ground floor and upper floors. Specifically, an 11 bedroom House in Multiple Occupation (HMO) is proposed in addition to the existing retail use.

Submitted floor plans show a new retail use at ground floor level with 2 HMO rooms also at ground floor level. There is a side yard at ground floor level that would be used for bin storage. Each of the rooms would have w/c facilities and the rooms would be spread across the first, second and third floors. The shared kitchen and dining room would be at first floor level. The scheme complies with regulations in terms of room sizes (single occupancy) and facilities (kitchen) serving the HMO.

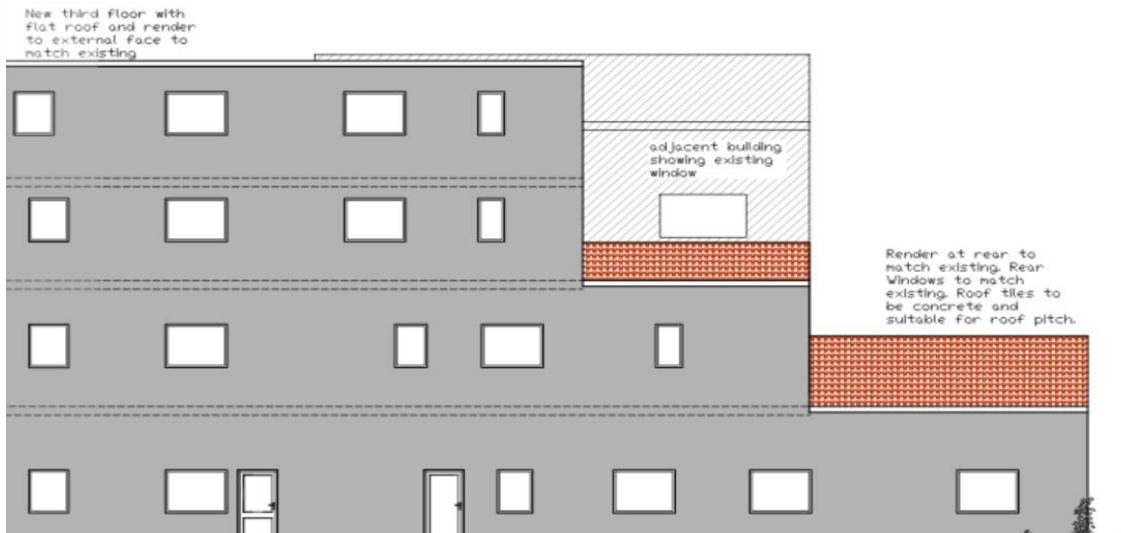
The ground and first floors are to be extended with new pitched roofs above, whilst the second floor is to be refurbished and the third floor rebuilt with the existing staggered roof heights raised to the ridge line.

Due to the constraints of the site amenity space cannot be provided within the curtilage but it is considered that local recreation areas are a short distance away. The agent has estimated that Brunswick Park is less than 800m away from the site and open space is also available less than 200m away.

- 8.2 Amended plans have been received which show the position of an existing rear window at a neighbouring property in relationship to the proposed side elevations. Existing and proposed plans have now been annotated to show the position of this window.

The elevation drawing has also been updated to show more detail to the proposed shop front and improvements to the front elevation.

The following shows the proposed side elevation and the window referred to (hatched in grey):



9. Publicity

9.1 The application has been publicised by 14 neighbour notification letters and by site. Three objections have been received from a neighbouring business and medical practices.

Councillor Jenny Chidley has submitted an email in support of the proposals, stating that they would complement improvements already agreed for Wednesbury town centre.

9.2 Objections have been received on the following grounds:

- i) Loss of privacy and overlooking;
- ii) Loss of light to the rear of properties situated along Walsall Street
- iii) Insufficient parking and increased traffic generation;
- iv) The proposal would affect the character of Market Place;
- v) The HMO use would result in increased crime and anti-social behaviour.

Non-material objections have been received in respect of the health and well-being of the occupants of the HMO.

These objections will be addressed in under paragraph 13 (Material considerations).

10. Consultee responses

10.1 Highways

No objection. The location benefits from good public transport links and access to public car parks. It is also noted that occupants of HMOs are less likely to own a car.

10.2 Pollution Control (Contaminated Land)

No objection. Standard land contamination condition recommended.

10.5 Pollution Control (Noise)

No objection.

10.6 Pollution Control (Air)

No objection subject to the submission of a construction and environmental management plan for the control of dust and emissions arising from the demolition and construction process. This matter can be addressed by way of pre-commencement condition as recommended.

10.8 Conservation and heritage

No objections in principle. Amended plans have been submitted that show improvements to the main frontage that would uplift its external appearance. Materials palette comprise of traditional soft lime based render to match the existing colour and texture. If first floor windows to the front elevation are replaced, either timber, aluminium or upvc with flush casement profiles will be used and set back into openings. Furthermore, the cornice at eaves level is to be restored or replaced to the original design.

At ground floor level a new timber shop front is to replace the existing with timber backboard to be constructed for future signage lettering.

10.9 **West Midlands Police**

No objection, however, they have raised concerns about more than single occupancy for the proposal and made recommendations for lighting and security measures. These matters would be addressed through the imposition of conditions (single occupancy only, external lighting scheme and security measures) as detailed within section 1 of this report.

10.10 **Private Sector Housing**

No objections.

11. **National Planning Policy Framework (NPPF)**

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

11.2 The framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. As no significant design concerns are raised by the development, the proposal is in accordance with the design principles of the NPPF. Taking into account the views of the council's conservation 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.

11.3 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. As highway officers have no objection to the scheme, and the impact of the development on on-street parking

provision would be limited, the proposal is compliant with the framework in this regard.

12. Development Plan Policy

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

Black Country Core Strategy (BCCS)

CSP4 – Place Making

DEL1 – Infrastructure Provision

HOU1 - Delivering Sustainable Housing Growth

HOU2 – Housing Density, Type and Accessibility

ENV2 - Historic Character and Local Distinctiveness

ENV3 – Design Quality

TRAN4 - Creating Coherent Networks for Cycling and for Walking

Site Allocations and Delivery Development Plan Document – (SADD)

SAD H2 - Housing Windfalls

SAD EOS 9 - Urban Design Principles

SAD DC 6 - Contaminants, Ground Instability, Mining Legacy

SAD HE2 – Conservation Areas

SAD DM10 – Shop Front Design

12.2 CSP4, ENV3 and SAD EOS9 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. The proposed layout and design are considered to be acceptable, complies with HMO standards with no concerns being raised from the conservation officer.

12.3 HE2 states that extensions or alterations within the borough's conservation areas shall respect the historic characteristics and architectural styles of buildings, including materials and fenestration. It is

proposed to remove broken sections of render at the front elevation and re-render. Original cornice features, also at the front elevation, are expected to be restored. The existing elements at the rear of the building comprise of brick and approval of external materials, and fenestration details, would ensure compliance with SAD HE2. I also understand the applicant has been in discussion with the authority's Conservation Officer prior to the formal submission of the application.

12.4 Transportation – TRAN4

Occupants of HMOs are less likely to own a car and it is expected that secure cycle provision will be provided within the site. Compliance with this policy can be ensured by a relevant condition.

12.5 SAD DM10 refers shop front design. The proposed new shop front is within the scale and architectural character of the existing building frontage.

12.6 Planning gain - DEL 1

The proposals are liable for Community Infrastructure Levy (CIL).

12.7 Housing – HOU1, HOU2, SAD H2 and H3

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.

12.8 Contamination SAD DC 6

Land contamination issues can be addressed by the imposition of suitably worded conditions requiring further intrusive investigation, reporting of any unpredicted contamination and submission of a validation certificate following any required mitigation.

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 Amenity considerations – loss of privacy and light.

The property is located in an area of high-density buildings and it close to the junction with Walsall Street. By reason of its location there is a degree of overlooking of the rear aspect on neighbouring properties. However, it is noted that ground floor uses are mainly commercial in nature with some flats above, whilst others upper floor rooms are vacant. The most significant extensions would be at ground and first floor level, with the most increase in depth at second floor level. Having visited the site it is noted that the nearest rear window to the second-floor extension does not appear to serve a habitable room. Furthermore, the agent has now annotated the position of this window on the existing and proposed side elevation drawings. In consideration of this, it is my view that the proposals would not result in any significant loss of privacy or light to neighbouring properties; not to a level that warrants refusal.

13.3 Highway considerations

Highways has no objections. The building is located within Wednesbury town centre with excellent access/links to public transport.

13.4 Design concerns – appearance and out of character with Market Place.

The property has been vacant for some time and is in a general state of disrepair both internally and externally. The new shop front and conversion to HMO would bring a vacant property back into use and uplift its external appearance. The retail use would also contribute to the economy of the town centre.

The proposed HMO use is appropriate to the town centre location and bedroom sizes, as well as the shared kitchen and dining room, meet the required standards. The new shop front and roller shutters are typical of the retail use and are considered to comply with policies DM10 & DM8.

The photo below shows the existing frontage:



13.5 Concerns re: crime and anti-social behaviour

It is noted that West Midlands Police has no objections to the proposed HMO. Furthermore, there is no evidence to suggest that this element would result in increased incidents of crime and anti-social behaviour in the town centre. The applicant has advised that he also is the landlord of a HMO above Orchard Coffee Lounge, 13 Market Place, Wednesbury that has been in use for a number of years without incident.

13.6 Presumption and the ‘tilted 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.

14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.

Housing proposals - Conflict with development plan policies will always be a negative impact. If the policies are up-to-date, that negative impact will be given greater weight. However, if they’re out-of-date, the weight given to the negative impact will be seriously reduced. No matter what the negative impacts are, if a proposal manages to secure sufficient positive impacts (of sufficient weight) to tilt the planning balance in its favour, planning permission should be granted.

14.2 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 polices and there are no material considerations that would justify refusal.

16. Implications

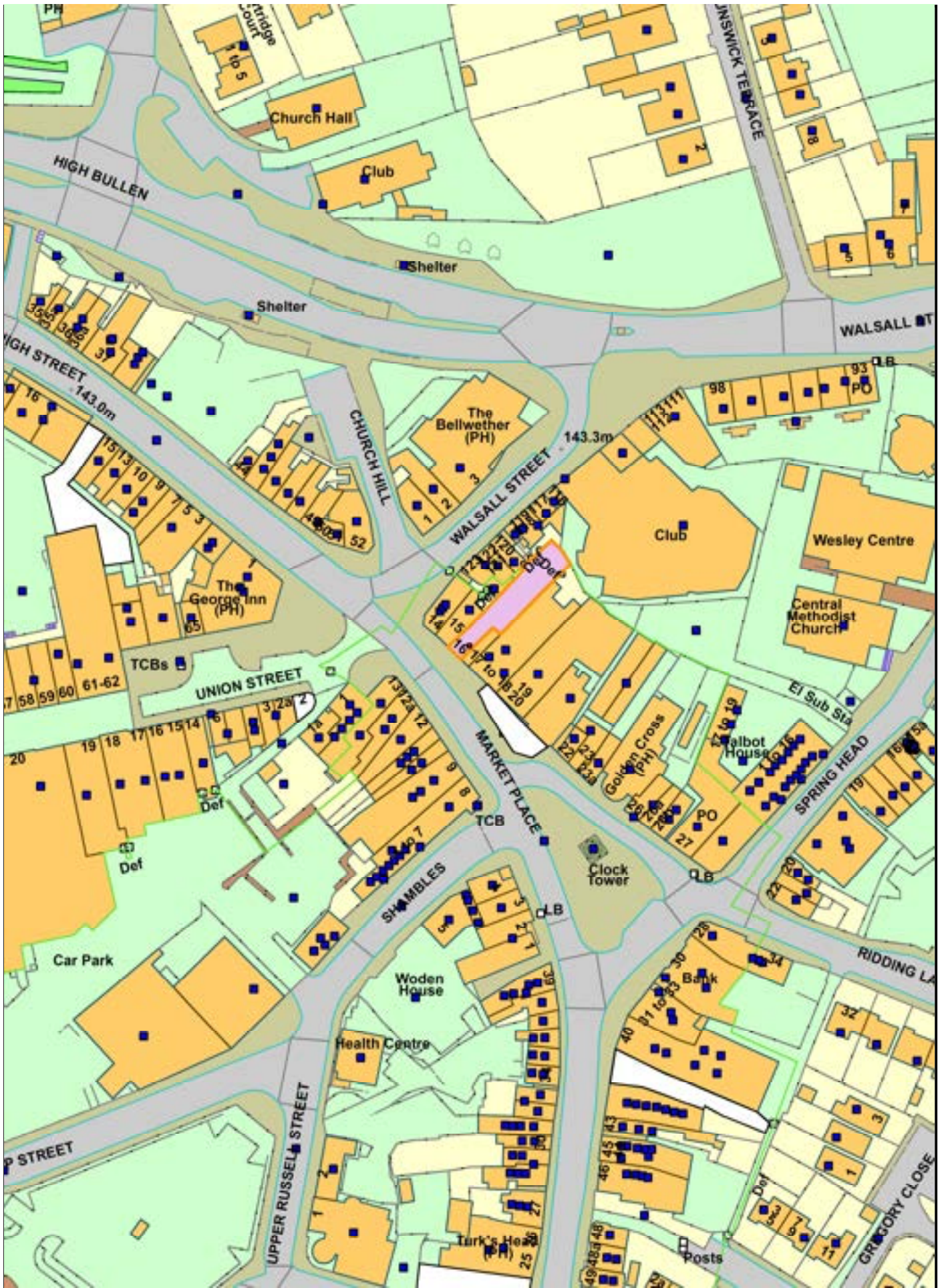
Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are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

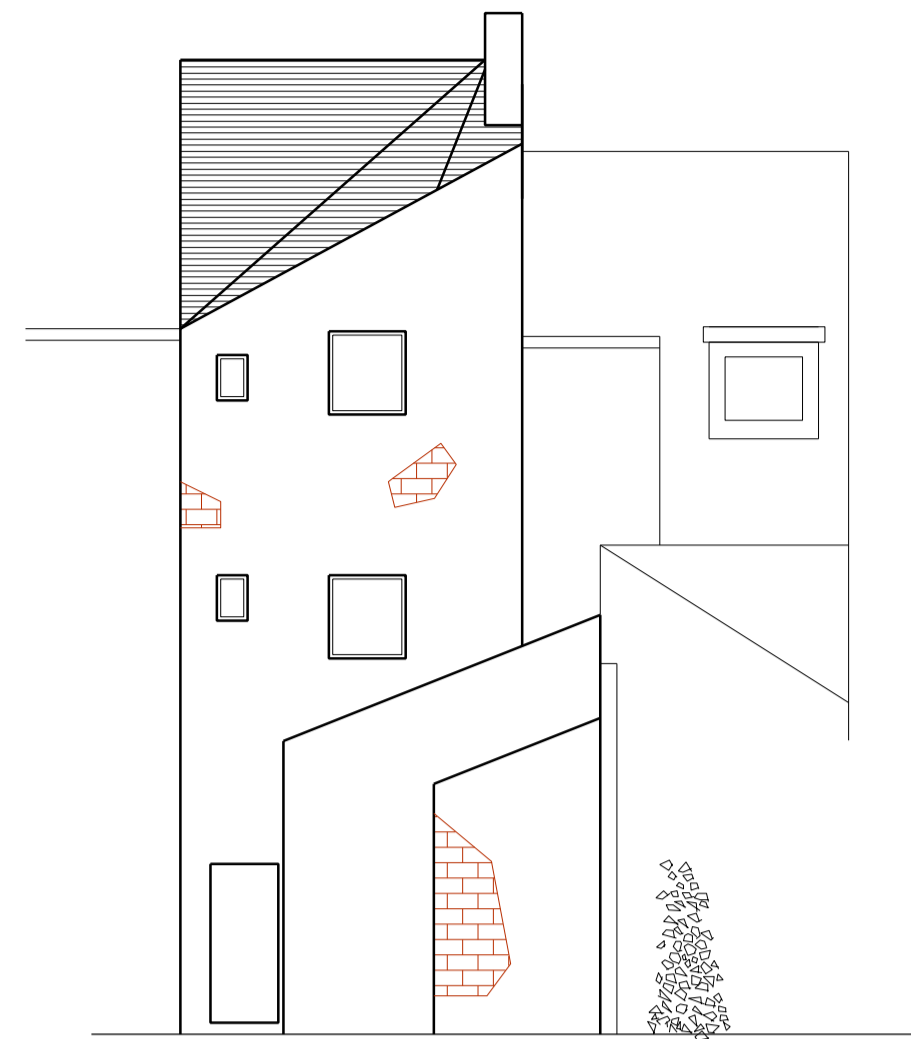
17. Appendices

17.1 Plans for consideration

Existing floor plans/elevations, location & block plan. 23/033/P01 REV A.

Proposed floor plans & elevations. 23/033/P02 REV A.

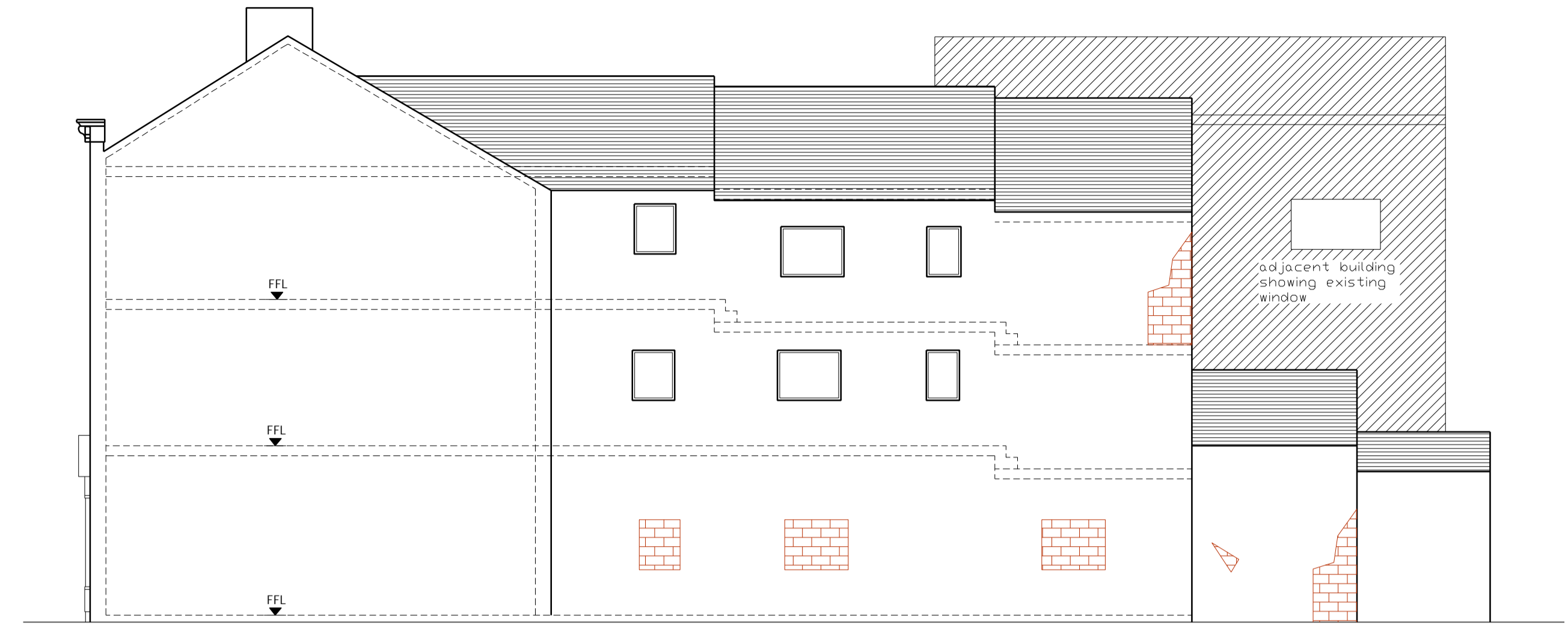




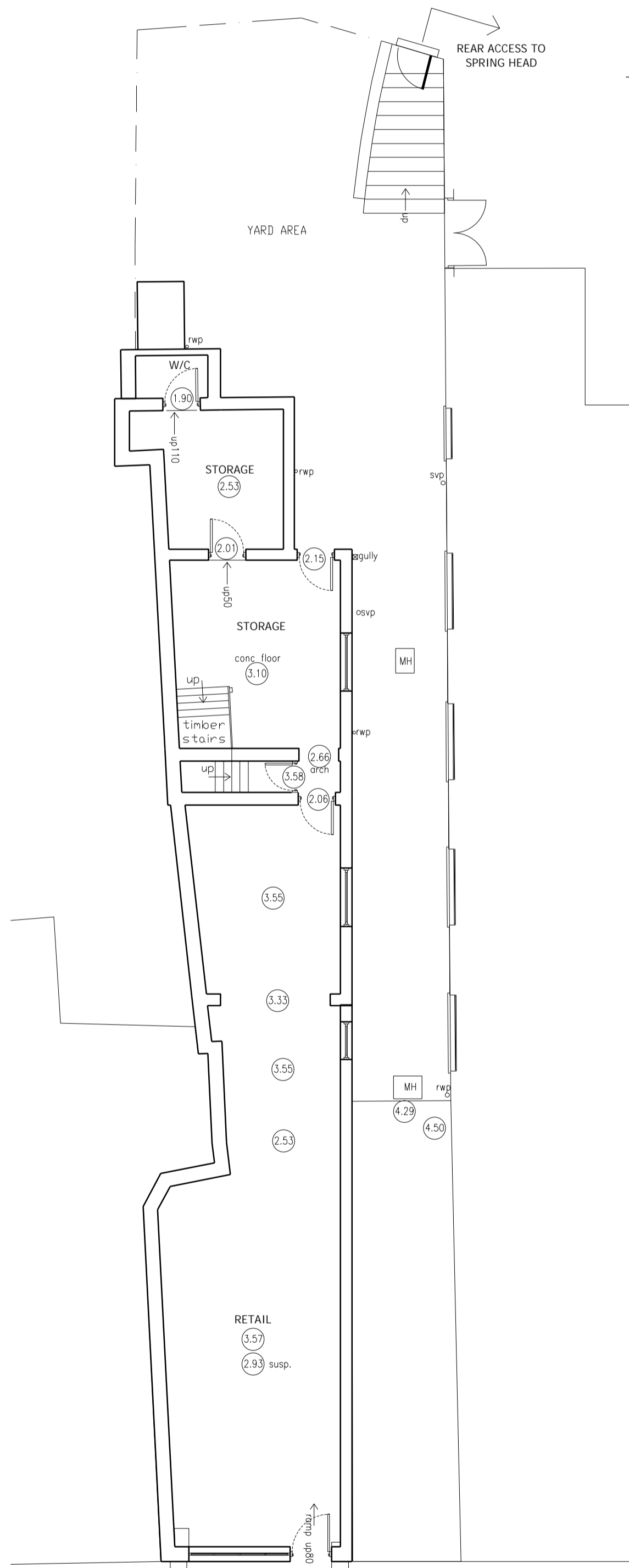
EXISTING REAR ELEVATION
SCALE 1:100



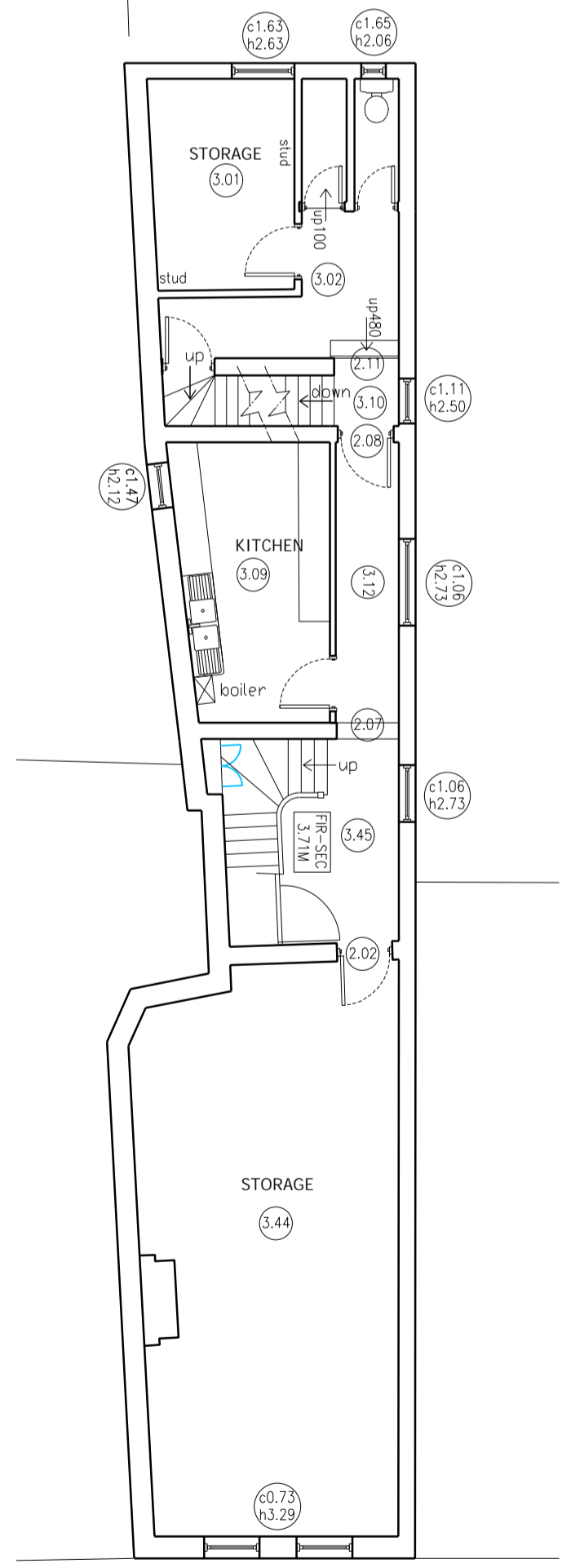
EXISTING FRONT ELEVATION
SCALE 1:100



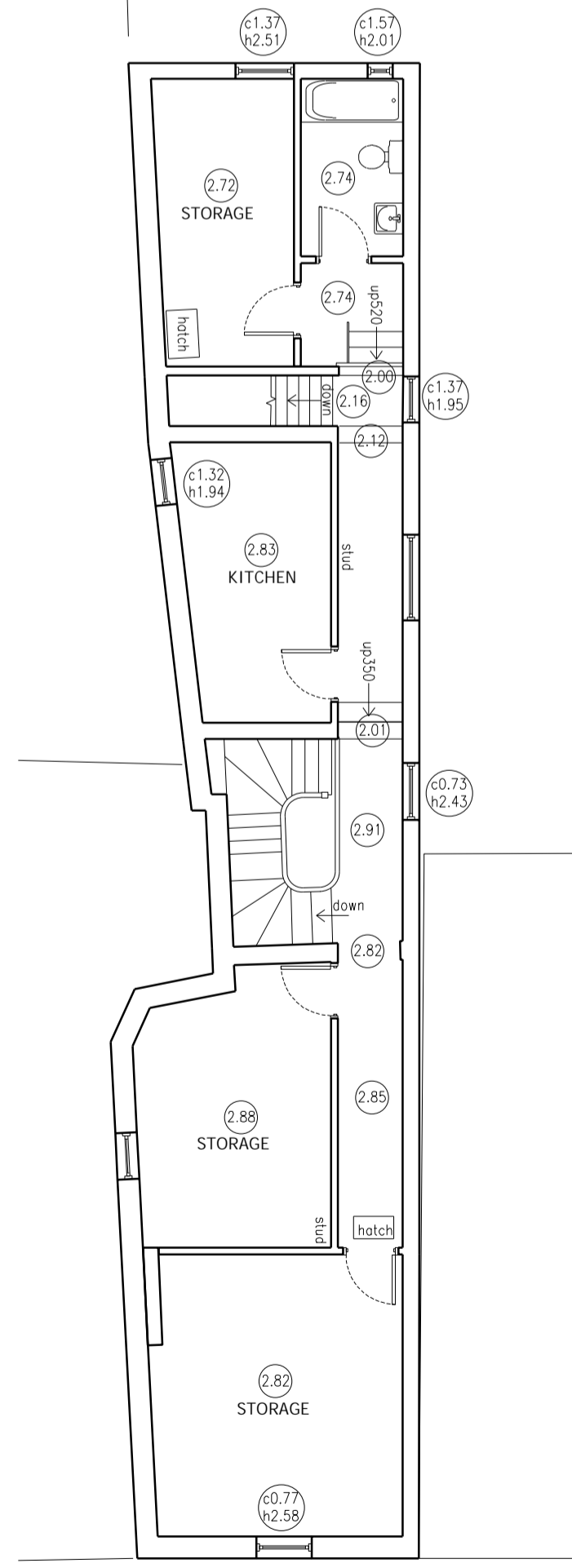
EXISTING SIDE ELEVATION
SCALE 1:100



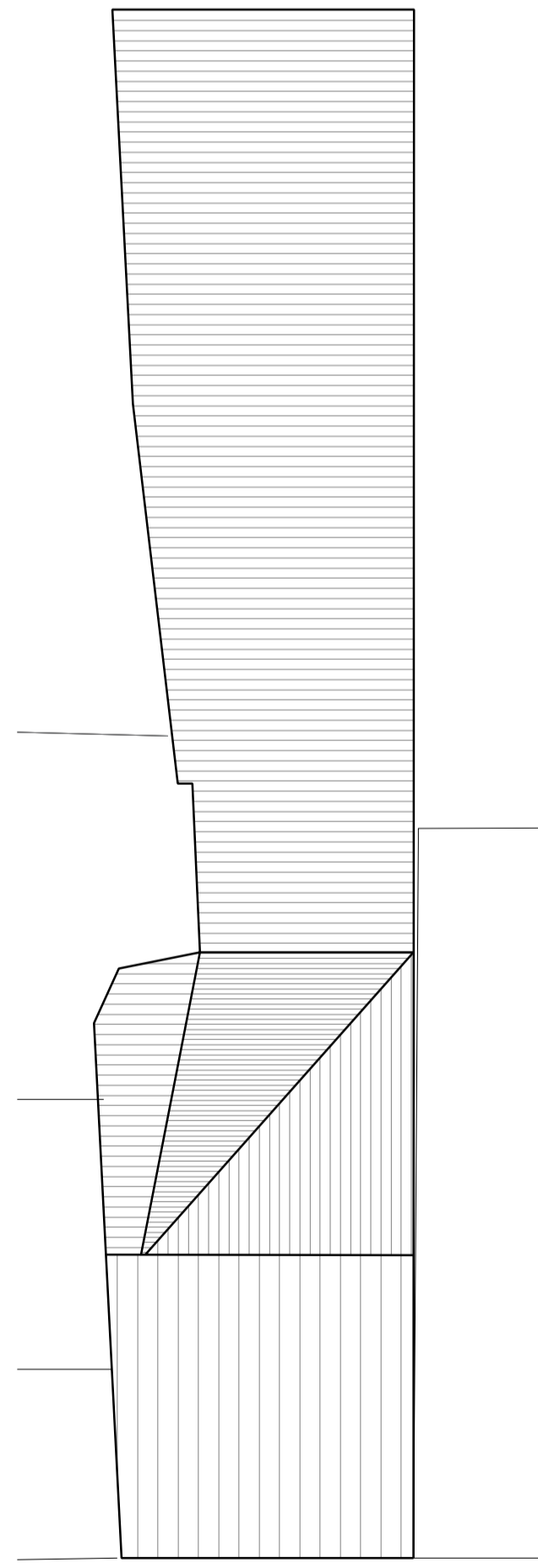
EXISTING GROUND FLOOR PLAN
SCALE 1:100



EXISTING FIRST FLOOR PLAN
SCALE 1:100



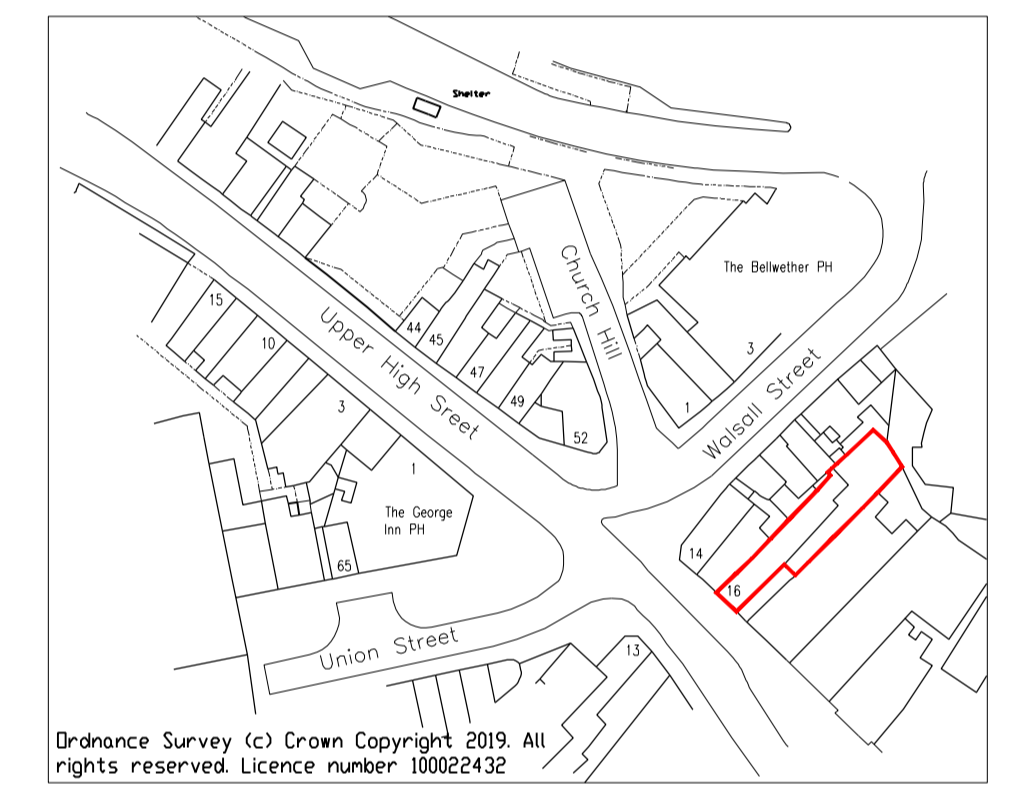
EXISTING SECOND FLOOR PLAN
SCALE 1:100



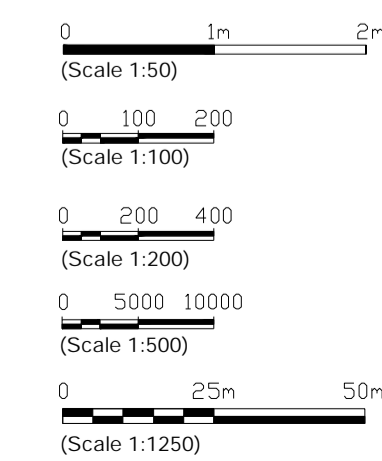
EXISTING ROOF PLAN
SCALE 1:100



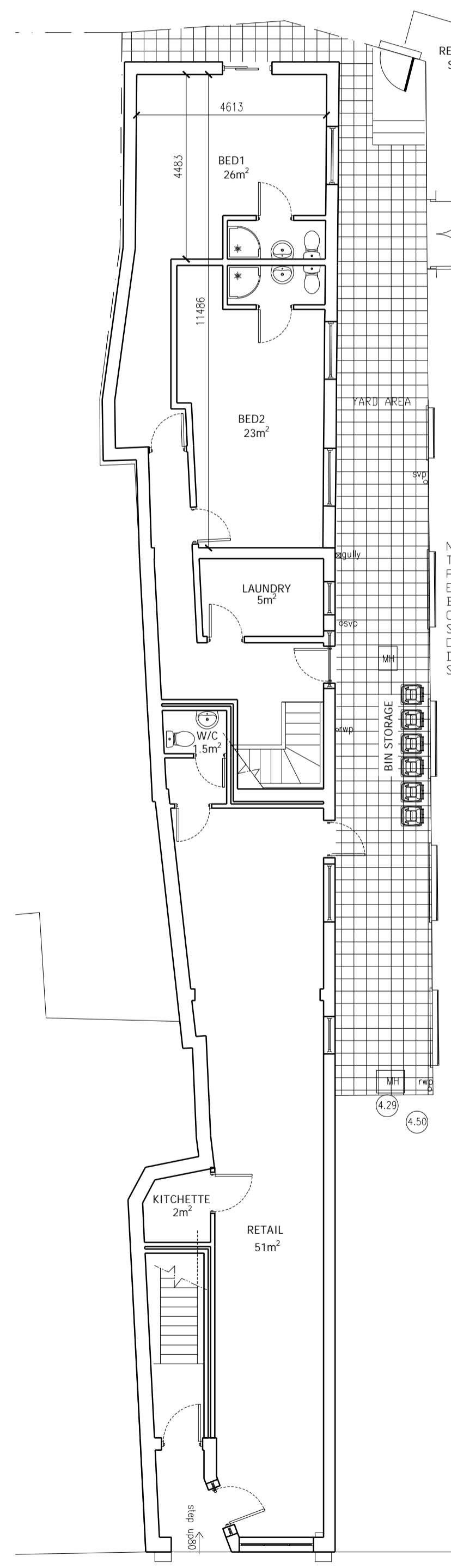
PROPOSED SITE LOCATION
(SCALE 1:500)
(HATCHED AREA PROPOSED SHOWS PROPOSAL)



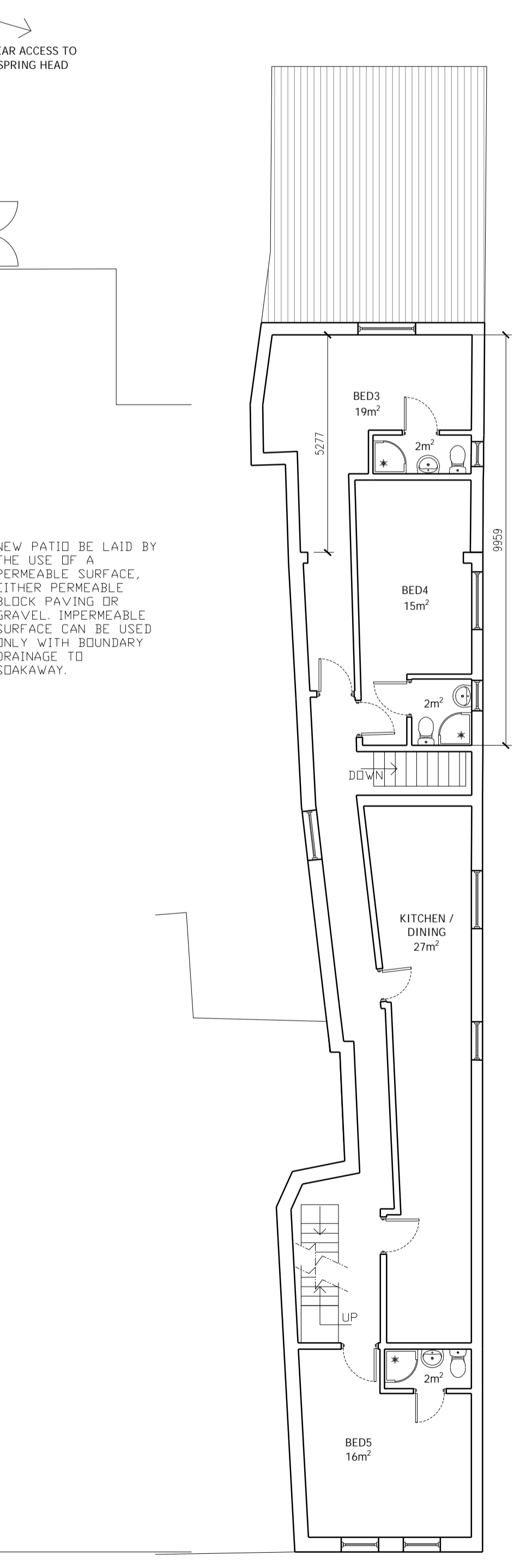
EXISTING AREA LOCATION
(SCALE 1:1250)



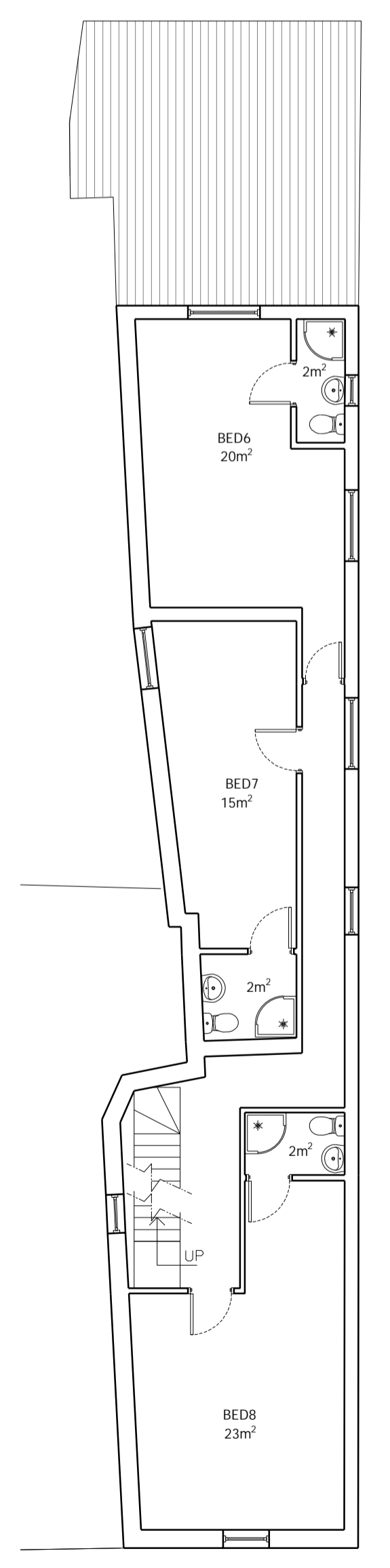
<p>UDDIN DESIGN BESPOKE BUILDING PLANNING 3 Moray Building, Holyhead Road Wolverhampton, West Midlands, WV10 7TY</p>	<p>Client: [REDACTED] 16 MARKET PLACE WEDNESBURY WEST MIDLANDS WS10 7AY</p>
	<p>Project: PROPOSED REAR EXTENSION AND INTERNAL CHANGES TO RETAIN RETAIL ON PART GROUND FLOOR AND CHANGE OF USE OF REMAINDER TO SHARED ACCOMMODATION</p>
<p>Drawing Number: 23/033/P01</p>	<p>Scale: 1:100(U)NO Date: 08/12/23 Revision: A</p>
<p>REV: CHANGES AS PER LA COMMENT DATE: 15/09/24 SHEET: 1 OFF 2</p>	<p>Drawn: SU Paper Size: A1</p>



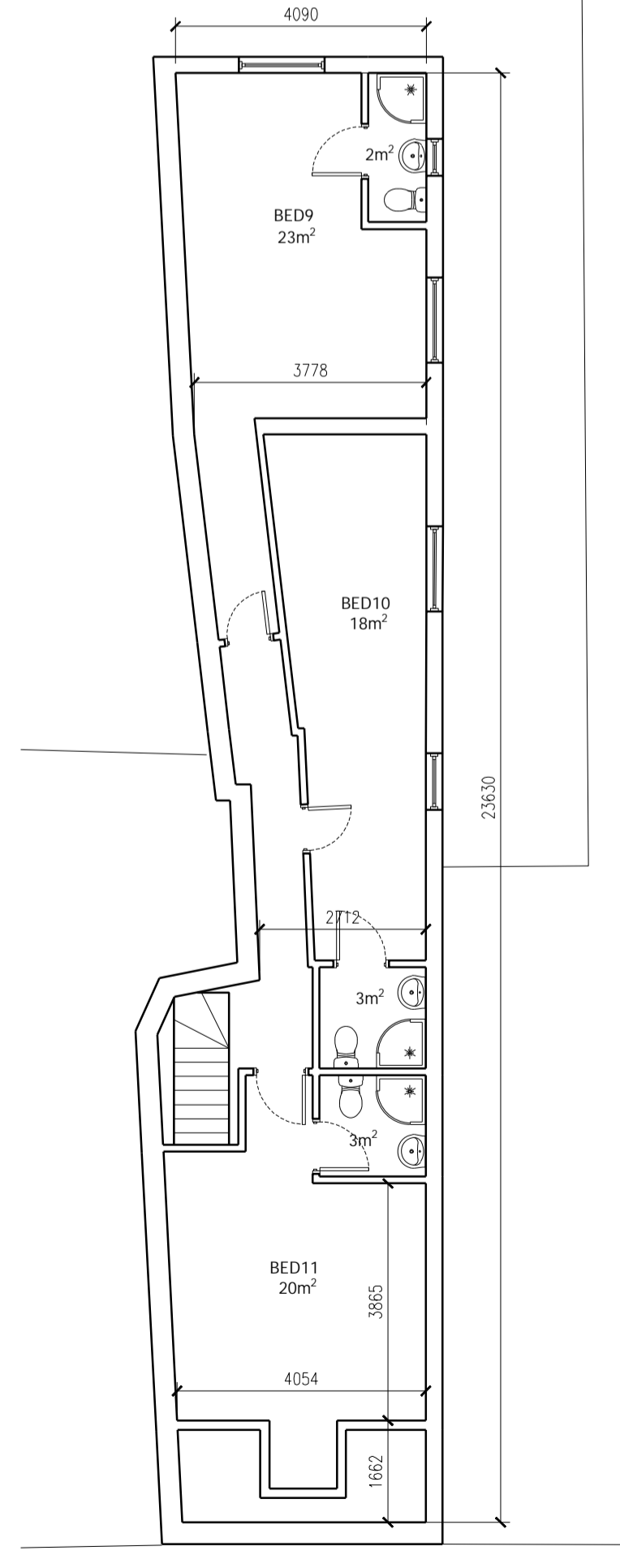
PROPOSED GROUND FLOOR PLAN
SCALE 1:100



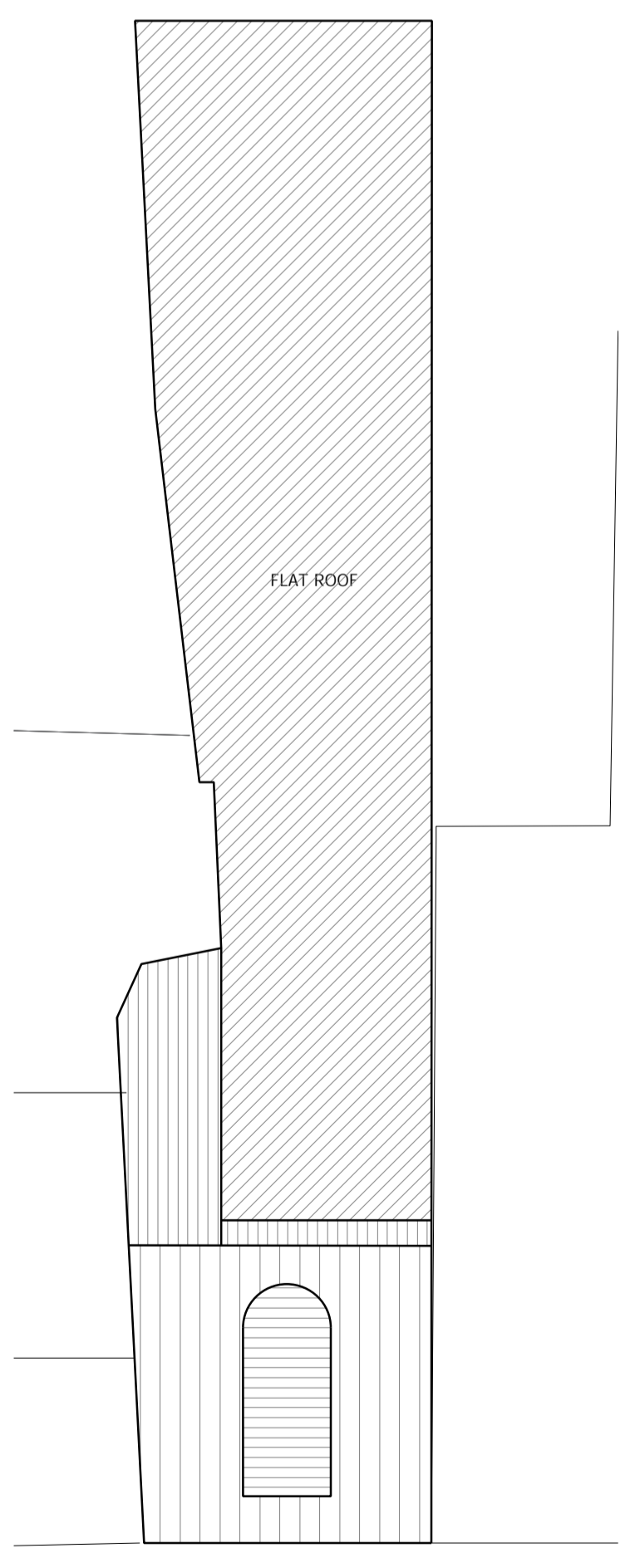
PROPOSED FIRST FLOOR PLAN
SCALE 1:100



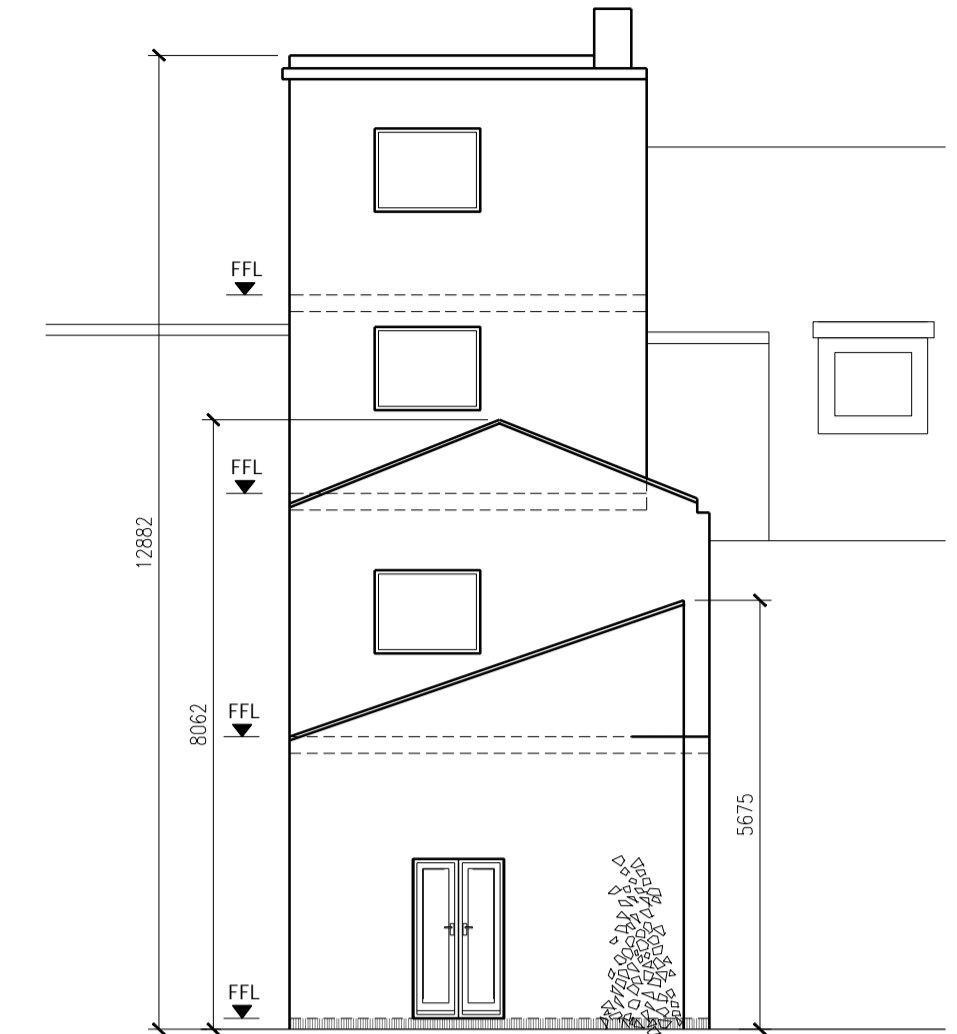
PROPOSED SECOND FLOOR PLAN
SCALE 1:100



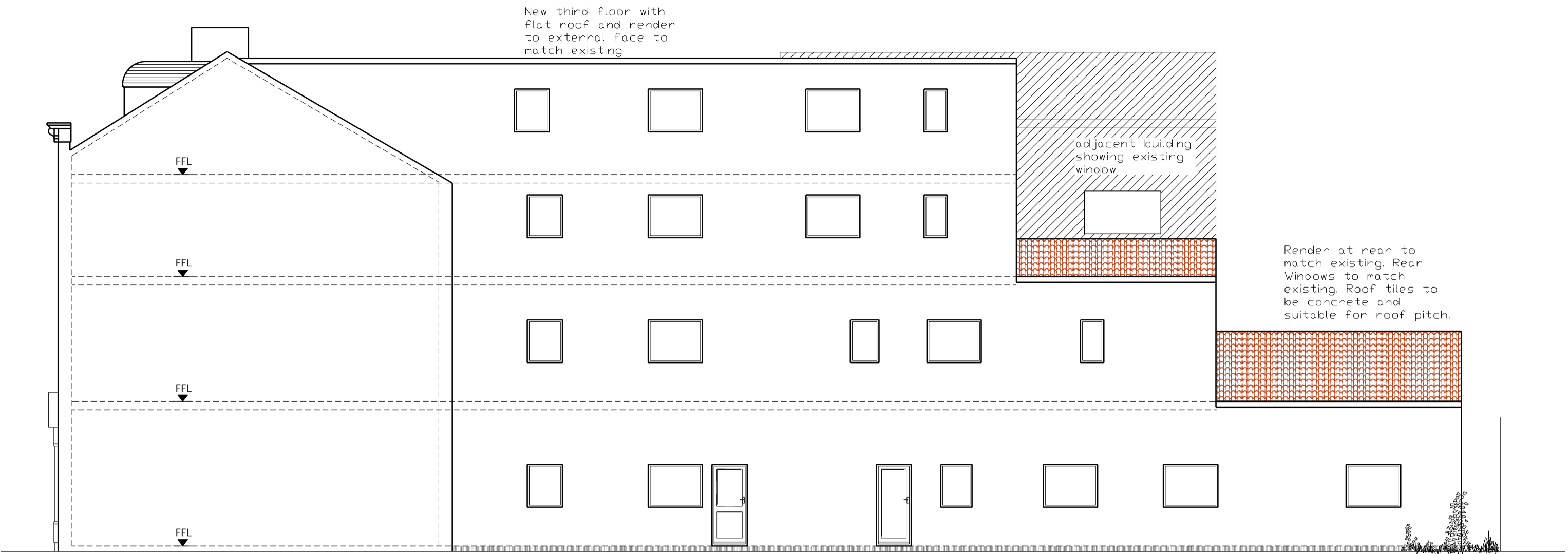
PROPOSED THIRD FLOOR PLAN
SCALE 1:100



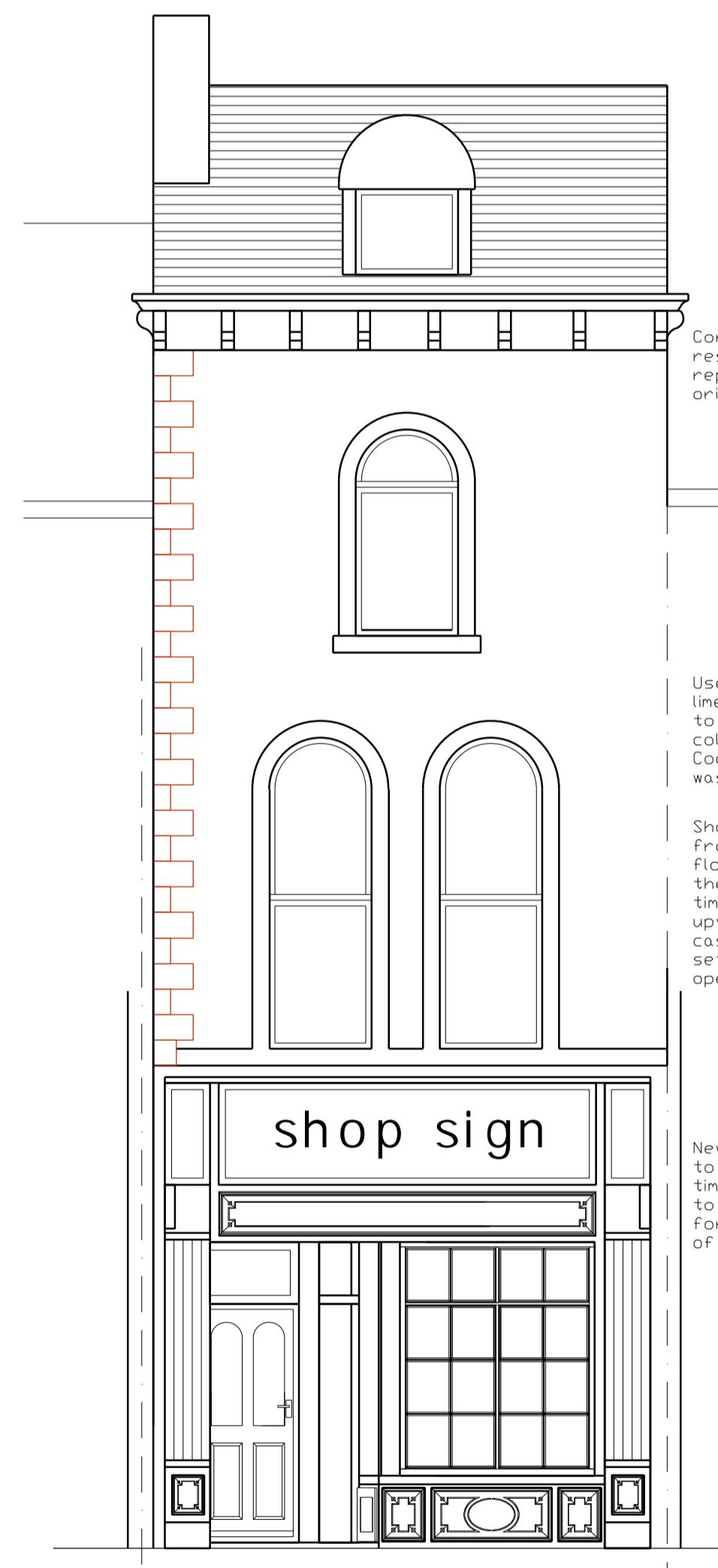
PROPOSED ROOF PLAN
SCALE 1:100



PROPOSED REAR ELEVATION
SCALE 1:100



PROPOSED SIDE ELEVATION
SCALE 1:100



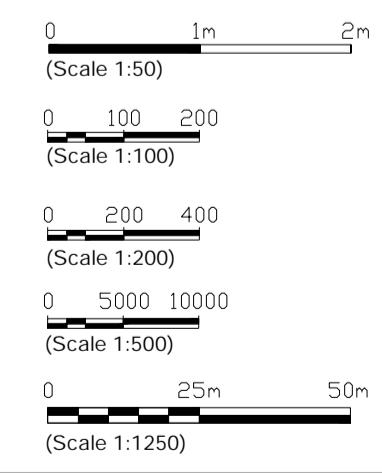
PROPOSED FRONT ELEVATION
SCALE 1:50

Cornice to be restored / replaced to original design.

Use traditional, soft line-based render and to match existing color and texture. Coat render with line wash.

Should Windows to Front elevation, First Floor be replaced then either use timber, aluminium or upvc with flush casement profiles and set back into openings.

New timber shop front to ground floor with timber backing board to be constructed for future lettering or signage.



		(Client) 16 MARKET PLACE WEDNESBURY WEST MIDLANDS WS10 7AY
UDDIN DESIGN BESPOKE BUILDING PLANNING 3 Morley Building, Holyhead Road Wednesbury, West Midlands, WS10 7PP		Project: PROPOSED REAR EXTENSION AND INTERNAL CHANGES TO RETAIN RETAIL ON PART GROUND FLOOR AND CHANGE OF USE OF REMAINDER TO SHARED ACCOMMODATION
Drawing Number: 23/033/P02	Scale: 1:100 (UNO)	Date: 08/12/23
Date: 15/09/24	Drawn: SU	Paper Size: A1
REV: CHANGES AS PER LA COMMENT DATE: 15/09/24	SHEET: 2 OFF 2	Revision: A

DC/24/69346

List of conditions

- i) Before the development is commenced (excluding site investigation, remediation or construction foundations) details of the materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved schedule of materials.
- ii) Before the development is commenced a desktop study will be undertaken to assess the risk of the potential for on-site contamination. If the desktop study identifies potential contamination, a further detailed site investigation will be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. Where necessary, details of remediation measures shall be provided. Details of the desktop study, site investigation and remediation measures shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. All works must conform to Land Contamination Risk Management (LCRM) 2020 (EA, 2020) methods and protocols and be carried out by a competent person:(<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>). In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and shall be submitted to and approved in writing by the local planning authority. Where remediation works have been carried out in pursuance with the preceding conditions, a post remediation report shall be submitted to and approved in writing by the local planning authority before the development is first occupied. The post remediation verification report should detail the remedial works undertaken and demonstrate their compliance. The report should be produced in accordance with Land Contamination Risk Management (LCRM) 2020 (EA, 2020).

- iii) Before the development is commenced, including any works of demolition or site preparation, a construction environmental management plan shall be submitted to and approved in writing by the local planning authority. The statement shall provide for: wheel washing facilities; measures to control the emission of dust and dirt during demolition and construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours. The approved construction method statement shall be adhered to throughout the construction period for the development.
- iv) Before the development is brought into use details of secure cycle parking within the development shall be submitted to and approved in writing by the local planning authority. The approved secure cycle parking shall be implemented before the development is first occupied or brought into use and thereafter retained.
- v) The approved waste storage shall be implemented before the development is first occupied or brought into use and thereafter retained.
- vi) The development hereby permitted shall not be occupied until details of security measures associated with the HMO, which include CCTV, controlled access to the building/rooms and security lighting, shall be submitted to and approved in writing by the local planning authority. Before the HMO is first occupied the approved security measures shall be implemented and retained in that form thereafter.