Birmingham City Council

Planning Committee

30 November 2023

I submit for your consideration the attached reports for the **South** team.

Recommendation	Report No.	Application No / Location / Proposal
Approve – Subject to 106 Legal Agreement	6	2022/06931/PA
		Police Station
		555 Yardley Wood Road
		Billesley
		Birmingham
		B13 0TB
		Demolition of vacant Police Station building and associated structures and erection of 29no. affordable dwellings with access, parking, landscaping and associated works

Committee Date: 30/11/2023 Application Number: 2022/06931/PA

Accepted: 29/09/2022 Application Type: Full Planning

Target Date: 08/12/2023 Ward: Billesley

Police Station, 555 Yardley Wood Road, Billesley, Birmingham, B13 0TB

Demolition of vacant Police Station building and associated structures and erection of 29no. affordable dwellings with access, parking, landscaping and associated works - AMENDED DESCRIPTION

Applicant: Wonderful Homes Ltd

Colman House, Station Road, Knowle, Solihull, West Midlands, B93

0HL

Agent:

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. Consent is sought for the demolition of the existing Police Station Building with associated buildings and structures which has been vacated by the Police since June 2019 and has remained vacant since this date. The proposed development seeks consent for the erection of 29no. fully affordable dwellings with a new access, landscaping and parking. The proposed development would be made up of the following dwelling types and amounts:
 - One bedroom maisonettes ground floor (house type F51) 3 units proposed.
 - One bedroom maisonette first floor (house type F58) 3 units proposed.
 - Two bedroom dwellings over two storeys for 4 people (house type B79 and B80)
 10 units proposed.
 - Three bedroom dwellings over two storeys for five people (house type C94, D93 and E93) 4 units proposed.
 - Three bedroom dwellings over two and a half storeys for six people (house type D113) – 1 unit proposed.
 - Four bedroom dwellings over two and a half storeys for six people (house type 4BP and 4bpa) 8 units proposed.

Image 1 – Proposed Site Plan showing proposed layout



- 1.2. The proposed development would utilise an existing access point which is located further north off Yardley Wood Road which currently serves as the existing access to the Police Station building and car park and would provide access to seven of the proposed dwellings (plots 10, 11, 12, 13, 14, 15 and 16).
- 1.3. A new access would be created more centrally within the site which would create a wider access to access the other sixteen dwellings and six maisonettes. The main access would continue straight into a hammerhead junction with a private drive to the righthand side to access the frontages and parking for plots 4, 5, 6, 7 and 8 and for the parking for plot 9.

1.4. Link to documents

2. <u>Site & Surroundings</u>

The site is located on Yardley Wood Road in the suburb of Billesley, south of the city centre and is the site of a disused police station. Yardley Wood Road is a long residential road running north to south from Moseley to Solihull Lodge. The Police Station buildings date from the 1800s and were formerly Billesley House, a large private residence, before they were converted to a police station in the early 1900s. A small chapel building is located to the northern boundary of the site. The housing in the local area dates from the inter war period and is laid out in the traditional geometric street pattern of the time. The houses in the surrounding area are mostly two storey, terraced or semi detached, with hipped roofs and simple elevations. On Yardley Wood Road, houses are well set back behind deep grass verges with mature trees. There are a large number of mature trees within the site with some being category A and B trees and are of good value. Opposite the site is Swanshurst Park, a large public open space with grassland, natural heathland, woodland and ponds, of which there is also a play area and large fishing pool.

Site Location

3. Planning History

- 3.1 1992/04353/PA Demolition of outbuildings and erection of extension to police station Approved with conditions 21/01/1993
- 3.2 1993/05012/PA Erection of single-storey portacabin for use as temporary office accommodation Approve Temporary 27/01/1994

- 3.3 1996/00830/PA Retention of single-storey Portacabin for use as temporary office accommodation Approve Temporary 16/05/1996
- 3.4 2003/05788/PA Construction of a car park Approved with conditions 10/11/2003
- 3.5 2004/04546/PA Erection of a two storey rear extension to provide additional office accommodation, new male and female locker rooms, toilets, showers, disabled toilet and boiler room Approved with conditions 09/09/2004
- 3.6 2007/00665/PA Siting of 5 portacabins Approve Temporary 17/04/2007
- 3.7 2008/02418/PA Erection of single storey side extension to allow for internal staircase Approved with conditions 01/07/2008

4. <u>Consultation Responses</u>

- 4.1 Regulatory Services No objections subject to conditions.
- 4.2 Transportation No objections subject to conditions.
- 4.3 West Midlands Fire Services No objections subject to the approval of Building Control which would be required in accordance with Part B of the Building Regulations 2010.
- 4.4 West Midlands Police No objections.
- 4.5 Tree Officer No objections subject to conditions for an Arboricultural Method Statement and Tree Protection Plan.
- 4.6 Planning Growth and Strategy Shows an overprovision of four bedroom houses and Applicant should consult the Guidance Note on Sustainable Construction and Energy Statements.
- 4.7 Urban Design/Landscape Officer No objections subject to conditions, include further planting details and architectural details.
- 4.8 Conservation Objection of the demolition of the existing building as a nondesignated heritage asset.
- 4.9 Employment Access Team No objections.
- 4.10 Environment Agency No comments received.
- 4.11 Birmingham Public Health No comments received.
- 4.12 Affordable Housing Team The preferred tenure mix for affordable housing tends to be 75% for social and affordable rent and 25% for First Homes. However, as the site would be taken on by a Registered Provider, they tend to have their own strategies and policies they're looking to deliver. Therefore, the current approach where the selected Register Provider will outline their tenure mix as part of the S106 Agreement in accordance with their strategies would be suitable.
- 4.13 Lead Local Flood Authority No objections awaiting conditions.
- 4.14 Severn Trent No objections subject to conditions.

4.15 Leisure Services – No objection subject to a Section 106 Agreement to secure the following sums to Open Space:

65 people generated. 65 divided by 1000 x 20,000 (2 hectares per thousand of population)= 1300 sq m of POS generated - 625m2 (average area of a toddlers play area)= 675m2 x £65 (average cost of laying out POS per sq m) = £43,875 + £90,000 (average cost of a toddlers play area) = Total contribution of £133,875

This would be directed towards the provision, improvement and / or biodiversity enhancement of POS and Play at the adjacent Swanshurst Park within the Billesley Ward.

- 4.16 Ecologist No objections subject to conditions.
- 4.17 Education There is an oversupply of 113PTE (Part Time Equivalent) childcare places for the 0-4 year old age group for the Billesley Ward. Based on the current childcare sufficiency places available local childcare providers have the capacity to absorb any increased demand from the proposed development.
- 4.18 Birmingham Public Health No comments received.

5. <u>Third Party Responses</u>

- 5.1 Adjacent occupiers, Residents Associations, M.P and Councillors have been notified and a site and press notice has been displayed. There have been 15 letters/emails of comments and objections that have been received raising the following matters:
 - Pedestrian and cycling infrastructure to be considered.
 - A new pelican/zebra crossing would be needed at the junction based on the new dwellings.
 - The existing crossing at the junction and island would need to be moved further down towards the fire station.
 - A S106 Agreement would be needed for road safety to Swanshurst Park and crossing points.
 - Affordable houses for families and small children will be dependent on road safety measures.
 - Cycle storage.
 - Parking on grass verges which will be emphasised by the proximity to Swanshurst Park which could impact access to homes.
 - Potential for Menin Crescent and Yardley Wood Road to be joined up.
 - Letters not received.
 - Two exits and entrances will cause traffic problems.
 - Traffic calming measures have made Yardley Wood Road busier.
 - Concerns of the loss of the Police Station, the existing building should be upgraded.
 - History will be gone with the loss of the Police Building, which was left to the Police over 100 years ago.
 - Will the housing be for the people of Billesley and will they be affordable?
 - The Police Station is a building of local pride.
 - Loss of mature trees and impact on air quality.
 - Too many dwellings proposed.
 - The four bedroom dwellings would be near the main road and visible.
 - The proposed cul-de-sac would be cramped.
 - Concerns of overlooking.
 - Pollution.

- The proposed access is on a notoriously dangerous road with many accidents.
- The Police Station building is grade II listed building.
- Lack of design flair.
- Selly Oak Spokesperson would like to attend meeting to discuss options.
- Development identified in the "Just Build Homes" Platform.
- A reduction in the number of houses and the retention of the Police Building would be more suitable.
- The existing building provides nests for swifts.

In addition, a petition of 150 signatures has been received regarding the loss of the Police Station building.

- 5.2 In addition, there have been 2 letters/emails of support that have been received raising the following matters:
 - · Generally support much needed housing.
- 5.3 Councillor Phil Davis Would like to broadly endorse the comments of the Moseley Society (please see paragraph 5.5) in support of the Police Station site redevelopment and would like to earmark funds from Section 106 monies towards a pedestrian safety measures in the part of Yardley Wood Road. Will a developer contribution be secured for local road safety i.e. funds to create a pedestrian crossing and yellow lines.
- 5.4 Councillor Katherine Iroh Concur with the comments made by Councillor Phil Davis.
- The Moseley Society have commented on the application, raising the following points:
 - Welcome the improvements to the site.
 - Could the lighting be updated to improve energy costs?
 - EV car parking should be improved.
 - Entrance/exit from Wheeler Lane, will the boards be moved from the front of the site with the removal of hedgerow, want it to be safe entrance and egress if the site is used at full capacity.

6. Policy Context

• National Planning Policy Framework:

Chapter 2 – Achieving Sustainable Development

Chapter 5 – Delivering a Sufficient Supply of Homes

Chapter 6 – Building a Strong, Competitive Economy

Chapter 8 – Promoting Healthy & safe Communities

Chapter 9 – Promoting Sustainable Transport

Chapter 11 - Making effective Use of Land

Chapter 12 – Achieving Well Designed Places

Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal

Change

Chapter 15 – Conserving and Enhancing the Natural Environment

Chapter 16 - Conserving and Enhancing the Historic Environment

• Birmingham Development Plan 2017:

PG3 - Place Making

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TP2 - Adapting to climate change

TP3 – Sustainable Construction

TP4 – Low and Zero Carbon Energy Generation

TP6 – Management of Flood Risk and Water Resources

TP8 – Biodiversity and Geodiversity

TP9 – Open space, Playing Fields and Allotments

TP27- Sustainable neighbourhoods

TP12 – Historic Environment

TP27 – Sustainable Neighbourhoods

TP28 – The Location of New Housing

TP29 - The Housing Trajectory

TP30 - The type, size and density of new housing

TP31 – Affordable Housing

TP36 - Education

TP37 - Health

TP38 – A Sustainable Transport Network

TP39 - Walking

TP40 - Cycling

TP41 – Public Transport

TP45 – Accessible Standards for New Development

• Development Management DPD:

DM2 – Amenity

DM4 - Landscaping and trees

DM5 - Light Pollution

DM6 - Noise and vibration

DM10 – Standards for Residential Development

DM14 - Transport access and safety

DM15 - Parking and servicing

Supplementary Planning Documents & Guidance:

Birmingham Design Guide SPD (2022) Car Parking in Birmingham SPD (2021)

7. Planning Considerations

7.1 The key planning issues are; the principle of the development; the scale and appearance of the proposed works; the impact on neighbouring residential amenity, impact on parking and highway safety; impact on trees, landscaping and ecology and drainage.

7.2 Principle

7.3 Policy PG3 of the Birmingham Development Plan (BDP) specifies that development would be expected to demonstrate high design quality and would need to respond to a strong sense of place. In addition, policies TP27 and TP28 of the BDP expect new housing to contribute to making sustainable places by being well located to shops, services and public transport as well as being located outside of flood zones 2 and 3. Policy TP30 of the Birmingham Development Plan makes references to the Strategic Housing Market Assessment (2013) which outlines the demographics and housing delivery and need across the City. The Housing and Economic Development Needs Assessment (HEDNA) 2022, which now superseded the Councils Strategic Housing Market Assessment (SHMA) 2013 identifies the type of housing that is required across the City, and notes that there is greatest need for 3-bedroom homes (40% market housing) and that this is closely followed by 2-bedroom homes (35% market

housing) and in accordance with Policy TP30, residential development would be required to respond to this mix and demonstrate that it would be making an effective contribution to the type of housing that is in demand across the City. In addition, the City Council is committed to providing high quality affordable housing for people who are unable to access of afford marking housing, of which this need is outlined within Policy TP31 of the Birmingham Development Plan and with the HEDNA.

- 7.4 The site is not located within flood zones 2 or 3 and owing to the site's location within an established residential area with close links to neighbouring Local and District centres, would present a broadly suitable and sustainable location for housing. The proposed development is proposed for 29 fully affordable residential dwellings, of which the delivery of a site of entirely affordable dwellings would make a strong and positive contribution to the City's housing needs and wider Council Policies. However, the suitability of the proposed development would be underpinned by the development making a positive visual contribution to the local area, the suitability of the demolition of the existing buildings on site, the mix of the proposed dwellings and whether the proposed development would lead to a good level of amenity for existing and future occupiers and whether there would be any harmful highways impacts arising from the development. These issues shall be assessed in full as part of this report.
- 7.5 The 2023 Five Year Housing Land Supply report indicates that the city has 29,734 dwellings on specific deliverable sites which could be completed between 2023-2028 (including windfall allowance). Adding to this is a windfall allowance of 1,800 dwellings, this gives a total supply of 31,534 dwellings. This means the city has 4.24 years' supply and represents a shortfall against the Local Housing Need requirement and is below the five years required by the National Planning Policy Framework. As a result, the Council cannot demonstrate a five-year housing land supply which means that the presumption in favour of development applies in accordance with Para 11d of the NPPF. The consequences of this are that the 'tilted balance' will be engaged for decision taking. This means that the assessment would shift from a neutral balance where the consideration is whether the harm outweighs the benefits to a tilted balance where the harm would have to significantly and demonstrably outweigh the benefits to justify the refusal of residential development. A full assessment of the development against the tilted balance shall be assessed in the conclusion of this report.
- 7.6 Loss of existing Police Station and associated buildings
- 7.7 Concerns have been raised by local residents and the Council's Conservation Officer with regard to the loss of the existing Police Station and associated buildings in order to facilitate the proposed development at the site. The Police Station building is not a statutory or locally listed building, but it is recognised as a "non-designated" heritage asset, of which policy TP12 of the Birmingham Development Plan stipulates that great weight shall be given to its conservation and shall be assessed in accordance with National Policy. In accordance with paragraph 203 of the National Planning Policy Framework, "in weighing applications that directly or indirectly affect non-designated heritage assets a balanced judgement would be required having regard to the scale of any harm of loss and the significance of the asset."
- 7.8 The proposal would result in the loss of the entire building and associated structures and a number of concerns have been raised by local residents, including the submission of a petition, about why the existing buildings cannot be retained and incorporated into the development. However, the proposed layout has been designed to provide family sized affordable dwellings which would need large plots to include private garden space and internal spaces that would be adaptable in the long term for future occupiers. Therefore, it would not be possible to create the same number and

type of affordable dwellings at the site by retaining and converting the existing buildings. The proposed development, would therefore, respond positively to the recognised housing needs across the city by maximising the potential within the site and providing family sized affordable residential dwellings. On weighing up the loss of the non-designated heritage asset against the wider public benefits that would be secured as part of the proposed development; the development would create a significant number of city-wide public benefits, which could not be delivered to the same extent if the existing Police Building were retained and converted as part of the development. The existing Police Building and other buildings within the site are not statutory listed and would benefit from no statutory protection, the buildings are also not designated as Community Assets. The loss of the non-designated heritage asset (Police Station building and associated structures) would comply with the principles and rationale of the National Planning Policy Framework and policy TP12 of the Birmingham Development Plan and it's loss would be considered reasonable and proportionate to secure the wider public benefits of the proposed scheme.

7.9 - Affordable Housing

- 7.10 The proposed residential units are proposed to be fully affordable, whilst the application has not come forward through BMHT, a number of Affordable Housing providers have engaged with the application in relation to the layout and design of the scheme and the size and mix of the proposed dwellings, with a view to adopting the site. Whilst the HEDNA outlines that there is the greatest need for 3-bedroom homes (40% market housing) and that this is closely followed by 2-bedroom homes (35% market housing), the Affordable Providers have expressly asked for a greater number of larger four bedroom dwellings to be provided within the site to accommodate their need for larger family housing. The proposed scheme would consist of a mix of fifteen two and three bedroom properties and eight four bedroom properties, with six one bedroom maisonettes. It is considered that this mix responds positively to the requirements of the HEDNA whilst also responding to the need for larger family sized dwellings. A small number of one bedroom properties are proposed to respond to the needs of the Affordable Housing Providers and to provide a balanced mix of housing within the site.
- 7.11 The Affordable Housing Team within the Council specify that the preferred tenure mix for affordable schemes being delivered would be for 75% of the proposed dwellings to be for social and affordable rent and for 25% of the proposed dwellings to be for First Homes. The tenure and mix of the proposed dwellings would then be secured and delivered through a Section 106 Agreement. However, as the site would be adopted by an Affordable Housing Provider, it is recognised that the Registered Provider might have their own strategies and policies that underpin the tenure mix and needs of their sites. Therefore, the Affordable Housing Team at the Council would be content for the tenure mix to be secured at S106 stage by either a 75% for social and affordable rent and 25% for First Homes ratio or for the tenure mix of the proposed development to be in accordance with the tenure needs and policies of the Affordable Housing Provider that adopts the site and would enter into the Section 106 Agreement. Irrespective of this, the ratio of First Homes would be restricted to no more than 25% - 30% of the site with the scheme predominantly secured for social and affordable rent.
- 7.12 The proposed development would seek to provide a wide mix of dwelling types that would help to meet different housing needs and can also be delivered as a fully affordable housing site and secured by a Section 106 Agreement that would prescribe the affordable tenure of the site. The proposed development would, therefore, fully accord with the requirements of policies PG3, TP27, TP28, TP30 and TP31 of the Birmingham Development Plan and the principles of the National Planning Policy Framework.

7.12 Layout, scale and Design

7.13 The proposed scheme would utilise an existing access, which has historically provided access to the old Police Station and car park, this would provide access to seven plots that front onto Yardley Wood Road. A further access is proposed further south along Yardley Wood Road which would provide a central access to the wider site, the proposed access is lined up with the position of a grade A category tree (T9) which is located at the back of the site. This presents a focal feature at the end of the access road in front of the hammerhead junction and a point of interest and sense of arrival when entering the site. A total of 29 trees are sought to be removed as part of the proposal, however, a significant number are sought to be retained along the frontage to re-enforce the green setback of surrounding residential properties along Yardley Wood Road.

Image 2 – Retention of tree T9 and retention of trees at frontage



- 7.14 The proposal retains a strong frontage along Yardley Wood Road, which re-enforces the existing building line along the street scene. The proposed dwellings fronting along Yardley Wood Road (plots 10, 11, 12, 13, 14, 15, 15, 17, 18 and 19) would be set back to reflect the existing building line would re-enforce the wider development pattern and rhythm of development in the locality. At the hammerhead junction in front of tree T9, a private drive is proposed to the righthand side to access the frontages and parking for plots 4, 5, 6, 7 and 8 and for the parking for plot 9. Bespoke house types are proposed at plots 7 and 9 to allow for a corner turner within the site and a bespoke focal point elevation at the end of the private drive.
- 7.15 Amended plans have been received which have made changes to the house types, which have introduced more contemporary proportions and the massing of the two and a half storey four bedroom houses (plots 16, 17, 18, 19, 20, 21, 22 and 23) would now be more acceptable. For this house type, the roof space has been reduced in volume with a single bedroom only at second floor. As well as appearing less massive, the resulting elevation is more in keeping with the local vernacular. The proposed house types seek to respond to the proportions and appearance of the surrounding residential properties, in particular the proposed hipped roofs and proportions.

Image 3 – Example of house type 4P6P - frontage on Yardley Wood Road along plots 16, 17, 18 and 19



Image 4 – Example of house type B80/B79 - frontage on Yardley Wood Road along plots 13, 14 and 15



Image 5 – Example of house type B79 - frontage on Yardley Wood Road along plots 10, 11 and 12



7.16 The scheme has improved through the submission of amended plans since the initial submission and could now be supported from a design point of view. The scale and massing and layout of the proposed development would be suitable and would make best use of the proposed site. The appearance of the proposed dwellings are considered to be suitable and would be subject to planning conditions to secure materials and architectural details prior to build out. The proposal would therefore, accord with the requirements of policy PG3 of the Birmingham Development Plan, the guidance contained within the Birmingham Design Guide SPD and the National Planning Policy Framework.

7.17 Amenity

7.18 Policy DM2 of the Development Management in Birmingham Plan stipulates that development would need to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers. Policy DM10 of the Development Management in Birmingham Plan outlines the amenity standards and separation distances required for residential development, which is further

substantiated in the Nationally Described Space Standards and the Birmingham Design Guide SPD (2022).

7.18 - Future occupiers

- 7.19 The proposed dwellings would fully accord with gross internal space requirements and bedroom sizes as contained within the Nationally Described Space Standards. In addition, each of the proposed two and three bedroom dwellings would benefit from a minimum of 52m2 of private outdoor amenity space and each four bedroom property would achieve a minimum of 70m2 private outdoor amenity space. The proposed maisonettes would benefit from a communal area of private outdoor amenity space which would be located to the rear of the properties (plots 24, 25, 26, 27, 28 and 29). It is not clear if the outdoor amenity space to the rear would be divided up between each unit or if it would remain communal, this would be established as part of the planning conditions with the presence and position of boundary treatment. However, based on the total area of outdoor amenity space proposed for the block of maisonettes, this would equate to 50m2 of private outdoor amenity space per each maisonette unit.
- 7.20 The Agent has worked with the Councill's Urban Designers and have provided amended plans accordingly, which have made positive steps to the internal layout within the site, providing more set back between proposed dwellings and better garden plots.
- 7.21 The proposed dwellings would result in a good, spacious internal layout for future occupiers and would be accompanied by a good level of private outdoor amenity space for each of the proposed units. The proposed development would result in spacious family accommodation which would make a positive contribution to the Councils housing need.

7.22 - Neighbouring occupiers

- 7.23 Concerns have been raised by local residents with regard to overlooking. The proposed dwellings would accord with the minimum separation distances as contained within the Birmingham Design Guide, providing a minimum of 21m separation between the main habitable windows of the proposed dwellings and existing windows of neighbouring properties as well as a 5m per storey set back from proposed elevations and neighbouring boundaries.
- 7.24 Plots 16, 17, 18, 19, 20, 21, 22 and 23 would be two and a half storey dwellings and would provide four bedrooms over three floors, plots 16, 17, 18 and 19 would back onto other plots within the development and plots 20, 21, 22 and 23 would back onto the side elevation of 585 Yardley Wood Road. The second storey bedrooms in these proposed dwellings would be served by a dormer window to the front which would provide the main source of outlook and sunlight to these rooms and a secondary rooflight to the rear.
- 7.25 Plots 24, 25, 26, 28 and 29 are the only proposed one bedroom accommodation within the site, creating separate ground floor and first floor flats. The rear facing windows serving both the ground and first floor accommodation would serve a hallway, bathroom and a secondary window for the kitchen and living room area, with the main source of light and outlook to this room being provided by the front facing window. The properties would be two storeys in height and would be set back 5m away from the rear boundary.
- 7.26 Conditions would be attached to ensure that the proposed secondary rooflights to the rear of plots 16, 17, 18, 19, 20, 21, 22 and 23 and the rear facing windows of plots

- 24, 25, 26, 28 and 29 would be obscurely glazed to ensure a 5m separation distance per storey from the back of the proposed rear elevation to the rear of the garden boundary. Given the setback that can be achieved between the proposed dwellings and their rear boundaries, it would not be considered that this would result in overbearance and subject to the use of obscure glazing on some rear facing secondary windows, would fully comply with the required separation distances as contained within the Birmingham Design Guide SPD and policy DM10 of the Development Management in Birmingham Plan.
- 7.27 Significant amendments have been carried out to the positioning and appearance of plot 7, which provides a focal point at the end of the private cul-de-sac. The rear elevation of the proposed dwelling at plot 7 would be positioned against the boundary of a church building and end of the garden of 26 Jutland Road. The proposed dwelling has been "dog legged" in at the first floor to provide a setback from the boundary with 26 Jutland Road of 5m at first floor and there are no rear facing habitable windows which could overlook this area of garden, with the rear facing hallway window being obscurely glazed. Despite the close relationship between the rear elevation of the proposed dwelling and the garden boundary, the area of the garden where the proposed dwelling would be closest to is currently occupied by outbuildings and given the first floor setback that has been achieved, it is not considered that this relationship between the proposed dwelling and the adjacent garden would result in the occupier of 26 Jutland Road not being able to use this section of the garden, due to the presence of established structures.
- 7.28 Overall, the proposed development would result in a good level of amenity for future occupiers and existing neighbouring residents by ensuring no impacts of overlooking and overbearing and providing a good internal layout with a good level of private outdoor amenity space per dwelling. The proposed works would, therefore, comply with policies DM2, DM6 and DM10 of the Development Management In Birmingham Plan (2021) and the guidance contained within the Birmingham Design Guide SPD (2022).

7.29 Ecology, Trees and Open Space

7.30 As part of the application, a Preliminary Ecology Appraisal (PEA) has been carried out which has assessed the overall site and the existing buildings within the site and has considered the impact of the proposal on protected and notable species. The PEA recommended further surveys to be carried out and a further Bats Survey and Tree Survey were submitted as part of the application. Whilst the further Bats Survey identified bat roosting potential within the existing buildings within the site, it is considered that through detailed mitigation that the proposal would pose no harm to protected species. The proposed development would therefore, accord with the three tests within the Conservation Habitats and Species Regulations, in that; the proposal would provide a significant public benefit by providing much needed family sized, affordable housing, there would be no way to provide the level of proposed dwellings on site through the retention of the buildings on site and that due to the moderate level of day roost potential that has been established through the surveys. it is considered that subject to planning conditions to allow for detailed mitigation and migration of species on site and the inclusion of a Natural England Bat License, that the proposal would pose no harm to protected species and would accord with the requirements of policy TP8 of the Birmingham Development Plan, the National Planning Policy Framework and the Conservation Habitats and Species Regulations.

Image 6 - Proposed tree removal (outlined in red)



- 7.31 A total of 29 trees and two clusters of trees (G59 and G65) would be removed to facilitate the proposed works. The majority of these trees to be removed are category C trees and 4 category trees within the centre of the site, of which these trees are in moderate to good condition. The loss of mature trees on site has been noted as a concern by local residents, however, the removal of these trees would be necessary to facilitate the proposed development and a development of this many units. A number of category B trees would be retained to the front and side of the site, with a category A tree (T9) retained to provide a focal feature at the end of the proposed new entrance into the site. Due to the extent of tree loss within the site, it is noted that this would result in a loss of net biodiversity across the site. However, as part of the proposed landscaping scheme, a total of 29 trees are proposed to be re-planted within the proposed development as well as the creation of hedgerow planting to provide low level boundary treatment; of which this would result in a net gain of biodiversity across the site. In accordance with da total financial contribution would be required through a Section 106 Agreement based on the future occupancy of the site which would be directed towards the provision, improvement and biodiversity enhancement of the Public Open Space and Play at the adjacent Swanshurst Park within the Billesley Ward.
- 7.32 A significant amount of tree removal would be required to facilitate the proposed works and would result in the net loss of 4.25 habitat units from the site. Due to the wider level of wider tree retention across the site, the extent of tree re-planting and the introduction of hedgerow planting proposed as part of the proposed landscaping scheme, this would also introduce a habitat gain of 2.37 habitat units on site. In order to ensure that there would be no net loss of biodiversity within the site, a contribution of between £43,240 £97,750 would be secured through a Section 106 Agreement to offset this level of loss off site for biodiversity enhancements to Swanshurst Park. A condition would also be attached to secure the inclusion of a suitable landscape scheme and management plan, which would help to further increase gain within the

site. Overall, and subject to the inclusion of planning conditions and the proposed offsite sum, it is considered that the proposal would accord with the principles of policies PG3, TP1, TP2, TP7 and TP8 of the Birmingham Development Plan, policy DM4 of the Development Management Plan and the National Planning Policy Framework.

7.33 Transportation

- 7.34 The proposal would utilise two access points into the site; the first access would be located to the northern end of the site off Yardley Wood Road and would be the existing access which has been used historically as the vehicle and pedestrian point of entrance into the Police Station facility and car park. This would provide access for plots 10, 11, 12, 13, 14, 15 and 16, and considering the historic use of the old Police Station, would result in an overall reduction in the level of use of the access. The remainder of the site would be accessed via a new access point further south along Yardley Wood Road.
- 7.35 A good quality category B tree (T41) is currently located on the frontage of Yardley Wood Road within close proximity of the existing access into the site, which would provide the access for plots 10, 11, 12, 13, 14, 15 and 16 off Yardley Wood Road. Whilst the tree is located within close proximity to the visibility splays of this access, this tree is established and has been in position for a number of years when the site originally operated as a Police Station. Therefore, the tree has always been located in close proximity of the access point when it was used far more intensely. The proposed development would, therefore, introduce a betterment and a far less intensive use of the access point and as such would maintain that the tree could be retained in situ. The proposal would therefore, comply with the requirements of policies DM4 and DM14 of the Development Management in Birmingham Plan.
- 7.36 Each proposed four bedroom property would be served by two car parking spaces, each three bedroom property would be served by two car parking spaces, the proposed two bedroom properties would be served by a combination of one car parking space (plots 10, 11, 12, 13, 14 and 15) or two car parking spaces (plots 1, 2, 3 and 4) and the proposed one bedroom properties would be served by one car parking space. In addition, there would be a total of three visitor car parking spaces across the site. In accordance with the Car Parking in Birmingham SPD, the site would fall within zone C and it is considered that there would be sufficient parking within the site to accommodate the proposed development. Further planning conditions would be attached in relation to ensure electric vehicle parking points and cycle parking.
- 7.37 A number of local residents, local Councillors and the Moseley Society have raised the need for a pedestrian crossing to be created on Yardley Wood Road to assist families crossing Yardley Wood Road to access Swanshurst Park. Whilst there are a number of three and four bedroom family homes proposed within the site, all of these properties would be served by large private gardens which would be in excess of 70m2. The proposed two bedroom properties would be served by private gardens which would be over 52m2 in area and the proposed one bedroom properties would be served by a large area of private outdoor amenity space, which would either remain communal for the proposed one bedroom properties or be proportioned into individual plots. Overall, the proposed dwellings would be very well served by on site private outdoor amenity space and the proposed occupiers would, therefore, not be reliant or dependant on Swanshurst Park as their main source of outdoor amenity space. On the basis that the outdoor amenity space of future occupies would be met within the development, the proposal would not present the required need, or meet the tests in accordance with paragraph 57 of the National Planning Policy Framework to justify the covering of the costs to create a pedestrian crossing in this location.

7.38 It is therefore, considered that subject to the inclusion of planning conditions, the proposed works would comply with policies DM14 and DM15 of the Development Management in Birmingham Plan (2021) the guidance contained within the Car Parking in Birmingham SPD (2021) and the National Planning Policy Framework.

7.39 Drainage

7.40 Concerns have been raised by the LLFA, owing to the disposal of surface water from the site and the LLFA require confirmation that Severn Trent would agree to water discharging to an existing sewer with an agreed discharge rate. However, subject to this information being agreed by Severn Trent, the LLFA would have no objections to the proposed development subject to the inclusion of pre-commencement conditions relating to surface water drainage, and it is considered that a suitable solution can be achieved through the use of planning conditions.

7.41 Section 106 Agreement

- 7.42 In accordance with policy TP9 of the Birmingham Development Plan, a financial contribution of £133,875 would be required through a Section 106 Agreement based on the future occupancy of the site which would be directed towards the provision, improvement and enhancement of the Public Open Space and Play at the adjacent Swanshurst Park within the Billesley Ward. In order to ensure compliance with Policy TP8 of the Birmingham Development Plan and to ensure that there would be no net loss of biodiversity within the site, a financial contribution of between £43,240 £97,750 would be secured through a Section 106 Agreement to offset this level of biodiversity loss through off site enhancements to Swanshurst Park. This would total a maximum of £231,625 in financial contributions that would be secured through a Section 106 Agreement for Public Open Space and biodiversity enhancements to make the proposed development compliant with the requirements of policies TP8 and TP9 of the Birmingham Development Plan.
- 7.43 The Section 106 Agreement would also specify the mix and tenure of the proposed affordable housing and would ensure its delivery. As the site would be adopted by an Affordable Housing Provider, the Registered Provider would themselves enter into the S106 Agreement and it is recognised that the Registered Provider might have their own strategies and policies that underpin the tenure mix and needs of their sites which would be broadly consistent with the tenure mix advised by the Affordable Housing Team (75% for social and affordable rent and 25% for First Homes). However, if a Registered Provider did not adopt the site, then the methodology in the S106 Agreement would revert to the guidance from the Affordable Housing Team (75% for social and affordable rent and 25% for First Homes). Therefore, ensuring the delivery of genuinely affordable housing on the site.
- 7.44 This would accord with the requirements of policies TP8, TP9, TP27, TP28, TP30 and TP31 of the Birmingham Development Plan and paragraph 57 National Planning Policy Framework.

7.45 Other

7.46 Concerns have been raised by local residents that letters have not been received. The application has been consulted in accordance with the requirements of the Registration Manual and a site and press notice have been advertised.

8.0 Conclusion

8.1 The proposal would result in the creation of 29no. dwellings which would be fully affordable, provide larger family dwellings and would be policy compliant, maintaining a good level of amenity for future occupiers and adjacent residential occupiers. The proposed development would create a significant number of city-wide public benefits, which could not be delivered to the same extent if the existing Police Building and non-designated heritage asset were retained and its loss would be considered reasonable and proportionate in order to secure the wider public benefits of the proposed scheme. The proposed development would comply with policies PG3, TP7, TP8, TP9, TP27, TP28, TP30 and TP31 of the Birmingham Development Plan, policies DM2, DM4, DM6 and DM10 of the Development Management in Birmingham Plan (2021), the guidance contained within the Birmingham Design Guide SPD (2022) and the National Planning Policy Framework. The application is recommended for approval subject to, and delegated authority to compile a Section 106 Agreement and planning conditions.

9.0 Recommendation:

- 9.1 That application 2022/06931/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:
 - a) The provision of the whole site for affordable housing, comprising of either a tenure mix of 75% for social and affordable rent and 25% for First Homes or to be in accordance with the tenure needs and policies of the Affordable Housing Provider that adopts the site and would be a signatory on the Section 106 Agreement. The ratio of First Homes would be restricted to no more than 25% 30% of the site with the scheme predominantly secured for social and affordable rent.
 - b) A financial contribution of between £43,240 £97,750 (which includes a 15% monitoring fee) to be secured to offset the loss of net biodiversity through an off site contribution for biodiversity enhancements at Swanshurst Park in the Billesley Ward.
 - c) A financial contribution of £133,875 based on the future occupancy of the site to be secured for the provision, improvement and enhancement of the Public Open Space and Play area at Swanshurst Park within the Billesley Ward.
 - d) Payment of a monitoring and administration fee associated with the legal agreement to be agreed.
- 9.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 8th December 2023, or such later date as may be authorised by officers under delegated powers, planning permission be refused for the following reasons: -
 - In the absence of a suitable legal agreement to secure affordable housing on site, the proposal conflicts with Policies PG3, TP27, TP28, TP30 and TP31 of the Birmingham Development Plan and the National Planning Policy Framework.
 - In the absence of a suitable legal agreement to secure offsite biodiversity enhancement measures, the proposal conflicts with policies PG3 and TP8 of the Birmingham Development Plan and the National Planning Policy Framework.
 - In the absence of a suitable legal agreement to secure offsite Public Open Space provision, the proposal conflicts with policies PG3 and TP9 of the Birmingham Development Plan and the National Planning Policy Framework.

- 9.3. That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 9.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 8th December 2023, or such later date as may be authorised by officers under delegated powers, planning permission for application 2023/06931/PA be APPROVED, subject to the conditions listed below: -
- 1 Implement within 3 years (Full)
- 2 Requires the scheme to be in accordance with the listed approved plans
- 3 Requires obscure glazing for specific elevations of the proposed dwellings
- 4 Requires obscure glazing for specific elevations of the proposed dwellings
- 5 Requires obscure glazing for specific elevations of the proposed dwellings
- Requires the submission and completion of works for the S278/TRO Agreement (Highway Works)
- Requires the prior submission of a construction method statement/management plan
- 8 Requires the prior submission of a construction ecological mitigation plan
- 9 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
- 10 Arboricultural Method Statement and Tree Protection Plan Implementation
- 11 Contamination Remediation Scheme
- 12 Requires the submission of a contaminated land verification report
- 13 Requires the submission of unexpected contamination details if found
- 14 Requires the prior submission of details of bird/bat boxes
- 15 Requires the submission of sample materials
- 16 Requires the submission of architectural details
- 17 Requires the submission of a landscape management plan
- 18 Requires the submission of a lighting scheme
- 19 Requires the submission of hard and/or soft landscape details
- 20 Requires the submission of hard surfacing materials
- 21 Requires the submission of boundary treatment details
- 22 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection

Requires the provision of a vehicle charging point
 Requires the submission of cycle storage details
 Requires the submission of details of refuse storage

Case Officer: Katie Moriarty

Photo(s)

Photo 1 – Aerial view of site



Photo 2 – View of existing entrance



Photo 3 – View from Yardley Wood Road



Location Plan



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Birmingham City Council

Planning Committee

30 November 2023

I submit for your consideration the attached reports for the **East** team.

Recommendation	Report No.	Application No / Location / Proposal
Approve – Conditions	7	2023/06039/PA
		151-155 Goosemoor Lane - land rear of Erdington Birmingham B23 5QG

Erection of 4no. dwellings with associated access,

parking and landscaping

Committee Date: 30/11/2023 Application Number: 2023/06039/PA

Accepted: 06/09/2023 Application Type: Full Planning

Target Date: 01/12/2023
Ward: Erdington

151-155 Goosemoor Lane - land rear of, Erdington, Birmingham, B23 5QG

Erection of 4no. dwellings with associated access, parking and landscaping

Applicant: Mallee Watkins

Blue Skies, 10 Vales Road, Budleigh Salterton, EX9 6HS

Agent: JFA Ltd

Blue Skies, 10 Vales Road, Budleigh Salterton, EX9 6HS

Recommendation

Approve subject to Conditions

1. **Proposal:**

1.1 This is an application for the erection of 4no. 3-bedroom houses. Each dwelling would have an overall floor area of 107 sq.m, two 12sq.m. double bedrooms and an 8 sq.m. single bedroom. Two parking spaces are to be provided for each property on a front driveway. Rear gardens are approximately 13m long and range in area between 80 sq.m and 110 sq.m.



AERIAL VIEW I EXISTING



PROPOSED SITE LAYOUT PLAN

1.2 A 55-signature petition of objection to the application (signed by the occupants of 39 properties on Kirkwood Avenue and Goosemoor Lane) has been received. Under the terms of the Scheme of Delegation applications must be determined by Planning Committee where a petition of more than 20 signatories has been submitted. However Members are advised that the petition cannot be considered in the assessment of the application, as no grounds of objection are stated other than a comment from one signatory that the development 'doesn't fit in with house designs in area'.

1.3 Link to Documents

2. Site & Surroundings:

2.1 The site consists of a landscaped area fronting Kirkwood Avenue and an enclosed vacant area of land beyond it which was formerly part of the rear gardens of 151, 153 and 155 Goosemoor Lane. Immediately to the south of the site within the landscaped area is an electricity substation. To the east are the rear gardens of 7 Kirkwood Avenue and 149 Goosemoor Lane, and to the north is a detached property (1 Kirkwood Avenue) which has a driveway, garage and rear garden along the boundary with the site. Existing properties in the immediate vicinity are semi-detached and detached houses constructed in the 1980's.

SITE LOCATION

3. **Planning History:**

3.1 None.

4. Consultation Responses:

4.1 <u>City Design Officer</u> – No objection.

<u>Environmental Pollution Control</u> – Recommend conditions requiring submission of a noise insulation scheme and contaminated land remediation scheme and validation report.

<u>Transportation Development</u> - Kirkwood Avenue is a long cul-de-sac containing in the region of 90 dwellings. The site is a 'Zone C' site as designated by the Birmingham Parking SPD. The maximum parking provision would therefore be 2 spaces per unit for 3-bedroom properties.

The new proposed footway crossing and parking arrangements are acceptable - the layout provides adequate width of 2.7m and driveway depth of 10m, which provides sufficient space for parking of two vehicles.

The site is located on the inside radius of a curve on Kirkwood Avenue. Vehicular visibility splays to the north from site accesses would pass through forecourt areas - although only approximately 30m of the standard vehicular visibility splay of 2.4m x 43m would be provided, this is acceptable as a similar splay is available to the existing property at 1 Kirkwood Avenue. Furthermore, the road has a 30mph speed limit where there seems to be staggered parked vehicles which could potentially slow down travelling vehicles.

<u>Ecology Officer</u> - Swifts have been recorded over nearby Sycamore Road and Short Heath Park, and providing for these birds could form part of the biodiversity mitigation of the proposed development. Recommend that 2 to 4 nest bricks should be provided per house.

West Midlands Police - No objection.

<u>Severn Trent Water</u> – Recommend a condition requiring submission of foul and surface water drainage details.

5. Third Party Responses:

- 5.1 Ward Councillors and neighbouring properties were notified and a site notice was posted. In addition to the petition referred to in paragraph 1.2 above letters of objection have been received from 13 properties, raising the following concerns:
 - The proposed buildings are not 'in keeping' with existing properties;
 - The development will exacerbate existing on-street parking problems;
 - Insufficient visibility for vehicles exiting the driveways;
 - Noise disturbance;
 - Loss of light:
 - Loss of trees and wildlife;
 - Loss of privacy

6. Relevant National & Local Policy Context:

6.1 <u>National Planning Policy Framework</u> Paragraphs 11, 69, 74, 120 and 130

Birmingham Development Plan 2017

Policy PG3 (Place making);

Policy TP8 (Biodiversity and geodiversity);

Policy TP27 (Sustainable neighbourhoods);

Policy TP28 (The location of new housing); Policy TP30 (The type, size and density of new housing);

Development Management DPD

Policy DM2 (Amenity);

Policy DM10 (Standards for residential development);

Policy DM14 (Transport access and safety);

Policy DM15 (Parking and servicing)

Supplementary Planning Documents & Guidance:

Birmingham Parking SPD;

Birmingham Design Guide SPD

7. **Planning Considerations:**

- 7.1 The determining issues in the assessment of this application are:
 - Principle;
 - Design;
 - Residential amenity;
 - Access/Highway safety;
 - Ecology

Principle

- 7.2 NPPF paragraph 11 advises that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.3 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. The 2023 Five Year Housing Land Supply report indicates that the city has 29,734 dwellings on specific deliverable sites which could be completed between 2023-2028 (including windfall allowance). Adding to this is a windfall allowance of 1,800 dwellings, giving a total supply of 31,534 dwellings. This means the city has 4.24 years' supply and represents a shortfall against the Local Housing Need requirement and is below the five years required by the National Planning Policy Framework. As the Council cannot demonstrate a five-year housing land supply there is a presumption in favour of development in accordance with Para 11d of the NPPF. The consequences of this are that the 'tilted balance' will be engaged for decision taking - this means that the assessment would shift from a neutral balance where the consideration is whether the harm outweighs the benefits to a tilted balance where the harm would have to significantly and demonstrably outweigh the benefits to justify the refusal of residential development.
- 7.4 Residential development in this location is acceptable in principle. Paragraphs 69 and

120 of the NPPF support the development of 'windfall' sites and under-utilised land such as this in making a contribution to meeting housing requirements. The site lies in a sustainable location well served by public transport and in this respect the development accords with BDP Policies TP28 and TP30.

Design



ELEVATIONS



STREET SCENE

- 7.5 The scale and appearance of the proposed buildings are acceptable within the context of the surrounding area. The roofs are of a mansard design, which whilst not typical of the surrounding area do enable the buildings to have a relatively deep footprint whilst ensuring that ridge heights are similar to those of existing properties in the vicinity. The siting of the buildings is considered to be appropriate, parallel to 1 Kirkwood Avenue and with landscaped front gardens/driveways to ensure that the frontages would not appear as 'parking dominated'.
- 7.6 The proposed development would have a positive impact on the street scene within this part of Kirkwood Avenue and therefore the proposal complies with Policies PG3 and TP27 of the BDP.

Residential Amenity

- 7.7 The development complies with the floor space guidelines set out in the National Technical Housing Standards document, in accordance with the requirements of Policy DM10 of the DMB DPD. All of the habitable rooms would receive an adequate amount of light and outlook. Garden sizes comply with the guidelines set out in the Design Guide SPD.
- 7.8 The development of the site for four houses would not result in undue noise disturbance to occupants of surrounding properties. The Design Guide requires a 5m per storey separation distance between habitable room windows in new developments and existing rear gardens the buildings are sited in excess of 10m from the adjoining gardens to the east, and as such the development would not lead to a loss of privacy at those properties.
- 7.9 The proposed buildings are located to the south of 1 Kirkwood Avenue. There would be a degree of light loss to the garden of the property as the nearest extends approximately 5m beyond the rear elevation of no.1, however given the distance separation to the boundary (approximately 2m) and part mansard roof design any such light loss would not be to a degree that would warrant refusal of the application.

There would be no breach of the 45 degree code in respect of outlook from the nearest habitable room window on the rear elevation of no.1.

7.10 The development would not have any detrimental effect on existing residential amenity and in this respect complies with Development Management in Birmingham DPD Policy DM2.

Access/highway safety

- 7.11 Parking provision accords with the Birmingham Parking SPD requirements for three-bedroom houses (two spaces). All of the driveways are of sufficient length to accommodate two cars as such the development would not result in additional parking along Kirkwood Avenue which may exacerbate any existing on-street parking problems. Transportation Development are satisfied that sufficient visibility for drivers can be achieved along Kirkwood Avenue from vehicles exiting the driveways.
- 7.12 The development would not have any adverse highway safety implications and as such the proposal complies with Policies DM14 and DM15 of the Development Management in Birmingham DPD.

Ecology

7.13 The site previously accommodated a number of unprotected trees which were removed prior to the submission of the application. The condition recommended by the Ecology Officer has been attached in order to enhance the nature conservation value of the site, in accordance with Policy TP8 of the BDP.

Other issues

7.14 Given that the site consists of former rear gardens, and there is no evidence to suggest that it may be contaminated, it is not considered reasonable to attach the condition recommended by Pollution Control. Similarly the noise insulation condition is not necessary given that the site is located in a low-traffic area and surrounded by residential properties only.

8. **Conclusion**

8.1 The development would make a positive impact on the character of the area, provide adequate levels of amenity and would not result in any harm to highway safety. As such the proposal complies with the relevant policies referred to in section 6 above.

9. **Recommendation:**

- 9.1 Approve with conditions
- 1 Implement within 3 years (Full)
- 2 Requires the scheme to be in accordance with the listed approved plans
- 3 Requires the prior submission of details of bird/bat boxes
- 4 Requires the submission and approval of external materials and detailing
- 5 Requires the submission of hard surfacing materials

- 6 Removes PD Rights for hard surfacing of front garden
- 7 Removes PD rights for extensions
- 8 Prevents occupation until the turning and parking area has been constructed
- 9 Requires the provision of a vehicle charging point
- 10 Requires the prior submission of a drainage scheme

Case Officer: Faisal Agha

Photo(s)

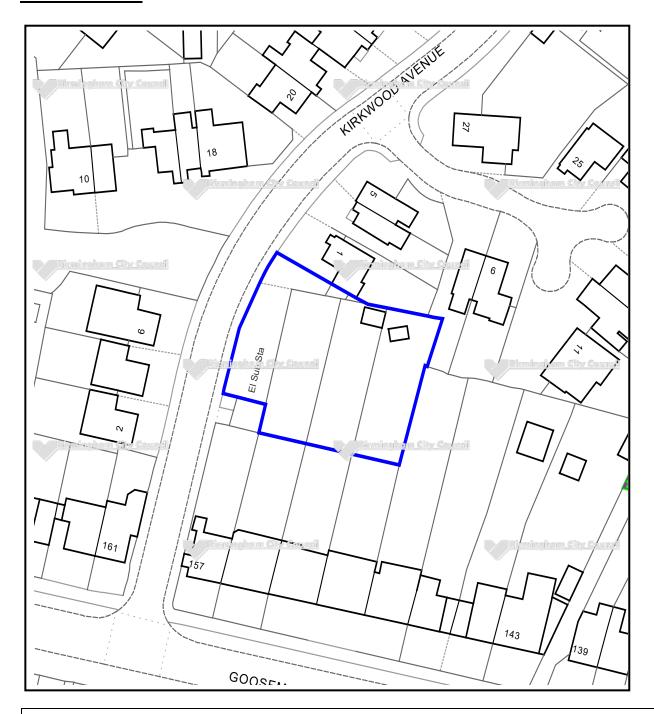


VIEW OF SITE LOOKING SOUTHWARDS ALONG KIRKWOOD AVENUE



VIEW OF FRONT OF THE SITE AND 1 KIRKWOOD AVENUE

Location Plan



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