

# **Birmingham City Council**

## **Planning Committee**

**17 August 2017**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	8	2017/05255/PA  The Village Inn 179 Alcester Road Moseley Birmingham B13 8JR  Retention of glazed structure to side of Public House
Approve - Conditions	9	2017/05302/PA  12-12a St Marys Row Moseley Birmingham B13 8JG  Variation of condition number 2 attached to planning approval 2007/03887/PA to extend the opening hours to 0700 to 0100 hours on Fridays, Saturdays and Bank Holiday Sundays.
Approve - Conditions	10	2017/05117/PA  2-4 Woodbridge Road Moseley Birmingham B13 8EJ  Variation of condition no. 3 attached to application ref: 2012/04452/PA to allow customer opening hours at the site between 0700 hours- 2300 hours Monday to Sunday, including Bank Holidays

Prior Approval Required - Approve - Conditions	11	2017/06449/PA  Fitness First Health Centre Persnore Road Selly Oak Birmingham B30 2YB  Application for prior notification of proposed demolition of former bowling alley and gym
Approve - Conditions	12	2017/02524/PA  106 Bournville Lane Bournville Birmingham B30 1LN  Installation of replacement front door and frame

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Committee Date:	17/08/2017	Application Number:	2017/05255/PA
Accepted:	20/06/2017	Application Type:	Full Planning
Target Date:	15/08/2017		
Ward:	Moseley and Kings Heath		

The Village Inn, 179 Alcester Road, Moseley, Birmingham, B13 8JR

Retention of glazed structure to side of Public House

Applicant:	Suburban Inns Ltd
	The Village Inn, 179 Alcester Road, Moseley, Birmingham, B13 8JR
Agent:	Tibbatts Abel
	161-162 Warstone Lane, Hockley, Birmingham, B18 6NN

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#### Recommendation

#### **Approve Subject To Conditions**

##### 1. Proposal

- 1.1. The proposal is for the retention of a glazed structure with retractable awnings, located to the north east of The Village Public House, adjacent to its car park. The structure has been in situ since March 2017.
- 1.2. The enclosure comprises of a grey steel frame, with glazed walls and a shallow pitched retractable fabric awning roof. The awnings construction comprises of a central freestanding steel pillar and beam assembly that contains the awning when stored and acts as the ridge beam when deployed. The awning is of a light grey fabric that covers over eight linear LED lighting modules attached to the steel assembly. The glazed walls have rail sliding panels, and two fixed in place panels, with open door frames at the south-eastern and south-western walls allowing access to exterior paving.
- 1.3. The structure measures 15m in length, 5m in width and 2.9m in height to its roof ridge.
- 1.4. The submitted drawing illustrates that the structure can accommodate up to 48 seated persons.
- 1.5. [Link to Documents](#)

##### 2. Site & Surroundings

- 2.1. The application site comprises of The Village Inn Public House, which is a large two storey building, sited to the south west corner of the site. It has a pitched roof with gable features and bay windows on the front elevation and has a strong presence to Alcester Road.
- 2.2. To the north eastern side, and rear of the building, there is a large car parking area, with the site sloping gently downwards to the rear boundary, with the car park at the

rear being approximately 2m lower than the ground floor level of the Public House. The site's boundaries are heavily planted with a number of trees covered by a Tree Preservation Order, including the five Lime trees located in the planting bed on the site frontage, between the highway and car park.

- 2.3. Opposite the site, on the other side of Alcester Road, are residential properties and an area of open amenity space associated with the flats on Dowells Close. To the south west is a two storey flat roofed office building and to the north east is a further two storey building in use as offices, with the residential development of Moseley Gate to the rear of this. Beyond the rear boundary of the site is the grounds of Moseley Hall Hospital and its car park.
- 2.4. The site is located within both Moseley Conservation Area and Moseley Neighbourhood Centre.
- 2.5. [Site Location Map](#)

### 3. Planning History

- 3.1. 10.01.14 - 2014/00175/PA - Retention of storage room adjacent to the main building with a decked terrace above, a decked and covered smoking area within car park and canopies and awnings to patio areas - Approved subject to conditions

#### *Enforcement*

- 3.2. 2017/0310/ENF - Alleged unauthorised structure within car park – Awaiting determination of planning application

### 4. Consultation/PP Responses

- 4.1. Transportation Development – No objection
- 4.2. Regulatory Services – No objection - Have received sporadic complaints regarding music from the Village Inn. However, the last complaint was two years ago - none of these complaints have been witnessed. Recommend conditions that restrict use of amplification equipment, restrict hours of use between 0800-2330, and prohibits use for regulated entertainment after 1900 hours.
- 4.3. Local residents, Ward Councillors and Residents Associations notified. Advertised by site and press notice. Two objections received from local residents raising the following concerns:
  - The glass walls cause the noise (extremely loud conversation, amplified music and p.a. systems) within the space to amplify causing noise and vibrations. Have already experienced the amplified noise from this area over the last few weeks. The room seems to amplify the noise. There is no double glazing or curtains to suppress the noise but there is a very loud amplified music system and no noise limiter, and the doors are always left open.
  - Have been informed of the possibility of this external structure being used as a function room which is of great concern as the noise from the pub is already problematic

- It will cause a problem with noise from people coming and going to the Pub from the structure, which is one of the main causes of noise late at night from the pub. All households that are in close proximity of The Village pub have problems with excessive noise at the weekends and on summer evenings.
- The pub has been in breach of its licensing conditions for years by providing live entertainment regularly which is very loud and often causes windows to shake, and outside drinking that goes on till 1am. Since the pub seems unable to police these hours it is extremely worrying how they will control drinking times with this flimsy new outside structure.

Moseley Society – Object - It looks like a permanent glass structure. Extremely concerned about the noise from the activities now taking place in the new structure. Neighbours in the vicinity say that the single-glazed glass structure amplifies both sounds and vibrations. We would like very specific conditions to prevent noise nuisance if the structure is granted retrospective planning permission.

Councillor Straker-Welds – Requests that application be determined by Planning Committee to assess impact on neighbours' amenity

## 5. Policy Context

### 5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Moseley SPD
- Moseley Conservation Area Character Appraisal SPG
- Moseley Neighbourhood Centre
- Tree Preservation Order 378

### 5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

## 6. Planning Considerations

6.1. I consider the main planning issues in the determination of this planning application to be the impact of the proposal on Moseley Conservation Area; and the impact on the amenity of nearby residential occupiers in terms of noise and disturbance.

6.2. There has been a patio area for outside drinking located to the side of the Public House for at least 10 years. Planning permission was granted in 2014 under 2014/00175/PA for the retention of canopies and awnings to the patio area (on the same area as the subject of this application). The new glazed structure was erected in March of this year without planning permission – this current application seeks its retention.

### *Impact on Conservation Area*

6.3. Policy TP12 of the BDP explains that great weight will be given to the conservation of the City's heritage assets and that proposals for new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be determined in accordance with national policy. It goes on to

explain that applications for development affecting the significance of a designated or non-designated heritage asset, including proposals for removal, alterations, extensions or change of use, or on sites that potentially include heritage assets of archaeological interest, will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.

- 6.4. Paragraph 132 of the NPPF goes on to explain *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration of destruction of the heritage asset or development within its setting..."* Paragraph 134 of the NPPF goes on to explain that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*
- 6.5. Policy EA8 of the Moseley SPD explains *"The scale and design of any new development will need to have regard for, and be sympathetic to, the predominantly Victorian/Edwardian architectural character of the centre."* Policy HE4 seeks to *"Ensure that new development is of the highest design standard, especially within the conservation areas and Village centre to enhance their character."*
- 6.6. The Moseley Conservation Area Character Appraisal and Management Plan explains that 'The Village' public house is converted from a large late Victorian villa; its car park has a very sterile appearance and could benefit from landscaping which would enhance the character of the Conservation Area. Page 28 explains that: *"Any new development must preserve or enhance the character and appearance of the conservation area, it will respect the values contained in the conservation area Appraisal and Management Plan and Government and other City Council guidelines. It will respect the scale, massing, materials of the traditional buildings within the conservation area. Existing and historic building lines will be respected and principal elevations should front the street."*
- 6.7. The City's Conservation Officer has raised concerns in respect of the glazed structure explaining that although set back, the building is visible from the street and causes harm to the setting of the Public House building and the wider Conservation Area. He explains that no options have been provided that show the structure in less sensitive locations, such as the rear car park, and in the absence of understanding the alternative locations his concerns remain.
- 6.8. Whilst I sympathise with the views expressed by the City's Conservation Officer, in the context of Paragraph 132 of the NPPF, I consider that the development does not result in 'substantial harm' to the significance of Moseley Conservation Area, rather 'less than substantial harm' to its significance, and therefore as recommended under Paragraph 134 of the NPPF the public benefits of the proposal also need to be taken into account in weighing up the application. I also note that the Public House building, although an attractive building which has a positive contribution on the character and appearance of the Conservation Area, is neither locally or statutorily listed and therefore the impact of the glazed structure on its setting can be attributed little weight in the planning process.
- 6.9. The Moseley Conservation Area Character Appraisal and Management Plan SPG points out the car park to the side and rear of the Public House is rather sterile in its appearance. However, with the raised decking area and canopies/awnings already

sited on the patio seating area to the side, I consider the retention of the glazed structure cannot be perceived as an entirely new visual intrusion to the side of the Public House nor one that is significantly more visually intrusive than the current situation. The fact that the structure is predominantly glazed, with a contemporary grey frame, gives it a lightweight appearance. Together with the fact that a) it sits at a lower ground level than the adjacent Public House building, b) it is set back from the highway by 13m, and c) is screened to some extent by the line of mature trees on the site frontage, I consider its visual impact on the streetscene/public realm is rather limited and I would not be confident that the Council could argue that it harms the significance of the Conservation Area to such an extent that a refused application could be successfully defended at appeal.

- 6.10. The 'public benefits' (NPPF test) of the proposal could be seen as the structure contributing to the leisure offer and economic vitality of Moseley Centre, and potentially 'outdoor' shelter for patrons.

#### *Noise Impact*

- 6.11. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.12. I note the comments received by two local residents residing opposite the site and whom are objecting to the glazed structure on the grounds that it does/will cause increased noise and disturbance, adversely affecting their amenity, particularly during evening hours and in summer months. I also understand from their comments that there have been noise issues associated with this Public House. However, Regulatory Services have raised no objection to the proposal, noting that the last formal complaint received in regards to noise was two years ago. Notwithstanding, they recommend attaching similar conditions to those that already restrict the use of the outside terrace i.e. that it shall not be used outside of 0800 - 2330 hours Monday to Saturday and 1000 - 2230 hours Sunday, and that amplification equipment shall be prohibited.
- 6.13. Regulatory Services also recommend attaching a condition that the structure shall not be used for regulated entertainment after 1900 hours, in line with the existing license. The definition of 'regulated entertainment' is set out in Schedule 1 of the Licensing Act. Broadly, it means the commercial or public provision of entertainment facilities, which may include: the performance of a play, an exhibition of a film, a performance of live music, playing of recorded music, or a performance of dance. To be 'regulated entertainment,' the entertainment must take place in the presence of an audience and be intended to entertain that audience.
- 6.14. I consider that providing the structure is only used for dining/drinking (as advised by the Applicant) the use of it and associated noise emanating from this use, should not be materially different to the use of the existing patio drinking area with its canopies and awnings. I am therefore not confident that the application could be successfully refused on noise grounds with the above safeguarding conditions in place (plus a condition to ensure that the structure is not used for functions or weddings), particularly bearing in mind the recommendation of Regulatory Services. Enforcement action could be taken by Planning or Licensing to protect residential amenity in the unfortunate circumstances that the Applicant did not manage the

glazed structure in a responsible manner and in accordance with planning conditions and the License.

7. Conclusion

- 7.1. I consider that the glazed structure does not materially harm the significance of Moseley Conservation Area, and there is some public benefit (albeit limited) in contributing towards the leisure offer and economic vitality of Moseley Centre. With conditions attached to safeguard the amenity of nearby residential occupiers I do not consider their amenity would be materially harmed through noise and disturbance as a result of the glazed structure being retained. On balance, I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

- 8.1. Approve Subject to Conditions

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|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans                       |
| 2 | Prevents the use of amplification equipment  |
| 3 | Limits the hours of use to 0800 - 2330 hours Monday to Saturday and 1000 - 2230 hours Sunday |
| 4 | Restricts use of structure for regulated entertainment after 1900 hours                      |
| 5 | Prevents use of structure for weddings, functions and other major events                     |
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Case Officer:        Andrew Conroy



**Photo(s)**



Figure 1 – View of structure (to right of Public House behind vans) looking south west along Alcester Road

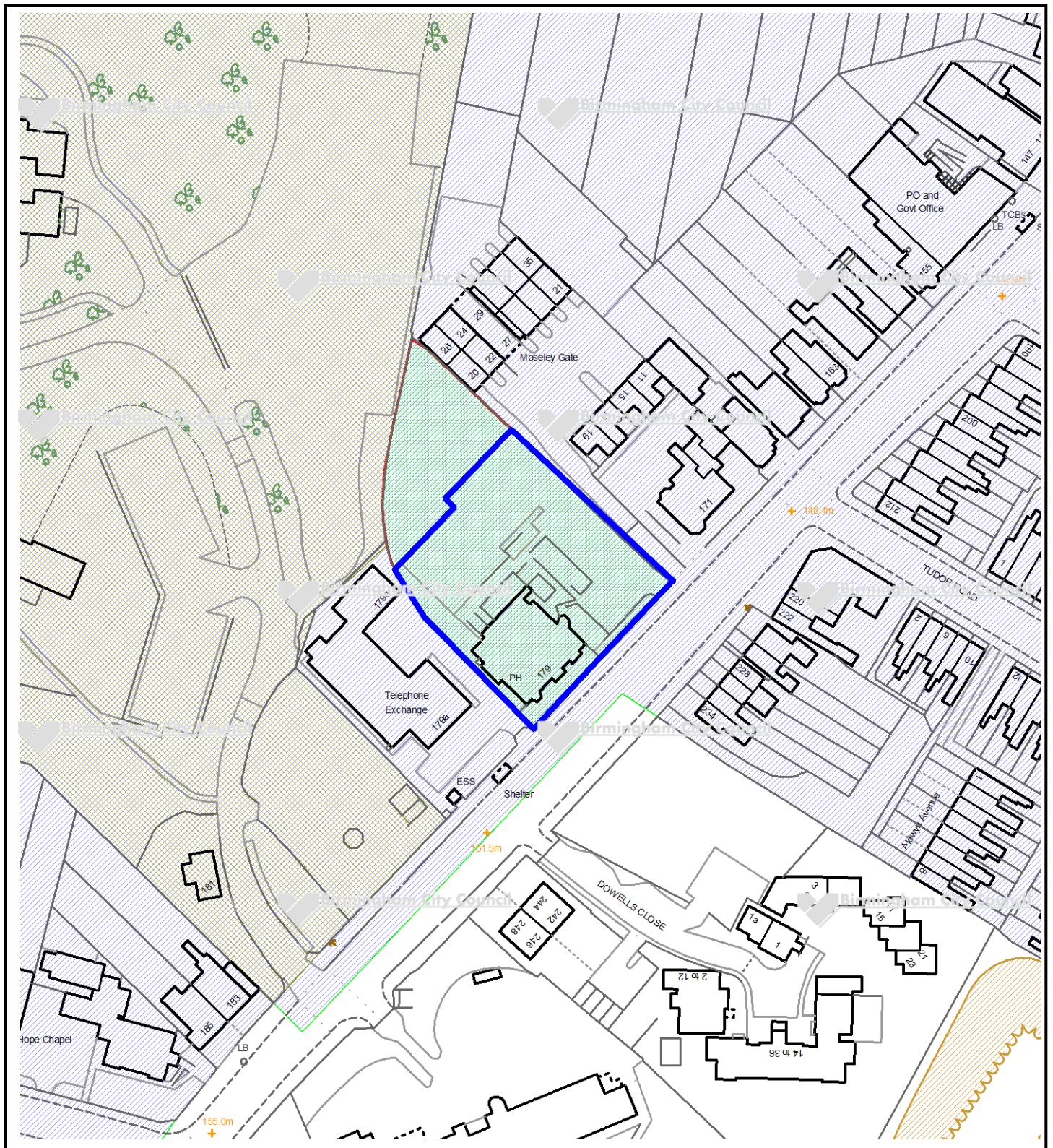




Figure 2 – Front and side elevations of structure



## Location Plan



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Committee Date:	17/08/2017	Application Number:	2017/05302/PA
Accepted:	14/06/2017	Application Type:	Variation of Condition
Target Date:	09/08/2017		
Ward:	Moseley and Kings Heath		

12-12a St Marys Row, Moseley, Birmingham, B13 8JG

Variation of condition number 2 attached to planning approval 2007/03887/PA to extend the opening hours to 0700 to 0100 hours on Fridays, Saturdays and Bank Holiday Sundays.

Applicant: J D Wetherspoon PLC  
Wetherspoon House, Reeds Crescent, Watford, WD24 4QL  
Agent:

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Planning consent is sought for the variation of Condition 2 attached to Planning Permission 2007/03887/PA to allow opening hours from 0700-0030 Fridays and Saturdays to 0700-0100 Fridays, Saturdays and Bank Holiday Sundays at the Elizabeth of York Public House in Moseley.
- 1.2. Condition 2 of Planning Permission 2007/03887/PA currently restricts opening hours at the premises from 0700-2330 Sundays to Thursdays and between 0700-0030 on Fridays and Saturdays.
- 1.3. In effect the proposal would result in extended opening of half an hour on Friday and Saturday evenings and one and half hours on Bank Holiday Sunday evenings.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application premises is a three storey public house (Use Class A4) at ground floor and part first floor, and Manager's flat at part first floor and second floor. The premises is located within the Primary Shopping Area of Moseley Neighbourhood Centre and within a terraced row of commercial properties. It is also located within Moseley Conservation Area. The surrounding uses are predominantly commercial, with other nearby late night uses such as restaurants, public houses and takeaways. Residential accommodation is located above some of the surrounding uses, including Nos. 10 and 14 which immediately adjoin. To the rear of the site there is a public car park, and the application premises has entrance doors directly on to this car park. Retail/commercial uses back onto the car park on two sides and residential dwellings back onto the car park on the remaining two sides.

### 3. Planning History

- 3.1. 05.03.98 - 1997/02037/PA - Change of use from Use Class A1 (retail Shop) to Use Class A3 (wine bar/bistro) and alterations to elevations. Included condition that the use permitted shall not be open to customers outside 0900–2330 hours Mondays - Saturdays and 1200-2230 hours Sundays – Approved-conditions
- 3.2. 08.11.05 – 2005/05179/PA - Removal of Condition C4 from permission 1997/02037/PA (condition restricts opening hours) - Refused (on grounds that it would result in harm to amenities of occupiers of premises in vicinity by reason of increased late night noise and disturbance)
- 3.3. 13.07.06 - S/02118/06/FUL - Variation of Condition C4 of Permission 1997/02037/PA to extend opening hours to 0700-2330 on Sunday to Thursday and 0700-0030 on Friday and Saturday - Approved for temporary period of one year
- 3.4. 23.08.07 – 2007/03887/PA - Variation of Condition C4 of Permission 1997/02037/PA to extend opening hours to 0700-2330 on Sunday to Thursday and 0700-0030 on Friday and Saturday – Approved
- 3.5. 16.01.17 – 2016/09699/PA - Variation of condition C2 (opening hours) attached to Planning Permission 2007/03887/PA to extend opening hours to 0700-0030 Sunday to Thursday and 0700-0130 on Friday and Saturday – Refused (on grounds that would adversely affect the amenities of occupiers of dwellings/premises in the vicinity by reason of noise and general disturbance)

### 4. Consultation/PP Responses

- 4.1. Transportation Development – No objection
- 4.2. Regulatory Services – No objection – Subject to a condition restricting the rear door to emergency use only after 2300 hours
- 4.3. West Midlands Police – No objection
- 4.4. Local residents, Ward Councillors and Residents/Business Associations notified. Advertised by site and press notice. Nine letters of objection and three letters of general comment received from local residents in Church Avenue and Stanley Place, including the Church Avenue and Stanley Places Resident's Association. The following relevant planning concerns were raised:
  - Would not object to proposal, but only if sufficient safeguards are put in place, these being that: a) rear doors closed at 2230 on Fridays, Saturdays and Bank Holiday Sundays, and b) rear doors are manned from 1930 onwards on Fridays, Saturdays and Bank Holiday Sundays
  - Existing noise at rear of Public House - smoking area used as informal beer garden. Bowl shape of car park amplifies noise.
  - Existing anti-social behaviour in car park e.g. recent incidences of groups from Public House casually wandering around car park with their drinks, drug preparation, smashed beer glasses, litter etc.



- Not enough is being done by Pub management to control levels of anti-social behaviour around the Pub
- Applicant doesn't enforce existing conditions of their current licence
- Represents further erosion of already diminished commercial/residential balance of area – interest of commercial ventures seem to be taking precedence over concerns and safety of residents. Night time industry is important and vital but not at the risk of the community

Moseley Society - Noise from the rear of the Public House has been a source of much concern to residents living around the perimeter of the car park. If allowing the proposal meant that conditions could be applied that would ensure the rear door was closed (apart from as a fire exit) at 2230 hours daily, then we would consider withdrawing our objection. However, if the extension of hours were to be granted with no additional conditions then we would wish to continue to object to the proposal. If possible we would like a planning condition to ensure that people who stand outside of the rear of the pub are not allowed to take their drinks with them, due to broken glass being a considerable nuisance around the car park.

## 5. Policy Context

### 5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Moseley SPD
- Shopping and Local Centres SPD
- Site is located within Moseley Conservation Area

### 5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

## 6. Planning Considerations

### 6.1. The NPPF contains a presumption in favour of sustainable development. It seeks to promote competitive town centre environments that provide customer choice and a diverse retail offer which reflects the individuality of town centres. One of the NPPF's core planning principles is that planning should *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"* (Paragraph 17).

### 6.2. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

### 6.3. Policy PG3 of the Birmingham Development Plan explains that *"All new development will be expected to demonstrate high design quality, contributing to a strong sense of place."* Amongst other things new development should: *"Create safe environments that design out crime and make provision for people with disabilities through carefully considered site layouts, designing buildings and open spaces that promote positive social interaction and natural surveillance"* and *"Ensure that private*

*external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term."*

- 6.4. Policy EA7 of the Moseley SPD states that where planning permission is required for A3/A4/A5 uses, Applicants will need to demonstrate that the proposals will have no significant adverse impact on residential amenity and that any parking implications have been considered.
- 6.5. Paragraph 1.3.3 of the Moseley SPD acknowledges that one of the special characteristics of Moseley is *"it is one of the region's leading destinations for a night out, with a collection of well renowned bars, pubs and restaurants."* Paragraph 1.3.9 also explains that *"There is a cluster of pubs, bars, restaurants and fast food outlets in the centre. This attracts many people from outside the area on weekend evenings and makes for a buoyant night-time economy. There is potential to build on this success, to further diversify the evening economy and to develop complementary daytime activity."* Paragraph 1.3.4 recognises the difficulty of striking the right balance between attracting new investment, whilst retaining the area's character and quality of life.
- 6.6. Whilst all the above policies generally relate to new A3/A4/A5 uses, rather than an extension of opening hours of an existing A4 use, they are nonetheless useful in reinforcing that the key consideration of any application to extend opening hours should be the impact on residential amenity from any noise and disturbance.
- 6.7. Planning permission was granted for an A4 use at the premises in 1998, with a subsequent application (2005/05179/PA) to remove the condition restricting opening hours refused in 2005 on the grounds that it would have resulted in harm to the amenities of occupiers of premises in the vicinity by reason of increased late night noise and disturbance. A further application to extend opening hours during mornings and evenings was approved in 2007 (under 2007/03887/PA) and these are the current opening hours of 0700-2330 on Sunday to Thursday and 0700-0030 on Friday and Saturday.
- 6.8. In January of this year planning permission was refused under delegated powers (2016/09699/PA) to extend opening hours of the Public House to 0700-0030 Sunday to Thursday and 0700-0130 on Friday and Saturday, on the grounds that the amenity of nearby residential occupiers would have been harmed as a result of noise and disturbance. This would have represented an increase in opening hours of one hour in the evening on all days of the week.
- 6.9. I note that Licensing have a Special Policy Area for Moseley, recognising that there are some cumulative issues stemming from the concentration of public houses in Moseley. However, whilst noting that this exists, the Licensing policy is not relevant in the determination of this planning application, as the two regimes are independent.
- 6.10. The current approved Licensing hours of the application premises are:
- Sun-Wed - 0700-2330
  - Thursday - 0700-0030
  - Fri/Sat - 0700-0100

A condition of the licence is that a member of staff shall supervise the rear door of the premises from midnight on Friday and Saturday evenings

6.11. I consider it useful in assessing this application to understand what planning restrictions there currently are on other public houses in Moseley in terms of opening hours, and set these out below accordingly:

- |   |  |
|---|--|
| • Application Premises  | 0700-2330 Sun-Thurs<br>0700-0030 Fri/Sat   |
| • One Trick Pony Club (No. 93 Alcester Rd)                                | 0900-2330 Mon-Thurs<br>0900-0100 Fri-Sat<br>0900-2300 Sun<br>(for temp. period expiring<br>1/9/2017) |
|   | Rear external closed by:<br>2300 Mon-Sat<br>2230 Sun   |
| • The Dark Horse (No. 145-147 Alcester Rd)                                | 1000-2330 Sun-Thurs<br>1000-0030 Fri/Sat<br>1000-2300 forecourt                                      |
| • proposed Dares (No. 97-99 Alcester Rd) –<br>consent not yet implemented | 1000-2330 Mon-Thurs<br>0930-0100 Fri/Sat<br>0930-2330 Sun/BH   |
|   | Rear external closed by<br>2000 daily  |
| • The Village   | Outdoor seating only:<br>0900-2330 Mon-Sat<br>1000-2230 Sun  |
| • The Bulls Head, St. Mary's Row  | No restrictions  |
| • The Patrick Kavanagh, Woodbridge Rd                                     | No restrictions  |
| • The Prince of Wales, Alcester Rd  | No restrictions  |
| • Bohemian, Alcester Rd   | No restrictions  |
| • The Fighting Cocks, St. Mary's Row                                      | No restrictions  |

6.12. I note that there are a number of public houses above which have no planning restrictions, most because of their age i.e. pre-dating the planning system. The Bull's Head, The Dark Horse, The Village and Bohemian are licensed to sell alcohol until 0200 Friday/Saturday evenings, and The Patrick Kavanagh, Prince of Wales and the application premises are licensed to sell alcohol until 0030 Friday/Saturday evenings. Many of these public houses also have operating hours consented by Licensing which extend beyond the hours in which they are allowed to sell alcohol, in effect giving staff/patrons time to drink up/leave the premises after last orders.



- 6.13. Of more relevance to the current application are those public houses where planning restrictions do exist in order to protect residential amenity. In respect of Friday/Saturday evenings I note that One Trick Pony Club and the proposed Dares have consented opening hours until 1am (the former on a one year trial basis) and The Dark Horse until 0030 hours. There is therefore currently a degree of consistency in evening opening hours between the application premises and these other three A4 uses which have restricted opening hours. The proposal to extend the current opening hours of the Elizabeth of York on Friday and Saturday evenings until 0100 would still be comparable to the consented opening hours at One Trick Pony Club and the proposed Dares, and would retain a degree of consistency between these venues in respect of Friday/Saturday evening opening hours.
- 6.14. Under the recently refused planning application (2016/09699/PA) objections were received from local residents on Church Avenue and Farquhar Road, whom have back bedrooms located in close proximity to the site due to their short rear gardens, and whom complained of their amenity being harmed as a result of current late night noise and disturbance emanating from the application premises. I note that many of these same residents have also objected to the current application. There are also first/second floor residential flats located immediately adjoining the application premises at Nos. 10 and 14 St. Mary's Row.
- 6.15. Whilst some of the complaints both previously received and currently received in respect of noise and disturbance can be attributed to other premises (such as Bohemian, that also adjoin the rear car park (and general use of the car park by the public) some of this noise and disturbance can also clearly be attributed to the application premises because of its prominent rear entrance which is well used by patrons coming and going and by smokers/patrons standing outside. Even during a daytime site visit in winter I noted patrons congregating outside the rear of the premises.
- 6.16. I consider that the comings and goings of patrons and their congregation outside the rear of the premises to smoke, talk or drink (and occasional anti-social behaviour that goes with this) until 0100 on Friday, Saturday and Bank Holiday Sunday evenings as proposed may harm the amenity of adjoining residential occupiers and therefore I concur with the Applicant's suggestion of attaching a condition to any consent to ensure that the rear doors of the Public House are closed and only used for emergency purposes after 2300 hours on these days. I note Regulatory Services have raised no objection to the proposal, subject to the imposition of this safeguarding condition. I note resident's desires to have the rear door closed after 2230 hours, but I consider this is rather early/onerous on a Friday and Saturday evening. I also consider it would be unreasonable to introduce a condition to restrict rear door closing on other days of the week, as the Applicant is not seeking to extend weekday opening hours.
- 6.17. I accept that there needs to be a balance between the night time economy and residential amenity in Moseley Village and I consider that the proposed extension of opening hours by half an hour on Friday and Saturday evenings and an hour and a half on Bank Holiday Sunday evenings would achieve that balance with the above condition in place. It would also bring Planning's permitted opening hours more in line with Licensing's permitted opening hours.
- 6.18. I note local resident's suggestions that the rear entrance door be manned after 1930 hours, and that drinks shall not be consumed outside the rear door. However, such conditions would be difficult to monitor/enforce, and as these are more closely

associated with the management of the Public House, I consider more appropriate for Licensing to assess/attach when the license is next reviewed.

- 6.19. The other longstanding conditions attached to Planning Permission 2007/03887/PA – these being a restriction on loading/delivery hours and restriction on playing of live and recorded music – remain pertinent and should be transferred across to any new consent.
- 6.20. Transportation Development have raised no objection to the proposal and I concur that the proposal would not have a notable impact upon traffic generation, traffic and parking demand being far lighter during these hours than earlier in the day.

## 7. Conclusion

- 7.1. I consider that the proposed extension of evening opening hours at the application premises would not cause demonstrable harm to the residential amenities of nearby occupiers by virtue of late night noise and disturbance, subject to a safeguarding condition to manage the rear doors of the application premises. As such I consider that the proposal would constitute sustainable development and I recommend that planning permission is granted.

## 8. Recommendation

- 8.1. Approve Subject to Conditions

- 
- 1 Limits hours of use to 0700-2330 Sunday-Thursdays and 0700-0100 on Friday, Saturday and Bank Holiday Sundays
  - 2 Limits delivery time of goods to rear car park and between 0800 - 1900 Mondays to Saturdays and 1000-1600 Sundays, Bank and Public Holidays
  - 3 Restricts the playing of live or recorded music at premises
  - 4 Rear doors shall be used for emergency exit only after 2300 hours Fridays, Saturdays and Bank Holiday Sundays
- 

Case Officer: Andrew Conroy

## Photo(s)



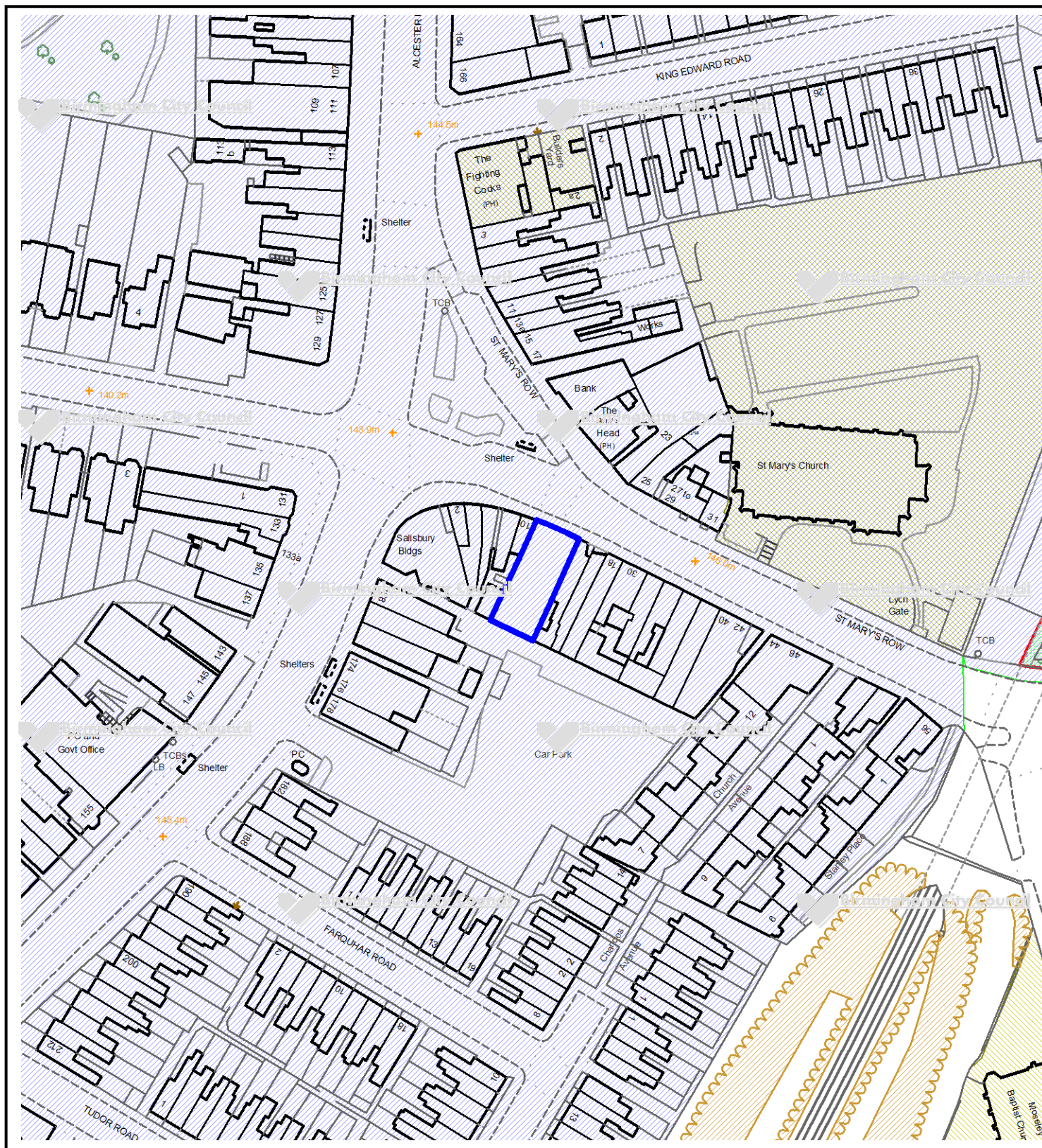
Figure 1 – Rear entrance to Public House



Figure 2 – Front entrance to Public House



## Location Plan



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Committee Date:	17/08/2017	Application Number:	2017/05117/PA
Accepted:	08/06/2017	Application Type:	Variation of Condition
Target Date:	03/08/2017		
Ward:	Moseley and Kings Heath		

2-4 Woodbridge Road, Moseley, Birmingham, B13 8EJ

Variation of condition no. 3 attached to application ref: 2012/04452/PA to allow customer opening hours at the site between 0700 hours- 2300 hours Monday to Sunday, including Bank Holidays

Applicant: Mr Peter Barresi  
c/o Agent  
Agent: Pegasus Group  
5 The Priory, Old London Road, Canwell, Sutton Coldfield,  
Birmingham, B75 5SH

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for the variation of condition no. 3 attached to planning approval 2012/04452/PA to allow opening to restaurant customers between the hours of 07:00-23:00 Monday to Sunday, including bank holidays.
- 1.2. The current opening hours are restricted to 09:00- 19:00 Monday to Saturday and 10:00- 19:00 on Sunday.
- 1.3. A noise survey has been submitted within this application.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application premises comprises of a two- storey, double fronted property located on Woodbridge Road, close to its junction with Alcester Road. The property has a gable roof design and has a flat roofed single storey forward extension. To the rear are subordinate two storey rear wings and single storey outbuildings. The ground floor of the premises is separated into two units and was previously in use as two restaurants (Use Class A3). However, the ground floor is currently vacant. The first floor of the property is currently in use as two residential flats.
- 2.2. The application premises is located within the Moseley Neighbourhood Centre and the Moseley Conservation Area.
- 2.3. The surrounding area is generally a mix of uses, including both residential and commercial premises. Immediately adjoining the property to the east are three



residential dwellings. To the west is an access road, a small car park and bank on the corner of Woodbridge Road. Opposite the site is a car repair garage and a number of commercial units.

2.4. [Site Location Map](#)

3. [Planning History](#)

- 3.1. 12/12/2011 – 2011/06471/PA Change of use from retail (use class A1) to restaurant use (to form 2 x A3 units), installation of new shop front, installation of extraction flue and erection of single storey rear extension- Refused because loss of retail unit would affect vitality and viability of the local centre, Harm to residential amenity. Appeal dismissed- the Inspector did not agree with the Council's view on the principle of the change of use, but did agree that harm to residential amenity would occur through noise and disturbance, particularly during the evening periods.
- 3.2. 12/10/2012 – 2012/04452/PA Change of use from retail (Class A1) to two restaurant units (Class A3), installation of new shopfronts, extraction flue, and erection of single storey rear extension. Evening closing proposed to be 1900 hours, to address the Inspector's reason for dismissing the appeal against 2011/06471/PA- Refused because of harm to residential amenity. Appeal allowed- the Inspector concluded that harm to residential amenity would not occur as evening opening hours would be restricted to 1900 hours.
- 3.3. 08/05/2014 – 2014/01311/PA Variation of condition 3 attached to planning approval 2012/04452/PA to open to customers between the hours of 08:00 hours and 23:00 hours Monday to Saturday and 10:00 hours to 23:00 hours Sunday- Refused due to harm to residential amenity.
- 3.4. 30/06/2014- 2014/03512/PA- Variation of condition 3 attached to planning approval 2012/04452/PA to open to customers between the hours of 08:00 hours and 23:00 hours Monday to Saturday and 10:00 hours to 23:00 hours Sunday- Refused due to harm to residential amenity. Appeal dismissed- the Inspector conclude that the cumulative impact of activity beyond 19:00 would have a detrimental impact upon residential amenity.
- 3.5. 28/02/2017- 2016/10531/PA- Variation of condition no. 3 attached to application ref: 2012/04452/PA to allow customer opening hours at the site between 0700 hours- 2300 hours Monday to Sunday, including Bank Holidays- withdrawn.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development- no objection
- 4.2. Regulatory Services – noise report reviewed, no objection. Question discharge of previous conditions relating to noise insulation scheme, extract ventilation and odour control.
- 4.3. West Midlands Police- no objection
- 4.4. Neighbouring occupiers, local residents associations, M.P., and ward councillors notified and a Site Notice and Press Notice displayed. Three letters of comment

received from Woodbridge Cornerstone Residents Associations, The Moseley Society and a neighbouring resident outlining the following points:

- Concerns that the application premises would be in use as a takeaway leading to issues such as noise, litter, car parking issues and anti- social behaviour.
- Car parking issues for new use.

## 5. Policy Context

5.1. The following local policies are relevant.

- The Birmingham Development Plan 2017,
- The Birmingham Unitary Development Plan 2005 (Saved Policies),
- Shopping and Local Centres SPD,
- Moseley Conservation Area,
- The Moseley SPD (2014)

5.2. The following national policy is relevant.

- The National Planning Policy Framework (2012)

## 6. Planning Considerations

6.1. One of the core principles of the NPPF as outlined in paragraph 17 seeks to secure a good standard of amenity for all existing and future occupants of buildings.

6.2. Policy 8.7 of the saved UPD states that hot food shops and cafes/restaurants should generally be confined to shopping areas or areas of mixed commercial development due to residential amenity issues associated with such development, e.g. late night opening, noise, disturbance, smell, litter and impact on traffic generation. It further stipulates that in areas where similar facilities exist, account should be taken of the cumulative impact of development on residential amenity. Where a proposal does involve evening opening, Policy 8.7 aims to ensure that demonstrable harm would not be caused to the occupiers of nearby dwellings due to additional problems of noise and disturbance.

6.3. Policy 5 of the Shopping and Local Centres SPD stipulates that applications for new A3 uses are encouraged within neighbourhood centres subject to avoiding an over concentration or clustering of these uses that would lead to an adverse impact on residential amenity.

6.4. In December 2011, planning application 2011/06471/PA for the change of use from retail (use class A1) to the restaurant uses was refused by the Planning Committee and was subsequently dismissed at appeal in April 2012. Although the Inspector concluded that the principle of the change of use would be acceptable, he considered that late night opening would cause harm to residential amenity. In October 2012, a revised application which proposed opening hours until 7pm was refused by Planning Committee (2012/04452/PA). However, the appeal was allowed as the inspector considered the revised opening hours acceptable and would not harm residential amenity.

- 6.5. Two applications have since been refused for the proposed increase to opening hours to 08:00- 23:00 Monday to Saturday and 10:00- 23:00 Sundays (2014/01311/PA and 2014/03512/PA). The latter application was appealed, with the inspected upholding the determination, as it was considered that *“the background conditions remain as they were in 2012; residential uses still about the site to the side and above, and the mix of A3 and A4 uses within Woodbridge Road is consistent with the pattern described within the previous decision. No evidence has been presented to suggest that there has been a material change in circumstances since that decision was issued in April 2012”*. The Inspector concluded that the cumulative impact of additional activity beyond the hours of 19:00 would have a detrimental impact upon the living conditions of residents within the vicinity of the site, through additional comings and goings, vehicle parking, including the opening and closing of doors, and general noise associated with customers using the premises.
- 6.6. This application seeks to increase the opening hours beyond the previously refused applications to the hours of 07:00-23:00 Monday to Sunday, including bank holidays.
- 6.7. A detailed Noise Report has been submitted with the application which includes results from a period of continuous monitoring across a weekend period (between Friday 28<sup>th</sup> April-Bank Holiday Monday 1<sup>st</sup> May 2017) to capture the change in ambient noise levels during the morning, evening and night-time periods, taken 1m from the first floor façade of no. 2-4 Woodbridge Road. In addition, periods of attended measurements at other locations were also undertaken at various times during Friday and Sunday evenings, covering the more sensitive proposed periods of extended operations, covering locations representative of nearby dwellings on Woodbridge Road.
- 6.8. The noise measurements taken from outside of the application premises show that on average the noise recorded between the early morning (59dB), central part of the day (62dB), evening (61dB) and during the night (58dB) do not differ significantly. This pattern is also reflected from the other locations measured along Woodbridge Road. Traffic noise levels and the total sound energy present shows no significant decrease over the evening period from 19:00-23:00 hours, which is indicative of no significant reduction in vehicle or pedestrian movements along Woodbridge Road over the evening period. The results from the noise report demonstrate that there is no significant difference between the daytime and the evening noise climate. As such, the same activities continued into the evening period would be just as acceptable as they are during the daytime i.e, they would have no harmful impact for local residents.
- 6.9. The noise levels recorded during the additional hours sought in the morning (07:00-09:00 Monday to Saturday and 07:00-10:00 Sunday) are slightly lower than those recorded during the day after 09:00 and during the evening. The Applicant's noise study considers this is not to the extent that normal noise events from people using the restaurant would be perceptible to a greater extent or would cause a marked change to ambient noise levels.
- 6.10. I consider that the noise report provides a professional and detailed assessment of potential noise from proposed use of the premises into the extended morning and evening hours. I concur with the conclusions drawn from the noise report that there would unlikely be harmful impact for local residents from comings and goings to the proposed unit given the relatively high background noise levels along Woodbridge Road, and how this does not differ from daytime noise.



- 6.11. There is a history of refusing evening use. However, I note that previous to the last application (withdrawn ref. 2016/10531/PA), no submission was supported by a technical noise assessment. The assessment with the last application was not suitably complete, but this new application's noise assessment is to a good standard and has, *for the first time*, provided complete technical evidence which supports an application, and supports evening opening beyond 7pm.
- 6.12. Regulatory Services reviewed the noise report and are satisfied with its findings. Beyond that fundamental position, they were concerned that any application not be approved unless details of extraction ventilation and odour control, and noise insulation, attached as conditions to the original permission had been discharged. I confirm that a noise insulation scheme was approved by condition discharge in 2014, but I do not know if it was actually installed. As such, I re-attach the relevant condition. The condition submissions for the extract ventilation and odour control, and signage indicating the rear car park, were refused in 2014, so I re-attach both.
- 6.13. In regards to noise from kitchen extraction systems, the noise report outlines that the anticipated extraction system noise would not be perceptible above background noise level measured and that a condition can be attached to ensure that the extraction system would not result in harmful impacts on residential amenity. I concur with this view and consider that noise from a kitchen extraction system can be controlled by a condition attached.
- 6.14. Overall, given the results from the noise report I am satisfied that the noise impacts from kitchen extraction systems and from the comings and goings from customers would not result in a detrimental impact upon the amenity of local residents.
- 6.15. I note concerns from local residents in regards to the use of the proposed unit as a takeaway. However, the application site has planning permission for use only as A3 which is restaurant/ café use. As such, a takeaway, unless being ancillary, would not be permitted in the application unit.
- 6.16. In addition, I note neighbouring concerns in relation to parking. However, the unit already has planning permission for an A3 use in this location and under the previous determination parking would have been considered. Transportation Development have raised no objection to the proposed extension of opening hours. I do not consider that the proposed extension of opening hours would result in a detrimental impact on parking or congestion, given there are such limited on- street parking opportunities in the vicinity of the site.

## 7. Conclusion

- 7.1. It is considered that the proposed extension of opening hours would not result in a detrimental impact on residential amenity by virtue of comings and goings to the application site or kitchen extraction noise. In addition, I consider that the proposed extension of opening hours would not result in a detrimental impact to parking or highway safety. It is therefore recommended that the application is approved subject to conditions.

## 8. Recommendation

- 8.1. Approved subject to conditions.

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires the prior submission of extraction and odour control details
  - 3 Limits the hours of use: 0700 - 2300.
  - 4 Requires the prior submission of noise insulation, to upper storey residential
  - 5 Requires the prior submission of signage indicating car parking to the rear
- 

Case Officer: Sophie Long

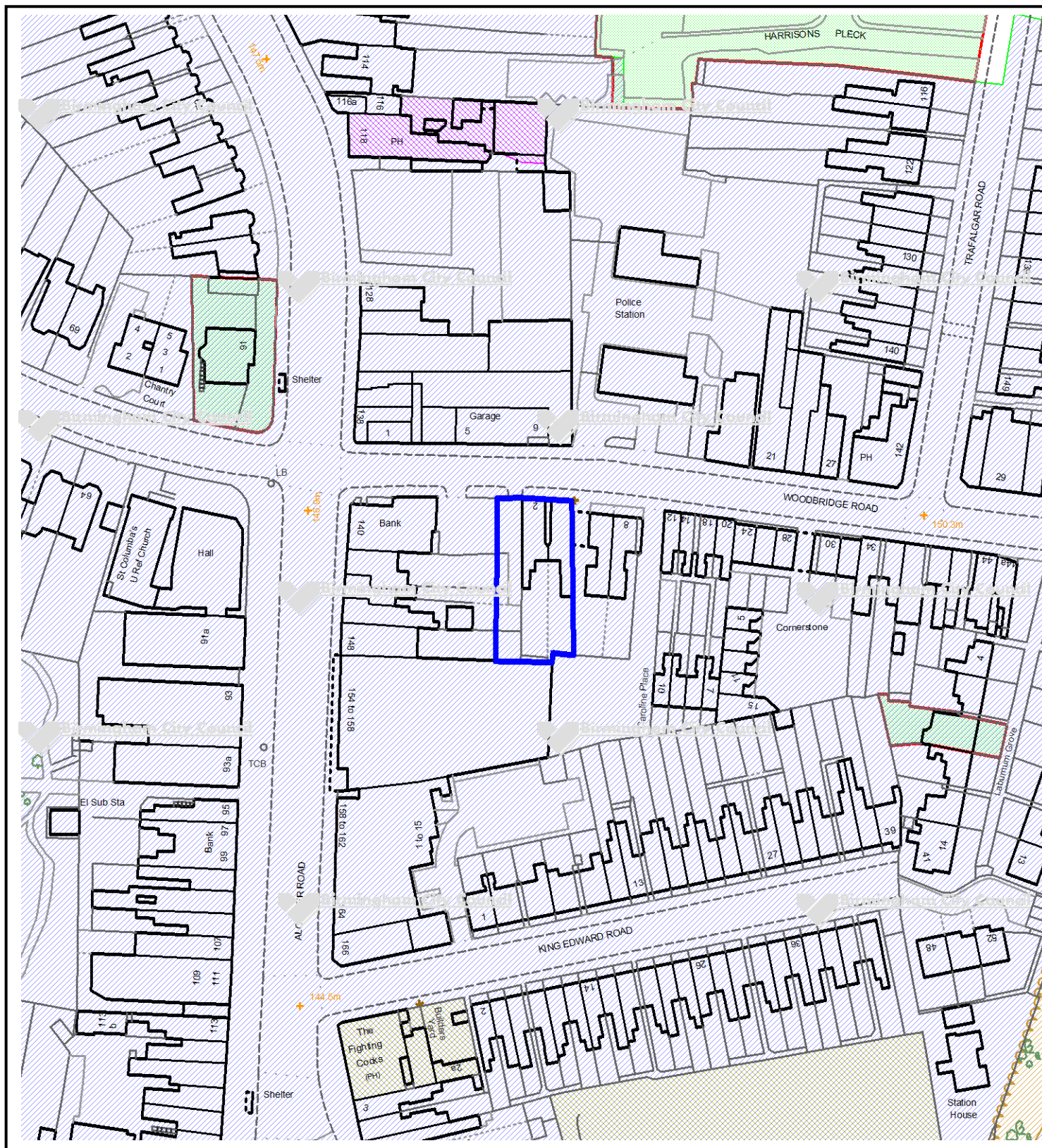
## Photo(s)



Figure 1 – Front elevation



## Location Plan



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Committee Date:	17/08/2017	Application Number:	2017/06449/PA
Accepted:	21/07/2017	Application Type:	Demolition Determination
Target Date:	18/08/2017		
Ward:	Selly Oak		

Fitness First Health Centre, Pershore Road, Selly Oak, Birmingham, B30 2YB

Application for prior notification of proposed demolition of former bowling alley and gym

Applicant:	Lidl UK GmbH c/o Agent
Agent:	GVA Grimley Ltd 3 Brindleyplace, Birmingham, B1 2JB

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Recommendation

**No Prior Approval Required Subject To Conditions**

1. Proposal
  - 1.1. This application is made under the provisions of Part 11 of the Town and Country Planning (General Permitted Development) Order 2015 and seeks a determination as to whether prior approval is required for the method of demolition and site restoration of the former Fitness First gym and bowling alley at Pershore Road, Stirchley.
  - 1.2. The submission includes a 'Method Statement for Demolition and Associated Works' and Site Compound Plan. It follows a recent refusal of a prior notification application for these demolition works, which raised concerns in respect of an existing Western Power sub-station beneath the building.
  - 1.3. The Method Statement refers to demolition of the building down to slab level, with the retention of nine structural bays of the building that currently houses the existing sub-station (which, it is intended, would continue to operate). The statement covers site set up, general rubbish removal, removal of asbestos containing materials. 'soft strip' structure, separation of structure from retained structural bays, demolition of super-structures down to slab level, and removal of waste to a licensed facility.
  - 1.4. The Site Compound Plan shows access via the existing gates on Pershore Road, with a turning around proposed on the rear section of the site. Between 2-12 vehicle movements are anticipated per day, dependent on the stage of the works. Limited on-site parking would be provided.
  - 1.5. The site working hours would be 8am to 6pm Monday to Friday, with possible Saturday mornings (if required) 8am to 1pm.
  - 1.6. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is located on the east side of Pershore Road, adjacent to its junction with Cartland Road, at the northern end of Stirchley District Centre (outside the Primary Shopping Area). It is currently occupied by a substantial, flat-roofed building, part of which is 'on stilts' with undercroft parking. The building was until recently utilised for ten-pin bowling and as a gym/fitness centre (the gym ceasing operation at the end of May this year). The site is currently enclosed by 2m temporary hoardings.
- 2.2. There are two existing vehicular access points from Pershore Road, with further parking provided in front of the building. There is a large hard surfaced area to the rear, which, although accessible, is not laid out formally and does not appear to be utilised.
- 2.3. The gardens of houses on Bewdley Road back onto the northern boundary of the site, with further residential properties beyond this (mixed with some commercial uses on the Pershore Road frontage). The Bourn runs parallel to the southern boundary, largely obscured by trees and other vegetation at this point. Beyond this is a wide grassed buffer extending to the back of pavement on Cartland Road, within which is an existing pumping station. Pedestrian routes exist across this area, providing access to the Bourn and the River Rea, which runs parallel to the site's rear (eastern) boundary beyond a further pumping station building, with a footpath/cycle path extending from here northwards to Dogpool Lane.
- 2.4. There is a busy traffic-light junction where Cartland Road meets Pershore Road, which incorporates pedestrian crossing facilities. In addition, slightly to the north of this, opposite the application site, are two further junctions (on the west side of Pershore Road) with Ribblesdale Road and Warwards Lane. There are groups of commercial units located around these junctions, although the side roads themselves are predominantly residential. Beyond Cartland Road to the south, Pershore Road is predominantly residential on its east side (up to Church Drive). In contrast, the west side is commercial, with a number of units being set back from the main road behind a landscaped frontage.
- 2.5. The topography of the site gently falls to the south towards the River Bourn. There are no significant trees within the site, but substantial planting along the eastern and southern boundaries. The site is located in Flood Zones 2 and 3.

## 3. Planning History

- 3.1. There is extensive planning history associated with the former/current use of the site, including extensions, alterations, signage and antennae. More significant/recent applications of note include:
- 3.2. 19<sup>th</sup> July 2001. PA No. 2001/02910/PA Removal of condition 2 of planning permission E/C/21709/9 to accommodate a health and fitness centre within Class D2 (Assembly and Leisure) Use – approved.
- 3.3. 2<sup>nd</sup> September 2015. PA No. 2015/05680/PA. Pre-application advice for the demolition of existing building and erection of retail foodstore.

- 3.4. 26<sup>th</sup> January 2016. PA No. 2015/08699/PA. Demolition of existing buildings and erection of Class A1 retail foodstore with associated works – withdrawn.
- 3.5. PA No. 2017/01245/PA. Erection of replacement sub-station – current application.
- 3.6. PA No. 2016/00664/PA. Demolition of existing buildings and erection of Class A1 foodstore with associated works – current application. Originally approved 9<sup>th</sup> February 2017, but subsequently quashed on 27<sup>th</sup> April 2017.
- 3.7. 22<sup>nd</sup> June 2017. PA No. 2017/04904/PA. Application for prior notification of proposed fitness first and bowling alley. Prior approval required and refused.
4. Consultation/PP Responses
- 4.1. Transportation – response awaited.
- 4.2. Regulatory Services – no objections. Require compliance with our construction policy, particularly with respect to the hours of operation (8am - 6pm Mon. to Fri., and 8am - 1pm Sat, and not at all on Sundays and Bank Holidays), control of noisy equipment (particularly generators at night), and dust suppression.
- 4.3. Western Power – no objection, providing the substation remains safe, secure and watertight and that the decommission company accept that all damages will be reportable and chargeable, and that 24 access is maintained.
- 4.4. Residents associations and Selly Oak Councillors notified by the Local Planning Authority, site notice displayed by the applicant. One response received:
- Suggest that due to the proximity of housing and flats, work should be restricted to only between 7.30am – 6pm Monday to Saturdays.
5. Policy Context
- 5.1. Birmingham Development Plan (2017); Birmingham Unitary Development Plan (2005) (saved policies); National Planning Policy Framework (2012); Planning Controls over Demolition.
6. Planning Considerations
- 6.1. This submission follows a recent refusal of a prior notification application for these demolition works, which raised concerns in respect of an existing Western Power sub-station beneath the building. The application is now supported by a significant amount of additional information, including a 'Method Statement for Demolition and Associated Works' and Site Compound Plan. The applicant has emphasised that there is some urgency in progressing with the demolition because of current threats of break-ins and vandalism, including potential fire risk.
- 6.2. The Method Statement refers to demolition of the building down to slab level, with the retention of nine structural bays of the building that currently houses the existing sub-station (which, it is intended, would continue to operate). The statement includes an opinion from a Structural Engineer, as follows:

“The structure being retained is comprised of a heavy steel frame, with pre-cast concrete units forming the roof to the sub-station area. Careful separation of the steel frame between the proposed retained bays and the proposed area of demolition ... will enable the retained structure to be left intact. It is proposed that a total of nine structural bays surrounding the structure will be retained. Some intrusive investigations will be required once works have started on site ... Some temporary propping up has been suggested by the contractor, which we agree with as part of a robust approach”.

- 6.3. In addition, the submission was accompanied by correspondence from a representative of Western Power, which reads:

“From reading the method statement I can’t see any major issues as we said we are not civil engineers. The dust suppression needs to be away from our Substation as water and electricity don’t mix. We will require 24hr clear access to our Substation, with no staff entering our building. Our building needs to remain intact and secure at all times. All damages will be reportable and chargeable. If your contractor can achieve all of this and ensure no damage to our substation or equipment on site then I have no objections”.

- 6.4. The Site Compound Plan shows access via the existing gates on Pershore Road, with a turning space proposed on the rear section of the site. Between 2-12 vehicle movements are anticipated per day, dependent on the stage of the works. Limited on-site parking would be provided. I await Transportation comments.
- 6.5. The site working hours are proposed to be 8am to 6pm Monday to Friday, with possible Saturday mornings (if required) 8am to 1pm. Regulatory Services have confirmed that there would be no objection to this. Their other stipulations relate to no overnight generators near residential properties and use of dust suppression measures. The Applicant had already submitted dust suppression measures as part of their application submission, and has confirmed there would be no use of overnight generators near residential properties.
- 6.6. Western Power has confirmed (as suggested in the submitted letter) that the proposal would be acceptable providing the Demolition Method Statement is followed and suitable access, protection etc. provided as specified. I attach a condition to address the issues requested by both Regulatory Services and Western Power, some of which would likely be supplemented/overlap with other environmental regulations, and any legislation/obligations around supply of electricity.
- 6.7. Ecological matters, i.e. bats, can sometimes be affected by demolition. The Applicant’s ecological survey of November 2015 concluded the building had no features, or no significant features, with potential for bat roosts on the different elevations. Overall, the site was considered to be of negligible value for roosting bats, which was accepted by the City Ecologist. As such, I do not consider ecological matters affect this demolition proposal. The City Ecologist supports this approach, advising that a reassessment would be required if demolition occurs after February 2018.
- 6.8. The proposal for this site is consistent with demolition applications approved elsewhere in the City, involving the removal of demolition materials from the site to slab level to leave the site in a tidy condition and is enclosed with appropriate hoarding to secure the site, pending any future redevelopment. This will ensure that



the site has an acceptable appearance. Therefore, the two policy tests – method of demolition, and site restoration – are deemed to be met.

7. Conclusion

- 7.1. The proposed methods of demolition and site restoration of the site are acceptable, therefore approval is recommended subject to an appropriate condition in respect of a Demolition Method Statement.

8. Recommendation

- 8.1. Prior approval required and approved subject to one condition

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1	Requires the prior submission of a demolition method statement
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Case Officer:        Alison Powell

## Photo(s)

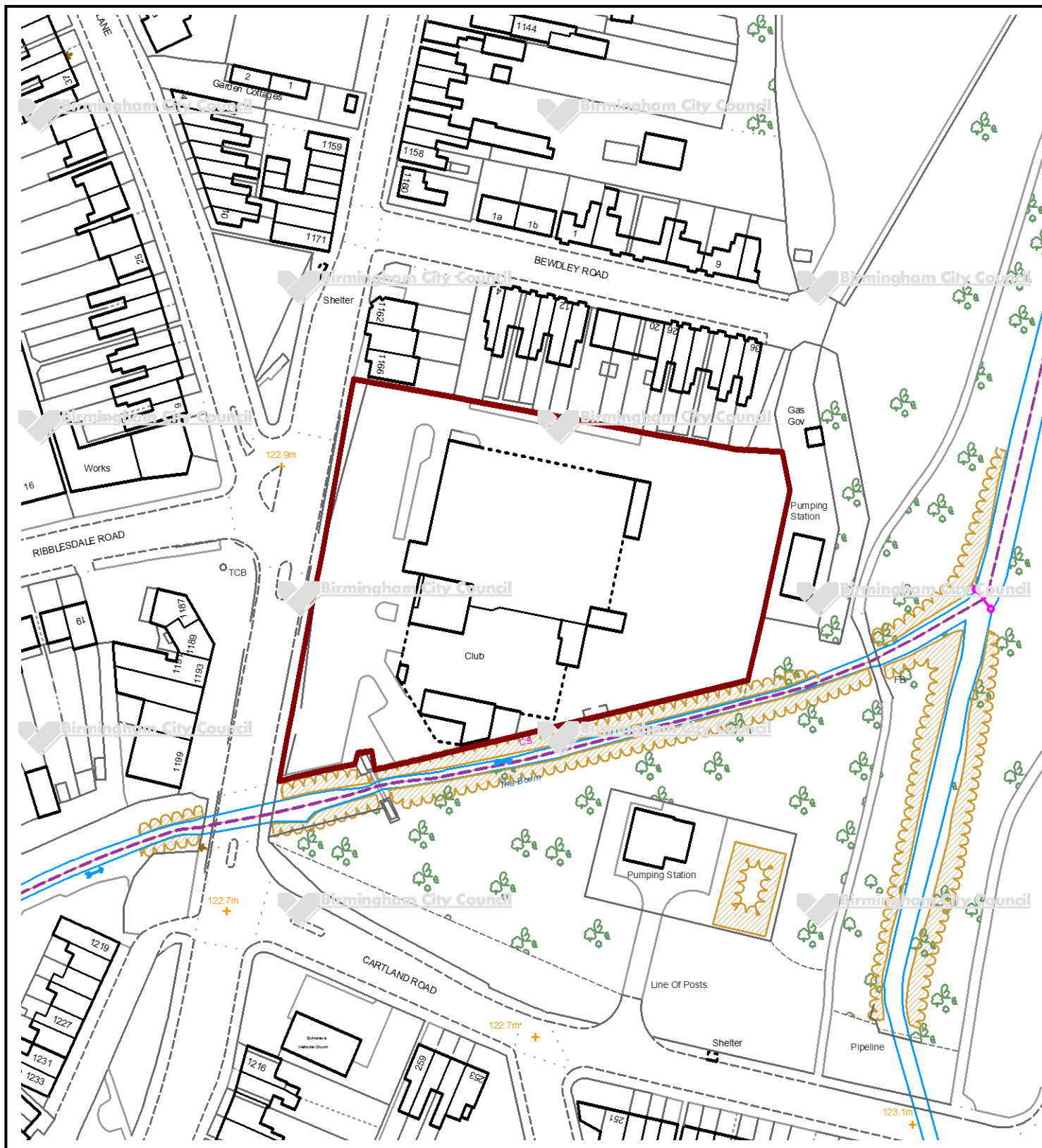


Front Elevation to Pershore Road



North side of building (boundary with r/o Bewdley Road properties

## Location Plan



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Committee Date:	17/08/2017	Application Number:	2017/02524/PA
Accepted:	28/04/2017	Application Type:	Householder
Target Date:	23/06/2017		
Ward:	Bournville		

106 Bournville Lane, Bournville, Birmingham, B30 1LN

Installation of replacement front door and frame

Applicant: Dr Andrew Hardie  
106 Bournville Lane, Bournville, Birmingham, B30 1LN  
Agent:

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for the installation of replacement front door and door frame. The proposed new door and frame would be constructed from timber and would be a like for like replacement of the existing.
- 1.2. This application is being reported to planning committee as the applicant is an elected member.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. This application relates to a traditional semi-detached dwelling house which is located within the Bournville Village Conservation Area. The application property is set back from the highway by a front garden and vehicular hardstanding, the front boundary is defined by a low wall. The property is designed with a hipped roof, dormer window to the front and a two storey gable feature and single storey bay window to the front. The neighbouring properties are of a similar age and design.
- 2.2. The existing front door and frame are timber with a fan light above the door.
- 2.3. Bournville Village Conservation Area is subject to an Article 4(2) Condition. As such, permitted development rights have been removed from the frontages and elevations fronting onto the street scenes/ relevant locations, so planning consent is needed for alterations such as a new front door.
- 2.4. [Site Location](#)

3. Planning History

- 3.1. 14/11/2006 - 2006/05695/PA - Erection of a single storey rear extension and two dormer windows to the rear – Refused



3.2. 14/09/2006 - 2006/05696/PA - Erection of single storey rear extension – Withdrawn as permitted development

3.3. 05/02/2007 - 2006/07608/PA - Erection of single storey rear extension and installation of dormer window to rear –Approved with Conditions

#### 4. Consultation/PP Responses

4.1. Neighbours and local Ward Councillors were notified and a site and press were posted. No responses were received.

#### 5. Policy Context

5.1. The following local policies are applicable:

- Places for Living (Adopted Supplementary Planning Guidance 2001)
- Extending your Home (Adopted Supplementary Planning Document 2007)
- Birmingham Development Plan (2017)
- UDP 2005 (saved policies 3.14 – 3.14D & Chapter 8)
- 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Bourneville Village Conservation Area

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

#### 6. Planning Considerations

6.1. The main issue to consider is the impact that the proposed development would have upon the character and appearance of the Bourneville Village Conservation Area. The proposed door and frame to be installed would be constructed from timber and in the original style. The proposed development would not have a harmful impact upon the architectural appearance of the property or the visual amenity of the surrounding area. The proposal would preserve and enhance the character and appearance of the Bourneville Village Conservation Area.

6.2. My conservation officer has raised no objections in respect of the proposal.

6.3. No CIL form has been submitted, however, the proposed development does not attract a CIL contribution.

#### 7. Conclusion

7.1. This application is recommended for approval as the proposal complies with the objectives of the policies as set out above.

#### 8. Recommendation

8.1. Recommend- Approval subject to the following conditions:

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1 Requires the prior submission of sample materials

2 Requires the scheme to be in accordance with the listed approved plans

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3      Implement within 3 years (Full)

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Case Officer:      Philip Whittaker

## Photo(s)



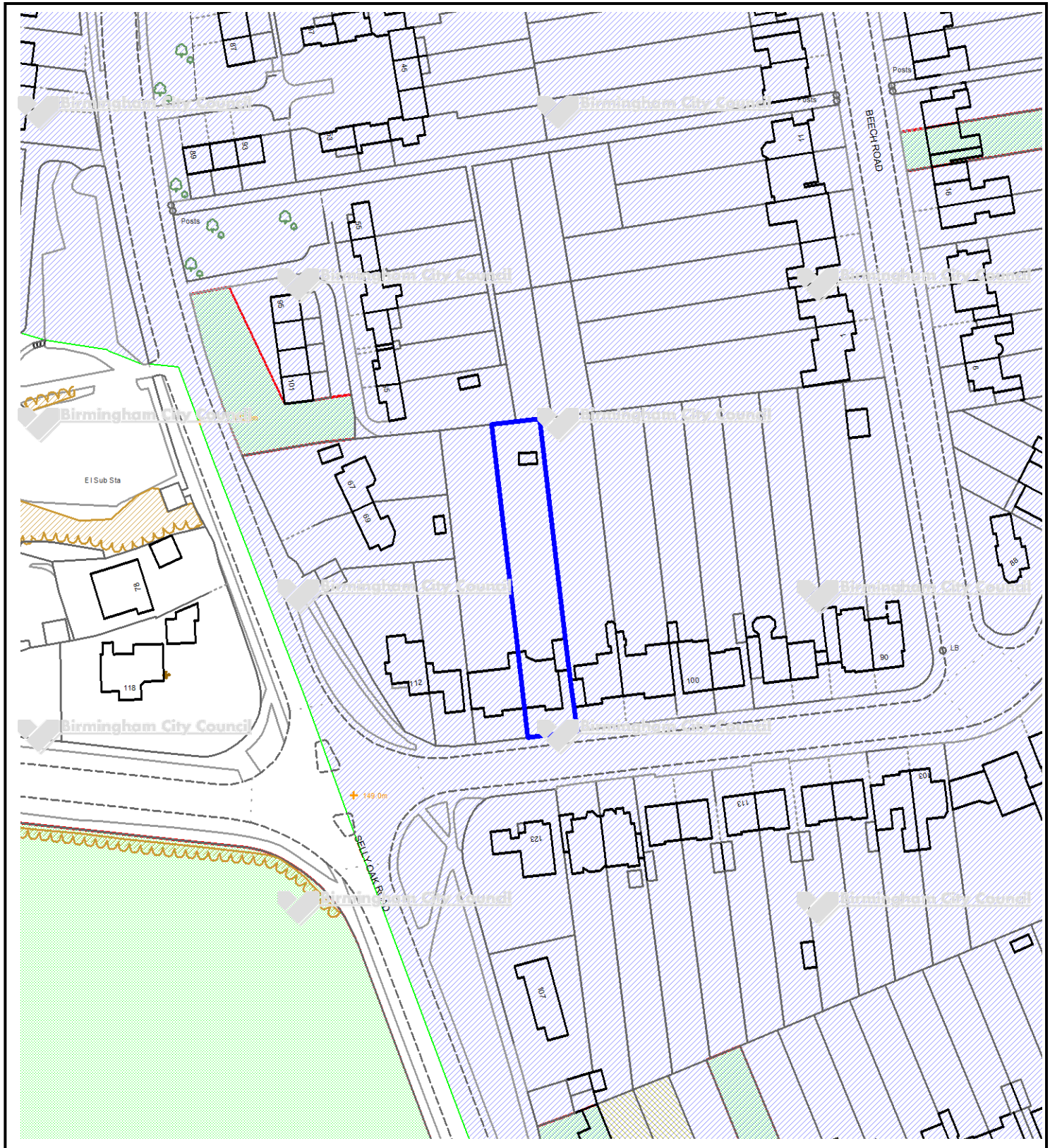
Photo 1: Front Elevation



Photo 2: Front Door



## Location Plan



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# Birmingham City Council

## Planning Committee

17 August 2017

I submit for your consideration the attached reports for the **North West** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Temporary 3 Years	13	2017/04750/PA  Moor Hall Primary School Rowallan Road Sutton Coldfield Birmingham B75 6RE  Retention of a single storey modular building (temporary 3 years)
Determine	14	2017/04051/PA  55 George Frederick Road Sutton Coldfield Birmingham B73 6TB  Erection of two side extension and single storey rear extension (having been part built already)

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Committee Date:	17/08/2017	Application Number:	2017/04750/PA
Accepted:	26/05/2017	Application Type:	Full Planning
Target Date:	08/08/2017		
Ward:	Sutton Trinity		

Moor Hall Primary School, Rowallan Road, Sutton Coldfield,  
Birmingham, B75 6RE

Retention of a single storey modular building (temporary 3 years)

Applicant: Birmingham City Council  
People Directorate, 1 Lancaster Circus, Birmingham, B4 7DY  
Agent: Acivico Ltd  
PO Box 17211, 92-93 Edwards Street, Birmingham, B2 2ZH

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Recommendation

**Approve Temporary**

1. Proposal

1.1. This application is for the proposed retention of a single storey modular building (58m<sup>2</sup>) for a temporary period of three years to accommodate an additional 30 pupils. The building measures approximately 10 metres in length by 5.8 metres in width and is 3.3 metres in height, with a pitched roof and is constructed from timber panels. It is sited approximately 5.6 metres from the rear garden boundaries of 50 and 52 Little Sutton Road. It has been in situ since September 2016.

1.2. This application is required pending the determination of planning application Ref. 2017/05933/PA for the proposed erection of 2 storey block with 7 classrooms, 1 resource room and associated wc's and plant room, extension to existing kitchen and main hall with new car parking and covered cycle store.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site relates to Moor Hall Primary School. The site is located in a predominately residential area.

2.2. [Site and Location Plan](#)

3. Planning History

3.1. 2017/05933/PA Erection of 2 storey block with 7 classrooms, 1 resource room and associated wc's and plant room, extension to existing kitchen and main hall with new car parking and covered cycle store. Decision pending.

4. Consultation/PP Responses

- 4.1. Neighbours, local Councillor's and residents associations consulted and site notice displayed. 3 objections received from neighbouring occupiers (in summary) – the school has out grown its footprint, the classroom has been installed without planning permission, inadequate parking, congestion and highway safety concerns.
- 4.2. Royal Sutton Coldfield Town Council raise no objection.
- 4.3. Transportation Development – No objection, subject to conditions to limit the number of pupils in the new classroom to 30 and to provide cycle storage provision.
- 4.4. Regulatory Services – No objection.

5. Policy Context

- 5.1. Birmingham Development Plan (2031), Birmingham Unitary Development Plan (saved policies), National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The main considerations are whether the proposed retention of the single storey modular building for a temporary period of three years would be acceptable development in principle and whether any harm would be caused to surrounding amenity or highway safety.

6.2. Background

- 6.3. The building is required for a temporary period to accommodate an additional thirty pupils at reception stage, which occurred in September 2016. The intention is for the school to become a full two form entry school over the next few years from the ages of 4 to 11 years of age. An application for extensions to accommodate that increase is pending determination.

6.4. Design, siting and impact on amenity

- 6.5. The single storey, pitched roof modular building is constructed from wooden panels and is a typical construction for a temporary classroom building. Its position, at the side/ rear of the main school would ensure that none of the existing play area (consisting of the playing field and playground) would be affected.
- 6.6. I am satisfied that its position which is approximately 5.6 metres from the boundary of 50 and 52 Little Sutton Road which are served by long rear gardens, would not cause any harm to the amenities of these occupiers and is acceptable.

6.7. Highway safety

- 6.8. Transportation Development have assessed this application and raise no objection, subject to conditions being imposed to restrict the number of children in the new temporary classroom to thirty and to provide cycle storage provision. Given that the number of children is restricted by other legislation and cycle storage provision would be conditioned in the pending long term redevelopment of the site (see history), I do not consider that these conditions are necessary. I do not consider that the increase in pupil numbers by 30 has resulted in a significant increase in parking demand at the school and endangered highway safety.

6.9. Conclusion

6.10. I am satisfied that this proposal would comply with local and national planning policy and is acceptable development.

7. Recommendation

7.1. Approve with conditions.

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1 Requires the building be removed and use discontinued within a timescale of 3 years.

2 Requires the scheme to be in accordance with the listed approved plans

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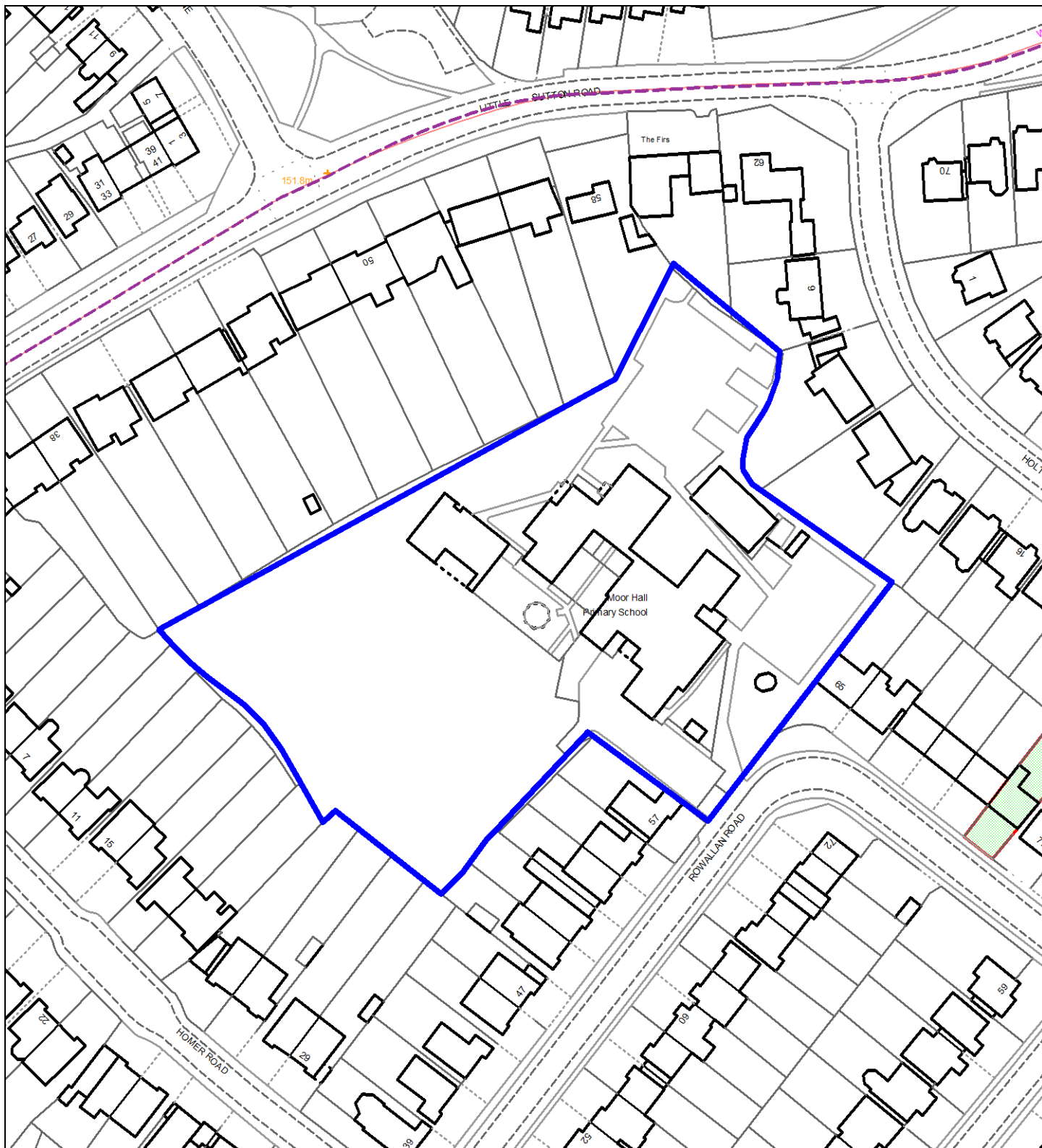
Case Officer: Daniel Ilott

**Photo(s)**





## Location Plan



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Committee Date:	17/08/2017	Application Number:	2017/04051/PA
Accepted:	09/05/2017	Application Type:	Householder
Target Date:	04/07/2017		
Ward:	Sutton Vesey		

55 George Frederick Road, Sutton Coldfield, Birmingham, B73 6TB

Erection of two side extension and single storey rear extension (having been part built already)

Applicant: Mr Humza Rahman  
55 George Frederick Road, Sutton Coldfield, Birmingham, B73 6TB  
Agent: Mr Illyas Maljee  
25 Tyseley Lane, Birmingham, B11 3PT

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Recommendation  
**Determine**

### **Report Back**

Members will recall that this application was recommended for approval at your meeting of 3rd August 2017. You determined to defer the decision, requesting further information in regard to the materials to be used on the proposed extensions so they match the existing property.

The amended plan submitted (FR-PL-001 REV A) has now confirmed that the front and side elevations of the existing property including the proposed extensions will be rendered. The rendering of the front and side elevations will have no detrimental impact on the character of the existing property or upon the visual character and appearance of the forward street scene which comprises of a mix of brick and rendered properties.

A sample materials condition is recommended to be attached for samples of the proposed render to be used:-

Requires the prior submission of sample materials

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension(s)/building(s)/dwelling(s)/development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Your committee are requested to determine the application with this additional information.

### **Original Report**

1.1. Consent is sought for a two storey side extension and single storey rear extension.

- 1.2. The proposed two storey side extension would be 2.1m in width, 7.2m in length and have a hipped tiled roof. The extension provides a study and dining room at ground floor and an additional bedroom and en-suite at first floor level.
- 1.3. The proposed single storey rear extension would form a kitchen and extend off the proposed side dining room with a depth of 3.3m and 3.1m in width. The extension would have a flat roof.
- 1.4. The application is reported to the Planning Committee as the applicant is a Council employee within the Economy Directorate.
- 1.5. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site consists of a semi-detached dwelling with a hipped roof design, forward gable feature with double bay window column. To the rear is an existing conservatory with a polycarbonate roof.
- 2.2. The application site is located in a residential area comprising of similar type and style properties.
- 2.3. There is a long rear garden which is partly grassed and partly paved. There is a raised decking area adjacent to the existing conservatory. The boundary treatment consists of 2m wooden fencing which encompasses the entire rear curtilage of the application site.
- 2.4. The neighbouring property No. 53 George Frederick Road has an existing attached side garage and single storey rear kitchen extension.
- 2.5. There are other two storey side and single storey rear extensions visible in the surrounding area.
- 2.6. [Site location](#)

## 3. Planning History

- 3.1. 23/05/2005 - 2005/02306/PA - Erection of a two storey side extension – Approved-Conditions.
- 3.2. 2017/0547/ENF - Erection of a two storey extension – planning application invited for formal assessment.

## 4. Consultation/PP Responses

- 4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted; one comment received from a neighbouring occupier that works have already commenced at the application property and Building Inspector needs to check the proposed drainage.

## 5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (saved policies 3.14-3.14D & Chapter 8).
  - Birmingham Development Plan (2017).
  - Places For Living SPG 2001.
  - Extending Your Home SPD 2007.
  - 45 Degree Code SPD.
- 5.2. The following national policies are applicable:
- National Planning Policy Framework.
6. Planning Considerations
- 6.1. The principal matters for consideration are the scale and design of the proposed extension, the impact on the architectural appearance of the property, the impact on surrounding area and the impact upon neighbouring properties' amenities.
- 6.2. The application property did receive planning consent for a similar proposal for a two storey side extension in 2005 (2005/02306/PA). However, building works did not commence on this approved application and the 3 year time limit to commence development expired. The applicant has now resubmitted for a similar proposal with the only significant change being that a single storey rear kitchen extension is now also proposed.
- 6.3. Building works recently commenced on site in regard to the proposed extensions which was investigated as part of the enforcement complaint (2017/0547/ENF). As a result all building works have now stopped on site pending the determination of this application.
- 6.4. The proposed development complies with your Committee's 45 Degree Code and meets the distance separation guidelines contained in 'Extending your Home' and 'Places for Living'. As such, the development would not result in a detrimental impact on the amenities of the occupiers of neighbouring properties by way of loss of light, outlook or overlooking.
- 6.5. The scale, mass and design of the proposed development is acceptable. The proposed extensions would not detract from the architectural appearance of the property and would be in accordance with the principles contained within 'Extending Your Home' Design Guide. The proposed extensions would have no significant impact on the character of the existing dwelling or the visual amenity of the local area. There are examples of other two storey side extensions visible along George Frederick Road.
- 6.6. In regard to the comments received from a neighbouring occupier the site visit undertaken by the Planning Officer confirmed that works have commenced on site. Issues in regard to drainage will form part of the current Building Regulations application.
7. Conclusion
- 7.1. This application is recommended for approval because the proposal complies with objectives of the policies as set out above.

8. Recommendation

8.1. Approve subject to the following conditions

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the materials used match the main building               |
- 

Case Officer:        Ricky Chima



## Photo(s)

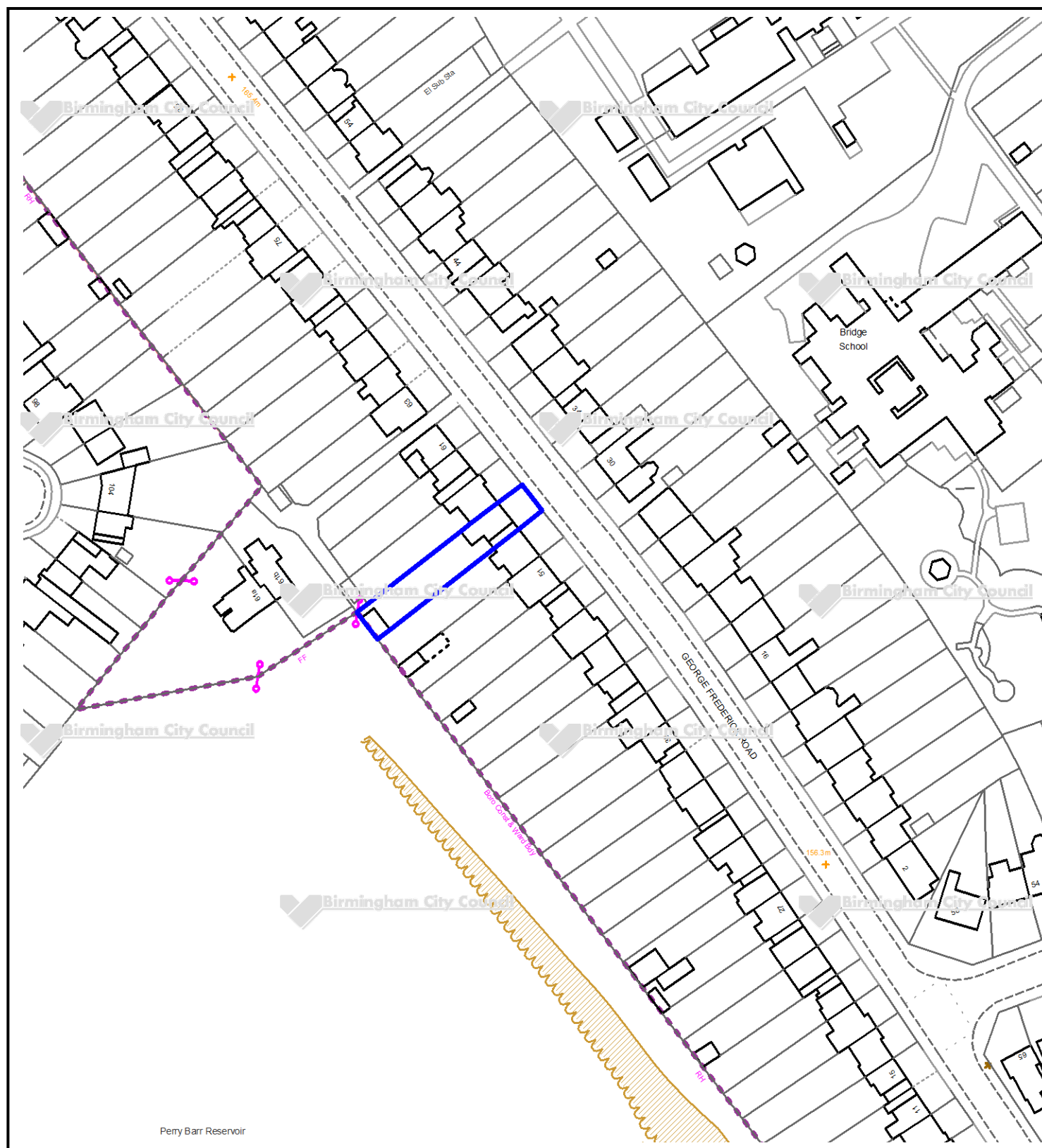


Figure 1 – Front elevation



Figure 2 – Rear elevation

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**17 August 2017**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	15	2017/00612/PA  82-86 Common Lane Sheldon Birmingham B26 3DA  Outline planning permission with all matters reserved for the demolition of existing buildings and construction of 14 no. dwellings

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Committee Date:	17/08/2017	Application Number:	2017/00612/PA
Accepted:	21/06/2017	Application Type:	Outline
Target Date:	20/09/2017		
Ward:	Sheldon		

82-86 Common Lane, Sheldon, Birmingham, B26 3DA

Outline planning permission with all matters reserved for the demolition of existing buildings and construction of 14 no. dwellings

Applicant:	Mr Richard Griffiths 86 Common Lane, Sheldon, Birmingham, B26 3DA
Agent:	F B Architecture Limited 8 The Courtyard, Roman Way, Coleshill, Birmingham, B46 1HQ

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Outline planning permission is sought for the demolition of 3 no. existing dwellings and the erection of 14 no. dwellings on land at 82-86 Common Lane, Sheldon, Birmingham, B26 83DA. All matters are reserved for future determination.
- 1.2. Indicative plans have been provided that illustrate 14 no. dwellings would be provided within the site that the three no. bungalows and garden land encompass along with an internal access road and turning head.
- 1.3. The indicative layout plan shows a proposed vehicle access to the front of site onto Common Lane along with 12 no. two storey 2 bed dwellings and 2 no. three storey 3 bed dwellings. 2 no. parking spaces for each dwelling are proposed.
- 1.4. The proposed site density would be 35 no. dwellings per hectare.

1.5. [Link to Documents](#)

2 Site & Surroundings

- 2.1 The application site is long and narrow and currently comprises approximately 0.4ha of land that currently forms the dwellings and rear gardens of 82-86 Common Lane, Sheldon and the site is located approximately 650m from Sheldon District Centre which provides local facilities and amenities along with a greater number of public transport options.
- 2.2 Common Lane itself is a through road that provides public transport, in terms of 2 no. bus routes, with a bus stop located directly outside the site. The surrounding area is predominantly residential in nature with residential dwellings of Keble Grove to the east of the site, the rear of dwellings of Hollywell Road to the sites western boundary, the rear garden boundaries of dwellings along Edendale Road to the north of the site and Common Lane to the south, beyond which are residential

dwellings that front onto Common Lane. The public highway (Common Lane) runs east/west to the sites southern boundary.

## 2.3 [Site Location](#)

## 3 [Planning History](#)

- 3.1 Pre-Application Enquiry – 2016/06173/PA – Pre-application enquiry for demolition of three bungalows and erection of sixteen dwelling houses with parking.

## 4 [Consultation/PP Responses](#)

- 4.1 Letters of notification sent to surrounding residents; local residents associations and Ward Councillors with 8 no. of objections received on the following points;

- 14 no. dwellings represent overdevelopment of the site.
- Overlooking/loss of privacy to neighbouring properties.
- Noise and disturbance.
- Loss of trees.
- Increase in air pollution.
- Adverse impact upon highway safety.
- Increase in traffic congestion.
- Lack of parking.
- Construction traffic impacting upon surrounding roads/neighbours.
- Pedestrian access with Keble Grove not wanted.

- 4.2 Cllr Mike Ward – “Sorry to see the loss of three bungalows but am mindful of the need for more homes in the city. I would hope the applicant would assist his tenants to be adequately rehoused and I seek some assurance on this”.

- 4.3 Transportation Development – No objection, subject to condition;

- Siting/Design of Access.

- 4.4 Regulatory Services – No objection, subject to conditions;

- Noise insulation scheme.
- Electric vehicle charging point.

- 4.5 West Midlands Police – No objection.

- 4.6 Severn Trent Water – No objection, subject to drainage condition.

- 4.7 City Ecologist – No objection, subject to conditions securing an additional bat survey of no. 82 Common Lane and ecological enhancements in line with the Ecological Appraisal and advisory notes on the protection of wild birds, hedgehogs and foxes during the construction period

- 4.8 Lead Local Flood and Drainage Officer – No objection, subject to drainage condition and sustainable Drainage Operation and Maintenance Plan.

## 5 [Policy Context](#)



- 5.1 NPPF (2012), Birmingham Development Plan (2017), Birmingham UDP (Saved Policies) (2005), Places for Living SPG (2001), Car Parking Guidelines SPD (2012).

6 Planning Considerations

*Principle of Development*

- 6.1 The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.2 It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.3 Policy TP27 of the draft Birmingham Development Plan sets out the proposed future policy for housing location in the city. It does not include any restriction on development of Greenfield sites. The proposal would contribute towards housing demand within the City on a sustainable site in close proximity to bus routes. I therefore raise no objections in principle to the use of this site for residential development. However, the details of the proposal should be assessed against the policy considerations set out above.
- 6.4 Policy TP30 contained within the BDP outlines the expected densities for new dwellings throughout the city with a view to providing 40 dwellings per hectare in areas such as the application site. In this case, the proposal seeks to provide 35 dwellings per hectare which is below the minimum policy requirement. However, given the sites long and narrow shape it is considered that the proposal does make efficient use of site in a manner that could provide appropriate sized housing along with associated infrastructure, such as car parking and an access road with turning area. As such, it is considered that the proposal is acceptable in this regard.
- 6.5 The application site is located within a sustainable location with good access to public transport and Sheldon District Centre within a reasonable walking distance. The proposal comprises of a mix of dwellings and makes a valuable contribution to identified housing need within Birmingham. Furthermore, it is considered that the proposed infill development of the application is an acceptable addition in an area that already comprises of a variety of residential infill developments, e.g. cul-de-sacs such as Keble Grove and Haydn Grove, which have taken place over an extended period of time. Consequently, I consider the principle of the proposal to be acceptable.
- 6.6 The development is not liable for Community Infrastructure Levy.

*Design and Appearance*

- 6.7 Chapter 7 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 56 states: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable

development, is indivisible from good planning, and should contribute positively to making places better for people.”

- 6.8 Paragraphs 3.14D and 3.14E of the UDP identify that new housing development should be designed in accordance with good urban design principles. In addition, ‘Places for Living’ SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and makes reference to minimum design and amenity guidance. Particular emphasis is given to assessing context and responding positively to local character.
- 6.9 The area surrounding the site comprises of a variety of street patterns and housing types, with Common Lane being a through road with 1950’s two storey semi-detached and detached dwellings in addition to a number of detached bungalows whilst off Common Lane are a number of cul-de-sacs, such as Keble Grove and Hadyn Grove, to the sites eastern boundary, that provide a variety of residential units constructed in the 1970’s. As such, the area, whilst predominately residential is mixed in terms of appearance, layout and scale.
- 6.10 The indicative layout of the proposed residential properties replicate the rhythm and character of existing properties in the area, particularly the street pattern of Keble Grove and Hadyn Grove which has a number of properties fronting onto Common Lane with an internal access road that provides access to further dwellings set back from the road. Although only indicative at this stage, the plans indicate that the dwellings and associated rear garden space would be of an appropriate size, whilst the dwellings themselves would respect the separation distances and other space requirements set out in within the Places for Living SPD. The final appearance, scale and layout of the dwellings is to be dealt with by reserved matters.

#### *Transport and Highways*

- 6.11 The application site is located along a through road (Common Lane) that is served by public transport (two no. bus routes) with a bus stop directly in front of the site along Common Lane. It has a number of local facilities in within walking distance (newsagent 450m and public house 40m) with the wider Sheldon District Centre located approximately 650m away to the south.
- 6.12 The proposal would seek to provide a new vehicle access point into the site from Common Lane and would necessitate the removal of the existing footway crossings that serve the 3 no. bungalows to be demolished. The applicant has provided an indicative site layout that shows a potential site access. Furthermore, the indicative layout shows the site is capable of providing 2 no. vehicle parking spaces per dwelling.
- 6.13 The Transportation Development Officer raises no objection to the use of the site for residential development subject to the provision of a condition securing the siting and design of the proposed access with Common Lane. However, given that this is an outline application with all matters reserved, access to the site would be dealt with as part of a reserved matters application. Furthermore, concerns regarding construction access would also be dealt with at reserved matters stage when access to the site is addressed in detail.

#### *Residential Amenity*

- 6.14 Regulatory Services have raised no objections to the proposal subject to the imposition of conditions to secure a suitable level of noise insulation for the proposed

dwelling and to provide electric vehicle charging points for the proposed dwellings. Whilst I agree with the imposition of a noise insulation condition to ensure that residential amenity is protected for future residents, I do not consider the imposition of an electric vehicle charging point condition to be reasonable or necessary at this stage given that at least one space per dwelling is likely to be provided on plot which would enable future residents to install a personal domestic charging point specific to their needs should they require it.

- 6.15 I do not consider that the proposal would be contrary to policy and guidance that helps to safeguard the amenities of existing occupiers and in this instance there is no reason to refuse the application based upon impact to surrounding residents in terms of possible effects upon privacy, outlook or amenity.

#### *Landscaping and Ecology*

- 6.16 The applicant has submitted an ecological survey of the site and the City Ecologist has been consulted on the proposal. They have raised no objection subject to the imposition of a planning condition requiring an additional bat survey of no. 82 Common Lane (existing bungalow to be demolished) to be carried out as recommended within the submitted Ecological Appraisal.
- 6.17 In addition, the Ecologist has requested that advisory notes be attached to any consent confirming issues related to the protection of wild birds, hedgehogs and foxes during the construction period and that a condition is attached securing the provision of ecological enhancements in line with the recommendations contained within the submitted Ecological Appraisal. I agree with this approach.
- 6.18 The City's Tree Officer has been consulted on the proposal and has raised no objection to the principle of development. They note the presence of White and Lombardy Poplar trees and their unsuitability to be retained in close proximity to residential dwellings or by a Tree Preservation Order (TPO). However, as this is an outline application without details of the layout of plots/dwellings and the possible retention of trees can be assessed and addressed by condition.
- 6.19 Furthermore, it is noted that the indicative site plans show landscaping in the form of planting to the sites boundaries. This is welcomed, and coupled with a condition securing appropriate site boundary treatments I consider this measure would aid protection of adjoining residential amenity.

#### *Other Matters*

- 6.20 Severn Trent Water has been consulted on the proposal and has requested that drainage for foul and surface water drainage for the site is secured by planning condition. In addition, the Lead Local Flood and Drainage Officer (LLFA) has been consulted on the proposal and has stated that they accept the principles of the submitted Drainage Strategy and request that the imposition of planning conditions securing appropriate drainage details and SUDS operation and maintenance plan. I concur with the viewpoint.

#### 7. Conclusion

- 7.1 Whilst I acknowledge that the loss of the bungalows would be regrettable, I consider that the proposed layout builds on established local character, and am satisfied that a proposal of this nature could be accommodated on this site with no detrimental

impact on the quality of the existing residential environment, and would create a satisfactory living environment for prospective residents of the dwellings.

- 7.2 The proposals would redevelop an underused site in a sustainable location and contribute to increasing the City's housing stock. The density together with mix of housing would be appropriate for the site. I also consider that the application, subject to approval of reserved matters details, would also be acceptable in terms of residential amenity and highway safety.

8. Recommendation

- 8.1 Approve, Subject to conditions.

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1	Implement within 3 years (outline)
2	Requires the submission of reserved matter details following an outline approval
3	Requires the scheme to be in accordance with the listed approved plans
4	Limits the layout plans to being indicative only
5	Requires the prior submission of a sustainable drainage scheme
6	Requires the prior submission of a drainage scheme
7	Requires the prior submission of a drainage scheme
8	Requires the prior submission a noise study to establish residential acoustic protection
9	Requires the prior submission of an additional bat survey for no. 82 Common Lane
10	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
11	Requires the prior submission of boundary treatment details
12	Requires the prior submission of level details
13	Limits the maximum number of dwellings to 14 no.
14	Requires the implementation of tree protection

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Case Officer: Mohammed Nasser

## Photo(s)

**Fig 1 – 82-84 Common Lane – Bungalows to be demolished.**



**Fig 2 – Aerial Photograph of Site.**





## Location Plan



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**Birmingham City Council**  
**Planning Committee 17 August 2017**

**Appeal Decisions Received from the Planning Inspectorate in July 2017**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Enforcement</b>	183 Gristhorpe Road, Selly Oak	Erection of a detached structure to the rear of the premises. 2014/0606/ENF	Allowed (see note 1 attached)	Enf	Written Representations
<b>Householder</b>	830 Coventry Road, Small Heath	Erection of dormer window to front. 2017/00825/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	25 Marshbrook Road, Erdington	Erection of single storey rear extension. 2016/10334/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	54 Willow Road, Bournville	Erection of porch to front. 2017/01597/PA	Allowed (see note 2 attached)	Delegated	Written Representations
<b>Advertisement</b>	Aston Hall Road, Aston Social Club	Display of 2 internally illuminated digital advertising screens and 1 internally illuminated LED digital logo box. 2017/00587/PA	Dismissed	Delegated	Written Representations
<b>Advertisement</b>	5 Priory Square, City Centre	Display of 1 internally illuminated digital screen. 2016/10514/PA	Allowed (see note 3 attached)	Delegated	Written Representations
<b>Residential</b>	25 Darwin Street, Land adjacent, Highgate	Erection of three storey apartment building to create 6 no. one-bedroom self-contained apartments and associated car parking. 2016/09663/PA	Dismissed	Delegated	Written Representations

**Total - 7 Decisions: 4 Dismissed (57%)**

**Cumulative total from 1 April 2017 - 29 Decisions: 23 Dismissed (79%), 6 Allowed**

## **Notes relating to appeal decisions received in July 2017**

### **Note 1 (183 Gristhorpe Road)**

**Enforcement Notice issued** because the outbuilding appears as an unusually large building when judged against the existing house and rear garden in this residential setting. The scale of the outbuilding is in excess of what might reasonably be required for purpose incidental to the enjoyment of the dwellinghouse, and it has not been satisfactorily demonstrated that the outbuilding is required for genuinely incidental purposes, particularly in view of the accommodation that already exists within the dwellinghouse. It did not therefore fall within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) at the time of construction and is not permitted development.

The detached structure, by reason of its scale and form is out of context with the surrounding properties and is unduly dominant. It does not reflect the existing character of the surrounding area

**Appeal allowed** because the Inspector considered that on the balance of probabilities, having regard to the use of the property as an HMO, that an outbuilding of this size is reasonably required (for the provision of a games room) and is on a scale that is incidental to the enjoyment of the dwellinghouse as such. Thus, the appeal structure as a whole is provided for incidental purposes and falls within the scope of Class E permitted development.

The appellant's application for costs was refused.

### **Note 2 (54 Willow Road)**

**Application refused** because 1) The design of the proposed extension would be out of keeping with the existing character of the street scene 2) The design of the proposed extension would be out of keeping with the design/character/appearance of the existing house and 3) The scale/design of the proposed development by virtue of its design would not preserve or enhance the character of the Bournville Conservation Area.

**Appeal allowed** because the Inspector considered that although the proposed porch would detract from the symmetry that the existing house currently shares with the adjacent dwelling, the scale, design, roof shape and fenestration of the porch would reflect the existing house, particularly the bay window. The loss of balance would not result in the pair of semi-detached houses being incongruous in the street scene and therefore the development would preserve the character and appearance of the Bournville Conservation Area.

### **Note 3 (5 Priory Square)**

**Application refused** because the proposed advertisement screen by reason of its scale, illumination and location would present an unacceptably dominant and unduly obtrusive feature in the street scene and on the building. It would adversely affect the visual amenity of the existing building and street scene.

**Appeal allowed** because the Inspector considered that although the proposal would be larger and more prominent than the other adverts and light sources in the vicinity it would not appear incongruous in the context of its setting and instead would be

reflective of its city centre location. Although the advert would appear prominently on the shopping centre, it would not be disproportionate with the building's scale, would break up the unappealing blank massing of the building and therefore would contribute positively to the street scene.