

Meeting of the Planning Committee

Monday 25th March 2024 at 6.00pm

In the Council Chamber, The Council House, Dudley

Agenda - Public Session

(Meeting open to the public and press)

1. Chair's Announcement.

Let me first inform you that this is a Committee Meeting of the Council, members of the public are here to observe the proceedings and should not make contributions to the decision-making process.

Applications are taken in numerical order with any site visit reports first, followed by applications with public speaking, then the remainder of the agenda. Officers have explained the public speaking procedures with all those present who are addressing the committee. Will speakers please make sure that they do not over-run their 3 minutes.

There will be no questioning by Members of objectors, applicants or agents, who will not be able to speak again.

All those attending this Committee should be aware that additional papers known as the "Pre-Committee Notes" are available to view on the Council's Committee Management Information System (CMIS). These contain amendments, additional representations received, etc, and should be read in conjunction with the main agenda to which they relate. They are fully taken into account before decisions are made.

2. Apologies for absence

3. To report the appointment of any substitute members serving for this meeting of the Committee.



4. To receive any declarations of interest under the Members' Code of Conduct
5. To confirm and sign the minutes of the meeting held on 10th January 2024 as a correct record (Pages 4 to 7)
6. Plans and Applications to Develop
 - (a) Planning Application No. P23/1570 – Ocean Swimming Pools Ltd, Holloway Street, Lower Gornal, Dudley – Change of Use from office to a 12 bedroom HMO with proposed single storey side extension (Pages 8 to 36)
7. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).

Distribution:

Councillor D Harley (Chair)

Councillor M Webb (Vice-Chair)

Councillors H Bills, S Bothul, B Challenor, P Drake, P Miller, K Razzaq and E Taylor



Chief Executive

Dated: 15th March 2024

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**Minutes of the Planning Committee
Wednesday 10th January, 2024 at 6.00pm
in the Council Chamber, The Council House,
Dudley**

Present:

Councillor D Harley (Chair)
Councillor M Webb (Vice-Chair)
Councillors H Bills, S Bothul, B Challenor, P Drake, P Miller, K Razzaq and
E Taylor.

Officers:

J Mead (Principal Planning Officers), J Todd (Development Manager) – Both
Directorate of Regeneration and Enterprise, G Breakwell (Solicitor) and L Jury
(Democratic Services Officer) - Both Directorate of Finance and Legal Services.

Observers:

S Everton – Senior Planning Officer.

Approximately 6 members of the public.

43. **Apologies for Absence**

There were no apologies for absence submitted to the Committee.

44. **Appointment of Substitute Members**

There were no substitute members appointment for this meeting of the
Committee.

45. **Declarations of Interest**

Councillor P Drake declared an interest in Agenda Item No. 6 – Planning Application No. P23/1139 – Land between Upper Ettingshall Methodist Church and 56 Upper Ettingshall Road, Coseley – Erection of 1 no. Dwelling with associated works, as he had previously raised an objection to the application when the application had been submitted and it was confirmed that he would take no part in the debate or the decision making process in relation to the application.

46. **Minutes**

Resolved

That the minutes of the meeting held on 14th December 2023, be approved as a correct record, and signed.

At this juncture, Councillor P Drake left the meeting.

47. **Plan and Application to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plan and application to develop. Details of the plan and application were displayed by electronic means at the meeting.

The following persons were in attendance at the meeting, and spoke on the planning application as indicated: -

<u>Application No.</u>	<u>Objectors/supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P23/1139	Councillor S Ridney – Ward Councillor	
P23/1139	Honourable Alderman M Mottram (speaking on behalf of Upper Ettingshall Methodist Church)	

Planning Application No. P23/1139 – Land between Upper Ettingshall Methodist Church and 56, Upper Ettingshall Road, Coseley, WV14 9QS – Erection of 1 no. Dwelling with associated works.

In considering the application, Members considered speakers comments.

A local Ward Councillor and a representative of the Upper Ettingshall Methodist Church speaking against the proposal reported on a number of concerns that had been raised by residents in relation to the proximity of coal mining and mine shafts in the specific area, and the potential risks related to ground disturbance and stability during the necessary construction work that will need to be carried out in relation to the proposed dwelling. Specific reference was made to the potential risks to the adjacent Methodist Church and the concerns of residents in relation to the recommendations from the Coal Authority that intrusive ground investigation work be carried out, in the form of drilling bore holes, and the serious concern that the vibration could be sufficient to cause ground movement which could seriously compromise all the surrounding buildings. A concern was also raised as to why this land, subject to the planning application, had been left undeveloped when the surrounding estate had been built.

Following the speakers, Members raised questions with answers provided by both the Principal Planning Officer and Development Manager.

Resolved

That the application be approved subject to conditions numbered 1 to 16 inclusive.

Councillor P Drake returned to the meeting.

48. **Planning Services Fees 2024**

Members considered a report of the Director of Regeneration and Enterprise on proposals regarding the setting of the Council's Planning Fees which took effect from 1st January 2024, non-statutory

Development Management Charges; updated Community Infrastructure Levy (CIL) Charging; Schedule (effective from 1st January 2024 to 31st December 2024); fees for the Local Development Order (LDO); and charges for Pre-Application advice to customers.

In presenting the report, the Development Manager advised that the report had been considered by the Committee at its meeting held on 14th December 2023, where Members had considered and approved the recommendations. However, the CIL Indexation table had been omitted and, therefore, for clarity, the report had been resubmitted for consideration together with the CIL Indexation table submitted as Appendix A.

Resolved

That subject to the amendments outlined above, the Planning Services Fees for 2024 be approved.

49. **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 6.30pm.

CHAIR

PLANNING APPLICATION NUMBER: P23/1570

Type of approval sought	Full Planning Permission
Ward	Gornal Ward
Agent	Mr S. Gill
Case Officer	James Mason
Location:	OCEAN SWIMMING POOLS LTD, HOLLOWAY STREET, LOWER GORNAL, DUDLEY, DY3 2EA
Proposal	CHANGE OF USE FROM OFFICE TO A 12 BEDROOM HMO WITH PROPOSED SINGLE STOREY SIDE EXTENSION.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site measures 0.09 hectares and comprises what was the Crown Inn Public House, recently operated under 'Ocean Swimming Pools Ltd' but now remains a vacant building. The building is a large detached rendered building built right up to the back edge of the footpath with pitched roof and chimney features. The building has retained many of its original features and the front elevation in particular has traditional decorative window and door-case surrounds. There is a large car park to the south of the site and an area of land to the west which is overgrown with vegetation. There are Gornal Stone boundary walls within the site. The site falls in land level from east to west.
2. No. 6 Holloway Street is a residential property positioned to the north of and is set further back than the application site. There is a vehicular access running in between this property and the application site which

narrows to a footpath which is not a formal public right of way. No. 39 Duke Street (Ruiton Manse) is another residential property to the rear of the site. Nos. 1 – 12 (inclusive) Rubens Close back onto the site to the south. The topography of the area slopes downwards in a southerly direction such that the application property is elevated in relation to properties in Rubens Close. Ruiton United Reformed Church is directly opposite to the site to the east and is a Grade II Listed Building.

3. The site is situated within a predominantly residential area and surrounding residential properties comprise of a mixture of house types and designs. The application site is located within an area of High Historic Townscape Value.

PROPOSAL

4. The proposal is for the change of use from an office to a 12 bedroom HMO with a single storey extension to the rear to facilitate the proposed development.
5. The internal layout of the property would result in 6 bedrooms and a shared lounge, kitchen dining room and laundry room on ground floor. The plans indicate that there would be 6 bedrooms and a shared kitchenette at first floor.
6. The development would provide 14 off-street parking spaces including 2 spaces for visitors and a section of shared garden space to the rear of 157m².

7. The proposed single storey rear extension would infill a vacant space behind the existing single storey side element. The proposed extension would have a depth of 8.3m built in line with the existing rear elevation of the host dwelling and have a width of 5.1m. The development would have a flat roof with a maximum height of 3.5m and include three sky lanterns increasing the maximum height by 0.5m.
8. The application is supported by a planning statement and a HMO management plan.

HISTORY

APPLICATION NO.	DESCRIPTION	DECISION	DATE
P21/0832	Change of use of first floor from residential accommodation to offices in connection with ground floor office/sales use.	Approved with conditions	15/06/2021
P10/0480	Change of use from public house (A4) to 1 no. dwelling (C3).	Approved with conditions	14/06/2010

87/51975	Extension to form toilet accommodation and construction of car park.	Approved with conditions	10/12/1987
CS/74/17/S	One illuminated sign.	Approved with conditions	16/07/1974

PUBLIC CONSULTATION

9. Direct notification was carried out to twenty-three neighbouring properties and the posting of a site notice with the final date for receipt of representation being the 5th February 2024.
10. Member of Parliament Marco Longhi objects, stating the following:
“When HMOs are developed, there can tend to be an increase in anti-social behaviour in the area, which can become a significant nuisance for local people. These proposals will also increase congestion in the area and are likely to cause parking issues amongst other issues. Having 12 HMO’s is completely inappropriate.

It will be highly appreciated if I can be updated on the current situation regarding the site. A number of residents have reached out stating that some work has already started on the site including some sort of demolition of the site which includes Gornal Stone which is a heritage.”

11. Councillor Adam Aston (Upper Gornal and Woodsetton Ward) objects, stating the following:

“The proposal for such a densely occupied building is likely to have significant detriment to the local amenity, in particular the local road infrastructure. Whilst I acknowledge that off street parking is reference in the planning documents, this does not account for any visitors to the property, or any units which own more than one vehicle, it is likely to result in ‘on street’ parking, adding to the already overburdened and chaotic Holloway St/Vale St.

Vehicular movements around the site once occupied are likely to be hugely increased which will cause a disturbance to the detriment of the neighbourhood. In addition to road traffic concerns, essential services in the Gornal/Upper Gornal area generally are over capacity, the proposed number of units is likely to place additional pressure on these already stretched local public services.

With a similar HMO having been recently completed opposite the site, I am concerned that Holloway St is being over-developed.”

12. Councillor Damian Corfield (Netherton, Woodside and St Andrews) objects, stating the following:

“I object to this planning application under planning guidelines with regards to lack of parking creating a highway safety issue.

Holloway Street in UpperGornal is already over subscribed with vehicle parking fore this property to be given planning permission for a 12 bed

HMO would see an increase of at least 12 vehicles obstructing what is already a bottle neck leading to Vale street and Hill street which is a well known historic accident black spot.”

13. Councillor Claire Sullivan (Gornal) objects, stating the following:

“I wish to formerly object to the application due to the infrastructure not being able to cope with the added traffic, on street parking is likely to occur with most dwellings having more than one car, not including any visitors which will cause a massive hazard to traffic and potential accidents in this area. Added traffic will contribute to noise pollution to the very close neighbours. This will also add pressure to local services that are already stretched within the area.”

14. Councillor Bryn Challenor (Gornal) objects, stating the following:

“This proposal for such a development will have a significant effect on the local infrastructure and services, Holloway Street, Vale Street and Hill Street already has a high amount of on street parking and notable poor visibility junctions. Although 14 parking spaces for the 12 dwellings are proposed, I feel this does not account for units with more than one car or the potential number of visitors that may require parking, this will result in additional on street parking, additional noise and pollution to the local homes. This proposal is also directly opposite another HMO which has resulted in additional on street parking.

West Midlands police have raised a number of concerns reference the proposed redevelopment of the old Ocean Swimming Pool site, including the lack of external lighting, no CCTV, the proposed entry system, lack of off street parking, and if the units are to be used for other than private

usage, which agencies the tenants are being sourced from. The area currently has very low crime rates, with only 22 crimes being reported within a 1 mile radius of the property in the last 12 months. West Midlands Police's most recent data shows 46.5% of all crimes reported within Dudley are within 0.25 miles of a HMO, therefore I feel this conversion to such a large 12 bedroom HMO may increase ASB within the local area.

The conversion is also totally not in keeping with the surrounding properties which are made up of 2 bedroom terrace and semi detached, 3 and 4 bedroom detached houses and bungalows, and therefore I feel this proposal is totally inappropriate.”

15. Councillor David Stanley (Gornal)objects, stating the following:

“I wish to raise an objection to the proposed planning application P23/1570. This constitutes a formal objection for the application. To use the former Crown Inn Ruiton and in more recent years the building was used as Ocean Swimming Pools and to convert it into HMO comprising of 12 units. I note the proposal only relates to 14 parking bays, which I consider well below the council's planning policy guideline on the amount of parking bays required. This could easily result into additional parking on the pavement which is extremely narrow and with no pavement on the other side of the road. This would be very detrimental to pedestrians. I notice from previous objections that the police have a number of concerns, which could increase the crime figures in this particular area.

I also note that a recommendation in national planning guidelines that a concentration of those HMOs in areas would have a damaging effect on the residential amenity and also in this case on the building opposite which is locally known as Ruiton Chapel and was erected in 1830. From the traffic aspect both Holloway Street and Hermit Street already have difficult road junctions. To have two HMOs in the same street as I have previously stated would not be in the interest of all local residents. I also noticed that I fully concur with that the topology of the land in question would probably have an adverse effect on the immediate joining properties.

In conclusion, to bring the building back into a good residential use, this may be able to be used to accommodate some quality flats which would be more in keeping with the surrounding area.”

16. In addition, seventy-seven letters of objection were received from sixty-three addresses. The following material concerns were raised.

- Parking and highway safety.
- Drainage.
- Overdevelopment and impact on services.
- Crime and nuisance.
- Loss of a commercial unit.
- Overlooking.
- Impact on Heritage assets.
- Impact on wildlife.

The following non-material considerations were raised.

- Impact on house value.
- Impact on water pressure and electricity.

17. A petition with 242 signatures has been submitted objecting against the application.

OTHER CONSULTATION

18. Highway Engineer (AMEY):

Comments have been received regarding technical standards of the parking layout and visibility to ensure that vehicles can enter and exit the site in a forward gear.

19. Public Right of Way Officer:

No comments.

20. Head of Environmental Safety and Health:

No adverse comments.

21. West Midlands Police

No objections subject to conditions to secure security and management plan.

RELEVANT PLANNING POLICY

22. National Planning Guidance

- National Planning Policy Framework (2023)
- Planning Practice Guidance (2014)
- Community Infrastructure Levy Regulations (as amended) (2014)

23. Black Country Core Strategy (2011)

- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- TRAN2 Managing Transport Impacts of New Development
- ENV 2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality
- ENV8 Air Quality

24. Dudley Borough Development Strategy (2017)

- S1 Presumption in favour of Sustainable Development
- S11 Buildings of Local Historic and Architectural Importance
- S12 Areas of High Historic Townscape Value
- L1 Housing Development, extensions and alterations to existing Dwellings

25. Supplementary Planning Guidance/Documents

- Parking Standards Supplementary Planning Document (2017)
- Residential Design Guide (2023)
- Design for Community Safety adopted 2002
- CIL Charging Schedule (2015)

ASSESSMENT

26. The main issues are
- Principle/Policy
 - Design, character and appearance
 - Neighbouring amenity
 - Impact on residential amenity
 - Access and parking
 - Impact on community safety and fear of crime
 - Impact on wildlife
 - Material financial considerations

Principle/Policy

27. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high-quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
28. Policy L1 - Housing Development, extensions and alterations to existing dwellings - of the Dudley Borough Development Strategy supports new housing on previously developed land and on sites in sustainable locations, provided that amongst other things that “the development is of

an appropriate form, siting, scale, and mass, with the use of appropriate materials, which respect and are responsive to the context and character of the surrounding area.” This policy further states that developments should provide appropriate levels of amenity for future occupiers and “adequate access, parking and provision for the manoeuvring of vehicles, with no detrimental impact on highway safety and free flow of traffic.”

29. Page 51 and 52 of the Residential Design Guide (2023) refers directly to guidance for Houses in Multiple Occupation and states that HMOs must adhere to the following criteria in accordance with national and local planning policies:

***A.** If a conversion scheme – the impact upon the host building, particularly with respect to Listed Buildings or identified heritage assets;*

***B.** The potential impact upon the character and amenity of the surrounding area;*

***C.** The potential impact on crime, disorder, fear of crime and community cohesion (Evidence from neighbours and the Police will be taken into account);*

***D.** The potential impact, in terms of noise and disturbance on the amenities of the residents of adjacent or nearby properties;*

E. The potential impact on highway safety including appropriate provision of parking, in line with the most up-to-date parking standards.

F. In terms of amenity of the occupants, wherever possible rooms should be of generous proportions. However, in order to protect residential amenity, the size of the individual rooms occupied by a single adult within the HMO should adhere to the following the minimum standards as set out within the Housing Act 2004:

- Each bedroom/study where all occupants of the house have access to a separate communal living room and cooking facilities are not provided in the bedroom = 6.51 m²

G. Evidence shall be required to prove that the shared facilities such as communal kitchens and bathrooms are of sufficient size to serve the number of residents sharing them. Detailed guidance is available in the Council's published HMO Standards;

H. The provision of adequate amenity space, unless the constraints of the site prove otherwise. Ideally the amenity area should enable residents to sit outside in an area that is not publicly overlooked; that is easily accessible from all units; and facilitates the sustainable drying of clothes.

I. That the site has good access particularly by walking and cycling to community facilities, services, public transport and local employment.

J. Adequate provision is made for the storage of cycles and communal bins.

K. Adequate provision is made for the storage and disposal of household waste.”

30. An objection has been received regarding the loss of a commercial unit, however, given that the site is not located within a town or local centre there is therefore no objection to the principle of the loss of a commercial unit to a residential unit in this location.
31. Furthermore, it is important to recognise that national and local planning policy requires a mix of dwelling types, sizes and tenures within existing residential areas, and that housing should address local needs. The provision of high-density accommodation in an existing residential area such as this is therefore wholly acceptable in principle.

Design, Character and Appearance

32. Chapter 12 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 131 states: “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
33. Policy S6 (Urban Design) of the Dudley Borough Development Plan identifies that new development should be designed in accordance with good urban design principles. In addition, ‘The Residential Design Guide’ SPD encourages good quality accommodation in attractive

environments. It contains a series of urban design principles and refers to minimum design and amenity guidance. Particular emphasis is given to assessing context and responding positively to local character.

34. This application proposes to erect a small single storey extension at the rear. The extension, while adding built form along the side boundary of the house would be acceptable in design terms. The extension would include a flat roof design; however, it is not considered that this form of development is uncharacteristic within a residential street. It is noted that an objection has been received regarding the extensions impact on the Listed Building opposite the application site, it is considered that due to the siting and size of the development behind the existing structure that the proposed works would not have a negative impact on the character nor setting of the Listed Building to warrant a refusal. A condition to ensure that the single storey rear extension would be constructed in materials to match the host building is recommended.

35. Whilst the building itself is not a Listed Building and does not feature on the local list, due to its proximity with the adjacent Grade II Listed Building it does contribute to the local character and distinctiveness of the area. Further the site is located within an Area of High Historic Townscape Value (HTV7 – Ruiton Gornal Stone Village) that draws reference to the prevalence of Gornal Stone in buildings and boundary walls that hold a unique value. The application proposes that the existing Gornal Stonework around the site shall be retained along with a new Gornal Wall to the frontage. Subject to conditions to secure this it is considered that this would enhance the character of the local area and setting of the adjacent Listed Building.

36. The proposal therefore accords with Policy HOU2 of the Core Strategy and Policy L1, S11 and S12 of the Dudley Borough Development Plan, which require developments to be responsive to the context and characteristics of the surrounding area.

Neighbouring amenity

37. Comments have been received regarding the overlooking impact of the development. The residential design guide sets out minimum numerical standards to help assess impact a development would have on neighbouring occupiers. In regard to separation distance, a minimum distance of 14m is outlined between the habitable room window of one dwelling and the flank wall of another. Notwithstanding it is an existing building the separation distance achieved between the application site and the neighbouring occupiers on Rubens Close is 23m, therefore, in excess of the minimum standards.
38. It is noted that the development would include two first floor side facing windows. Whilst these windows would be side facing toward residential dwellings, this is as existing, the first floor has previously been used for residential purposes, there is a car park in-between and one of the windows can be obscurely glazed given it serves an en-suite. As such I consider insufficient harm would arise sufficient to warrant refusal.
39. The 45 Degree Code is a tool for measuring the potential loss of light to habitable rooms in neighbouring properties. With respect to the proposed extensions, the 45-degree line is taken at mid-point from the

windows on ground floor and the quarter-point of the windows on first floor. There is no breach of the 45 degree code to any neighbouring occupiers. The proposed development would therefore be in compliance with the Dudley Borough Development strategy policy L1 and Residential design guide (2023).

Impact on residential amenity

40. It is considered that the layout of the property, whereby each bedroom achieves a satisfactory internal layout resulting in adequate living space aimed at single tenants provides an acceptable level of amenity for proposed occupiers. All bedrooms would have en-suite accommodation. A communal kitchen, dining room and lounge is also provided. The layout would provide good surveillance from habitable room windows of the respective street scenes. In addition, significant private amenity space is provided.
41. The Environmental Safety and Health Team raises no objection to the change of use.

Access and parking

42. Paragraph 115 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

43. The Councils Parking Standards SPD Policy for Houses in Multiple Occupancy (HMO) states *“in places that are considered to be constrained parking areas such as district, strategic and town centres no parking provision will be required. However, in all other locations each development will be assessed on its own merits*
44. A total of 14 car parking spaces are shown across the site for the use, equating to one space per bedroom with additional two visitor parking spaces. In addition, the site is a sustainable location close to local centres and facilities. This, along with the number of spaces provided (at least one space per unit) is considered acceptable when fully supported by sustainable options for the residents such as the provision of storage facilities for cycles. If the scheme is approved there would be highway conditions relating to the provision of the off-street parking prior to first occupation and storage facilities for cycles.
45. Local residents’ and Cllrs have raised objections on basis of lack of adequate parking provision and subsequent impact on highway safety. However, given the location of the site and the existing commercial nature of the site the proposed development would be unlikely to generate a significant amount of additional traffic. Further, due to the proposed parking provision it is considered unlikely that the development would create a severe highway safety issues sufficient to warrant the refusal of the application in this instance and I note that no objections are raise on this basis by Highways.
46. In addition, objections have been raised regarding the impact of drainage on a new parking layout. Whilst there is an existing parking

layout that has existing drainage, a condition is recommended to ensure if changes are made to the existing materials used are porous and permeable thereby adequately addressing this concern.

Community safety and crime

47. The provisions in the NPPF require Local Planning Authorities to have regard, when considering development proposals, to the potential impact on community safety and fear of crime. Paragraph 96 of the document states:

‘Planning policies and decisions, should aim to achieve healthy, inclusive and safe places which ... are safe and accessible, so that crime and disorder and the fear of crime, do not undermine quality of life or community cohesion.’

48. While West Midlands Police initially raised a concern regarding the application following the submission of additional information including a management plan they removed their objection. Furthermore, whilst the ‘fear of crime’ is capable of being a material planning consideration, there are a series of tests which the local authority must pass before ‘fear of crime’ can be properly considered as a reason for a planning refusal. In particular:

- the fear of crime must be objectively justified.
- the fear of crime must have some reasonable basis; and

- the fear of crime must relate to the use – in planning terms – of the land in question rather than assumptions “not supported by evidence as to the character of future occupiers.”

49. Local residents and Cllrs have raised concerns about the potential for an increase in crime. However, there is no firm evidence that such occurrences, which are a matter for the relevant authorities in specific instances, could be attributed directly attributable to future occupants of HMO properties. Crime and disorder is not always an inevitable consequence of a HMO, but rather a question of individual behaviour and appropriate management. Whilst ‘assumptions’ due to another HMO’s in the locality have been suggested, however this would not meet the above tests as there is no evidence that the use of a property as a HMO directly generates crime and therefore the fear of crime can not be objectively justified. Notwithstanding this, a HMO management plan has been submitted to accompany the application, which includes measures to deal with issue surrounding anti-social behaviour and West Midlands Police confirm that this is appropriate. A condition to ensure compliance with this will be attached to any permission granted. As such, it cannot be concluded that the character of the area, quality of life or community cohesion would be undermined or that incidents of crime and antisocial behaviour would increase as a result of this HMO, and therefore crime, or the fear of crime would not be reason to refuse the application.

Impact on wildlife

50. Concerns have been raised regarding the impact of the development on wildlife have been considered, however, it is noted that the existing site is developed and the proposal would not impact any wildlife habitats.

Other matters

51. Objections have been received in regard to overdevelopment, however, the development relates to the conversion of the existing building on a substantial plot and not the erection of additional buildings. Further comments were received regarding the impact on local services; however, the addition of 12 additional residents within this wider residential would be negligible.

Material financial considerations

52. The development is liable for CIL but the site falls within Zone 1 which has a £0 rate thus no CIL charge is required.

CONCLUSION

53. The provision of this HMO provides appropriately designed housing, positively contributing towards meeting housing need and the needs of any future residential occupiers. The development would not result in any detrimental impact to surrounding properties and would therefore not have a detrimental impact upon the character of the area. The HMO would be in compliance with the adopted parking standards and would

not raise highway safety concerns and it would not exacerbate any existing issues with crime and anti-social behaviour within the surrounding area. The proposal is therefore considered compliant with Policies HOU1, HOU2, TRAN2, ENV2 of the Black Country Core Strategy (2013); and Policies S1 and L1 of the Dudley Borough Development Strategy (2017).

RECOMMENDATION

54. It is recommended that the application be APPROVED subject to conditions.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) 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 be carried out in accordance with the following approved plans: Location Plan, Proposed site plan Drg No. CA-002-103 (Rev A), Proposed floor plans Drg No. CA-002-101B, Proposed elevations Drg No. CA-002-102.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of the soft landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following first occupation of the development.
Any trees or shrubs planted in pursuance of this permission including

any planting in replacement for which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 - Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) as landscaping is integral to providing a high quality and sustainable development.

4. The development shall be first occupied/used until details of the bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

5. No above ground development shall commence until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV1 - , ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development,

extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part)

This detail is required as the required works may be needed to protect the amenity of existing and proposed occupiers.

6. The parking area hereby approved shall be completed with a surface and sub-strata that is permeable, or provision shall be made to direct run-off water from the hard surface to a permeable area within the curtilage of the site, which shall be retained as such for the life of the development.
REASON: To provide a necessary facility in connection with the proposed development and to prevent uncontrolled runoff of rainwater from front gardens onto public roads/drainage in accordance with BCCS Policy ENV5 and Borough Development Strategy 2017 Policy S5 Minimising Flood Risk and Sustainable Drainage Systems (SuDS).
7. The development hereby approved shall be completed and operated in complete accordance with the statement submitted by the agent dated 25th January 2024 titled 'Statement from the Agent in response to West Midlands Police comments' and the submitted HMO Management Plan by Simpatico Town Planning dated 12th February 2024 for the life of the development.
REASON: To ensure community cohesion in accordance with paragraph of 96 of the National Planning Policy Framework (2023).
8. Prior to first occupation, the proposed car park will be laid out and prepared in accordance with the approved plans. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
9. The development shall not be occupied until details of secure and covered cycle storage have be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first occupation of

the dwelling(s) and shall thereafter be retained and maintained for no other purpose, for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)

and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

10. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)

and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

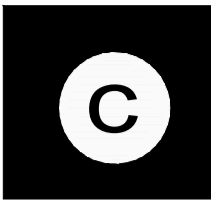
Ocean Swimming Pools Ltd, Holloway Street, Lower Gornal, Dudley, DY3 2EA



Location Plan shows area bounded by: 391758.28, 292057.42 391899.7, 292198.84 (at a scale of 1:1250), OSGridRef: SO91829212. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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FRONT ELEVATION



SIDE ELEVATION




SIDE ELEVATION



REAR ELEVATION

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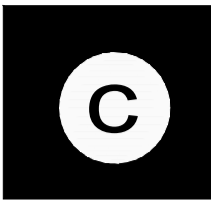
Project
**PROPOSED CONVERSION & EXTENSION
 FORMER CROWN PH, THE HOLLOWAY,
 UPPER GORNAL, DUDLEY**

Drawing Title
PROPOSED ELEVATIONS

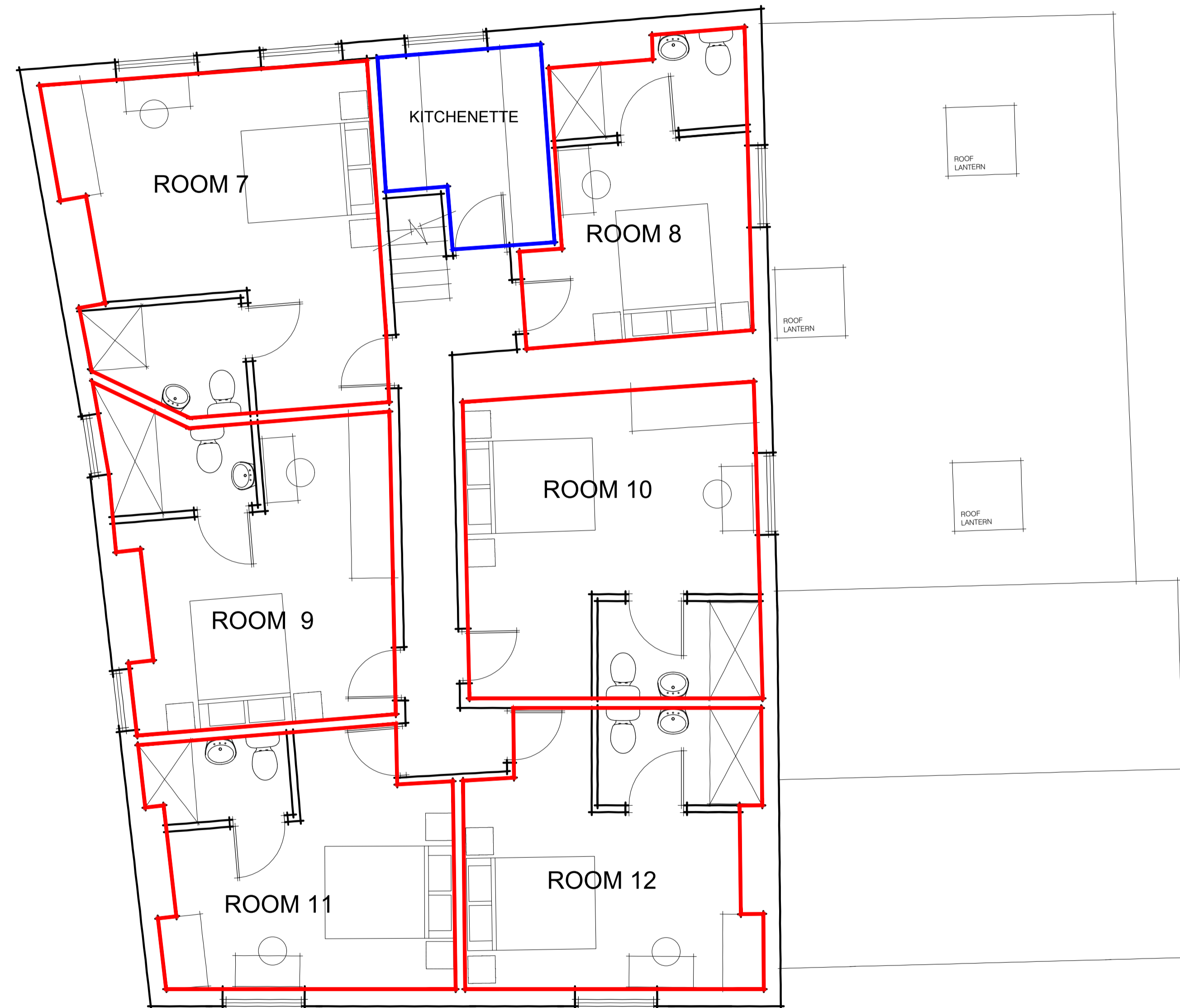
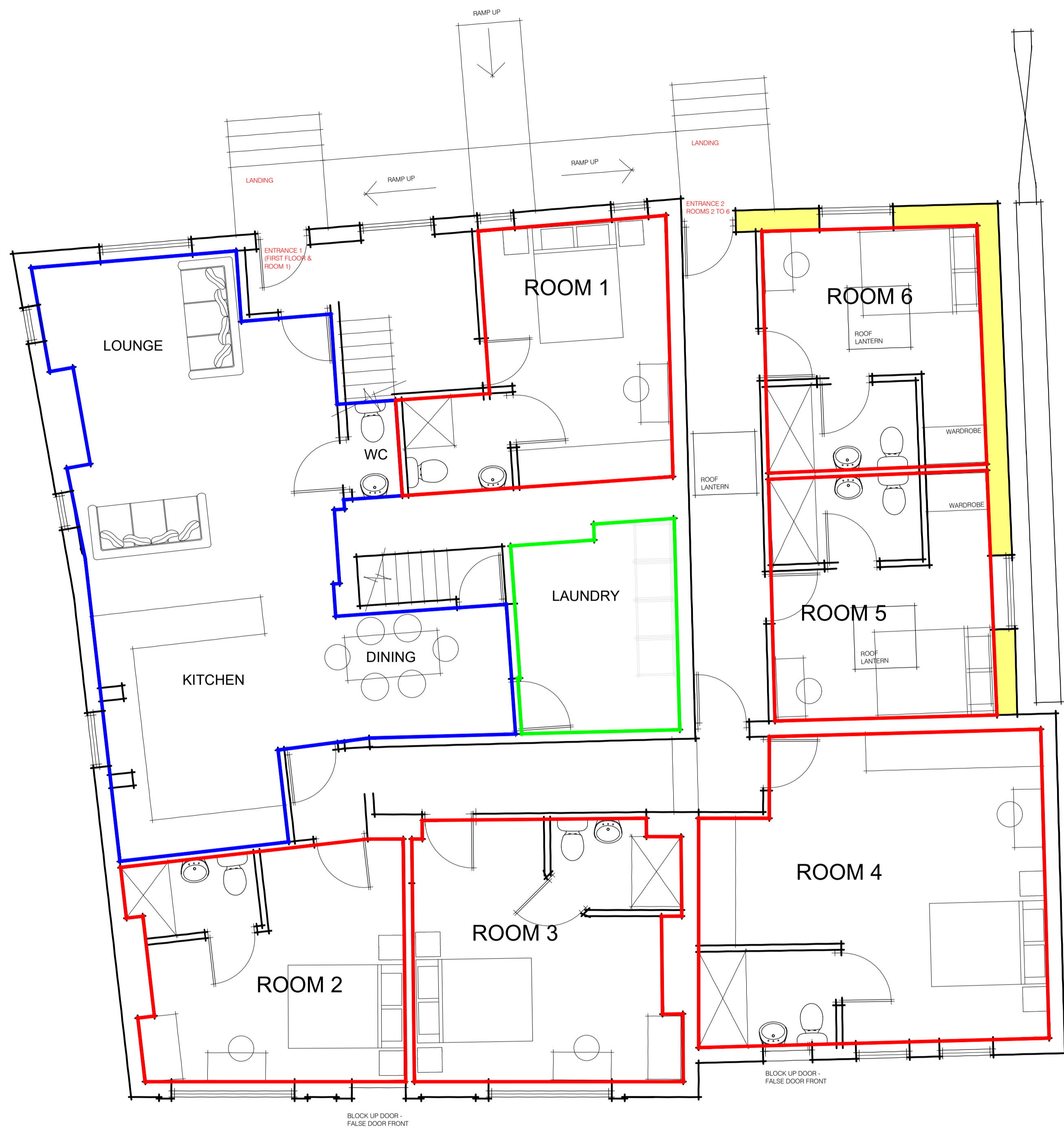
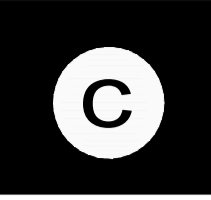
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Drawing No.	Revision
CA-002-102	--

Scale	Date	Drawn by
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GROUND FLOOR PLAN

FIRST FLOOR PLAN

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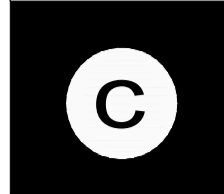
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**PROPOSED CONVERSION & EXTENSION
 FORMER CROWN PH, THE HOLLOWAY,
 UPPER GORNAL, DUDLEY**

Drawing Title
PROPOSED FLOOR PLANS

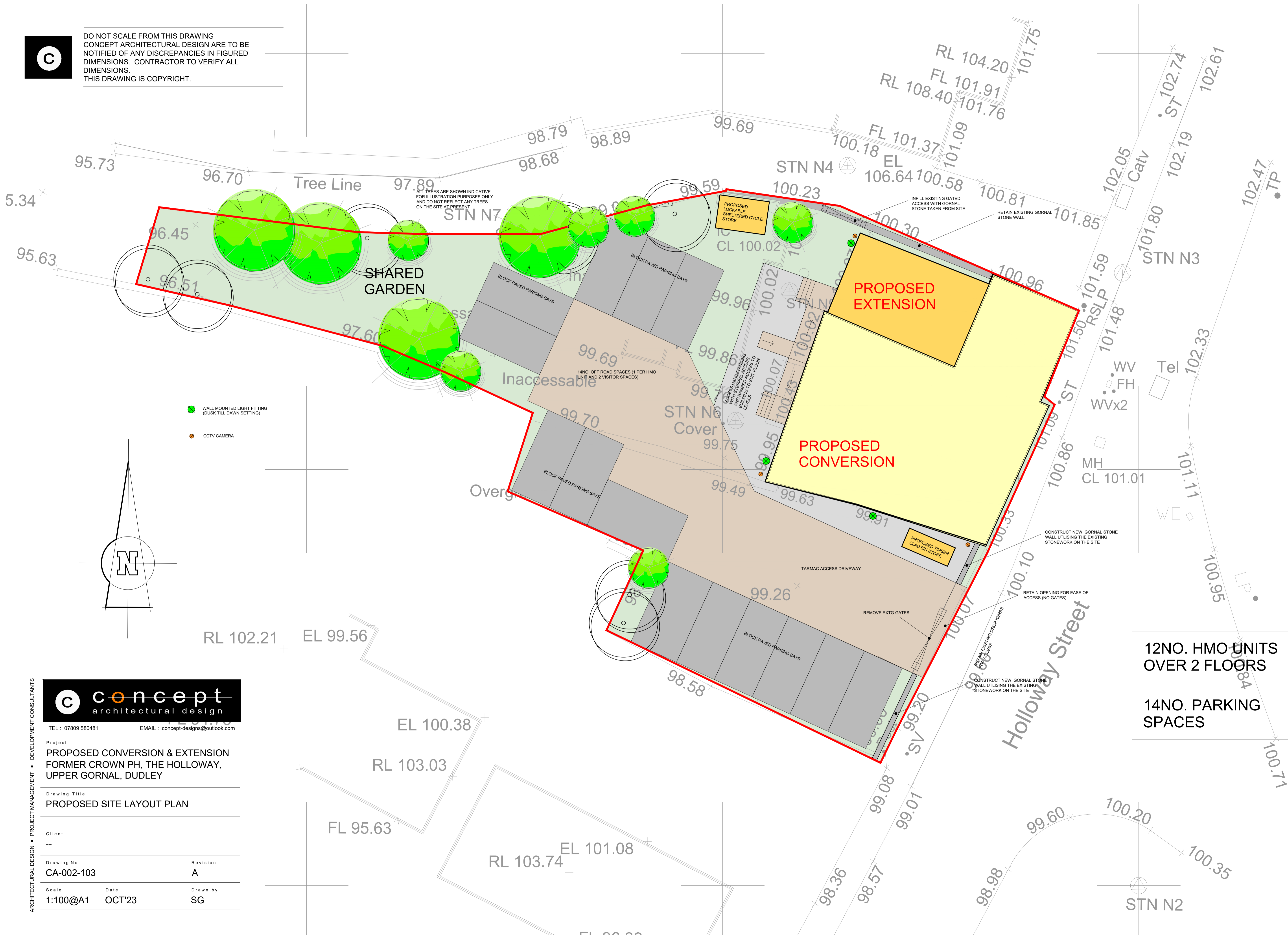
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Drawing No. CA-002-101 Revision **B**

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- WALL MOUNTED LIGHT FITTING (DUSK TILL DAWN SETTING)
- CCTV CAMERA

**12NO. HMO UNITS
 OVER 2 FLOORS**

**14NO. PARKING
 SPACES**



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Project	
PROPOSED CONVERSION & EXTENSION FORMER CROWN PH, THE HOLLOWAY, UPPER GORNAL, DUDLEY	
Drawing Title	
PROPOSED SITE LAYOUT PLAN	
Client	
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Drawing No.	Revision
CA-002-103	A
Scale	Date
1:100@A1	OCT'23
Drawn by	
SG	

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Material considerations	Non Material considerations
Layout: does it reflect the character of the area, does it protect existing resident's amenity, does it provide sufficient amenity space, and does it protect businesses/future residents from noise/odour/dust complaints.	Market competition (competition with centres in terms of the requirement for a sequential approach to town centre development is material, but general competition with local shops or business is not).
Design and appearance: materials, scale, massing, style of development in terms of proportions, vertical or horizontal emphasis, heights. Appropriate to host building, immediate neighbours and wider street scene.	Loss of view (unless you own all the land between you and the view you have no right to it).
Landscaping: is this appropriate, sufficient, particularly if forming a screen or providing some form of mitigation	Loss of property value
Highway safety: can safe access and egress be made, is there sufficient car parking, can the site be serviced by fire engines, bin lorries, delivery vehicles.	Matters covered by other legislation
Impact on heritage assets/nature conservation; does the development have a positive, neutral or negative impact on heritage assets. Can the impact be mitigated through the provision of enhancements elsewhere?	Matters that can be adequately controlled by the imposition of a suitably worded condition.
Planning history: has a similar scheme been approved before/refused before? Is there appeal history.	The fact the application is for a retrospective development. Development without consent is not unlawful - it only becomes so once formal enforcement action is taken and the developer fails to comply.
	The fact the application is a repeat application (repeat non amended applications can in exceptional circumstance be refused to be registered but once registered they must be

	considered on their merits).
	The fact the developer/applicant has a history of non compliance with conditions/consents. Non compliance is dealt with through planning enforcement not through decision making.
	What may or may not happen as a result of the decision in the future.