

Report to Planning Committee

4 September 2024

Application reference	DC/24/69530
Application address	Former Doctors Surgery, Sundial Lane, Great Barr, Birmingham, B43 6PA
Application description	Change of use from doctor's surgery to residential dwelling.
Application received	21 June 2024
Ward	Great Barr with Yew Tree
Contact officer	Anjan Dey anjan_dey@sandwell.gov.uk

1 Recommendations

That planning permission is granted subject to the following conditions:

- i) Details of any new walls or fences & implementation thereafter;
- ii) Additional amenity space shall be provided before the dwelling is first occupied;
- iii) Retention of approved parking spaces;
- iv) Removal of Permitted Development Rights; Class B (Roof extensions/dormer windows).



2 Reasons for Recommendations

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

3 How does this deliver objectives of the Corporate Plan?

Living in Sandwell	Increasing housing opportunities and options for residents
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4 Context

- 4.1 The application is being reported to Planning Committee as it has generated 3 neighbour objections.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Former doctors surgery, Sundial Lane, Great Barr.](#)

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);
- Design concerns - appearance and materials, layout and density of building, wider visual amenity and overdevelopment;
- Highways considerations - traffic generation, access, highway safety, parking and servicing;
- Noise concerns;
- Planning balance.

6. The Application Site

6.1 The application site, a former doctors' surgery, is situated on the south side of Sundial Lane, Great Barr in a mainly residential area within short distance of Scott Arms centre. Great Barr Methodist Church is situated on the opposite side of Sundial Lane.

7. Planning History

7.1 A planning application was approved in May 2022 for alterations to the front elevation of the property to accommodate a hair and beauty salon.

7.2 Relevant planning applications are as follows:

DC/22/66754	Description	Decision and date
	Proposed enlarged opening to front elevation to receive new aluminium window and internal alterations to accommodate hair and beauty salon (tanning as an ancillary service) in former doctor's surgery.	Grant permission subject to conditions. 11.05.2022.



8. Application Details

8.1 The doctor's surgery (Class E (e)) has been closed for some time and it is proposed to change the use of the property to residential dwelling (C3) (a) for use as a single household. This planning application relates to Enforcement Notice GS/23/12120 regarding untidy land. The proposals do not involve any significant internal or external alterations, and submitted floor plans showing 4 bedrooms, including one at ground floor level, and an upstairs kitchen.

The property benefits a significant level of off-road parking with existing access from Sundial Lane. Ten parking spaces are shown which is an over provision for a proposed 4-bedroom family dwelling that requires 2 off road parking spaces. It is also noted that there is also some frontage parking in the form of existing driveway for 2 vehicles.

8.2 Amended plans have been received which show additional amenity space for the proposed family dwelling at the side of the property.

9. Publicity

9.1 The application has been publicised by seven neighbour notification letters. Four objections have been received.

9.2 Objections have been received on the following grounds:

- i) Concerns relating to the previous unauthorised use as serviced accommodation, specifically 'Air B & B' and unauthorised car repairs/storing of vehicles;
- ii) Concerns relating to parking issues;
- iii) Anti-social behaviour and the general untidiness of the site;
- iv) Fear of crime and access to the rear gardens of neighbouring properties.



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

10. Consultee responses

10.1 Highways

No objections. The existing 2 spaces at the front driveway are sufficient for the proposed 4 bedroom dwelling.

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.

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.

12. Development Plan Policy

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

Black Country Core Strategy (BCCS)

ENV3 – Design Quality

Site Allocations and Delivery Development Plan Document – (SADD)



- 12.2 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered to be acceptable; the property has the appearance of a residential dwelling and assimilates well with the surrounding context. There is an existing small garden at the rear of the property and the agent has updated that the site plan to show additional amenity space is to be provided at the side of the property with the main parking area to be landscaped. The size of the dwelling is comfortable and complies with national standards. Internal living spaces is shown at 120 square metres. The property benefits from a substantial curtilage and existing bin storage is within the curtilage of the property adjacent to the access gate to the rear garden.
- 12.3 The proposed conversion to residential dwelling would be a windfall, subject to SAD H2. The proposal meets the requirement of the policy as it is suitable for residential development, and capable of meeting other plan policies.

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 **Design concerns - appearance and materials, layout and density of building, wider visual amenity and overdevelopment;**

In respect of the design, the development would assimilate into the context of the local area. With regards to site security and possible ease of access to neighbouring dwelling it is considered that the proposal is for a family dwelling to be used as a single household. There is existing fencing that encloses the site that is considered to be acceptable for the proposed family dwelling. With regards to fear of crime West Midlands



Police has not been formally consulted but has not commented via the publicised list of weekly planning applications. There is no evidence to suggest the proposed use would result in any criminal activity.

Given the orientation of neighbouring dwellings it would be appropriate to remove 'Permitted Development Rights' in respect of additions to the roof to ensure that neighbouring gardens at the rear are not overlooked.

The following image shows the character and appearance of the former doctors' surgery:



13.3 Highway concerns

No objections. It is noted that there is over-provision of parking spaces for the proposed use due to the previous use as doctors' surgery and the associated parking area at the side of the property. The highway officer has stated that the existing two parking spaces at the front of the property are sufficient for the proposed four-bedroom property.



Highways has expressed some concern regarding the possible continued use of the side parking area due to the proximity of a speed hump to the point of access. However, it is considered that this area is within the ownership of the applicant, and this does not warrant refusal of the application, as there would not be a severe impact on highway safety (National Planning Policy Framework). As stated previously, any unauthorised use of this area for storage or vehicle repairs would be a planning enforcement matter.

13.4 Noise concerns

Pollution Control (Air Quality & Noise) has not been formally consulted due to the nature of the proposal, and also because of the context of the area which is mainly residential in character.

The concerns raised by objectors relate to previous unauthorised use and activities. This matter has been discussed further with the agent who has advised the property had been on the rental market for residential accommodation. It has also been advised that the previous tenant had been using the property as an Air b & b (serviced accommodation), and other unauthorised activities – alleged motor vehicle repairs. It has been explained that these activities were being carried out without the prior knowledge of the owner. I have visited the site and have seen no evidence of motor vehicle repairs being carried out at the property. The agent has also stated that with the agreement of the applicant a neighbour is storing his van in the side parking area, but the van will be moved at the earliest convenience. Furthermore, there is some furniture within the building that is in the process of being moved.

The majority of neighbour concerns relate to the previous unauthorised uses/activities that have been investigated by Planning Enforcement, and these matters do not warrant refusal of the application in my view. The applicant seeks to regularise the residential use and it should also be considered that tenure; whether the property is sold for private ownership or for use on the rental market, cannot be controlled by the local planning authority.



13.4 Biodiversity Net Gain

This proposal is purely for change of use and is therefore exempt from any requirements under Biodiversity Net Gain.

13.5 Presumption and the ‘tilted balance’ (*for housing proposals*)

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

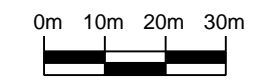
17.1 Plans for consideration

Location Plan 03

Site Block Plan 04 Rev C

Proposed general layout/elevation/roof plan 01





MANN ARCHITECTURAL DESIGNS

Client



Project

The Surgery
Sundial Ln
B43 6PA

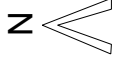
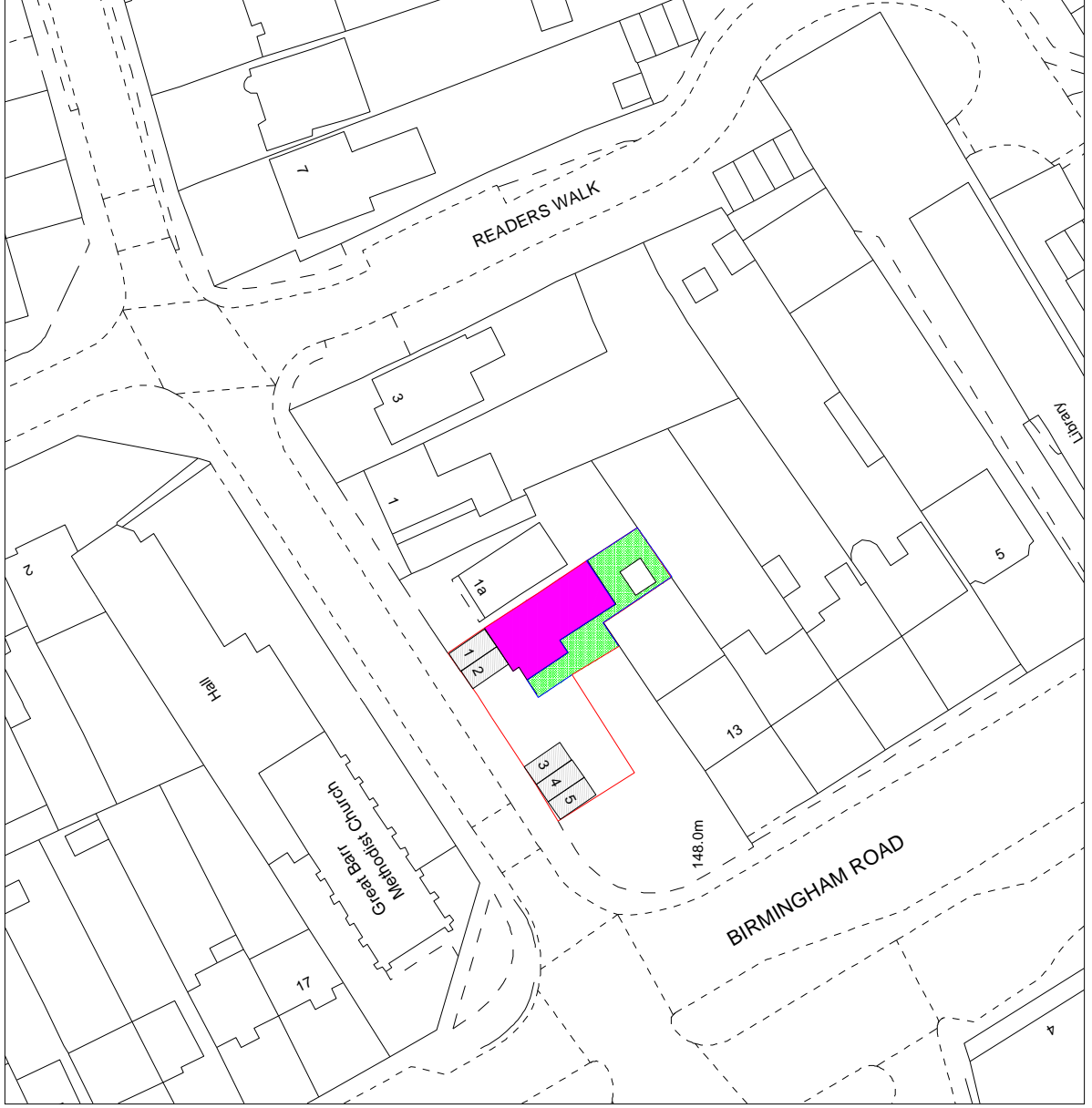
Drawing Title

Site Location plan

Drawn	Checked	Paper Size	Scale	Date
MM	MM	A3	1:1250	JUNE 24
Project No.			Revision	
2406			03	

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Site Location plan 1:1250 @ A3



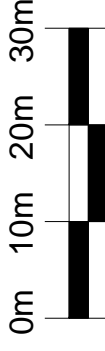
PROPOSED SITE LOCATION
FOR RESIDENTIAL USE



CAR PARKING SPACES



Garden space fenced off



MANN ARCHITECTURAL DESIGNS
Client

Project

The Surgery
Sundial Ln
B43 6PA

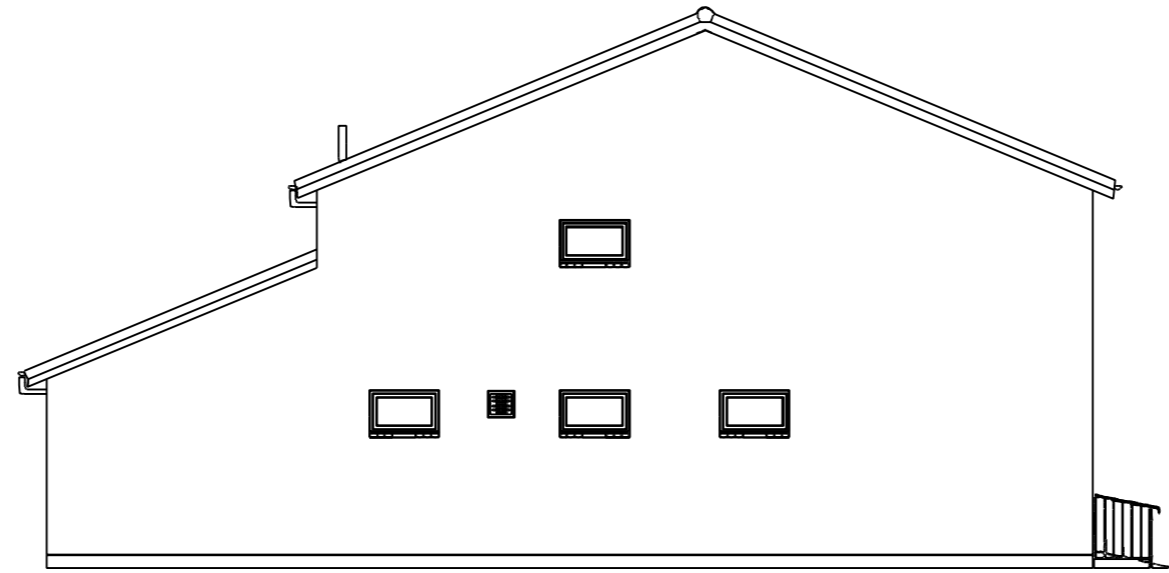
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Site Location plan

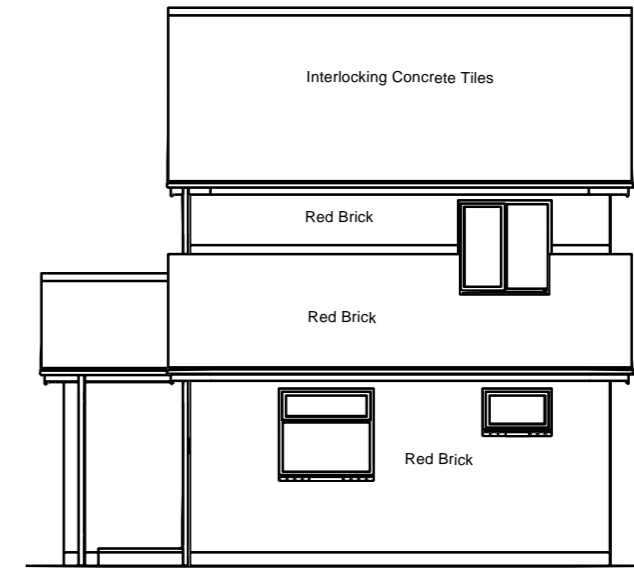
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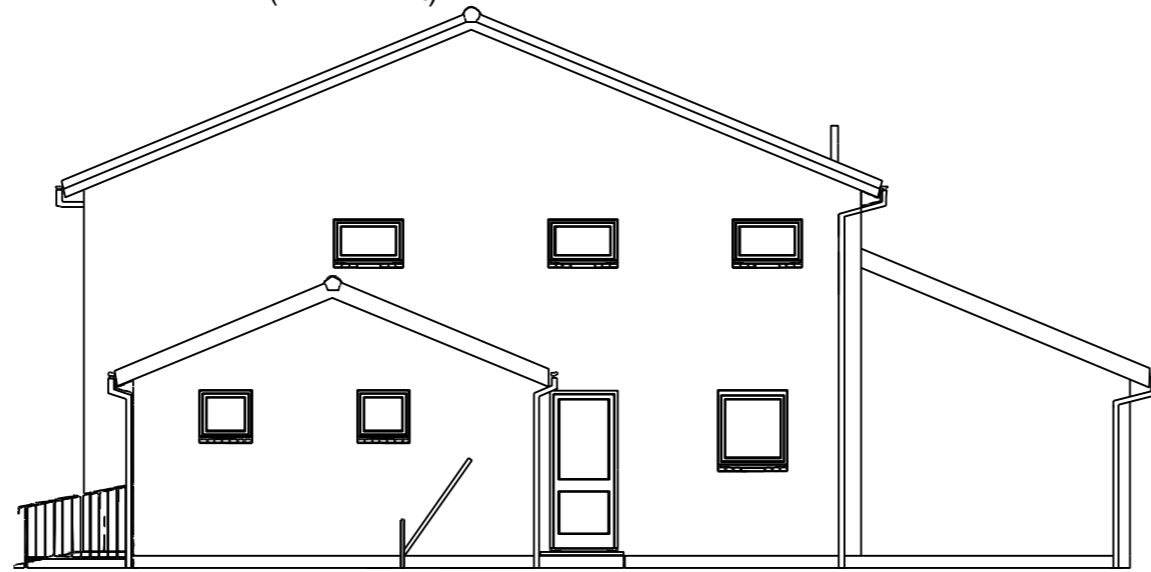
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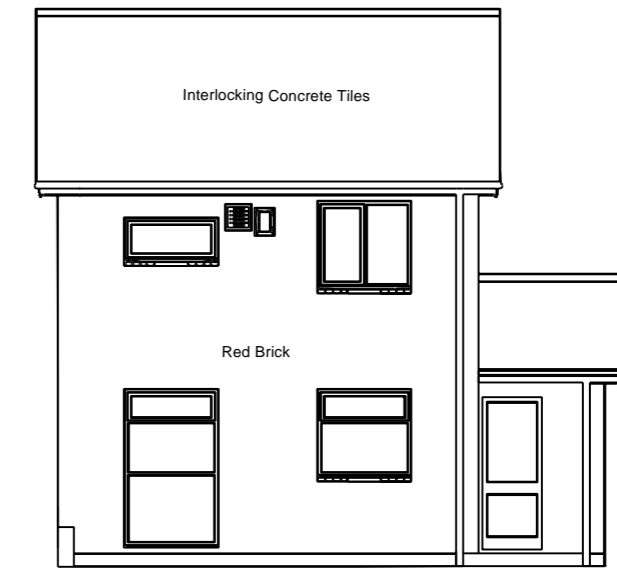
Side Elevation (North East)



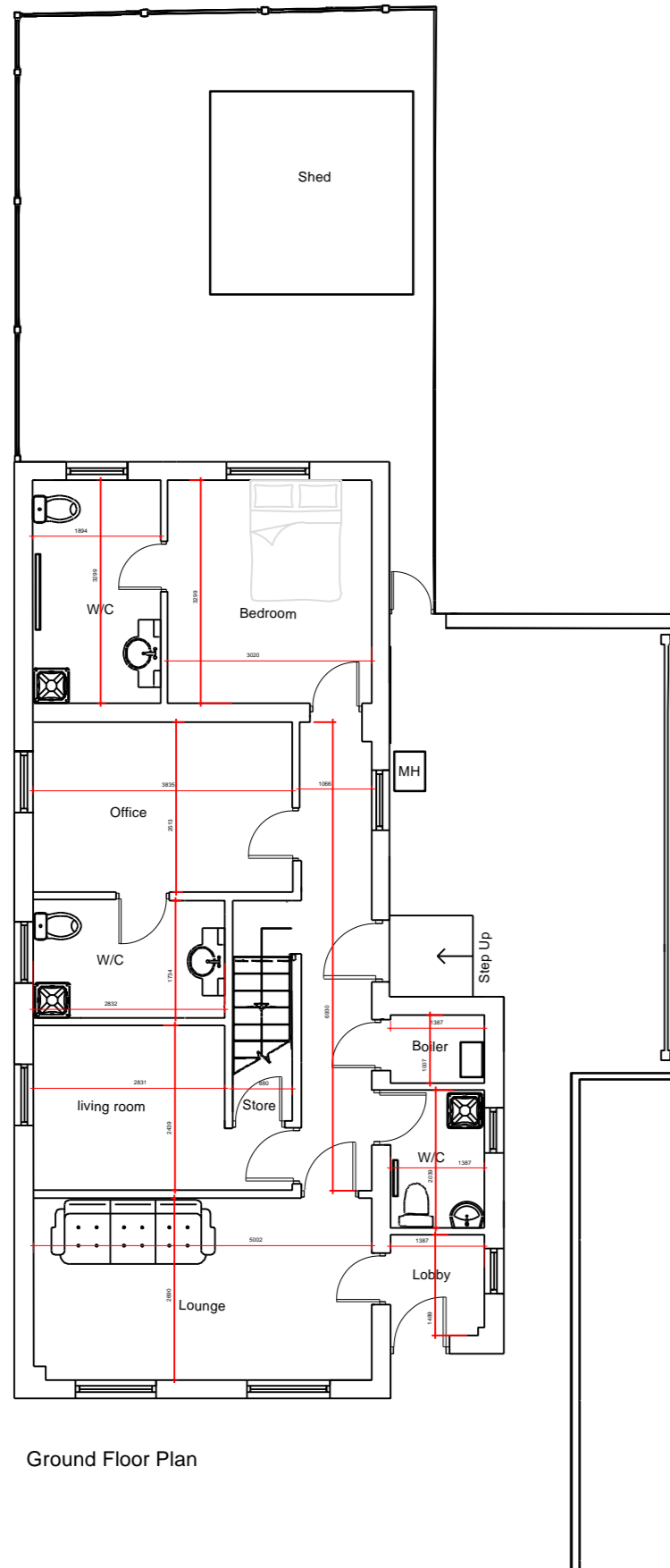
Rear Elevation (South East)



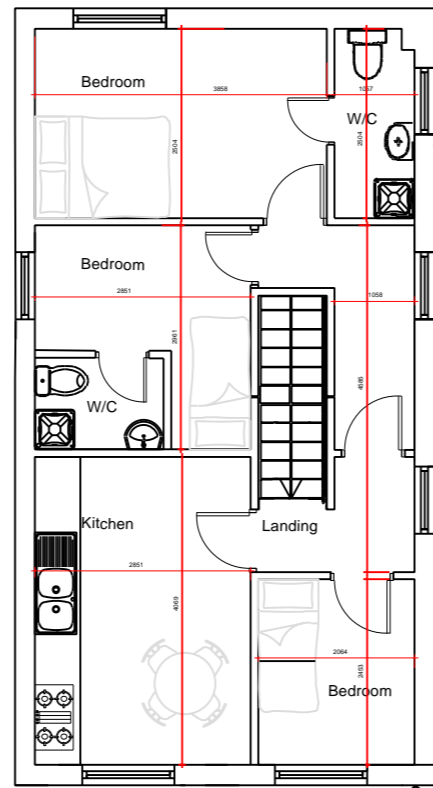
Side Elevation (South West)



Front Elevation (North West)



Ground Floor Plan



First Floor plan

IT SHOULD BE NOTES PROPOSED AND EXISTING ARE THE SAME AS THE CLIENT REQUIRES A RETROSPECTIVE APPROVAL FOR RESIDENTIAL USE.

THE CLIENT SEEKS RESIDENTIAL USE FOR 1 DWELLING I.E FAMILY HOUSE

MANN ARCHITECTURAL DESIGNS

Client

Project

The Surgery
Sundial Ln
B43 6PA

Drawing Title

Proposed Plan and elevations

Drawn	Checked	Paper Size	Scale	Date
MM	MM	A2	1:100	May 2024
Project No. 2406		Drawing No. 01		Revision

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