



Appeal Decisions

Site visit made on 15 January 2019

by Beverley Wilders BA (Hons) PgDurb MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2019

Appeal A Ref: APP/G4620/W/18/3212730

574 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61844, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal B Ref: APP/G4620/W/18/3212732

576 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61845, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal C Ref: APP/G4620/W/18/3212736

578 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61846, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal D Ref: APP/G4620/W/18/3212743

588 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.

- The application Ref DC/18/61847, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal E Ref: APP/G4620/W/18/3212744
590 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61848, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal F Ref: APP/G4620/W/18/3212747
596 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61849, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal G Ref: APP/G4620/W/18/3212753
602 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61919, dated 6 June 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of first and second floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities, refuse and recycling storage and external staircase to rear.
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Appeal H Ref: APP/G4620/W/18/3212756
608 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61851, dated 16 May 2018, was refused by notice dated 28 August 2018.
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- The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal I Ref: APP/G4620/W/18/3212761
616 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61852, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Appeal J Ref: APP/G4620/W/18/3212765
624 Bearwood Road, Smethwick B66 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Green Room Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/61853, dated 16 May 2018, was refused by notice dated 28 August 2018.
 - The development proposed is change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 574 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61844, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 576 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61845, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal C

3. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation

(Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 578 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61846, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal D

4. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 588 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61847, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal E

5. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 590 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61848, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal F

6. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 596 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61849, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal G

7. The appeal is allowed and planning permission is granted for change of use and refurbishment of first and second floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities, refuse and recycling storage and external staircase to rear at 602 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61919, dated 6 June 2018, subject to the conditions set out in the attached schedule.

Appeal H

8. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 608 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61851, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal I

9. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 616 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61852, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Appeal J

10. The appeal is allowed and planning permission is granted for change of use and refurbishment of upper floors to accommodate a House in Multiple Occupation (Class C4) with four single occupancy bedrooms, together with bicycle parking facilities and refuse and recycling storage at 624 Bearwood Road, Smethwick B66 4BW in accordance with the terms of the application, Ref DC/18/61853, dated 16 May 2018, subject to the conditions set out in the attached schedule.

Application for costs

11. Applications for costs were made by Green Room Properties Limited against Sandwell Metropolitan Borough Council. These applications are the subject of a separate Decision.

Procedural Matter

12. An updated revised National Planning Policy Framework (the Framework) was published on 19 February 2019. As this pre-dates the determination of the appeals, in reaching my decisions I have had regard to the revised Framework. However, as the amendments to it have not had a significant bearing on my decisions, I have not re-consulted the main parties on the revised Framework.

Main Issues

13. The main issues are:

- the effect of the proposals on the character of the area;
- the effect of the proposals on highway safety having particular regard to car parking;
- the effect of the proposals on the fear of crime;
- the effect of the proposals on the living conditions of occupiers of residential properties on Herbert Road having regard to privacy and outlook;
- whether future occupiers of the proposed houses in multiple occupation (HMOs) would have sufficient amenity space.

Reasons

Effect on the character of the area

14. The appeal sites comprise properties located within a terraced block of buildings between Nos 574 & 624 Bearwood Road. The ground floors of properties within the block are in commercial use, though a number of the

commercial units were vacant at the time of my visit. This part of the road is commercial in nature and the appeal sites are located within the retail core of Bearwood Town Centre. There are residential streets to the rear of the site including Herbert Road. A private rear access way is located between the rear boundaries of rear gardens of dwellings on Herbert Road and the rear elevations and rear yard areas of properties on Bearwood Road.

15. It is clear from the evidence and from my site visit that the upper floors of a number of the properties the subject of these appeals have previously been in residential use. Whilst the proposed uses as 4 bedroomed HMOs may result in a more intensive form of residential use than the previous uses, having regard to the commercial character of this particular part of Bearwood Road and relative position of the HMOs and nearby residential properties, I do not consider that the proposals together with others submitted by the appellant would be out of character with the area. As stated, the area is not predominantly residential but rather is a mixed commercial/residential area and there is no evidence of any existing over intensification of HMO uses in the immediate vicinity of the appeal sites.
16. Taking the above matters into account, I conclude that the proposals would not have an adverse effect on the character of the area.

Highway safety and car parking

17. No off street parking is proposed to serve the proposed 4 bedroom HMOs. The appellant argues that the accessible location of the sites together with the nature of the accommodation and likely tenants means that future occupiers are unlikely to be car owners.
18. It does not appear from the evidence that the Highway Authority (HA) was consulted regarding the proposals. However the Council's officer reports states that there is no requirement for off street parking due to the town centre location of the appeal sites and the appellant states that the HA did not object to another proposal for a larger HMO with no parking at No 618 – 620 (Ref DC/18/61477).
19. Whilst there is no guarantee that future occupiers of the proposed HMOs would not be car owners, at my site visit I noted that the sites have good access to a range of services and facilities and are very close to the bus station. In addition I noted that unrestricted on-street parking is available on nearby streets, although I acknowledge that demand for this parking appeared to be reasonably high and that significant additional parking on these streets would therefore have the potential to cause parking problems for existing and future residents. Nevertheless, in the absence of any substantive evidence regarding parking and having regard to the nature and location of the accommodation proposed, I consider that a lack of on-site parking would be unlikely to lead to any adverse impact on highway safety. Similarly there is no substantive evidence that any increase in vehicle movements associated with the proposals would be harmful to highway safety.
20. Taking the above matters into consideration, I conclude that the proposals would be unlikely to have a significant adverse effect on highway safety having particular regard to parking. They therefore accord with paragraph 109 of the

Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Fear of crime

21. West Midlands Police were consulted on the applications and objected to the proposals due to concerns regarding the nature of the proposed accommodation and future occupiers and the likely impact on local residents. The Council's concerns make specific reference to insufficient infrastructure in respect of car parking and rear access.
22. As stated, there is no substantive evidence to suggest that the proposals would lead to a significant increase in on-street parking in the vicinity of the sites. Even if parking were to significantly increase, despite the concerns raised by the police, there is no evidence that such an increase in parking would result in an actual or perceived increase in car crime.
23. There is an existing access way to the rear of the appeal sites with access from Anderson Road and Adkins Lane. Whilst it appears that this access is private and that it is currently used by occupiers of businesses and residential units within the terrace between Nos 574 & 624, it is currently open and accessible to any vehicles and pedestrians. The appellant states that he intends to install access gates to each end of the access way meaning that it would only be accessible by business operators and residential occupiers of the terrace. In addition lighting is proposed to the access way and to the rear accesses to the HMOs. Whilst I agree with the appellant that these measures would serve to improve security and safety at the rear of the site and that occupation of the HMOs would provide increased passive surveillance of the area, such measures could not be required by condition as the access way falls outside of the application site boundaries. However a condition could be imposed requiring lighting along the pedestrian routes within the sites and this would also serve to improve security.
24. Whilst I note the appellant's comments in relation to the nature of future tenants and the management of the HMOs, having regard to the nature of the applications, it is not possible to control these matters by the use of conditions or legal agreements. However notwithstanding this and despite comments made by the police, there is no substantive evidence that the proposed HMOs would attract or be likely to be occupied by persons more likely to commit crimes or to carry out anti-social behaviour.
25. Taking the above matters into consideration, I conclude that the proposals would not be likely to significantly increase the fear of crime in the area. The Council's reason for refusal relating to crime referred to paragraphs 91 & 97 of the Framework, however paragraph 97 is not relevant to this issue. The proposals would accord with paragraph 91 which states, amongst other things, that planning decisions should aim to achieve safe places which are safe and accessible so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Living conditions (existing)

26. The rear elevations of the appeal buildings face towards the rear elevations and rear gardens of residential properties on Herbert Road with the rear elevations containing ground and first floor windows. Properties on Herbert Road have reasonably large rear gardens bounded at the rear by a brick wall with a number of properties also having soft landscaping to the rear.
27. The proposed HMOs would include a number of rear first floor windows and doors serving living accommodation. However it appears that in most cases these openings are existing and already serve residential rooms, albeit largely currently vacant, within the appeal buildings. Consequently whilst the proposals would result in a more intensive residential use than existing, having regard to the relative position of the buildings, gardens and openings and to existing boundary treatments and landscaping, they would not result in any significant overlooking of properties on Herbert Road.
28. A number of the appeal buildings have ground floor rear extensions and pedestrian access to all of the HMOs would be from the rear via steps up to the first floor of the buildings. Concerns have been raised about the potential for future occupiers of the HMOs to congregate on the rear steps and on flat roofs and the consequent impact of this on the privacy of Herbert Road residents. A number of the appeal buildings have existing rear accesses and a number have large ground floor extensions positioned near to the rear site boundaries and closer to the properties on Herbert Road than the main body of the terrace. In relation to Nos 574, 578, 596, 602 and 608 I consider that the rear access arrangements are such that in the absence of controls regarding the use of the rear steps and flat roofed areas, there would be the potential for increased and harmful overlooking of properties at the rear. I therefore consider that any permission granted in relation to these properties would need to include a condition restricting the use of the rear accesses and existing flat roofs to prevent them being used as amenity areas. Subject to this I am satisfied that there would be no significant loss of privacy resulting from the proposals.
29. Having regard to the fact that no extensions or significant alterations are proposed to the buildings, I am satisfied that there would be no loss of outlook from nearby residential properties including on Herbert Road.
30. Taking the above matters into consideration, I conclude that the proposals would not have an adverse effect on the living conditions of occupiers of residential properties on Herbert Road having regard to privacy and outlook.

Living conditions (future)

31. In all cases the proposed HMOs would have a rear yard area though due to the size of existing rear extensions, the yard areas for Nos 578 & 596 would be very small. Nevertheless I am not aware of any minimum standards for garden areas for HMOs. In the apparent absence of such standards, noting that all would have some outside space and the proximity of the appeal sites to open space at Lightwoods Park and Warley Woods, I consider that future occupiers of the proposed HMOs would have sufficient amenity space.

Other Matters

32. In reaching my decisions I have had regard to a number of other matters raised in relation to the proposals.
33. I note the concerns regarding the cramped level of accommodation proposed but the Council has raised no specific objections to the proposal on this basis and I have seen no evidence to suggest that they do not meet the Council's standards for this type of accommodation.
34. Whilst the proposals would likely increase the number of residents at the site, I do not consider that this would result in any significant increase in noise and disturbance. In many cases the upper floors of the buildings have previously been in residential use, having regard to this and to the nature of the proposals and the relative position of the accommodation and accesses to nearby residential properties, I do not consider that any increase in activity would materially affect the living conditions of occupiers of nearby properties including on Herbert Road.
35. It seems from the evidence that any concerns raised with regard to access to the proposed accommodation by the emergency services and in particular the fire service are not determinative and could be overcome by liaison with the fire service to ensure that sprinkler systems are put in place where considered necessary.
36. Interested parties allege a lack of collaboration from the appellant on the proposals. However whilst this is unfortunate if it is the case, it is not a reason to withhold planning permission for the proposals. Finally I am satisfied that approval of the proposals would not set an undesirable precedent for similar proposals, all of which would need to be assessed on their own merits and based on the submitted evidence.

Conditions

37. I have had regard to the conditions suggested by the Council. I have imposed a condition on all of the permissions specifying the approved plans as this provides certainty. I have also imposed a condition requiring the submission and approval of a noise impact assessment (NIA). Whilst I note that at least some of the properties have had previous residential uses, the intensity of the residential use would increase and such a condition has been recommended by the Council's Environmental Health department. The condition is required in order to ensure that future occupiers of the HMOs have satisfactory living conditions. However I have amended the suggested wording slightly in order to require the submission to and approval of the NIA by the Council.
38. I have also imposed conditions requiring the proposed bin storage and cycle storage areas to be provided prior to occupation of the HMOs. This is to ensure adequate bin storage and cycle storage having regard to the location of the sites and the nature of the proposed uses.
39. In addition I have imposed a condition requiring a lighting scheme to be submitted and implemented for the rear accesses. This is in order to ensure

enhanced safety and security for future occupiers and to ensure adequate pedestrian access. In relation to Nos 574, 578, 596, 602 and 608 I have imposed a condition restricting the use of the rear access stairways and flat roofed areas. This is in order to protect the living conditions of the occupiers of nearby residential properties having regard to privacy. The appellant has been consulted on the imposition of both of these conditions and has raised no objections to them.

Conclusion

40. For the above reasons and having regard to all matters raised, I conclude that the appeals should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 163, 17098 – 120, 17098 – 220A and 17098 - 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the I_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.
- 7) No part of the rear access stairway or the existing flat roof shall be used as a balcony, roof garden or similar amenity area.

Appeal B

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 162, 17098 – 119, 17098 – 219A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC

8233:2014 and also the l_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.

- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.

Appeal C

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 161, 17098 – 118, 17098 – 218A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the l_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.

- 7) No part of the rear access stairway or the existing flat roof shall be used as a balcony, roof garden or similar amenity area.

Appeal D

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 160, 17098 – 115, 17098 – 215A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the l_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.

Appeal E

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 159, 17098 – 114, 17098 – 214A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the l_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form

part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.

- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.

Appeal F

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 158, 17098 – 112, 17098 – 212A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the L_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.
- 7) No part of the rear access stairway or the existing flat roof shall be used as a balcony, roof garden or similar amenity area.

Appeal G

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 165, 17098 – 110, 17098 – 210A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the l_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.
- 7) No part of the rear access stairway or the existing flat roof shall be used as a balcony, roof garden or similar amenity area.

Appeal H

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 156, 17098 – 107, 17098 – 207A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the l_{amax} inside threshold value of 42dB given in the WHO

Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.

- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.
- 7) No part of the rear access stairway or the existing flat roof shall be used as a balcony, roof garden or similar amenity area.

Appeal I

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 155, 17098 – 104, 17098 204A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the l_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.

Appeal J

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: 17098 – 154, 17098 – 101, 17098 – 201A and 17098 – 250.
- 3) Before the development is brought into use a comprehensive noise impact assessment shall be carried out by a suitably qualified noise consultant and shall be submitted to and approved in writing by the Council, to quantify the impact of noise from existing commercial operations and traffic and shall include mitigation measures. The report shall consider whether sound levels meet the indoor ambient noise levels for dwelling set out in table 4 of BSC 8233:2014 and also the l_{amax} inside threshold value of 42dB given in the WHO Night Noise Guidelines for Europe. If a glazing/ventilation scheme is to form part of any proposed mitigation, then the report should also include a full and marked up set of plans showing the glazing/ventilation specifications for each façade. The approved mitigation measures shall be carried out before the development is brought into use and thereafter retained as such.
- 4) Before the development is brought into use the approved cycle storage shall be implemented and thereafter retained as such.
- 5) Before the development is brought into use the approved bin storage shall be implemented and thereafter retained as such.
- 6) Before the development is brought into use, a lighting scheme within the site for the proposed rear access shall be implemented and thereafter retained as such having first been submitted to and approved in writing by the local planning authority.