

Report to Planning Committee

27 November 2024

Application reference	DC/24/69198
Application address	Richmond House 116 Bloomfield Road Tipton DY4 9ES
Application description	Proposed new shop fronts, single storey rear extension, and a loft conversion with rear dormer to accommodate two retail units at ground floor, 9 room HMO on ground, first and second floors, and external alterations. (Previous application DC/23/68734).
Application received	7 March 2024
Ward	Tipton Green
Contact officer	Douglas Eardley douglas_eardley@sandwell.gov.uk

1. Recommendations

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

- i) External materials to match existing building;
- ii) Construction environmental management plan (CEMP);
- iii) Noise impact assessment;
- iv) Hours of construction work and no burning of waste materials on site;

- v) Site investigation and remediation;
- vi) Provision and retention of parking;
- vii) Provision and retention of waste storage;
- viii) Provision and retention of cycle storage;
- ix) External lighting scheme;
- x) Retention of communal areas;
- xi) To be used as an HMO only – not self-contained accommodation;
- xii) Single occupancy only;
- xiii) Details of roller shutters;
- xiv) Obscurely glazed and non-opening windows in north-eastern elevation of building at first and second floors,
- xv) Drainage, and
- xvi) Security measures to the entrances and rooms.

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 Council Plan?

Living in Sandwell	Improving the local environment with a focus on cleanliness, ensuring that the community takes pride in its surroundings. Safe and affordable homes.
Thriving Economy in Sandwell	The Sandwell Local Plan serves as the blueprint for future development, guiding housing and employment growth while ensuring new infrastructure investments like transport and schools. Good Homes, according with relevant policies to meet certain resident's needs and provides sustainable transport options.
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, are active participants in influencing change – through being listened to, their opinions are heard and valued.

4. Context

- 4.1 At its last meeting, committee resolved to visit the site. The application is being reported to Planning Committee as 7 objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[116 Bloomfield Road, Tipton](#)

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);
 - Planning History
 - Amenity concerns – loss of light, outlook and privacy;
 - Design concerns - out of character with the surrounding area and an overdevelopment of the site;
 - Highways considerations - traffic generation, highway safety and parking;
 - Environmental concerns – noise and general disturbance;
 - Anti-social behaviour

6. The Application Site

- 6.1 The application site is situated on the south-eastern side of Bloomfield Road, Tipton with residential properties immediately next to the site.
- 6.2 The existing building comprises predominantly of a two-storey property (with single storey additions to the side and rear) combining retail and residential use. There is a hard surfaced yard to the rear, which can be accessed by pedestrians/vehicles from Hipkins Street.

7. Planning History

- 7.1 Regarding the above planning history, the premises already has an established use for retail at ground floor, the most recent being a vape shop and this historic permission (ref: DC/18397) did not impose any restrictions on opening hours for retail at ground floor.
- 7.2 Relevant planning applications are as follows:

DC/23/68734	Proposed 3 No. shops on ground floor, single and two storey rear extension and loft conversion to create 10-bedroom HMO.	Withdrawn – 19.01.2024.
DC/15/58477	Proposed change of use from shop to day nursery.	Withdrawn – 09.09.2015.
DC/32104	Part demolition of frontage wall and replacement with decorative fencing.	Grant Permission – 23.02.1996.
DC/31906	First floor residential and office and ground floor showroom and workshop.	NR – 09.11.1995.
DC/30809	Change of use to private day nursery.	Grant Permission Subject to Conditions – 05.10.1994.

DC/21542	Retention of refurbishment, alterations and extensions to existing offices.	Grant Retrospective Permission – 02.06.1987.
DC/18397	Change of use from residential /retail to residential/retail, wholesale & embroidery (machine).	Grant Permission Subject to Conditions – 22.01.1985.
DC/14459	Motorcycle showroom, accessories and offices.	Grant Permission Subject to Conditions – 22.04.1982.
DC/14154	Use of ground floor for display & sale of motorcycles & accessories. 1st floor offices.	Refuse Permission – 22.11.1981.
DC/07927	Timber Store with Caretakers flat over together with amenity space and car garaging space.	Grant Permission Subject to Conditions – 25.10.1978.

8. Application Details

- 8.1 Originally the application was for 'Proposed new shop fronts, single storey side extension, two storey rear extension, and a loft conversion with rear dormer to accommodate three retail units at ground floor, 12 room HMO on ground, first and second floors, and external alterations.
- 8.2 Amended plans have been received which removes the new retail unit, ground floor side extension, first floor rear extension and reduces the number of HMO rooms to 9 in total.
- 8.2 The proposed 2 retail units would be at ground floor level and given that the additional retail unit (ground floor side extension) has been removed

the subdivision of the existing retail unit does not in itself require planning permission only the new shop fronts require consent.

- 8.2 The proposed 9-bedroom HMO would be part ground, first and second floor levels. The amended scheme complies with regulations in terms of room sizes (single occupancy) and facilities (kitchens, lounges etc) serving the HMO.
- 8.3 Seven parking spaces (4 HMO spaces and 3 retail spaces) would be provided to the rear of the property along with waste and cycle storage.

9. Publicity

- 9.1 The application has been publicised by 24 neighbour notification letters and by site notices. A total of seven objections and one in support have been received to the original and amended schemes.
- 9.2 Objections have been received on the following grounds:
- i) Building works have already started on site before a decision has been made;
 - ii) Highways – No off street parking has been provided, which would lead to highway issues from the shops and HMO;
 - iii) The proposal would be out of character with the surrounding area and an overdevelopment of the site;
 - iv) Loss of light;
 - v) Loss of outlook;
 - vi) Loss of privacy;
 - vii) Noise; and
 - viii) Anti-social behaviour.

Non-material objections have been raised regarding loss of property value.

The one letter of support states that they have no problem with the proposal to provide new shops.

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

10. Consultee responses

10.1 Planning Policy

The officer raises no significant concerns with the amended proposal.

10.2 Highways

Following the receipt of satisfactory amended plans to show parking for the proposal, Highways has no objections.

10.3 Housing Standards Team

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

10.4 Pollution Control (Contaminated Land)

The officer has raised no objection subject to standard site investigation and remediation conditions.

10.5 Pollution Control (Noise and Air Pollution)

The officer has raised no objection subject to conditions requiring a noise impact assessment, hours of construction work (no burning of waste materials on site) and a construction environmental management plan.

10.6 Pollution Control (Air Quality)

The officer has raised no objection subject to a condition requiring a construction environmental management plan. They have also requested a condition pertaining to Low Nox Boilers; however, this would be satisfied at the Building Control stage.

10.7 Strategic Transport & Planning

The officer has no comments on the amended proposal.

10.8 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.

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. It considered that the scheme with the reduction of the rear first floor extension/number of rooms for the HMO and parking provision to the rear now achieves this.

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. The scheme provides adequate parking and cycle storage provision, and the Councils Highways raises no objection.

12. Development Plan Policy

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

Black Country Core Strategy (BCCS)

DEL1: Infrastructure Provision
HOU1: Sustainable Housing Growth
HOU2: Housing Density, Type and Accessibility
TRAN2: Managing Transport Impacts of New Development
TRAN4: Creating coherent Networks for Cycling and Walking
ENV3: Design Quality
ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
ENV8: Air Quality
CEN6: Meeting Local Needs for Shopping and Services
CEN7: Controlling Out-of-Centre Development

Site Allocations and Delivery Development Plan Document – (SADD)

SAD EOS9: Urban Design Principles
SAD H2 - Housing Windfalls
SAD DC6 - Contaminants, Ground Instability, Mining Legacy
SAD DM8 – Design and Installation of Shop Front Roller Shutters

- 12.2 DEL1 refers to providing suitable on site infrastructure provision. In this instance the scheme provides a parking area, bins and cycle stores which support other policies with the core strategy.
- 12.3 HOU1 requires the local planning authority to deliver 63,000 homes upto 2026, at present there is a housing shortfall and hence the introduction of this HMO would create additional homes for residents.
- 12.4 HOU2 refers to providing a range of types of accommodation. In the instance of this locality, the immediate area has a range of house types, it is considered that an HMO would contribute to the existing range of accommodation in the area.
- 12.5 TRAN2 refers to ensuring that new developments do not have significant transport implications; the amended proposal now provides parking for the proposal, which the Councils Highways team is satisfied with.

- 12.6 TRAN4 encourages development to introduce sustainable travel. In this instance a secure bike storage area has been provided and the development site is well located to public transport routes.
- 12.7 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered to be acceptable, therefore, the proposed development is considered to have met the policy guidance set out in BCCS Policy ENV3 and SAD Policy EOS9.
- 12.8 ENV5 considers the need to minimise flood risk etc and the imposition of a drainage condition as part of the recommendation would assist in mitigating against this.
- 12.9 ENV8 and the Black Country Air Quality SPD considers the need to minimise the impacts of air quality and recommends mitigation measures for minor development. In this instance this is a construction environmental management plan. This would be conditioned as part of the recommendation.
- 12.10 CEN6 ensures that existing facilities that meet day-to-day needs will not be undermined by new retail proposals. With the removal of the proposed new retail unit, the amended scheme is considered to have met the policy guidance set out in BCCS Policy CEN6.
- 12.11 CEN7 ensures that there is a clear presumption in favour of focusing development in centres. With the removal of the proposed new retail unit, the amended scheme is considered to have met the policy guidance set out in BCCS Policy CEN7.
- 12.12 SAD H2 refers to new developments being on brownfield land and compatible with other policies, of which the proposal is compliant.
- 12.13 SAD DC6 confirms that conditions will be used to ensure that the relevant and necessary information relating to ground conditions and remediation measures are fully addressed. In this instance this is site

investigation and remediation, which would be conditioned as part of the recommendation.

12.14 SAD DM8 ensures the design and Installation of satisfactory shop front roller shutters, and this would be conditioned as part of the recommendation.

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

Given that the new retail unit has been removed and now only intends to subdivide the existing retail unit into two retail units, the retail use does not require permission. As referred to in 7.1 above, the use has established retail use at ground floor with no hours of use conditioned. Therefore, conditions restricting opening hours/use to the existing retail/subdivided retail units cannot be imposed.

13.3 Amenity concerns – loss of light, outlook and privacy:

Originally the proposal consisted of a two-storey rear extension, which in my opinion would have affected the amenity of neighbouring residential properties by way of loss of light in particular. Amended plans now reduce this to single storey. Furthermore, to safeguard the privacy of neighbouring residential properties, a condition is recommended that all windows in the side elevation of the building at first and second floor level (see extract below) are obscurely glazed and non-opening. When the above is coupled together it is considered that there would not be significant grounds to warrant refusal on loss of light, outlook and privacy grounds.



13.3 Design concerns - out of character with the surrounding area and an overdevelopment of the site:

It is noted that the existing building comprises of retail and residential uses. Also, as referred to above, the original proposal included a two-storey rear extension and a 12 room HMO; the amended proposal has reduced the rear extension to single storey, removed the single storey side/new retail unit and reduced number of HMO rooms to 9 within. Furthermore, a condition is recommended that the rooms will be single occupancy only. Parking provision is also proposed to the rear of the site, which the Councils Highways team is satisfied with. Given the above, it is considered that the amended proposal would not be out of character with the surrounding area and would not constitute an overdevelopment of the site.

13.4 Highways considerations - traffic generation, highway safety and parking:

As indicated above, the proposal now provides parking to the rear of the premises for both the 9 room HMO (4 parking spaces) and 2 retail units (3 parking spaces). The Councils Highways team has no objection to the amended scheme and conditions are recommended to ensure that the parking to the rear of the site is provided and retained. When the above is coupled together it is considered that there would not be significant grounds to warrant refusal on highway grounds.

13.5 Environmental concerns – noise and general disturbance:

Objections have been raised on the basis that building works have already started on site. Subsequently, I have contacted the Agent on this matter and advised them that if the building works on site are associated to this pending proposal, the building works should cease with immediate effect. Following a site visit to the site in September 2024 no building works were being undertaken on site.

Turning to concerns about noise and general disturbance, it is noted that the Councils Pollution Control team have no objection subject to the conditions which would control the management of the construction work to reduce nuisance to neighbours. As such these conditions are included in the recommendation.

13.6 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. Also, the West Midlands Police has raised no objection subject to conditions relating to security and lighting which are included in the recommendation.

13.7 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 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.

17. Appendices

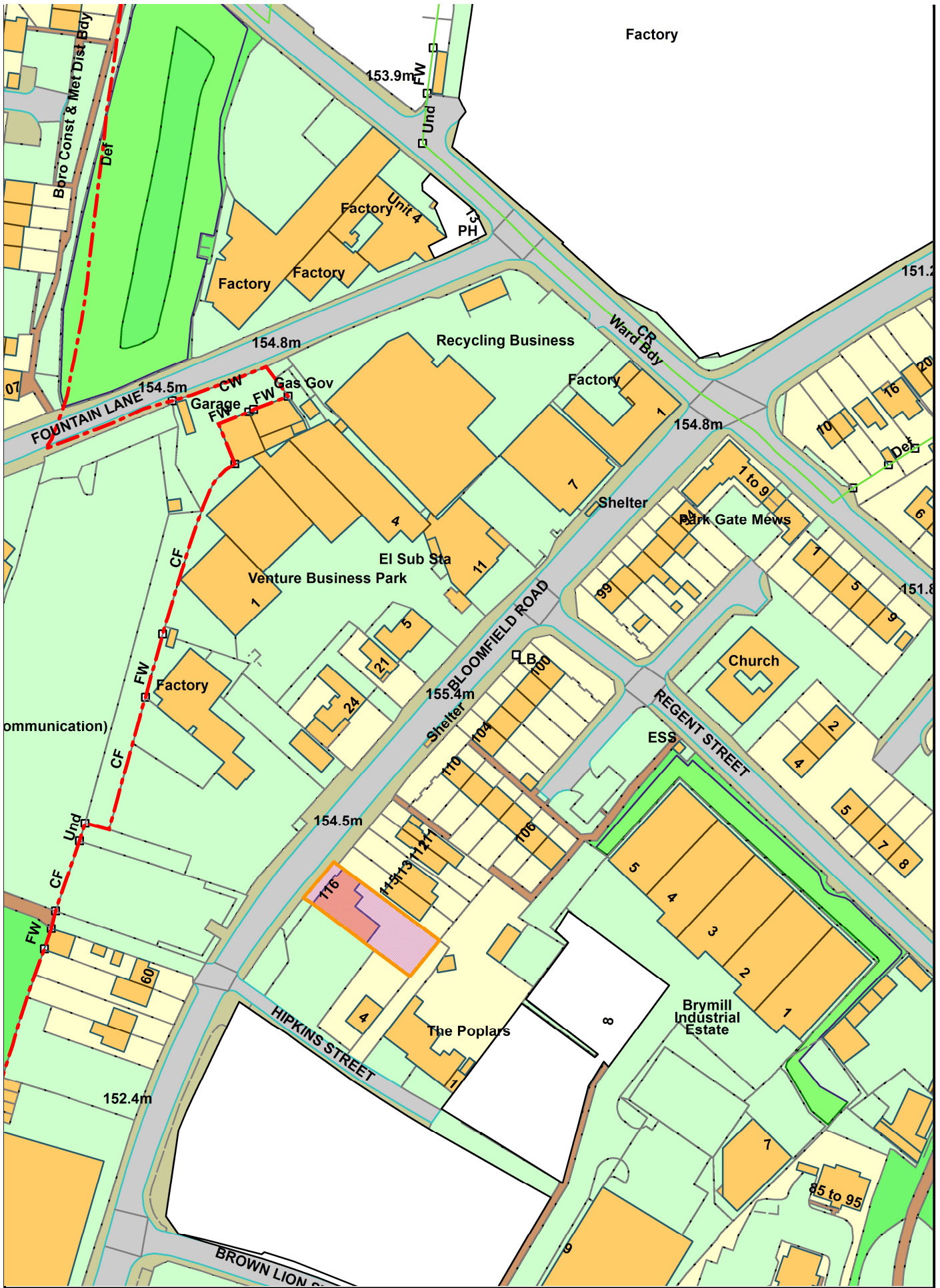
17.1 Plans for consideration

Context plan

Location Plan: 24.693 P00 REV F

Floor Plan – Proposed: 24.693 P03 REV F

Elevation Plans – Proposed: 24.693 P04 REV C





Rev	Date	Description
A	17/05/24	AMENDMENTS BASED ON CLIENTS COMMENTS
B	23/05/24	CLIENTS AMENDMENTS
C	05/06/24	REVISED PARKING AREA
D	13/06/24	REVISED PARKING AREA
E	20/06/24	REVISED PARKING AREA
F	05/11/24	EXISTING GARAGE HAS BEEN TAKEN OUT



Location Plan

Scale 1:1250

Client have been that all the work in relation to a party will be dealt with prior starting any work on site.

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All dimensions are to be checked on site prior to construction.

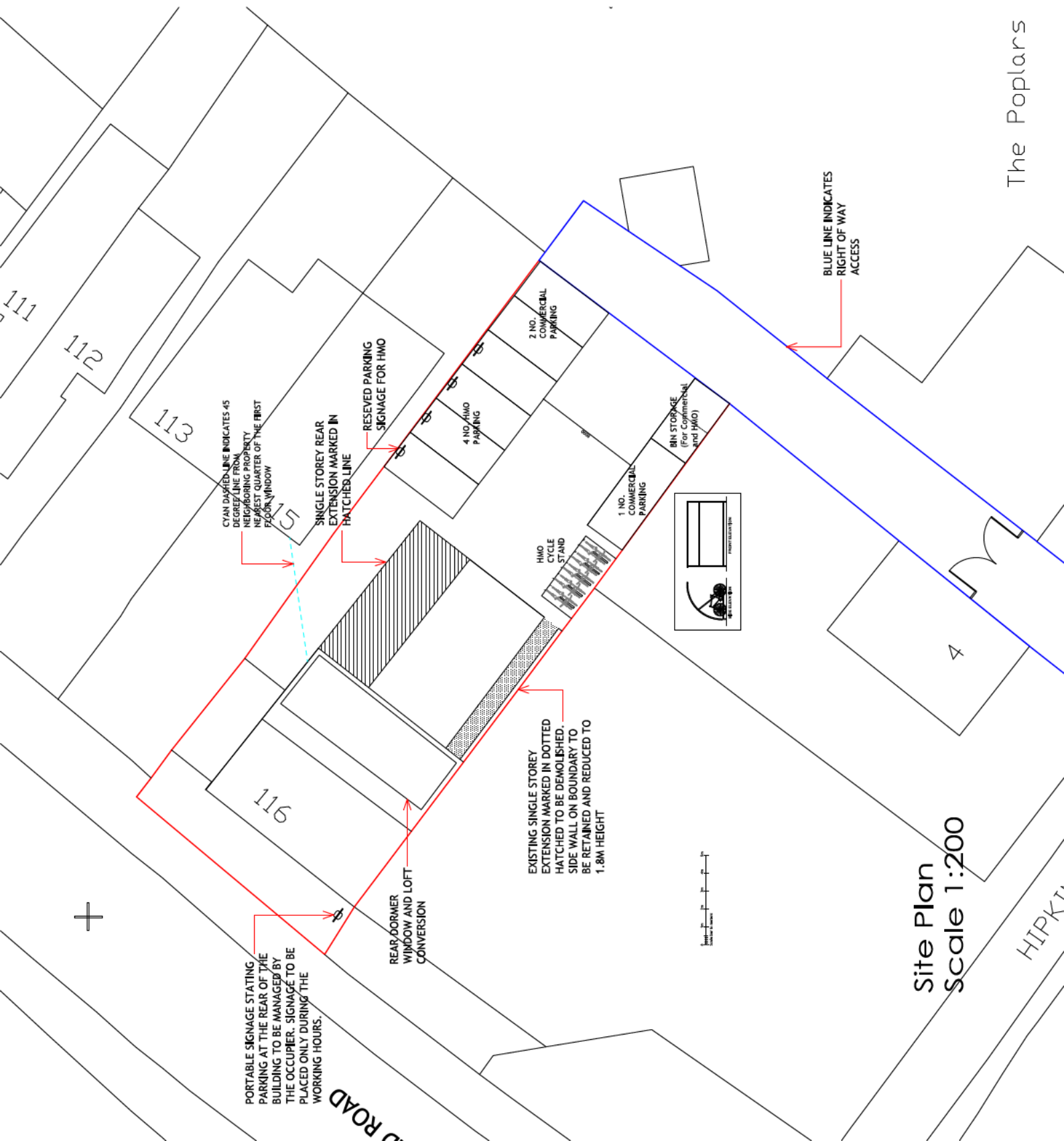


Change of Use Commercial Development

Project : 116 Bloomfield Rd, N1 6JG, DV4 9ES

Dwg. Title: Proposed Site and Location Plan

Dwg. No.: 24.693 P00 Rev F
 Scale: 1:7200, 1:250
 Date: 22/01/2024
 Drawn by: BK
 Checked by: AS

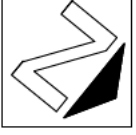


Site Plan

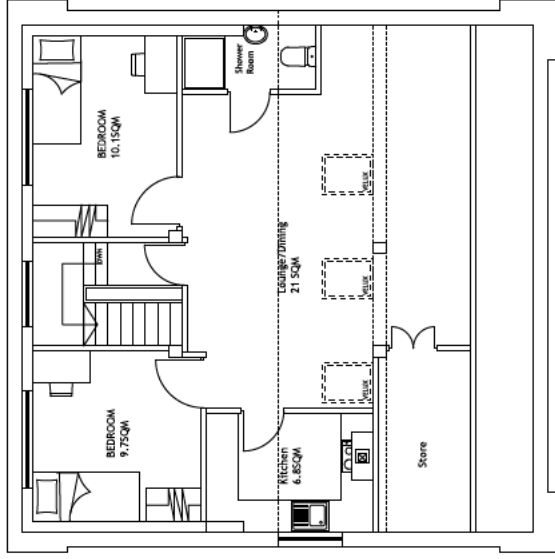
Scale 1:200

The Poplars

HIPKIN ROAD



Rev	Date	Description
A	17/02/24	AMENDMENTS BASED ON CLIENTS COMMENTS
B	23/05/24	CLIENTS AMENDMENTS
C	23/05/24	RECTIFYING ERROR
D	20/06/24	RECTIFYING ERROR
E	06/09/24	RECTIFYING ERROR
F	05/11/24	DESIGN AMENDMENTS AND THE GARAGE HAS BEEN TAKEN OUT AND REDUCE THE NUMBER OF TOTAL UNITS FROM 103 TO 102.



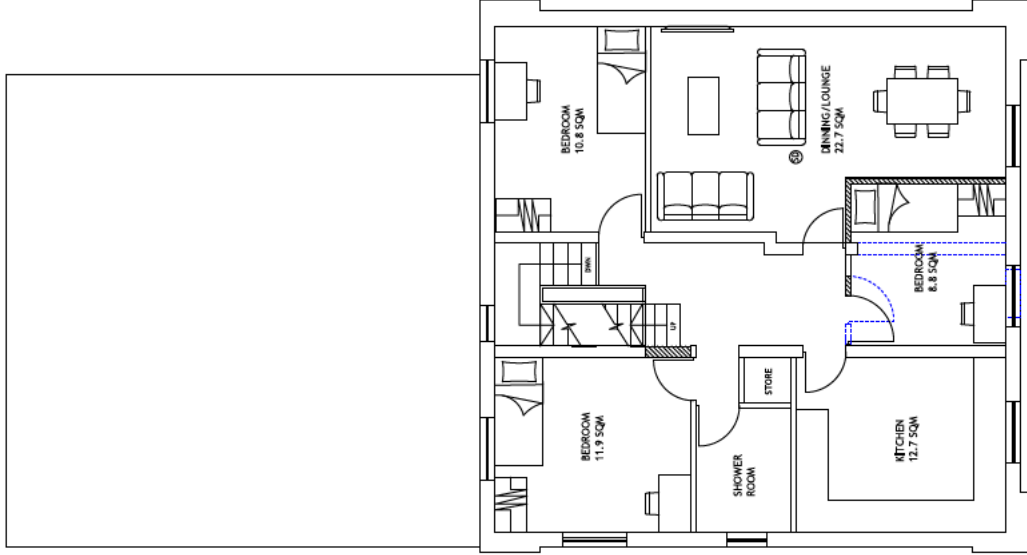
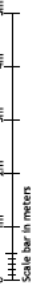
PROPOSED SECOND FLOOR PLANS

Client have been that all the work in relation to party walls to be dealt with prior starting any work onsite.
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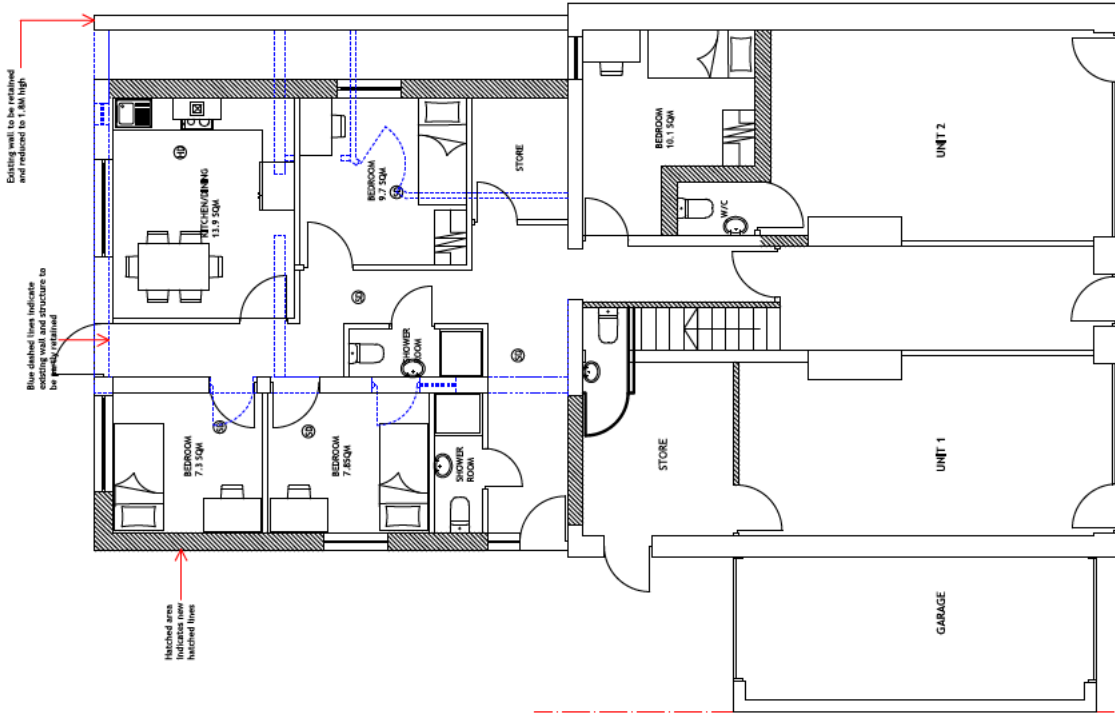


Project : Change of use Commercial Development
 Project Address : 116 Bloomfield Rd, DV4 9ES

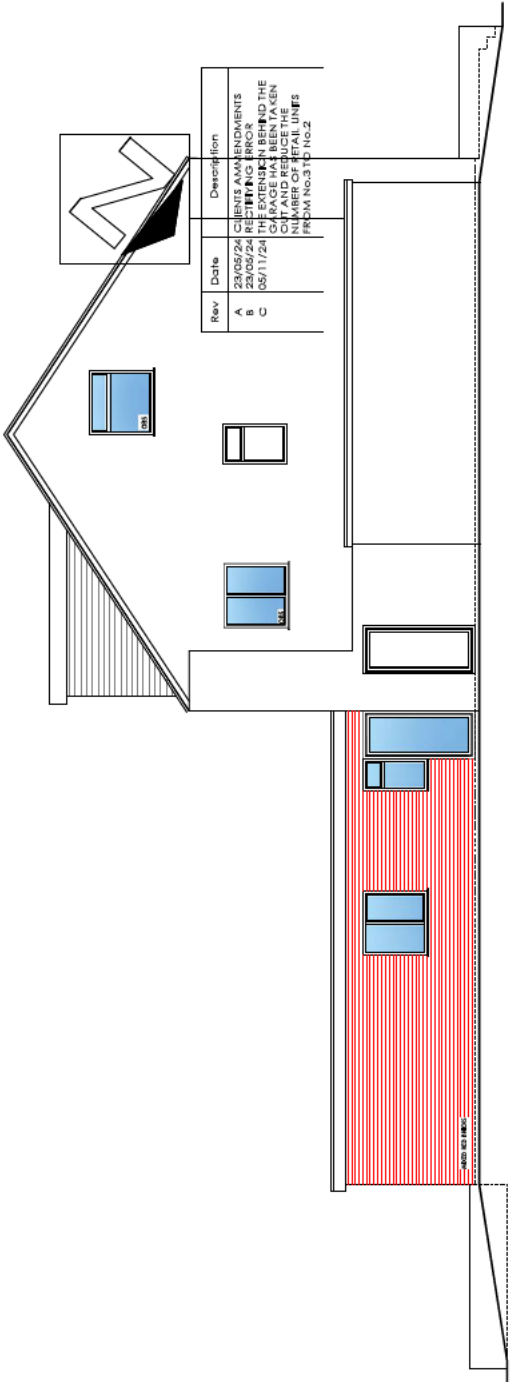
Dwg. Title: Proposed floor plans
 Dwg. No.: 24.493 103 Rev F
 Scale: 1/100@ A3
 Date: 22/01/2024
 Drawn by: BK



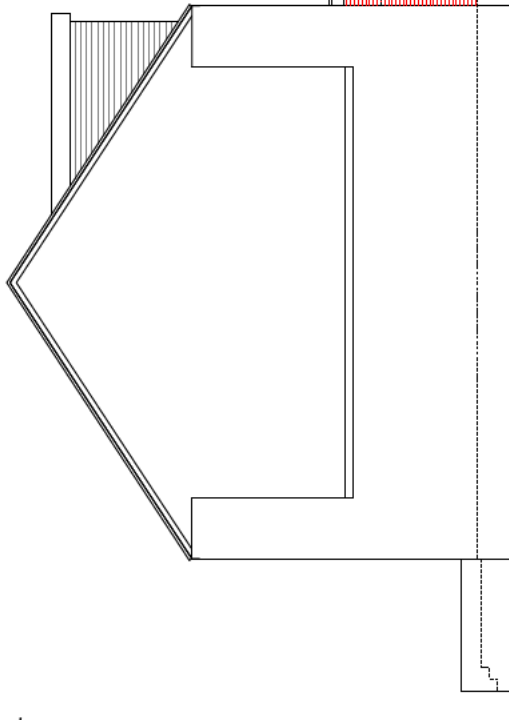
PROPOSED FIRST FLOOR PLANS



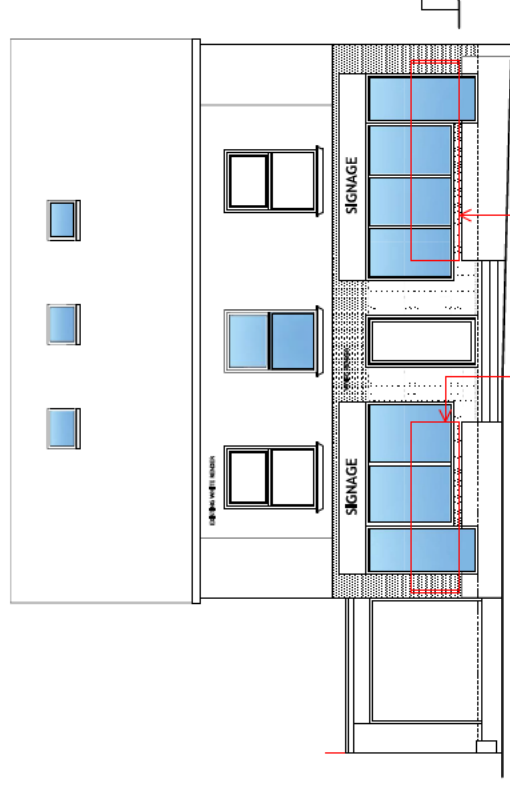
PROPOSED GROUND FLOOR PLANS



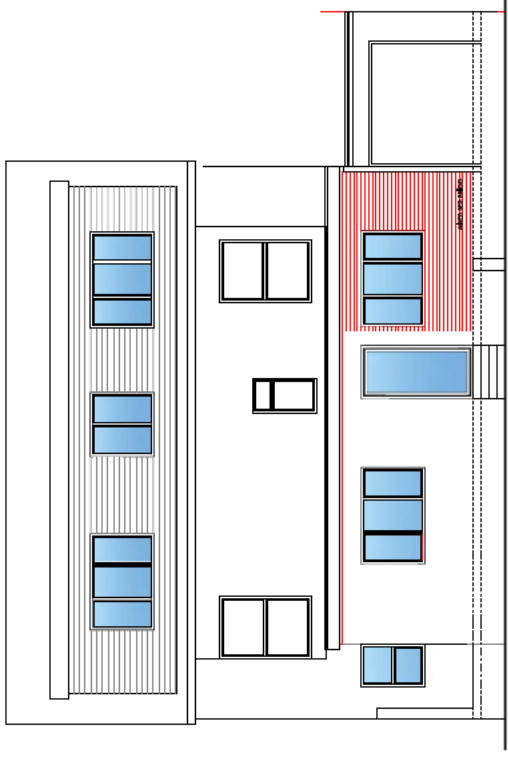
PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



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Change of Use Commercial Development
Project :
Project Address : 116 Bloomfield Rd,
Birmingham, B15 2JF
DY4 9ES

Dwg. Title: Proposed Elevations

Dwg. No.: 24.693 PO4 Rev. C	Drawn by: BK
Scale: 1/ 100@ A3	Date: 22/01/2024