

<b>Council/Committee:</b>	Planning Committee
<b>Date of Meeting</b>	26 November 2025
<b>Application Reference</b>	DC/25/70359
<b>Application Description</b>	Proposed change of use at ground floor rear and first floor from residential to 11 No. bedroom HMO with loft conversion and first floor rear/ side extension.
<b>Application Received</b>	05 March 2025.
<b>Application Address</b>	
<b>Report Author</b>	Mr Andrew Dean <a href="mailto:andrew_dean@sandwell.gov.uk">andrew_dean@sandwell.gov.uk</a>
<b>Lead Officer</b>	Tammy Stokes
<b>Ward</b>	Soho & Victoria
<b>Appendices (if any)</b>	1. 1 2. CA-542-03 REV D 3. CA-542-02 REV F

## 1. Application Summary

- 1.1 The application is being reported to Planning Committee because eight material planning objections have been received.
- 1.2 To assist members with site context, a link to Google Maps is provided below:
- [277 - 279 High Street, Smethwick](#)

## 2. Recommendations

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

- i) External materials to match the existing;
- ii) Noise assessment and mitigation measures;
- iii) Parking laid out and retained;
- iv) Construction Management Plan;
- v) Details of external lighting;
- vi) Details of separate commercial and residential waste storage & implementation thereafter;
- vii) Cycle storage details;

- viii) Privacy glazing scheme for bedroom windows 4 and 5;
- ix) Security measures;
- x) Communal areas to be retained.

### **3. Reasons for the recommendation and conditions**

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.

### **4. Key Considerations**

**4.1** The site is not allocated in the development plan.

**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);
- 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;
- Design;
- Planning balance.
- Anti-social behaviour.

### **5. The Application Site**

**5.1** The application relates to a two-storey commercial premise located on the eastern side of High Street, Smethwick. The property falls within a local centre allocation and within the High Street and Crockett's Lane Conservation Area. The area to the front is commercial in nature, with residential properties located to the rear on Victoria Avenue. The commercial unit on the ground floor, fronting onto High Street, is occupied by an opticians, with two existing flats located on the first floor.

### **5.2 Planning History**

There is no relevant planning history for this application site.

## **6. Application Details**

- 6.1** The applicant is proposing a change of use at the ground floor rear and first floor levels from residential to an 11-bedroom House in Multiple Occupation (HMO), including a loft conversion and a first-floor rear/side extension. The proposed first-floor rear and side extension would measure approximately 14.8 metres in length, with a maximum width of 5.7 metres and an overall height of 7.5 metres (6 metres to the eaves).

The proposed HMO accommodation would comprise the following:

### **Ground Floor**

- Room 1 – 11.5 m<sup>2</sup>
- Room 2 – 12.2 m<sup>2</sup>
- Room 3 – 10.4 m<sup>2</sup>
- One shared bathroom
- Internal storage for cycles and bins

### **First Floor**

- Room 4 – 14.2 m<sup>2</sup> (with ensuite)
- Room 5 – 12.7 m<sup>2</sup> (with ensuite)
- Room 6 – 12.1 m<sup>2</sup>
- Room 7 – 12.4 m<sup>2</sup>
- Room 8 – 12.2 m<sup>2</sup> (with ensuite)
- Room 9 – 14.1 m<sup>2</sup>
- Two shared kitchens (measuring 25.2 m<sup>2</sup> and 6.8 m<sup>2</sup>)
- One shared bathroom and a separate toilet with basin

### **Second Floor**

- Room 10 – 14.1 m<sup>2</sup>
- Room 11 – 13.0 m<sup>2</sup>

- 6.2** The application has been subject to significant amendments from the originally proposed scheme, which sought the change of use of the ground and first floors, together with the erection of two-storey side and first-floor rear extensions, and the raising of the roof height to create a new second floor with four side dormer windows, to facilitate a 20-bedroom House in Multiple Occupation (HMO).

## **7. Publicity**

The application has been publicised through 87 neighbour notification letters, a site notice, and consultation with local ward members. A total of eight

objections has been received, including one from Councillor Mulfilhi. The objections are summarised as follows:

- a. Loss of light
- b. Overlooking/ loss of privacy.
- c. The minimum required separation distance between neighbours at the rear has not been met.
- d. Parking issues. Access to the parking area is via a narrow, unpaved alleyway.
- e. Issues with bins, fly tipping and vermin in the surrounding area.
- f. Lack of information regarding the type of people who would be housed in the HMO (private individuals, or residents referred through an agency).
- g. Design. The HMO would provide a poor standard of living including poorly designed shared spaces, over intensification, lack of natural light, waste management, entrance points do not face on to the main frontage, no external amenity space and failure to comply with minimum HMO standards.
- h. Noise and disturbance caused by increased comings and goings of residents.
- i. BNG, the proposal would not be exempt from BNG because the development would not be a self-build.
- j. Issues with regards to an access to a flat above the existing shop and the applicant parking a vehicle blocking access to a staircase to a flat.
- k. Drainage issues with drains being blocked.

Objectors have been re-consulted on both sets of amended plans with similar objections being received.

## **8. Consultee Responses**

- 8.1** Highways – No objection on the basis of the reduction in units and the sustainable location.
- 8.2** Public Health (noise) – No objection subject to conditions for a noise assessment with mitigation measures and a construction management plan.
- 8.3** Public Health (air quality) – No objection subject to a condition for a construction management plan with dust control measures.
- 8.4** Conservation Officer – Concerns raised with regards to the original scale of the proposal and its block like appearance with flat roof. The amended proposal to reduce the scale and massing of the extension as well as included a pitched roof has addressed these concerns.

**8.4** Canal and River Trust – No comment.

**8.6** West Midlands Police – No objection to the amended proposal. However, concerns raised with regards to the location of the car park in terms of security.

## **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.

#### 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.

### **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.

DEL1 – Infrastructure Provision – The development is liable for the community infrastructure levy which will support infrastructure and community projects in the borough.

HOU1 – Delivering Sustainable Housing Growth and HOU2 – Housing Density, Type and Accessibility - The proposal meets the requirements in that it proposes a type of accommodation which would be accessible by sustainable transport to residential services. The proposal would also achieve good quality design with minimal amenity impact.

TRAN4 - Creating Coherent Networks for Cycling and for Walking – Occupants of HMOs are less likely to own a vehicle, and secure cycle

provision is proposed within the site. Compliance with this policy can be ensured by a relevant condition.

ENV3 – Design Quality - refers to well-designed schemes that provide quality living environments. The amended proposed layout and extension design are considered to be acceptable.

CEN5 – District and Local Centre – The proposal is compliant with this policy as it would retain the commercial use on the ground floor frontage facing on to High Street and the local centre.

### **Site Allocations and Delivery Development Plan Document – (SADD)**

SAD CEN1 – The proposal would not detrimentally impact on the ground floor frontage of the unit, which would remain as commercial.

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

SAD HE2 – Conservation Areas – seeks high-quality design for extensions within Conservation Areas that respect the scale, architectural design, and materials of the existing building. The existing property comprises a number of ad hoc extensions with the original proposal being considered overly intensive and would have appeared block-like in this unusually prominent backland location. The amended proposal has reduced the overall scale and improved the design of the proposed extensions, with only a first-floor extension now proposed between the rear elevation and the existing two-storey rear extension. The inclusion of a pitched roof and gable-end design would help the extension assimilate with the existing building. On the basis of the amended plans, it is considered that the proposed extension would not cause harm to the character or appearance of the Conservation Area.

## **10. Material Considerations**

### **10.1 Amenity Concerns**

The amended development would not result in any significant loss of privacy or light to neighbouring properties, due to its orientation and revised design. The previously proposed second-floor extension, dormer windows, and two-storey side extension have all been removed from the current application.

A first-floor infill extension is retained as part of the proposal; however, this is separated from the properties to the rear by an existing two-storey rear extension, which currently contains a flat with habitable room windows on the rear elevation. The proposal would convert this flat into a kitchen serving the

HMO, which is considered to result in no greater impact than the existing arrangement.

In relation to the adjacent property, although originally approved as storage for the adjacent shop in 2016, it appears that the first floor has since been converted into a residential unit, likely under permitted development rights applicable at that time. This property includes a rear-facing window, but no direct sunlight would be lost due to the application property being located directly to the north. Furthermore, the outlook from this window is already limited by the existing historic two-storey rear extension on the applicant's property. In terms of privacy, two windows serving bedrooms 4 and 5 would be located on the side elevation in view of the neighbour's window. To safeguard the privacy of the adjacent flat, a condition is recommended requiring the submission and approval of a privacy glazing scheme.

## **10.2 Highways considerations**

The Highways Officer has reviewed the application and raised no objections. The property is located within a local centre and benefits from sustainable transport links and HMO private vehicle usage is typically lower than other types of residential accommodation. A condition has been included in the recommendation to ensure that the parking area is properly laid out and retained for its intended use.

## **10.3 Environmental concerns**

Public Health have reviewed the application and raised no objections. Given that the proposal relates to a commercial premises within a local centre, surrounded by other commercial uses with residential accommodation above, it is not considered that any noise associated with comings and goings would be significant enough to warrant refusal of the application. Furthermore, it is noted that a direct, gated access from High Street to the entrance of the proposed HMO (current access to the existing flats) is present reducing the requirement for residents to use the rear access from Victoria Avenue. Further bin storage details have been shown on plan however, a condition has been included within the recommendation requiring details of bin storage to be submitted to and approved by the Local Planning Authority.

## **10.4 Design**

The proposal has been significantly amended and reduced in scale and design from the original proposal which was seeking approval of an out of scale and over intensive proposal. In terms of the amended proposal, as no separate living room is provided, the bedrooms are limited to single occupancy only, all exceeding the minimum 10 m<sup>2</sup> requirement of internal floor space. To increase access to natural light, roof lights have been added

to 3 bedrooms and the smaller kitchen area. Two first-floor kitchens would provide with adequate space for three complete sets of facilities, while two separate bathrooms, along with a separate toilet and wash basin, meet the Council's amenity standards and provide a suitable living environment for residents. The amended extension is considered acceptable in terms of design, appearance and scale. The proposal is for a first-floor extension only and would not block access to neighbouring properties. The two existing flats above the retail premises would be replaced by the proposed HMO. It should also be noted that the proposal would require a mandatory licence.

### **10.5 Anti-social behaviour**

While objectors have raised concerns regarding anti-social behaviour and the type of residents who would occupy the property, this issue largely depends on the responsible management of the premises, with some matters being addressable under an HMO licence. The applicant has stated that a management company or responsible individual would be appointed to oversee the day-to-day operation of the property. Tenants would undergo identity checks and referencing prior to occupation and would be provided with a clear code of conduct.

### **10.6 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.

### **10.7 Other Matters – Biodiversity Net Gain**

The objector is correct in that the applicant would not receive relief from Biodiversity Net Gain for self-build, as the proposal is not a self-build property. However, as the amended proposal involves a first-floor extension only and the car parking area is already hardstanding, the development would be exempt under the regulations, as no onsite habitat would be lost as a result of the proposal.

## **10 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**

None.

## **14. Background Documents**

None.

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

- a. 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. (new residential accommodation)

***To be completed if you do not need an Equality Impact Assessment. (I do not consider that planning applications would require this, the only factor when it may be applicable would be if it provides additional accommodation for an individual with disabilities.***

## **Relevance Check**

**Budget Reduction/Service Area:**

**Service Lead – Tammy Stokes**

**Date: 11 November 2025**

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