

# Birmingham City Council

## Planning Committee

10 June 2021

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	6	2020/08985/PA  21a Elvetham Road Edgbaston Birmingham B15 2LY  Demolition of two existing bungalows and erection of 12 flats and rearrangement of car parking and landscaping
Approve – Temporary	7	2021/02309/PA  University of Birmingham Sports and Fitness Centre Edgbaston Birmingham B15 2TT  Erection of temporary overlay structures at the University of Birmingham Sports and Fitness Centre for the purposes of hosting the Hockey and Squash events for the Birmingham 2022 Commonwealth Games
Approve – Temporary	8	2021/01919/PA  Warwickshire County Cricket Ground Edgbaston Road Edgbaston Birmingham B5 7QU  The erection of temporary overlay structures at Warwickshire County Cricket Ground for broadcast & logistics compounds and security fencing in association with the Commonwealth Games.

Committee Date:	10/06/2021	Application Number:	2020/08985/PA
Accepted:	04/12/2020	Application Type:	Full Planning
Target Date:	11/06/2021		
Ward:	Edgbaston		

## 21a Elvetham Road, Edgbaston, Birmingham, B15 2LY

### Demolition of two existing bungalows and erection of 12 flats and rearrangement of car parking and landscaping

#### Recommendation

#### **Approve subject to Conditions**

#### 1. Proposal

- 1.1. Planning permission is sought for the demolition of two existing bungalows and the erection of 12 flats in two blocks and the rearrangement of car parking and landscaping. The 12, one-bedroom flats would be provided by Midland Heart for affordable rent purposes.



Proposed Site Plan

- 1.2. Block A would be located parallel to the rear boundary of 18 Elvetham Road. It would be sited on the footprint of the existing bungalow building (21 Elvetham Road). It would comprise 6 flats, 3 of which would be located on the ground floor and 3 on the first floor. The ground floor flats would comprise a lounge/kitchen/dining room (25.6sq.m) at the rear of the property, bathroom (4.1sq.m) and store (1.7sq.m)

in the middle of the flat and a bedroom (12.9sq.m) at the front. They would have an internal floor area of 51.2sqm. The three first floor properties would have the same layout but would be slightly larger at 55.6sq.m.



Block A – as proposed

- 1.3. Block B would be located on the existing site of the second bungalow (21a Elvetham Road) adjacent to the rear boundaries of properties in Lee Crescent to the east. The only difference between the two blocks is in their design whereby the doors are located on the opposite side of the ground floor units and Block B has a Juliet balcony at first floor with a larger window.



Block B – as proposed

- 1.4. Red brick would be the main facing material for both the two blocks. Additionally, on the front gables two different types of brick detailing would be used to add interest. Grey roof tiles are proposed for all the roofs. The gable parapet would be aluminium coping. All windows would be dark grey aluminium.



CGI of Block A.

- 1.5. 100% car parking provision would be provided – 12 spaces.
- 1.6. All trees would remain.
- 1.7. The application site is in a CIL Charging Area however, as the proposed units are classed as affordable, they qualify for Social Housing Relief against the CIL requirements.
- 1.8. Amended plans slightly moved Block A to increase the separation distance to the boundary with 18 Elvetham Road and the removal of proposed Juliet balconies on the first floor of Block A and changes to the first floor windows on the rear elevation.
- 1.9. The application is supported by a Design and Access Statement, Tree Constraints Report, Drainage Report, Sustainable Construction and Energy Statement, Preliminary Ecological Appraisal and a Phase 2 Geo-Environmental Site Investigation Report.
- 1.10. Site area: 0.28ha. Density: 43 dwellings per hectare.
- 1.11. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is located on the Northern boundary of the Edgbaston Conservation area, in a cul-de-sac off Elvetham Road to the rear of existing two/three storey residential properties. The site is adjacent to Lee Crescent Conservation Area, to the east. To the south is Beech Gardens, a site containing purpose built two and three storey student accommodation.
- 2.2. The site has its highest point on the North West. It gradually falls towards the centre where there is the car parking and it can be considered almost flat in this area. Towards the South East it descends more steeply and some retaining features including a brick wall mitigate the slope.

- 2.3. Mature trees forms the site's focal point adjacent to the car parking area. The site is bound by a mix of on and off-site trees situated along the north, east and southern boundaries. The tree stock is made-up of twenty-seven trees and two groups. This includes three Category 'A', ten Category 'B' and sixteen category 'C' trees. The age range of tree stock varies from young to mature specimens. Sixteen different tree species were surveyed on site. These trees are covered by TPO 548.
- 2.4. The application site consists of 0.28 hectares and comprises two bungalows constructed at the end of the last century. Both bungalows contain 5 ground floor units, used as care homes.
- 2.5. The only access to the site is along Elvetham Road and consists of a driveway in between two Victorian houses.
- 2.6. The site is in a primarily residential area.
- 2.7. [Site Location Map](#)

### 3. Planning History

- 3.1. 17 September 1988. 1998/02418/PA. Planning permission granted for the erection of one 5 bedroomed bungalow for use by people with disabilities and landscaping at 19-23 Elvetham Road – land to the rear of.
- 3.2. 15 May 1997. 1996/04803/PA. Planning permission granted for the erection of 1, 5 bedroomed bungalow for use by people with disabilities and terrace of 4, one bedroom, 2 person units within 1 bungalow and means of access (Class C2 – residential institution) at 19-23 Elvetham Road – land to the rear of.
- 3.3. 5 August 1993. 1993/01034/PA. Planning permission granted for the erection of 8 elderly persons terraced bungalows, 7 car park spaces and construction of access road at 19-23 Elvetham Road – land to the rear of.
- 3.4. 31 March 1988. 66262001. Planning permission granted for the erection of 8 x 1 bedroom, 2 persons OAP bungalows, 10 car parking spaces and access road.
- 3.5. 24 October 1985. 66262000. Outline planning permission granted for 9 x 1 bedroom, 2 person OAP bungalows 3no. designed for handicapped persons (units 1,2 and 3) at 19-23 Elvetham Road – land to the rear of.

### 4. Consultation/PP Responses

- 4.1. Local Residents, Ward Councillors, MP and Resident Associations notified. Site and press notice posted. 19 letters of objection from local residents and 3 petitions received with 3, 8 and 14 signatures respectively. The objections are based on the following grounds:
  - Loss of privacy/overlooking.
  - Loss of light.
  - Accommodation too dense for the size of the site.
  - Application related to an area of important heritage adjacent to the Calthorpe estate adjacent to a dwelling which is shortly to receive a blue plaque. The property adjacent to Block A is 18 Elvetham Road. Number 18 was built in 1851 by Samuel Timmins; Industrialist and Philanthropist. His tool catalogue is a published book. He donated all the Shakespeare manuscripts to the original Library of Birmingham and is honoured by a bust in the Shakespeare

Room in the New Library of Birmingham. His ownership of number 18 will be recorded by a blue plaque in 2022 (120 years since his death). This new development will significantly overshadow his old home and reduce its historical significance.

- Previous applications were turned down for a development of such height.
- Single storey would be much more appropriate.
- Development may affect trees subject to tree preservation orders bordering the site.
- Requested a delay to proceedings due to having Christmas and New Year in the comment period. There being no statutory notices placed on lamp posts and in the press. Also, the letter 'Your Chance to Comment' was dated 15/12/20 and arrived 21/01/20. This meant that with the final date for submission being 7/1/21 we have had just 10 working days to file our objection.
- Lee Crescent and Edgbaston are both conservation areas. The double storey nature of the new development will over-shadow historical properties which are adjacent to it.
- Negative impact on the neighbourhood due to the housing association increasing its presence in the area. The area is currently very quiet, and crime is low, if new people move in, Midland Heart have a history of not vetting new residents and transient residents could move in.
- Highway Safety and car parking – Elvetham Road is already full of parked cars. The Low emissions zone is going to further exacerbate the parking problem as people will park here to avoid the charges.
- Disruption during the development with an increase in plant and material deliveries in addition to workforce personnel working on this project.

4.2. Preet Gill MP- We have received objections from Residents in the locality. Especially number 18 who has made a comment that the plans have incorrect details. I understand that a planning application previously for a multiple storey building was refused.

4.3. Councillor Deidre Alden – I wish to object strongly to this application. The reason bungalows were built in the first place is because anything taller completely intrudes on the houses at the front in Elvetham Road. These bungalows are back land development. It would intolerable to build a block of flats in their place overlooking the back of properties such as 18 Elvetham Rd. The owner of that house has contacted me and sent me a copy of the objection he has sent in. I back it absolutely and agree with everything he says. It completely ruins the street scene to build a block of flats behind historic early Victorian houses. It is completely out of keeping. It is also too dense for a back-land plot to have a block of flats built on it. I object strongly and request that, unless officers are minded to refuse, this goes to a Full Meeting of the Planning Committee. I would like to add that as 18 Elvetham Rd (which would be horribly overlooked by the new development) is a historic property - as shown by the fact it was built by Samuel Timmins (a well-known industrialist and philanthropist) in 1851, of whom there is a bust in the Shakespeare Room at the new library in Birmingham because he donated all the Shakespeare manuscripts to the Library of Birmingham, and also by the fact it is due to have a blue plaque installed in 2022 (120 years after Mr Timmins' death), plus the fact it is in a conservation area, I request that the bungalows behind be treated as "non designated heritage assets" because removing them would damage the heritage setting of the historic property and replacing the bungalows with flats would impact hugely on the look and outlook of number 18, a historic property integral to the industrial history of Birmingham.

4.4. Lead Local Flood Authority – No objection subject to sustainable drainage conditions.

- 4.5. West Midlands Police – No objection. I can see no reason why Secured by Design certification cannot be obtained for this development.
- 4.6. Severn Trent Water – No objection subject to a drainage condition.
- 4.7. West Midlands Fire Service – No objection. Proposal will need to meet Building Regulations.
- 4.8. Transportation – No objection. Street view 2019 shows the access heavily parked as well as Elvetham Road itself. I assume these are vehicles of commuter/workers who couldn't park on Elvetham Road. This cul-de-sac is private, so this is something to be managed by the applicant/landowner. The 2020 images show very little parking in the area, but I put that down to either a weekend or the pandemic altering work patterns. The proposal provides 100% parking and cycle provision. The access is in situ and requires no alteration. The site is within reasonable walking distance of Five Ways Rail Station.
- 4.9. Regulatory Services – No objection. Although the site falls into a broad urban area where nitrogen dioxide levels are elevated, it is far enough from busy roads, most notably the expressway, such that air pollution would not be a significant consideration for the proposed development. Similarly, information held suggests that noise from nearby roads will be reduced over distance and therefore not require acoustic mitigation measures in order to meet satisfactory internal or external noise standards. I have reviewed the Phase 2 Geo-environmental Site Investigation report ref: BRD3652-OR2-A and dated October 2020 and concur with its conclusion that the site contains no significant contaminants and no further work is necessary.

## 5. Policy Context

- 5.1. Birmingham Development Plan, NPPF, NPPG, Places for Living SPG, Car Parking Guidelines SPD, Edgbaston Conservation Area, Lee Crescent Conservation Area, Grade II Listed Buildings on Lee Crescent, Tree Preservation Order 548 The Birmingham (19-23 Elvetham Road, Edgbaston) TPO 1988.

## 6. Planning Considerations

- 6.1. The key considerations relating to the development of this site are heritage impact; impact on adjacent residential amenity; new residential amenity; ecology; impact on trees and the tree preservation order and car parking and highway safety.

### Heritage Impact

- 6.2. The heritage considerations in relation to this application are the direct impact of the proposed development on the character and appearance of the Edgbaston Conservation Area and the indirect impact of the development on the setting of the listed houses on Lee Crescent.
- 6.3. The historic houses which front Elvetham Road are generally two to two-and-a-half storeys, predominantly early to mid-19th century properties characteristic of the conservation area. The two bungalows on the site have little architectural merit but sit relatively unobtrusively in this location due to their low scale and their contribution to the character and appearance of the Conservation Area is considered to be neutral. The loss of the existing bungalows is therefore of little overall consequence to the Conservation Area.

- 6.4. The application proposes two modest apartment buildings which would sit on a similar, slightly smaller footprint. The height of the proposed buildings at two-storeys is characteristic of the Conservation Area and the proposed flats have been designed to be read as individual 'houses' and this is an acceptable approach.
- 6.5. Although visibility of the development would be limited within the context of the Conservation Area there would be an increase in scale and views of the two proposed blocks would be visible from Elvetham Road (Block A between Numbers 19 and 20 Elvetham Road and Block B looking into the cul-de-sac from Elvetham Road). However, the additional height of the proposed development is limited to an additional 1.6m to ridge height due to the large roof of the existing bungalows. As such, the impact of the additional scale is relatively neutral within the context of the conservation area and can be supported.
- 6.6. One of the key characteristics of the Edgbaston Conservation Area which contributes to significance is that of substantial houses set in large grounds. This characteristic has already been lost as a result of the existing development through the loss of a large part of the gardens to the historic houses on Elvetham Road. The surviving garden space and openness is a characteristic of the Conservation Area and one which remains appreciable. The submitted amended plans have moved Block A further away from existing garden boundaries providing separation and an increase in green space around the development. Overall, the architecture, detailing and materials are considered an enhancement to the existing development on site and on balance, acceptable. The existing space is now retained along with the separation distance between boundaries and is therefore acceptable.
- 6.7. The proposed development is near the rear gardens of the listed buildings on Lee Crescent and would form part of the setting of these buildings. The modern student development on Beech Gardens to the south of the application site, although predominantly three-storeys, drops down to two-storeys in response to the scale of the listed buildings. This proposed development is in a similarly sensitive location and, whilst the proposal would introduce an additional storey into the setting, as noted above, the impact of the increase in scale is relatively neutral in comparison to the existing buildings on the site. The design and materiality of the new development respond in a complementary way to the listed buildings and are considered an improvement to that of the existing bungalows and to the setting of the listed buildings.
- 6.8. I consider that the proposed development would introduce a well-detailed, contemporary designed scheme to the site on a similar footprint to the existing bungalows. The general layout of the site would be maintained, and the design and materials of the scheme are considered an enhancement. The perception of development in this existing back-land garden location would likely increase due to an increase in scale but, I consider this increase to be relatively moderate in comparison to the existing bungalows. Taking account of the limited visibility of the development, and the enhancements to design and materiality, on balance the impact on the character and appearance of the conservation area and on the setting of the listed buildings on Lee Crescent is considered to be neutral. As such, the proposal would comply with Paragraph 193 of the NPPF and TP12 of the BDP and no harm would occur to the designated heritage assets identified.
- 6.9. I note that number 18 is to receive a blue plaque due to the historical significance of a previous owner. The proposed development would have no bearing on the issuing of the blue plaque. I also note the request for the existing bungalows to be identified as 'non-designated heritage assets'. However, given the assessment outlined above that the bungalows have little architectural merit and their significance to the

Conservation Area is neutral, even if the bungalows were to become non-designated heritage assets, their loss would still be considered acceptable.

#### Design and Impact on Residential Amenity

- 6.10. Amended plans have been received as a result of concerns regarding overlooking and loss of privacy. The amended plans only relate to Block A and have amended the windows on the rear elevation at first floor and have re-sited the block to provide a greater separation to the boundary with number 18 Elvetham Road.
- 6.11. Block A would have a distance separation of between 9.6m and 10.4m to the boundary with number 18 Elvetham Road. Places for Living requires a 5m set back per storey of development in order to ensure that no loss of privacy/overlooking would occur. The corner of Block A nearest to the actual building at number 18 would only meet a 9.6m distance and therefore falls slightly short of the recommended distance guideline. However, the block cannot be moved further forward to ensure a 10m distance as this would impact on the root protection zone of a Category A tree. retention of the tree, in this instance, is of greater importance as the tree provides screening from the development to number 20, is a Category A tree and is a key feature within the Conservation Area. A Category B tree in the garden of number 18 also provides significant screening from the proposed development to the dwelling at number 18.
- 6.12. I also note the loss of light objection. As already identified, the existing bungalows were quite large and had a very tall and heavy roof structure that sits only 1.6m below that now proposed. On this basis, as can be seen from the graphic below and when taking into consideration sunlight patterns, I do not consider that a further and significant loss of light would occur.



- 6.13. The proposed development would have no side facing windows and as such, the separation distance guidelines relevant from Places for Living would be the 12.5m from windowed elevations to a flank wall. However, the distance would be 15.7m. I therefore consider that there would be no adverse impact on the residential amenity of numbers 18 or 19 Elvetham Road.
- 6.14. With regards to the potential for overlooking the rear garden of number 20 Elvetham Road, it is at right angles to the proposed flats and therefore there is no direct overlooking. In addition, there is a mature tree in the rear garden of number 20 which provides additional cover. I consider that there would be no impact on residential amenity to number 20 Elvetham Road.

- 6.15. I note several objections have also been raised regarding overlooking and loss of privacy to the properties on Lee Crescent to the east. Both blocks are obliquely sites in relation to Lee Crescent and so there will be no direct overlooking. The nearest corner would be over 11.5m to the rear boundary of properties on Lee Crescent and I am therefore of the opinion that no loss or privacy/overlooking would occur. It is also of note that this boundary is heavily screened by existing trees that are to remain. The properties in Lee Crescent also have rear gardens that are a minimum of 20m in length. Given the site characteristics, I consider that the proposed development would not have an adverse impact on residential amenity of properties in Lee Crescent.
- 6.16. The contemporary design is welcomed. The subtle differences in the two blocks ensure that each block has its own identity. The retention of the existing trees and the mature landscape setting would retain the positive sense of place and assist in the new development's integration. I conclude that the proposed development complies with the guidelines in Places for Living that protect existing residential amenity and whilst securing a positive development and coherent place in accordance with Policy PG3 of the BDP.

#### New Residential Amenity

- 6.17. The proposed apartments would meet the National Space Standards requirements for a 1 bedroom, 2-person dwelling. In terms of amenity space, the ground floor flats would have a garden area to the rear of each unit separated by fencing/hedging. These gardens would be in excess of the 30sq.m requirement. In respect of the first-floor flats, the site has around 200sq.m of green useable space (not including areas under tree canopies.) This would also exceed the Places for Living guideline of 30sq.m per flat (360sq.m requirement). On this basis, I consider that the proposed development would provide a policy compliant residential development and an acceptable residential environment for its new occupiers.

#### Impact on Trees

- 6.18. The site is covered by TPO 548 and no trees are proposed to be removed. The application is supported by a tree survey. The Arboricultural Officer raises no objections. Spacing from the tree canopy looks to be reasonable in avoiding any future potential for clashes and requests for tree pruning works whilst shading from trees would be most noticeable in the southern most block and the gable end facing trees T21 – T25 and G27. A safeguarding condition requiring the submission of a full Arboricultural Method Statement and Tree Protection Plan is recommended. I consider that the proposed development would not have an impact on the protected trees.

#### Ecology

- 6.19. The City Ecologist raises no ecological objections. The two bungalows have negligible suitability for roosting bats, therefore no further bat surveys are required. However, bats are mobile species and if demolition works do not commence within 12 months (i.e. by February 2022), an updated survey should be completed. The ecology report includes additional precautionary recommendations to be followed during demolition to minimise the risk of harm to bats and to ensure compliance with protected species legislation.
- 6.20. The proposed site plan shows that all the trees identified as having potential to support roosting bats will be retained therefore no impacts on bats are anticipated and no specific mitigation is required.

- 6.21. The proposed development is principally restricted to the footprint of the existing buildings. Therefore impacts on habitats would appear to be limited. Nevertheless, a precautionary approach to site clearance and construction should be adopted through the implementation of risk avoidance method statements (e.g. for nesting birds, bats, hedgehog, amphibians), and effective protection of retained trees and other vegetation.
- 6.22. Planting should use native trees and shrubs and ornamental varieties with proven ecological benefits. New habitat features for birds, bats, hedgehog and other small mammals and invertebrates should also be incorporated. Existing and new boundary fencing should incorporate hedgehog access gaps to facilitate hedgehogs' movement between gardens. The design of new external lighting should adhere to published good practice guidance to ensure disturbance to bats and other nocturnal wildlife is minimised.
- 6.23. These mitigation and enhancement requirements are identified in the supporting ecology statement, with a recommendation for a detailed Ecological Mitigation and Enhancement Strategy to draw together further details of the required measures. The City Ecologist has recommended several safeguarding conditions. I consider that the proposed development would accord with policy and the requested safeguarding conditions are recommended below.

#### Car Parking and Highway Safety

- 6.24. 12 car parking spaces are proposed. A bike store adjacent to both blocks would provide cycle storage for 12 cycles. The proposed number of spaces is considered acceptable. Transportation raise no objections and whilst they note that Elvetham Road is heavily parked, the management of spaces remains with the applicant to ensure that its residents can park on site. The site is within walking distance of several public transport bus routes and Five Ways Station. On this basis, I consider the proposed development acceptable in car parking and highway safety terms and whilst I note the objections raised regarding car parking, the proposed development would not generate a severe impact on the highway and as such, is considered acceptable.

#### Sustainability

- 6.25. In order to comply with the requirements of TP3, a fabric first approach would be undertaken to exceed the Building Regulation Part L standards including increased loft insulation, high performance glazing and efficient heating systems. The site layout has been designed to maximise daylight into the principle living areas and the orientation of the blocks is such that none of the neighbouring houses would be overshadowed. All windows have been designed to open manually which would allow natural ventilation. Enough storage capacity for waste and recycling has been incorporated. Surface water runoff is proposed to be connected to an existing surface water sewer and storage is to be provided by a geocellular attenuation tank. Lined permeable paving with perforated pipe overflows into the surface water system would be provided in vehicle parking bays to slow the rate of flow into the system and provide treatment of any runoff from the road. The applicant proposes to seek to use local labour and material where possible. The flexibility and adaptability of the development would be addressed through the proposed new properties having a level access at the front allowing wheelchair access to the ground floor properties without requiring a ramp. All the internal doors will be wide enough to allow for wheelchair access. In addition, the properties at first floor would be provided with a stair large enough to accommodate a stairlift, should this be required in the future. On this basis, I consider the proposed development to comply with the requirements of TP3.

- 6.26. With regards to the requirements to meet Policy TP4, it is proposed that each dwelling within the development seeks to achieve u-Values of 0.25 for walls, 1.4 for windows, 1.2 for doors, 0.12 for floors and 0.10 for the roofs. An A-rated boiler and low energy lighting would also be incorporated within each dwelling while an overall air tightness rate of 5 should be obtained. The submitted statement concludes that the solution deemed most suitable and appropriate in terms of renewable energy reduction for this development is the provision of Photovoltaic Panels via a roof mounted array. However, the development is for a 100% affordable scheme and would provide affordable housing in excess of the policy requirement. As such, the applicant identifies that the provision of PV panels is financially unviable. On this basis, I consider that on balance, the requirement of Policy TP4 have also been met.

#### Other Issues

- 6.27. I note the objections raised relating to the development being too dense for the site. The proposed scheme would see a development of 43 dwellings per hectare and whilst this would be in accordance with BDP, as the site is within the Edgbaston Conservation Area, the proposed density also must be considered acceptable within the heritage policy framework. As this has already been addressed in the heritage considerations section of this report, I consider the proposed development to be acceptable in density terms.
- 6.28. The issue of potential occupiers has been raised by objectors however, this issue is not a material planning consideration.
- 6.29. Disruption during construction is a short-term impact and as such, would not be enough of a long-term impact to warrant a refusal.
- 6.30. I note the comments received regarding the neighbour notification taking place over Christmas and site notice issues. The site notices were re-dated giving local residents a further 21 days to comment. I consider that the public participation has been undertaken in accordance with the statutory and locally published requirements.

### 7. Conclusion

- 7.1. I consider the proposed re-development of this site for 12 affordable rent, one bedroom flats would be acceptable in principle, given this is a brownfield site in a sustainable location within walking distance of bus routes and Five Ways train station and on the edge of the City Centre. The siting, scale and appearance of the proposed development would be acceptable and would not have an adverse impact on adjacent residential amenity. The development would provide an acceptable living environment for future occupiers. No harm has been identified to designated heritage assets as the existing development has a neutral impact on the Edgbaston Conservation Area as would the proposed development. A neutral impact would also occur to Lee Crescent Conservation Area and the setting of the adjacent listed buildings. As such, I therefore consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

### 8. Recommendation

- 8.1. That planning permission is granted subject to the conditions listed below.

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1 Implement within 3 years (Full)

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

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- 3 Requires the prior submission of a drainage scheme
  - 4 Requires the prior submission of a sustainable drainage scheme
  - 5 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan in a phased manner
  - 6 Requires the prior submission of an additional bat survey
  - 7 Requires the prior submission of a construction ecological management plan
  - 8 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 9 Requires the prior submission of details of bird/bat boxes
  - 10 Requires the implementation of the submitted mitigation/enhancement plan
  - 11 Requires the submission of details of a communal satellite dish
  - 12 Requires the submission of hard and/or soft landscape details
  - 13 Requires the submission of hard surfacing materials
  - 14 Requires the submission of a landscape management plan
  - 15 Requires the submission of a lighting scheme
  - 16 Requires the submission of sample materials
  - 17 Requires the submission of architectural details
  - 18 Requires the provision of cycle parking prior to occupation
  - 19 Requires the parking area to be laid out prior to use
  - 20 Requires the provision of a vehicle charging point
  - 21 Arboricultural Method Statement - Submission Required
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Case Officer: Pam Brennan

**Photo(s)**



Existing bungalows – Block A on the left and Block B as proposed on the right



Block A Location



Block B Location

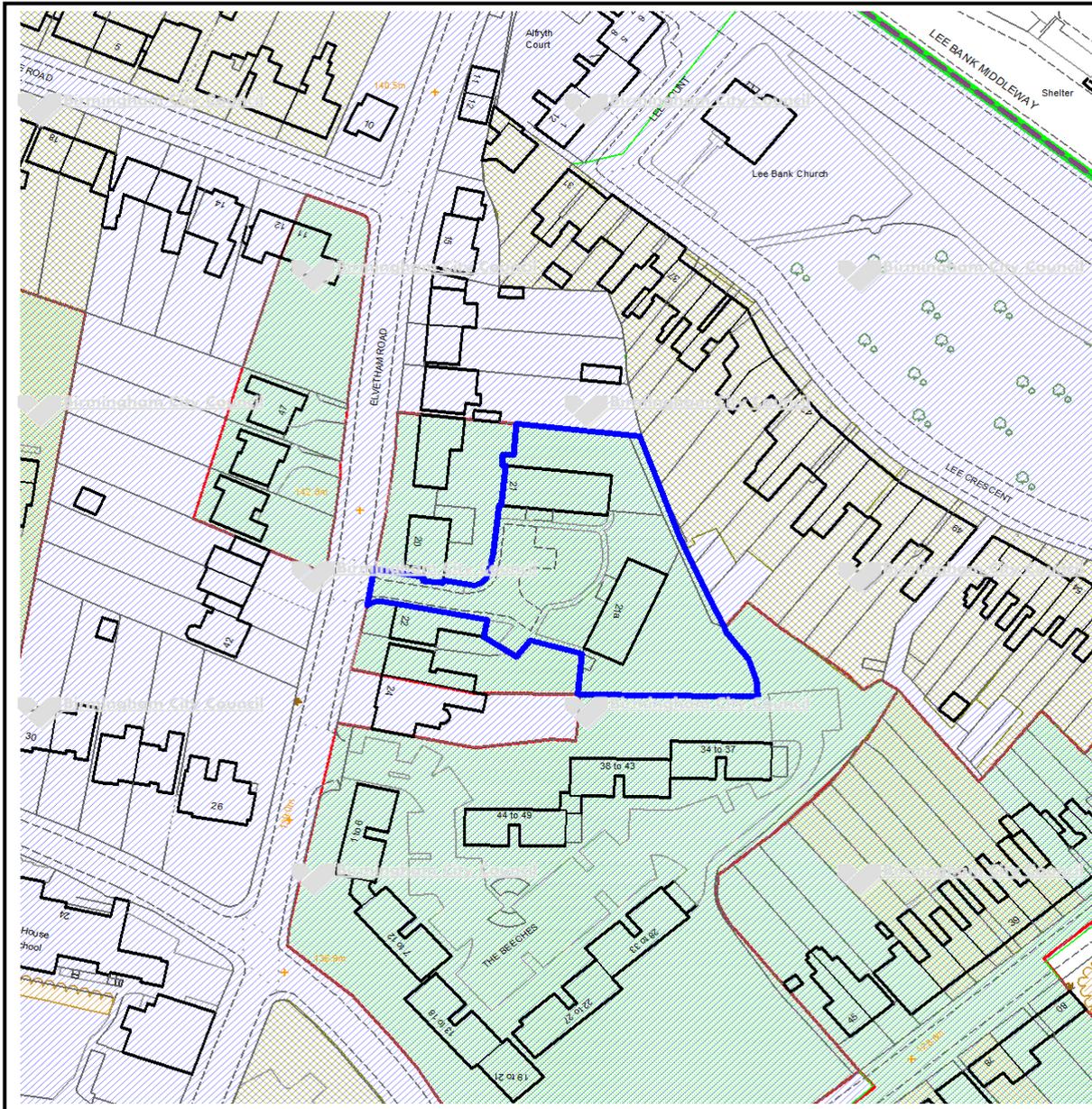


Existing Access from Elvetham Road – looking at location of Block B as proposed



Existing access from within site looking towards Elvetham Road

## Location Plan



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Committee Date:	10/06/2021	Application Number:	2021/02309/PA
Accepted:	16/03/2021	Application Type:	Full Planning
Target Date:	15/06/2021		
Ward:	Edgbaston		

**University of Birmingham, Sports and Fitness Centre, Edgbaston, Birmingham, B15 2TT**

**Erection of temporary overlay structures at the University of Birmingham Sports and Fitness Centre for the purposes of hosting the Hockey and Squash events for the Birmingham 2022 Commonwealth Games**

Recommendation

**Approve Temporary**

1. Proposal

1.1 Application is for temporary external overlay structures to host the Hockey and Squash events during the Commonwealth Games 2022 to include provision of;

- Spectator stands (fig 1 below, max height of 11.5m)
- Spectator arrival, queueing and holding areas
- Changes to hockey field of play and warm up area
- Creation of operations and broadcasting areas/compounds,
- Catering and concession units
- Toilets
- Removal of existing and erection of temporary sports lighting (max height 35m)
- Site wide freestanding fencing, max height 2.1m
- All of which would require a wide variety of different sized structures such a box offices (fig 1 below), platforms, rigging, tents, containers and generators.

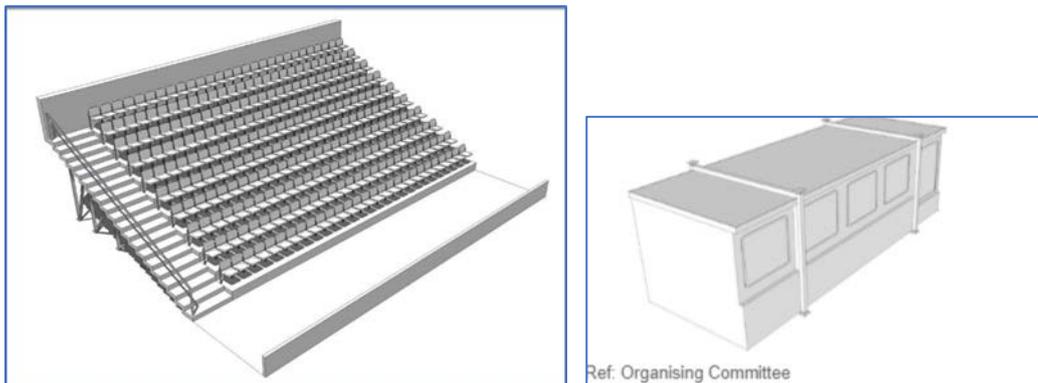


Figure 1: example tiered spectator seats and box office

Spectator capacity would be 6000 for the hockey events and 2000 for the squash events. With an additional 1300 (approx.) competitors, support team and media on site.



Figure 2: Proposed site layout

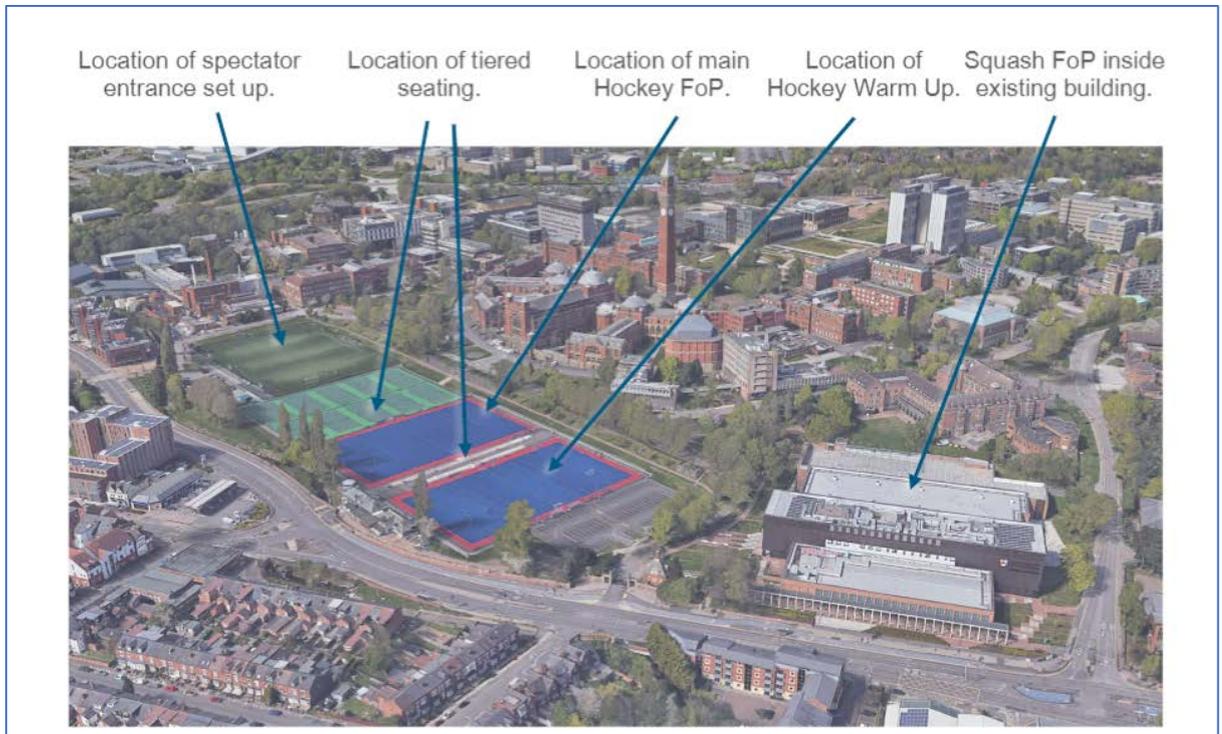


Figure 3: Plan detail indicated on google image

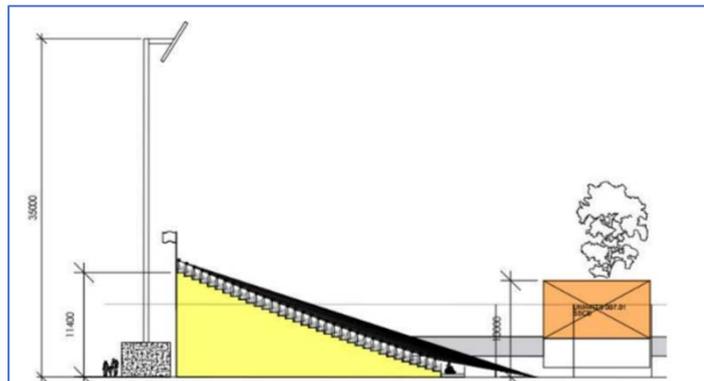


Figure 4: Indicative cross section of seating and lighting to west of hockey field of play

- 1.2 The structures would be erected June/July 2022, used for the games 29th July-8th August, and decommissioned with the site re-instated to existing by the end of September 2022.
- 1.3 Information submitted in support includes an Ecological Impact Assessment, Noise Impact Assessment, Air Quality Assessment, Arboricultural Impact Assessment and Tree Protection Plan, Flood Risk Assessment and Drainage Strategy, Heritage Assessment, Design and Access Statement, Planning Statement (including Energy Statement) and Transport Statement. In addition, an EIA Screening request was submitted in support of the pre-application submission and it was determined that the development was not EIA development.
- 1.4 Members will recall they received an overview presentation of the various CWG overlay applications, of which this is one, February 4th 2021.

1.5 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The application site is part of the University of Birmingham campus, it is approximately 8 hectares and comprises of the existing sport and fitness building and external sports pitches to the west.
- 2.2 The application site is bound to the north by a range of university buildings and to the south by Bristol Road (A38) beyond which is a residential area of Selly Oak.
- 2.3 Part of the application site falls within flood zone 2 and 3 and a SLINC runs along the southern boundary of the site. There are also a number of heritage assets in the immediate vicinity including University of Birmingham Lodge, Gates, Gate Piers and Wall (Grade II) and Great Hall and Quadrant Range (II\*).

2.4 [Site location](#)

3. Planning History

- 3.1 11<sup>th</sup> May 2017, 2017/00946/PA – Redevelopment of Bournbrook sports pitches with creation of new external sports pitches and hard courts with perimeter fencing, floodlighting, associated furniture and spectator facilities, pedestrian access and new on-site car park. Approved with conditions including a condition to secure a community access agreement.

4. Consultation/PP Responses

- 4.1 Environment Agency – Site considered low risk, no objections.
- 4.2 LLFA – No objection subject to emergency flood plan condition.
- 4.3 Regulatory Services – No objections subject to construction management plan, noise levels for plant and machinery, sound system details and sports lighting until 2300 only.
- 4.4 Sport England – Support the proposal.
- 4.5 Transportation Development – No objections subject to conditions with regard construction and decommissioning plans and additional cycle parking provision.

- 4.6 West Midlands Police – No comments.
- 4.7 Local residents' associations, neighbours and Ward Councillors were notified. Site and press notices also displayed. No comments received.

## 5 Policy Context

- 5.1 Birmingham UDP saved policies, Birmingham Development Plan 2017, Emerging Development Management DPD, Places for All SPG, Access for People with Disabilities SPG, Car Parking Guidelines SPD, Floodlighting SPG, Nature Conservation Strategy for Birmingham 2017 and National Planning Policy Framework.

## 6 Planning Considerations

- 6.1 The application seeks consent for temporary structures to support the hosting of the Hockey and Squash events during the Commonwealth Games 2022.
- 6.2 The NPPF sets out the framework for national planning policies whilst locally the BDP sets out the strategy to achieve sustainable growth of the City for the period up to 2031. Policy PG2 and TP25 of the BDP highlight that Birmingham will be promoted as an International City supporting development that strengthens the City's position and reinforce its role as a centre for tourism, culture and events. Given the existing use of the site and the policy context identified the principle of the development is supported entirely.
- 6.3 The key issues for consideration are therefore visual impact, air quality, noise and light spill, transportation and ecology.

### Visual impact

- 6.4 The proposed overlay requires the erection of a wide variety of temporary structures in a mix of materials, of a functional appearance with the largest structures being items such as sports lights and tiered seating. The proposal would change the visual appearance of the site and there are a number of heritage assets within the immediate vicinity, a Heritage Statement (HS) has therefore been submitted in support.
- 6.5 Section 66 of the Planning (Listed Building & Conservation Area) Act 1990, NPPF and TP12 of the BDP requires that careful consideration is given to development that would affect the settings of any designated or non-designated heritage assets.
- 6.6 My Conservation Officer has considered the HS and agrees that the introduction of new and ancillary structures will cause some harm to the setting of the Great Hall and Quadrant Range (II\*), Chamberlain Tower (II\*) and University Lodge, Gates and Gate Piers (II). However overall, the impact on setting is limited due to the temporary and reversible nature of the proposals. English Heritage support the proposal and are pleased to see these buildings forming the backdrop of events allowing for a wider appreciation of the heritage assets architectural and historic interest as part of the games. I also note the very significant public economic and social benefits locally and nationally as a result of hosting the games from trade and investment opportunities, increased revenue spending across a myriad of areas from spectators, volunteers and athletes, improved transport networks and improved sporting opportunities and provision, including new pitch surfaces at this site.
- 6.7 The structures are necessary to facilitate the sites successful hosting of the Commonwealth Games. Therefore, subject to conditions to minimise risk of

accidental damage to the University Gate Piers by construction traffic I consider the scale, appearance, and positioning of the structures would have an acceptable visual impact in line with policy.

#### Air quality, noise and light spill

- 6.8 An air quality assessment has been submitted in support of the application. Regulatory Services have considered it and whilst they have some concerns over some of the statements made in respect of the screening criteria, given both construction and operational phases are for short temporary periods they consider any impact on air quality will be of a limited extent. Therefore, subject to a construction management plan appropriate mitigation can be secured.
- 6.9 The proposed overlay, along with the sites increased capacity, is likely to generate noise during events by virtue of the crowd, broadcasting/sound systems, mechanical equipment and road traffic noise. The application is supported by a noise assessment which has been considered by Regulatory Services. The report considers crowd or traffic noise would not be significantly above accepted limits but note that information with regard noise from broadcasting sound equipment and mechanical equipment is currently unavailable as providers have yet to be appointed. However, given the temporary nature of the event and the wider economic and social public benefits of hosting the Commonwealth Games I concur with Regulatory Services who raise no objection subject to conditions to secure this information and I recommend these accordingly.
- 6.10 The proposal includes removal of existing and provision of new/increased sports lighting. The final design of the lighting fixtures will be determined following appointment of the preferred supplier and the application is not currently able to provide details of light spill or confirmed hours of use. However, the applicant confirms that LED light sources will be used and that the least number of luminaires to reach the required lighting levels will be used. The lights would then be removed by end of September 2022 with the existing sports lights re-instated.
- 6.11 Emerging policies within the Development Management DPD and Floodlighting SPG seek to safeguard resident's amenities in respect light pollution. The increased height and lighting levels have the potential to overspill onto residential properties which could have an adverse impact particularly if used beyond 23.00 hours. I would therefore expect to see an iso illumination plan to demonstrate that the level of light spill from the field of play would accord with policy, not adversely impact residents amenity and minimise impact of/to ecologically biodiverse areas. However, on the basis that this is a temporary use for a large-scale one-off event which would bring significant benefit to the immediate and wider community I agree with Regulatory Services that this information can be conditioned. Therefore, subject to safeguarding conditions I consider the proposed lighting acceptable.

#### Transportation

- 6.12 The proposed overlay will significantly increase spectator capacity at the site in addition to supporting approx. 1300 competitors, support teams and media personnel. There is a wide level of planning and coordination taking place to deliver the various CW Games events across the City with officers from BCC, TFWM and the Combined Authority as well as WM Police involved with the transport plans. The intention is that vehicular traffic will be limited to Games family only with spectators travelling to site via public transport methods. The Transport Statement has been assessed by Transportation Development who consider it provides all the required information for this site and that the impact on the highway will be appropriately

managed. Therefore, subject to conditions they raise no objections, a view with which I concur.

#### Ecology

- 6.13 The application site and the immediately surrounding area are of limited ecological value and the proposed construction and operational activities are located in areas already subject to high recreation use and disturbance from noise, lighting etc. Although the operational phase of the proposals are likely to result in increases in lighting, noise and vibration, the temporary and short-lived nature of these disturbances are unlikely to cause significant adverse impacts on key ecological receptors – notably bats and otter. Therefore, subject to conditions to secure mitigation measures identified within the Ecological Impact Assessment and appropriate tree protection I raise no objections in this respect.

#### Other

- 6.14 The area is in an area that is vulnerable to both surface water and fluvial flooding. Further the Commonwealth Games will take place during the time of year that is most likely to experience extreme storm events that can cause rapid inundation of flood water from both the river and overland flow routes. However subject to a condition to secure an emergency flood plan no objections are raised by either the EA or the LLFA.
- 6.15 There is a requirement to maintain local community access to the sporting facilities. The use of the site for the Commonwealth Games will impact on this provision and the applicant has confirmed that a S73 application will be submitted to regularise this. Notwithstanding this, I consider the economic and social benefits locally, regionally and nationally will significantly outweigh any harm caused by the temporary loss of access to sports facilities and the proposal would not therefore be contrary to policy.

#### 7 Conclusion

- 7.1 The structures are necessary to support the hosting of the Hockey and Squash events during the Commonwealth Games 2022. The structures are temporary in nature and safeguarding conditions ensure that the site will be returned to its current condition post event and that no long-lasting adverse impacts would occur. Proposal would have significant short and long term economic and social benefits in accordance with local and national planning policy and it should therefore be approved.

#### 8 Recommendation

- 8.1 Approve with conditions

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1 Secures additional cycle provision

2 Requires the structures to be removed within a timescale

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

4 Requires the prior submission of a Flood Emergency Plan

5 Requires submission of sound systems

6 Requires the implementation of the submitted mitigation/enhancement plan

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- 
- 7 Requires construction ecological management plan
  - 8 Noise Levels for Plant and Machinery
  - 9 Construction and Decommissioning Management Plan
  - 10 Arboricultural Method Statement and Tree Protection Plan - Implementation
  - 11 Requires steps to be taken to protection of historical features
  - 12 Requires lighting details
- 

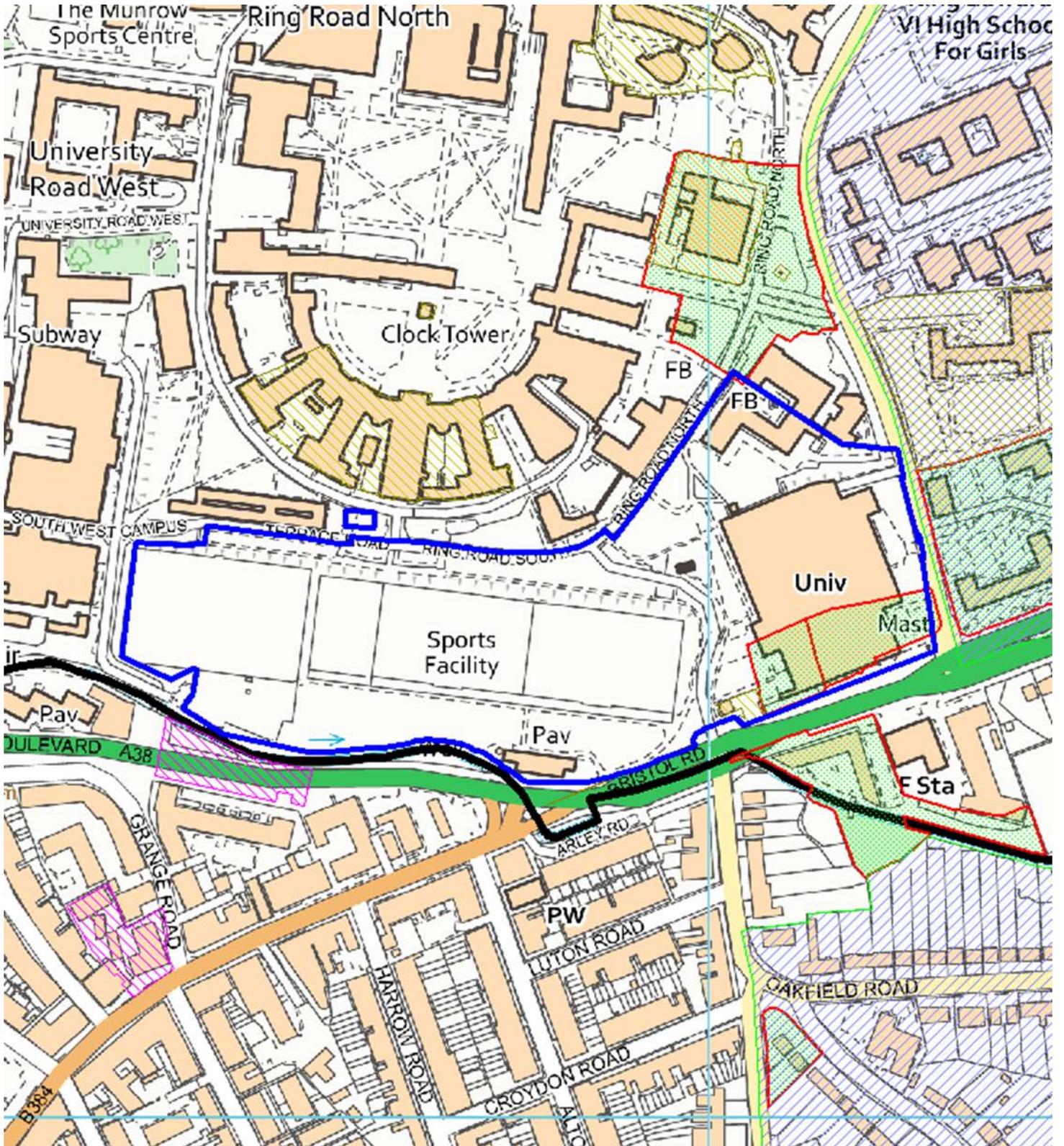
Case Officer: Joanne Todd

**Photo(s)**



*Figure 4: Google ariel view as existing, with site outline in red*

## Location Plan



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Committee Date:	10/06/2021	Application Number:	2021/01919/PA
Accepted:	11/03/2021	Application Type:	Full Planning
Target Date:	10/06/2021		
Ward:	Balsall Heath West		

Warwickshire County Cricket Ground, Edgbaston Road, Edgbaston, Birmingham, B5 7QU

The erection of temporary overlay structures at Warwickshire County Cricket Ground for broadcast & logistics compounds and security fencing in association with the Commonwealth Games.

Recommendation

**Approve Temporary**

1. Proposal

- 1.1 The application seeks permission for a series of temporary structures at Edgbaston Cricket Ground in order to support the hosting of Women's Cricket events during the Commonwealth Games 2022.
- 1.2 Temporary structures are proposed on the existing car parks to the east and west of the existing stadium for the purposes of logistics, operations and broadcasting and include;

**Logistics compound** - storage containers (see fig 2 below) and fuel storage with the structures varying in height between 2.8 and 4m.

**Broadcasting compound** – 3 x generators, portable toilets (113 sqm) and general compound area (1000sqm).



Figure 1 : Example storage container



Figure 2: Example spectator arrival point structure

In addition, spectator arrival point structures (fig 3 above) in the form of a framed tented structure would be placed north, west and south of the stadium and temporary freestanding fencing, at a max height of 2.1m, is also proposed to the northern and western boundaries as well as internally around the logistic and broadcasting 'compounds'.

- 1.4 All the structures would be erected during June/July 2022, with the events held 28th July -7th August after which the site would be decommissioned and returned to existing no later than the end of September 2022.

1.5 Information submitted in support of the application includes a Planning Statement, Ecological Impact Assessment and Flood Risk Assessment and Drainage Assessment. In addition, an EIA Screening request was submitted in support of the pre-application submission and it was determined that the development was not EIA development.

1.6 Members will recall they received an overview presentation of the various CWG overlay applications, of which this is one, February 4<sup>th</sup> 2021.

1.7 [Link to Documents](#)

## 2. Site & Surroundings

2.1 The application site comprises Edgbaston Stadium a cricket ground with associated buildings/carparks and the Colts training ground to the east.

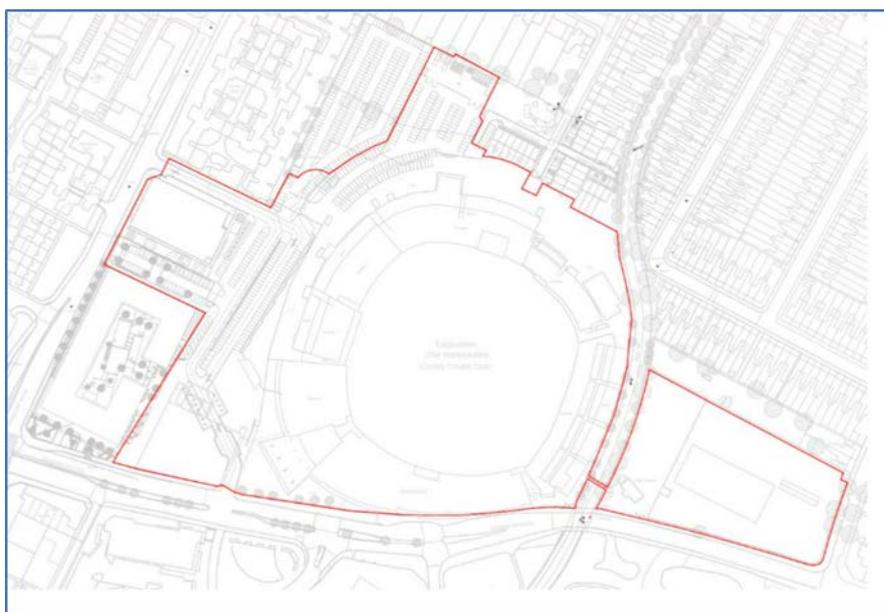


Figure 3: Site location

2.2 The site is in a wider residential suburb of Birmingham with residential properties immediately to boundaries north, east and west and Cannon Hill Park to the south. The Stadium has an approx. capacity of 23,500 spectators and is the home of Warwickshire County Cricket Club and Birmingham Bears. The application site is approx. 6.8 hectares

2.3 The application site is in flood zone 2 and 3, there are a number of heritage assets in the vicinity including the Cannon Hill Park (II\* listed park and garden) and the River Rea is a SINC.

2.4 [Site location](#)

## 3 Planning History

3.1 Various permissions but none of particular relevance to this application.

## 4 Consultation/PP Responses

4.1 Environment Agency – No objection.

- 4.2 Regulatory Services – No objection subject to conditions to limit max noise levels for plant and machinery.
- 4.3 Transportation Development – No objection subject to conditions to secure construction and deconstruction plan and provision of additional temp cycle provision.
- 4.4 Sport England – No objection.
- 4.5 West Midlands Police – No comments to make.
- 4.6 Local Residents Associations, neighbours and Ward Councillors were notified. 3 letters were received. Including 1 letter of support for the application from the Moseley Society and 3 letters of objections on basis that;
- The towers being built will reduce sunlight to my garden
  - Issue with trees shedding leaves into my garden and Edgbaston Cricket Club unwilling to engage to address the matter.
  - Post games the cricket ground will seek to make the temporary structures permanent. Increased capacity should not be allowed as it has an adverse impact on residents and wildlife. Use of site generates light pollution, noise and traffic congestion and invades privacy.

## 5 Policy Context

- 5.1 Birmingham UDP saved policies, Birmingham Development Plan 2017, Emerging Development Management DPD, Places for All SPG, Access for People with Disabilities SPG, Car Parking Guidelines SPD, Floodlighting SPG, Nature Conservation Strategy for Birmingham 2017 and National Planning Policy Framework.

## 6 Planning Considerations

- 6.1 The application seeks consent for temporary structures to support the hosting of the Women's Cricket events during the Commonwealth Games 2022.
- 6.2 The NPPF sets out the framework for national planning policies whilst locally the BDP sets out the strategy to achieve sustainable growth of the City for the period up to 2031. Policy PG2 and TP25 of the BDP highlight that Birmingham will be promoted as an International City supporting development that strengthens the City's position and reinforce its role as a centre for tourism, culture and events. Given the existing use of the site and the policy context identified the principle of the development is supported entirely.
- 6.3 The key issues for consideration are therefore visual impact, noise and ecology.
- Visual impact
- 6.4 The proposed structures will change the appearance of the existing site. However, the structures are all relatively low scale when considered against the backdrop of the existing stadium, would not adversely affect the setting of heritage assets, are functional in design and temporary in nature only. Therefore, given the economic and social benefits associated with the hosting of the Games I consider the proposals in this respect is acceptable.

Noise

- 6.5 A noise impact assessment has been submitted in support of the application and Regulatory Services have considered it. They note that the site will operate largely as it does for existing cricket events albeit with additional equipment to support broadcasting and hosting including 3 additional generators. The generators would be temporary and therefore subject to a condition to restrict max noise levels for plant and machinery I concur with Regulatory Services who raise no objection.

#### Ecology

- 6.6 A significant amount of the application site is of low ecological value, however there are some tussocky grassland areas of interest, there are bats on site and the river corridor is a SLINC and an Ecological Impact Assessment has therefore been submitted in support. Subject to conditions to secure the implementation of the mitigation measures identified within the assessment I do not consider the proposal would have an adverse impact on ecology contrary to policy. An Ecological management plan is however also recommended to supervise the construction and decommissioning works which would be consistent with other CWG overlay applications.

#### Other

- 6.7 The events will see the same level of activity and spectators as a usual one day match and no additional highway impacts are anticipated subject to conditions as recommended by Transportation Development.
- 6.8 The area is in an area that is vulnerable to both surface water and fluvial flooding. Further the Commonwealth Games will take place during the time of year that is most likely to experience extreme storm events that can cause rapid inundation of flood water from both the River Rea and overland flow routes. However subject to a condition to secure an emergency flood plan no objections are raised by either the EA or the LLFA.
- 6.8 Concerns raised by local residents are either not planning matters or addressed within the main body of the report.

### 7 Conclusion

- 7.1 The proposed structures will support the hosting of Women's Cricket events at this site during the Commonwealth Games 2022. The structures are temporary in nature and safeguarding conditions ensure that the site will be returned to its current condition post event and that no long-lasting adverse impacts would occur. The proposal would have significant short and long term economic and social benefits in accordance with local and national planning policy and should therefore be approved.

### 8 Recommendation

- 8.1 Approved with conditions

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
- 2 Noise Levels for Plant and Machinery
- 3 Requires the implementation of the submitted mitigation/enhancement plan
- 4 Requires construction ecological management plan
-

- 
- 5 Requires the structures to be removed within a timescale
  - 6 Requires construction and decommissioning site management plan
  - 7 Secures additional cycle provision
  - 8 Requires the prior submission of a Flood Emergency Plan
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Case Officer: Joanne Todd

## Photo(s)

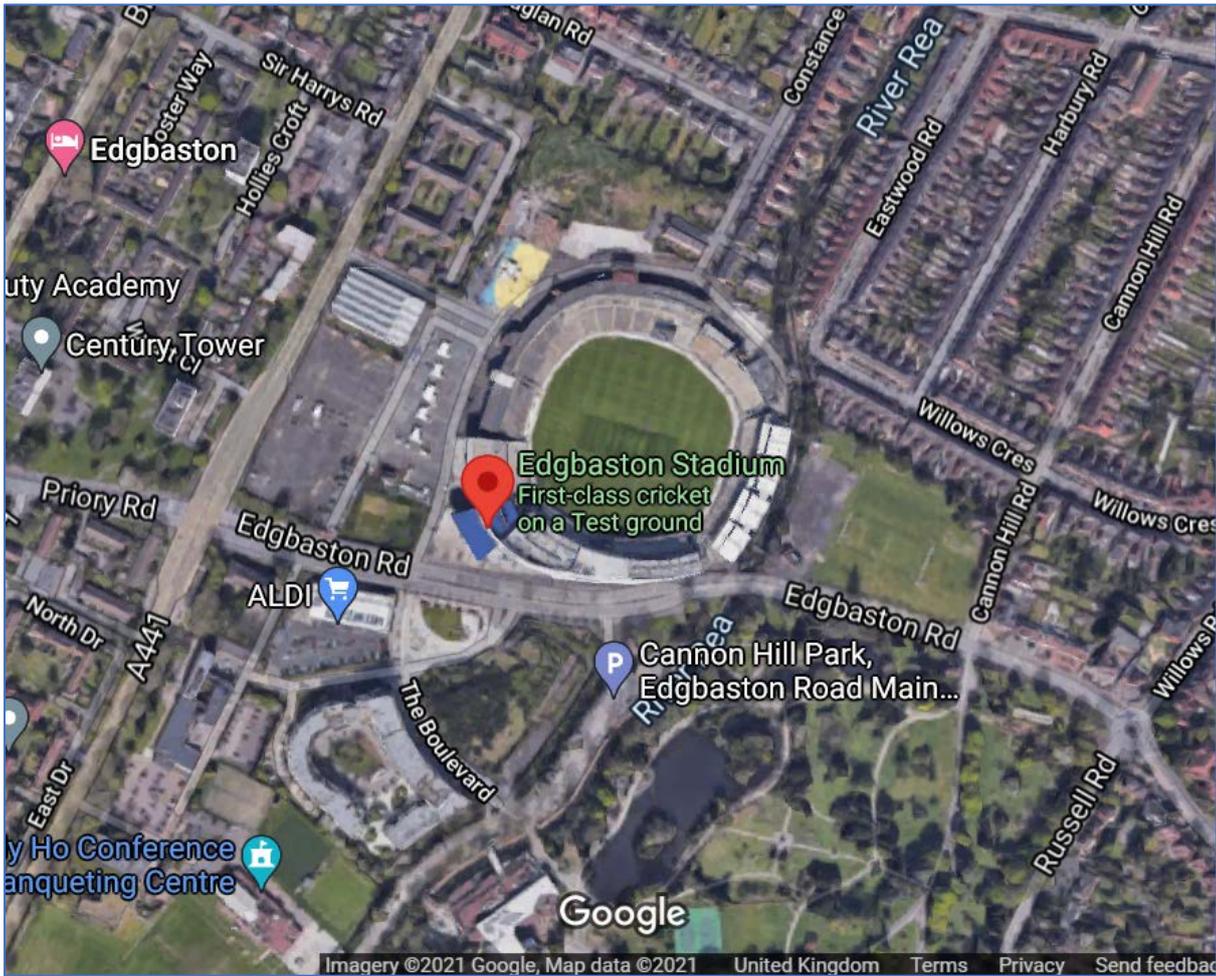
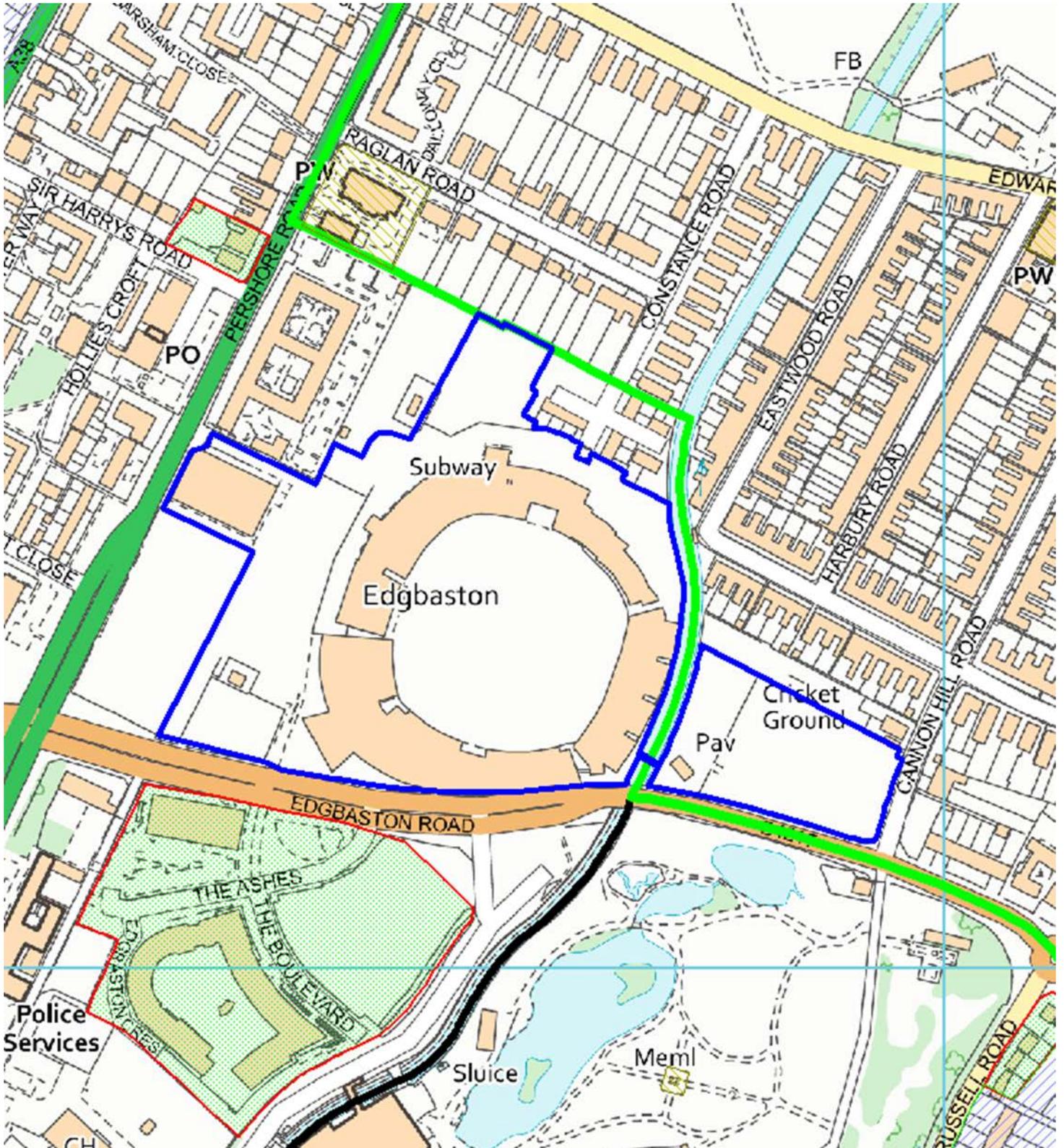


Figure 4: Google ariel view

Google ariel view of site

## Location Plan



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# Birmingham City Council

Planning Committee

10 June 2021

I submit for your consideration the attached reports for the **City Centre** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	9	2020/07829/PA  Land bounded by Moseley Street (south), Moseley Road (east) and Cheapside (north) Digbeth Birmingham B12  Erection of residential development (Use Class C3) for up to 366 units in two principal blocks of between 5 and 8 storeys with associated residents amenity areas (internal and external), access, cycle parking, landscaping, earthworks and associated works

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Committee Date:	10/06/2021	Application Number:	2020/07829/PA
Accepted:	05/10/2020	Application Type:	Full Planning
Target Date:	13/05/2021		
Ward:	Bordesley & Highgate		

Land bounded by Moseley Street (south), Moseley Road (east) and Cheapside (north), Digbeth, Birmingham, B12

Erection of residential development (Use Class C3) for up to 366 units in two principal blocks of between 5 and 8 storeys with associated residents amenity areas (internal and external), access, cycle parking, landscaping, earthworks and associated works

Recommendation  
**Determine**

### **REPORT BACK**

- 1.1 This application was deferred from the meeting on 13<sup>th</sup> of May 2021 after Members resolved not to carry the recommendation of approval and requested officers report back with suitable reasons for refusal.
- 1.2 Subsequent to the meeting the applicant has provided further information in support of their application that points to other decisions made by the LPA where circumstances are similar to this. The cover letter and a table of comparative developments are available to view on the Council's website.
- 1.3 Minutes of the 13<sup>th</sup> of May meeting record Members as having concerns that the approval of the residential development would give rise to complaints from future occupiers in regards to noise generated by Cleary's Irish Bar directly opposite the façade of the proposed development's Block B on the opposite side of Moseley Street. Cleary's Irish Bar is a public house that provides late night entertainment via live music and DJ sets that can continue until 3am on weekend mornings. As such, it was considered by Members that Cleary's would be subject to unreasonable restrictions if the proposed development was approved
- 1.4 Although the concerns of Members are fully appreciated, the conditions appended to the original report would make adequate provision to ensure suitable mitigation was provided prior to the completion of the development in accordance with Paragraph 182 of the NPPF, thus ensuring no unreasonable restrictions would be placed upon Cleary's. The conditions would ensure the effected units could not be occupied unless a suitable living environment was provided. EPU consider a suitable living environment in terms of noise to be one within which entertainment noise is not audible. This requirement would be ensured via the conditions prior to occupation.
- 1.5 Paragraph 54 of the NPPF states: '*Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through use of conditions or planning obligations*'. Subsequently there are no grounds to refuse the application on the basis of adverse noise impact or unreasonable

restrictions being placed upon the Public House, as the conditions make provision to ensure neither would occur and would have to be discharged to the satisfaction of the LPA in consultation with Regulatory Services, prior to the commencement of the development.

- 1.6 Implementation of the aforementioned conditions would result (in a worst case scenario, after further noise assessment to be agreed with EPU) in a maximum of 46 of the residential units being fitted with sealed glazing. When weighing the provision of sealed units in the planning balance, officers were of the opinion that they were acceptable in the context of the wider benefits of the scheme, which included high quality design, a new landscaped pedestrian route through the site and an affordable housing offer of 9% (33 units).
- 1.7 However, Members were of the view that sealed units were not acceptable in this instance.
- 1.8 As such I report back with the following suggested reason for refusal: '***The provision of up to 46 sealed units would result in an unsatisfactory living environment for potential future occupiers of the development and would be contrary to TP27 and TP37 of the Birmingham Development Plan 2031***'.
- 1.9 However, resolution to refuse the application on the basis of the above reason, would conflict with a number of other decisions made by the LPA.
- 1.10 The City Council has previously granted consent for a number of residential schemes in close proximity to entertainment uses, with suitable mitigation measures ranging from high specification acoustic glazing and mechanical ventilation to sealed units. Some examples are outlined below for reference and consideration.
- 1.11 2020/01796/PA – Digbeth Bus Garage: Noise levels of nearby entertainment venue 79dB. 39 out of 213 units sealed by condition. Approved 24.03.21
- 1.12 2020/02766/PA – Essex Street: Noise level of nightclub opposite 82dB. No sealed units, acoustic glazing and mechanical ventilation conditioned. Approved 18/12/20.
- 1.13 2017/09461/PA – Timber Yard: Noise level of nightclub 88dB. 91 units (Bedrooms only) sealed by condition. Approved 03/10/18.
- 1.14 2014/09348/PA Bank I Tower: Noise level at entertainment venue not specified. 189 units (all proposed) sealed by condition. Approved 27/11/15
- 1.15 2018/01177/PA 122 Moseley Street: Noise level from Cleary's at development façade 50dB. Acoustic glazing and mechanical ventilation provided as mitigation. Approved 19/10/20
- 1.16 It is also worthy to note that planning application ref: 2006/03254/PA (Unity House & Armouries Site) was initially refused planning permission by the LPA on the basis of the amenity of future occupiers of the proposed development being adversely affected by late night entertainment noise. However, consent was later granted at appeal under ref: APP/P4605/A/07/2039953/NWF with conditions requiring acoustic glazing and mechanical ventilation.
- 1.17 A further appeal decision ref: APP/P4605/W/17/3178964 at 50 Regent House, Frederick Street, The Jewellery Quarter allowed conversion of office space to

residential units. The decision stipulated that the existing sealed windows shall be retained thereafter.

- 1.18 Members are invited to consider the above before reaching a final resolution on this application. It remains the officer's recommendation to approve the development in accordance with the resolution of paragraphs 8.1-4 of the original report below.

### **Original Report**

1. **Proposal**
- 1.1. This full planning application proposes 366 residential apartments in two 'U-shaped' blocks, with internal and external resident's amenity space, including private courtyards and balconies, a new pedestrianised street named "Park Lane," which would provide a route through the development between Cheapside and Moseley Street and offers landscaped areas of public realm creating opportunities for sitting and informal recreation. It would also allow for cycle access. The development is proposed to be 'car free' and proposes zero parking provision.
- 1.2. The proposed design responds to the gradient of Moseley Street, meaning the ground floor would provide accessible amenity areas (including residents lounge, concierge, bike stores and other back of house facilities).
- 1.3. Two blocks (Block A and Block B) are proposed, with a central public, pedestrian and cycle route through the site ('Park Lane'). The heights of the buildings fluctuate in a 'step-up-step-down' manner, to add visual interest to the development and to accommodate the site's topography with heights ranging from 5 to 8 storeys. The highest point of the development has been focused on the corner on Moseley Street and Moseley Road to provide a landmark feature.
- 1.4. The proposed layout seeks to enhance permeability of the area, particularly through the introduction of 'Park Lane'. Soft and hard landscaping is proposed along Park Lane to create an attractive and inviting walkway between Cheapside and Mosely Street. In line with the site's topography, the amenity areas would be on different levels each side which seeks to achieve distinction and separation between the private residential space, and the public route.
- 1.5. The scheme proposes a variety of apartment sizes across the 366 units and the mix is broken down in figure 1 below.

Unit Type	Number	Percentage
1 Bed	147	40%
2 Bed	207	57%
3 Bed	12	3%
<b>Total:</b>	<b>366</b>	<b>100%</b>

Figure 1 – Unit mix

- 1.6. The typical size of the apartments ranges from 42 - 51m<sup>2</sup> for the 1 bedroom apartments; 67m<sup>2</sup> - 71m<sup>2</sup> for the 2 bed; and 81m<sup>2</sup> - 91m<sup>2</sup> for the 3 bed, which all exceed the Nationally Described Space Standards (NDSS).
- 1.7. All apartments and amenity areas would be accessed internally via the main entrances on Moseley Street and Cheapside and would be accessible from the internal landscaped courtyards. These entrances would have an arched shape to reflect precedents elsewhere in Digbeth. The entrances are proposed to be emphasised in coloured glazed brick with additional visual interest at lower levels. Block A to the west, would have pedestrian entrances on Cheapside and Moseley Street and Block B, to the east would have three points of access for pedestrians via Moseley Street, Moseley Road and Cheapside. Lifts within both blocks provide access to all units on the upper floors.
- 1.8. The scheme includes communal cycle parking at ground floor level for both blocks. These cycle storage areas are accessed internally to ensure the cycle parking is secure and protected. A total of 388 spaces are proposed. Refuse Stores are positioned near cores and residents would be able to access them from within the courtyard and communal areas. They are positioned back from the street but accessible to refuse collection services.



Figure 2 – Ground Floor Plan



Figure 3 – Typical upper floor plan

- 1.9. The development would provide a series of indoor amenity areas in both blocks at ground floor level with a further amenity space at first floor level in Block B which is accessed at street level from Moseley Road. Outdoor resident's amenity areas are proposed within each block, in the form of the courtyard areas with soft and hard landscaping, and seating areas which would be accessed from the ground floor. The two courtyards extend to 776sqm and 832sqm respectively, providing a total of 1,608sqm of communal space, equivalent to 4.4sqm per apartment. In addition, 'Park Lane' provides further informal amenity and recreation space, which is accessible to residents as well as the public.
- 1.10. Just over a third of the apartments also have access to private amenity space via a garden, roof terrace or balcony. This provides a further 1,026sqm of external space. Gated access from Moseley Street and Cheapside respectively is proposed at both blocks, which would provide a view through the development and contribute toward an active street frontage.
- 1.11. The ground floor apartments adjacent to the outdoor courtyards would have their own private outdoor amenity area. Balconies are proposed for the upper floors, enabling private outdoor space for some apartments. The position and number of balconies have been influenced by the need to ensure good levels of daylight are received by the apartments below. Private roof terrace areas are also provided for some of the apartments. A total of 239 sq. m of indoor amenity space is proposed at ground floor, with each block having two amenity spaces respectively. A further 48sqm of amenity space is proposed on the first floor of Block B.
- 1.12. Photovoltaic Panels and Brown Roofs are also proposed at roof level which would contribute to the sustainability and biodiversity of the development.
- 1.13. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site covers an area 0.7ha and is located within Birmingham City Centre, within the Rea Valley Urban Quarter. The site is immediately bound by Cheapside to the north; Moseley Road to the east; Moseley Street to the south; and 150 to 159 Moseley Street to the west, which benefits from planning permission for residential development of 67 apartments in a 6 storey, H-shaped block (currently under construction).
- 2.2. The section of Cheapside immediately opposite the is occupied by a midrise residential development ranging from 5 to 6 storeys. Buildings opposite the site on Moseley Road are 3 storey residential flats and a 60s style office building. On the corner of Moseley Road and Ravenhurst Street is the Moseley Arms public House, a Grade II listed building.
- 2.3. Moseley Street is occupied by a range of uses including a printing business, a vehicle mechanics, Cleary's Irish Bar, 'Flex Fitness' gym, St. Anne's Hostel and the Rowton Hotel. The latter two buildings are both Grade II listed. It is also worthy to note that the mechanics that currently occupies 122 Moseley Street has recently received planning consent for a 5 storey building comprising 29 residential apartments.
- 2.4. The application site excludes a small parcel of land to the north-east on the corner of Cheapside and Moseley Street, which is in separate ownership. This site benefits from an extant planning permission for purpose built student accommodation, however, the consent expires on 1<sup>st</sup> of May 2021 due to being extended under the covid business planning act 2020. This site is referred to as Leopold Works.
- 2.5. The site is wholly located within Flood Zone 1 (low risk of flooding). The site and wider city are designated an Air Quality Management Area and it also falls within the proposed clean air zone (CAZ). There are no Tree Preservation Orders within or adjacent to the site.
- 2.6. The site is previously developed brownfield land that has been cleared and is currently vacant. The topography of the site slopes downhill to the west which offers views towards the city centre.
- 2.7. The application site falls within the Highgate Park neighbourhood in the Rea Valley Urban Quarter, as defined by the Rea Valley SPD. The area has been historically developed with a dense street pattern and has been redeveloped many times; today, it is predominantly industrial with distinct local landmarks. The area is changing as industrial premises become outdated and are being replaced by new residential-led developments.
- 2.8. The character to the south remains largely industrial with low-rise warehouse buildings and surface car parks. In recent years, the area has seen an increase in residential development of up to 6 or 7 storeys in scale, reflecting trends in city-centre living and aspirations set out in the draft Rea Valley Urban Quarter SPD for high density city living.

## 3. Planning History

- 3.1. The relevant planning history for the application site is outlined below.

- 3.2. 2003/04098/PA – Mixed use development consisting of residential (Class C3), office floorspace (class B1) and retail (class A1) with car parking (including only the easternmost part of the site, plus the site now referred to a Leopold Works. Approved subject to conditions 21/07/2005. Not implemented and now expired.
4. Consultation/PP Responses
- 4.1. BCC Transportation – No objection subject to conditions; Cycle parking provision, A Construction Management Plan; Measures to prevent vehicles accessing the new pedestrian/cycle link.
- 4.2. BCC Ecology – No objection subject to conditions requiring the submission of a landscaping scheme, a scheme to ensure biodiversity gains within the development, the provision of bat/bird boxes and a scheme to approve/implement the proposed brown roofs.
- 4.3. BCC Lead Local Flood Authority – No objection subject to conditions requiring the submission and implementation of a sustainable drainage scheme and a drainage management plan.
- 4.4. BCC Education – Request S.106 contribution towards the provision of school places.
- 4.5. BCC Leisure Services – No objection. In accordance with the BDP this development of over 20 dwellings would be subject to an off site contribution towards POS and Play.
- 4.6. BCC Employment Access Team – No objection subject to a condition requiring the submission of an employment access plan.
- 4.7. BCC Regulatory Services – Confirm that at source noise mitigation would not be possible with doors of Cleary's Bar continuously open, which is the current mode of operation. To achieve a suitable noise environment in some of the units within the development mechanical ventilation and non-openable windows would be required and this approach is not supported. Recommend further negotiation between the developer and Cleary's Bar in regards to possible at source noise mitigation measures.
- 4.8. Historic England – Acknowledge application and confirm it falls outside of scope for statutory consultation.
- 4.9. Environment Agency – No objection.
- 4.10. West Midlands Police – Make the following recommendations; Installation of access control measures; installation of video intercom at access points; installation of CCTV scheme; submission of a lighting scheme; submission of boundary treatments.
- 4.11. West Midland Fire Service – Water supplies for firefighting should be in accordance with "National Guidance Document on the Provision for Fire Fighting". Where fire mains are provided in the building there should be access to the riser inlet within 18 metres and each access point should be clearly visible.

- 4.12. Severn Trent Water- No objection subject to conditions requiring the submission of foul and surface water drainage plans and their implementation.
- 4.13. Birmingham Civic Society – Object to the proposal and make the following comments.
- The D&A statement suggests that the proposed buildings have been ‘influenced from the local vernacular in Digbeth and design cues’ – but we do not feel this has been executed with flair equal to the historic buildings that make them special. The proposed buildings are of a well established recent precedent of grid like masonry bays with infill, but short of any detail which the surrounding historic buildings demonstrate. Why should the elevations echo the ‘simple industrial forms appropriate to the area’? The proposal is not an industrial building; it does not have to be monolithic or ‘robust block massing’. There are many examples of modern development within the Jewellery Quarter (for example) where the challenge of responding to an industrial, historic context has been met.
  - The proposed development seems to risk overshadowing and turning its back on the amenities on Moseley Street.
  - The landscape plan appears pleasant – although a little at odds with the Digbeth setting; a more ‘industrial’ landscape, with cobbled courtyards etc, may be more fitting.
  - There does not appear to be any car parking for residents – while car use in the city should not be encouraged, this appears impractical.
  - Overall amenity space is very limited and insufficient.
- 4.16 Site and Press Notices displayed. Neighbouring occupiers, Ward Members, Southside BID, and Resident’s Associations consulted with the following representations received.
- 4.17 2 objections received.
- Lack of parking provision within development, limited on street parking currently and this development will exacerbate matter.
  - Lack of amenities to support existing/future residents of the area, scheme should have included shops/bars/cafes.
- 4.18 1 member of the public made a generally supportive representation, praising the scheme but observed that he would have preferred the scheme to have been 6 storeys at its highest, to have placed greater emphasis on the corner buildings and to have gone further with the architectural features and detailing. He also praised the creation of ‘Park Lane’ and hoped that it would connect all the way to Highgate Park in the future.
- 4.19 A further objection was received from the owner of Cleary’s Irish Bar, the public house opposite the site located on Moseley Street. This objection has been supported by a representation from an acoustic consultant. The points of objection are summarised as follows:
- The noise assessment submitted to support the application is deficient as it does not take into account the worst case scenario for noise generation at the pub.
  - Subsequent to the joint noise monitoring exercise, the revised noise assessment does not recognise the ‘worst case scenario’ noise levels that could be present at the development façade as agreement of the baseline level cannot be reached.

- The applicant has failed to discharge their duty as ‘Agent of Change’ as required by paragraph 182 of the NPPF.
- Potential for future residents to complain about noise generated by or associated with the pub, which could jeopardise the future viability of the business.
- The at source noise mitigation proposed by the developer is not suitable because it would require the front doors of the pub to remain closed. This is not possible because the doors are in continuous use and need to remain continually open to allow people to enter and exit the pub during busy periods.

## 5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Places for Living SPG, Places for All SPG, Car Parking Guidelines SPD, Lighting Places SPD, Public Open Space in New Residential Development SPD (2007), Affordable Housing SPG (2001), Rea Valley Urban Quarter Masterplan SPD (2020), Development Management in Birmingham Document DPD Publication Document (2020) and the National Planning Policy Framework.

## 6. Planning Considerations

### PRINCIPLE

#### Residential Use and Unit Mix

- 6.1. The application site is located within the City Centre Growth Area defined under Policy GA1.1.
- 6.2. Policy GA1.2 identifies this part of the City Centre as the Southern Gateway; an area of wider change where residential development is supported whilst Policy GA1.3 supports residential development in this location as it falls within the Southside and Highgate Quarter.
- 6.3. The Rea Valley Urban Quarter Masterplan SPD, adopted in October 2020 focusses on connectivity and producing high quality development. Moseley Street is identified as a park link where pedestrians will be given priority in order to assist linking the Smithfield area to the River Rea corridor, Highgate Park and onto the wider green infrastructure of the City. The SPD also identifies the creation of a new pedestrian route that seeks to connect Highgate Park with Moseley Street and Cheapside.
- 6.4. Based on development plan policy it is considered that the principle of proposed residential use would be acceptable at this location.
- 6.5. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this 366 apartment scheme is as follows: 147 (40.1%) 1 beds, 207 (56.5%) 2 beds and 12 (3.7%) 3 bed.
- 6.6. The housing mix is influenced by a number of factors including housing needs and demands in this part of the city and affordability. It is accepted that in the city centre

a higher percentage of one and two bedroom apartments are going to be delivered. This is on the basis of development land being at a premium, and the types of households that are likely to want to reside within a city centre locale. All apartments comply with or are in excess of minimum floor areas set within the Nationally Described Space Standards.

- 6.7. The development is considered to provide a good standard of living accommodation and the proposed mix is considered acceptable.

## DESIGN

### Scale and Mass

- 6.8. The plot layout follows a strong urban grain along the streets and allows for two significant courtyards for future residential amenity. The two block development reinforces the existing hierarchy of streets. The building footprint follows the street line of the surrounding area, with the development set close to the pavement line. The boundary of the new proposed pedestrian route through the site 'Park Lane' would allow for defensible space and for amenity space/landscaping to be provided.
- 6.9. The Rea Valley SPD 'Building Heights' in this location are suggested to be 6 to 10 storeys. The proposed scheme ranges in heights from 5 storeys up to 8, and as such is lower than the maximum envisaged by the SPD.
- 6.10. The taller block elements face Cheapside and the corner of Moseley Road and Moseley Street. This massing is supported from a townscape perspective and also reduces impact on the heritage assets further down Moseley Street, whilst still allowing the creation of a landmark corner at Moseley Road. Taller elements at the corners of the Park Lane entrances also identify this as a connecting route and are considered positive.



Figure 4 – CGI view from corner of Moseley Street and Moseley Road

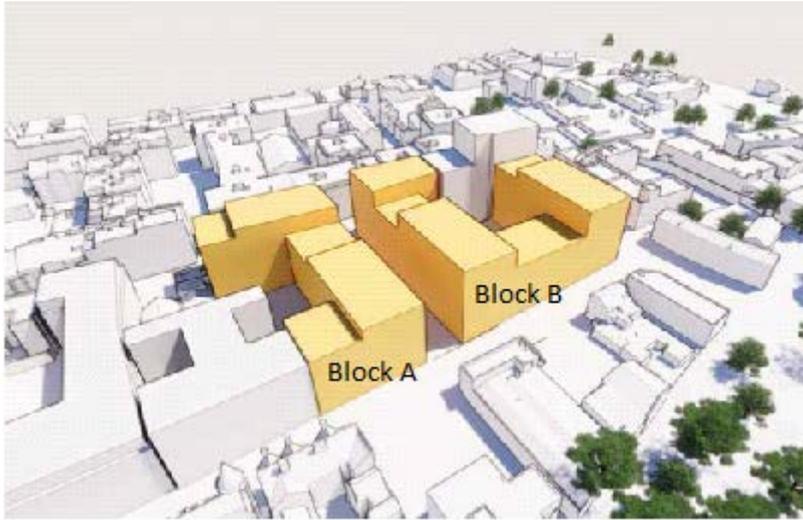


Figure 5 – Massing of development in context of emerging townscape in the context of the Rea Valley SPD.

- 6.11. The proposed heights and mass are considered appropriate. An articulation of the roofscape across the scheme gives interest across the townscape. The general architectural approach is an alternating red brick system; the corners of the development are seen as landmarks, particularly to indicate the presence of the pedestrian route through the development.
- 6.12. A Townscape and Visual Appraisal concludes that the proposed buildings would be of an appropriate height and scale for the local context and the proposed high quality of architecture and landscape design would have a beneficial effect on the local townscape character and visual amenity of the area. I concur with this assessment.

#### Park Lane

- 6.13. The proposed development includes the provision of a new 'green route' through the application site that would connect Moseley Street to Cheapside. The new street, to be known as 'Park Lane' would run between Block A and Block B and measure 12m wide. The street would be provided over 3 levels with the central publically accessible route provided at level with the adjoining streets flanked by higher and lower private amenity areas associated with the apartments within blocks B and A respectively. A detailed landscaping scheme has been provided which specifies tree planting along the route, in addition to low level planting either side of the accessible route and within the private amenity spaces. The landscaping scheme is largely acceptable, but a condition is recommended to ensure finer details such as soil depths, protection measures and maintenance is secured.
- 6.14. The Park Lane also includes seating provision which contributes to its usability as public open space. The route would be maintained as open to public access by way of a planning condition and a further condition regarding boundary treatments would ensure appropriate measures are provided to restrict access to motor vehicles. The provision of this green route would enhance the experience of pedestrians and cyclists using the area and significantly contributes to achieving one of the key

objectives of the Rea Valley Master Plan which seeks to create a new link to Highgate Park and the landscaping will support the city's wider green agenda.



Figure 6 – View from Moseley Street down 'Park Lane'

#### Detail and Materials

- 6.15. A red orange brick tone for the external facades is in keeping with the local industrial heritage. The final colour and specification of brickwork would be controlled by conditions should Members be minded to grant approval.
- 6.16. The use of glazed green brick around entrances and at landmark corners improves wayfinding.
- 6.17. The proposed residential entrances are off main access streets and are situated next to resident's lounges and communal spaces to ensure an active frontage and sense of security. They provide a focus of activity at street level whilst allowing views through to the landscaped courtyards. Entrances have been designed to be proportionate in relation to the overall design and are legible as building entrances without being visually overpowering.
- 6.18. Architecturally, entrances are emphasised in coloured glazed brick creating an additional visual interest at the low level immediately next to the building users. Entrance points into the courtyards are well defined, with artistic metal sliding gates to match the bespoke railings. The use of green glazed brick and Celtic style metal work is proposed in order to reflect the cultural heritage of this part of the city.



Figure 7 – Entrance detailing

- 6.19. The landmark corner buildings at Moseley Road/Moseley Street, and on Cheapside, either side of 'Park Lane' would be accentuated by inclusion of glazed brick and alternating courses of brickwork around the windows. These details would relate to the proposed detailing at building entrances.



- 6.20. Figure 8 – Landmark corner building detailing

Future Developments

- 6.21. As previously mentioned, the corner of the wider development plot at Moseley Road and Cheapside falls outside of the application boundary. The two sites abut one another and the proposal has been designed with a largely blank façade facing the future development site. The block fronting Moseley Road is predominantly 8 storey, but steps down to 6 where it meets the adjoining site. This allows for private terraces and balconies at storeys 7 and 8 respectively, with the brown roof of the lower section of the building providing separation from the adjoining development site. The remaining floors on the elevation facing Cheapside do not have windows, and as such would allow a future development to sit flush against the development proposal currently under consideration.
- 6.22. As such, the proposed development would not prejudice the adjoining site at the corner of Cheapside and Moseley Road being brought forward for redevelopment.

## HERITAGE

- 6.23. There are no heritage assets within the application site itself, therefore any impact arising from development on the identified heritage assets would arise by way of indirect impact upon their setting. There are three Grade II listed buildings in close proximity to the application site, St. Anne's Hostel and The Rowton Hotel (formerly the Paragon Hotel), both on Moseley Street and the Moseley Arms public house on the Corner of Moseley Road and Ravenhurst Street.
- 6.24. The application is accompanied by an Archaeological and Heritage Assessment which has identified the significance of the heritage assets likely to be affected and the contribution made to that significance by its setting. The document has concluded that all but the Rowton Hotel (referred to in the Heritage Assessment as Park View House) are unlikely to experience a change in their setting that would result in harm to their significance and they are not considered further in the document.
- 6.25. The Heritage Assessment has identified that the significance of St. Anne's Hostel is derived from its architectural and historic interest as a relatively early example of an inner-city Victorian Police Station, its decorative principal elevation contributes to its artistic and aesthetic value. The document goes on to identify that the building is best appreciated from this principal elevation onto Moseley Street where it was designed to occupy a prominent position on the street front. The application site itself is opposite the Hostel is a 'weedy area of Brownfield land' which does not contribute to the significance of the building.
- 6.26. The document concludes that whilst the asset has a level of prominence on the street frontage this derives from its distinct architecture and appearance rather than its massing and scale which are dwarfed by the adjacent Rowton Hotel and modern development to the east, and that this will continue to be the case once the consented Westminster Works development is implemented. Considering these points alongside the separation of the site from the listed building the Heritage Statement does not consider that the proposed development has the potential to result in a change to the setting of the asset that would harm its significance.
- 6.27. The significance of the Rowton Hotel is also derived from its architectural, historic and artistic interest; therefore the impact of the proposed development on this significance has also been assessed. The Heritage Statement discusses the contribution made by setting and identifies that the Moseley Street, Alcester Street and Highgate Park elevations provide the best publicly available location from which to experience its significance, with the Alcester Road elevation being of greatest

value as the principal façade. In addition due to its scale, massing and distinctive architectural design and treatment, to the south side of Moseley Street the building forms the dominant element of the street frontage and this prominence makes a positive contribution to its significance.

- 6.28. The grade II listed former police station (St. Anne's Hostel) to the east is identified in the statement as a survival of the historic built setting of the asset which positively contributes to its significance. The document also identifies that little of the building's original setting remains to the north following clearance of the 19th century industrial and domestic buildings and their replacement with modern buildings or left as brownfield plots concluding that these elements do not make any contribution to the significance of the asset. With regards to the contribution made to significance through setting I concur with this assessment.
- 6.29. The Heritage Statement goes on to state that the impact of the development will have no direct effect on the architectural, historic or artistic interest of the listed building and thereby this significance will be preserved. The statement acknowledges that the development will not remove the ability to experience the listed building from its best appreciable locations in Alcester Street, Moseley and Highgate Park and will not sever or reduce any relationship between the building and the former police station and the contribution this makes to its setting. Furthermore as the development site does not currently contribute to the significance of the listed building then the principle of re-development to residential would not be harmful to significance. My Conservation officer concurs with this assessment.
- 6.30. However, architectural and historic prominence can be impacted by scale, massing, design and materials which can affect the ability to appreciate such qualities. Although the scale and massing of the proposed development complies with policy for the area in order to fully support the view of the Heritage Assessment it will be necessary to secure a quality of design detail and materiality which would complement the architectural significance of these listed building. As such, conditions requiring approval of final design details and materials are proposed to be appended to any approval Members may be minded to grant.
- 6.31. The Heritage Statement concludes that the proposed development could result in a very limited level of harm to the significance of the listed building through moderately competing with the prominence of the asset in views along Moseley Street. The level of harm is placed at the lower end of less than substantial harm in respect of the NPPF. I agree that this is the only heritage asset that would be subjected to an adverse heritage impact as a result of the proposed development.
- 6.32. It is necessary to consider the statutory duties of the local authority. Section 66 requires that the local authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' The application submission has provided suitable detail to allow the determination of the application under the requirements of paragraph 189 of the NPPF.
- 6.33. The NPPF states that any harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.
- 6.34. Officers agree with the ultimate conclusion of the applicant's heritage statement, namely the only heritage asset that will be adversely impacted, will be the Rowton Hotel. Officers acknowledge that this engages the statutory presumption against

development and engages paragraph 196 of the NPPF. It is considered that the proposal would lead to less than substantial harm to the Rowton Hotel. However, there is clear and convincing justification for this level of harm such that the harm to the Rowton Hotel is considered to be outweighed by the wider public benefits of the development given the overall need for additional housing in the City, the provision of affordable housing, the redevelopment of vacant brownfield land with a scheme of high design quality, the provision of a new pedestrian route as aspired to by the Rea Valley SPD and the economic benefits the scheme will bring to the area, both during construction and once completed. Accordingly there is no conflict with policy TP12 of the development plan which requires determination in accordance with national policy. As such, I consider that the heritage impacts of the proposal are outweighed by the public benefits.

- 6.35. The site is located circa 310m to the north of the Digbeth, Deritend and Bordesley conservation area. The heritage assessment concludes that the site is at most a peripheral element in the setting of the conservation area and that the proposed development would not harm the special interest of the conservation area. I agree with this assessment and conclude that there are no harmful impacts to the conservation area.

## AMENITY

### Residential Amenity

- 6.36. As previously stated, residents' amenity areas would be provided in the form of shared courtyards. This equates to 4.4sqm of amenity space per dwelling and is considered to be a suitable provision. In addition, the proposed Park Lane would provide further usable outdoor space. Just over a third of the apartments also have access to private amenity space via a garden, roof terrace or balcony. This provides a further 1,026sqm of external space. The communal/private amenity space offered to prospective residents by this proposal is considered to be generous and with appropriate landscaping and maintenance would be attractive usable places.



Figure 9 – CGI of internal amenity courtyard

- 6.37. An assessment of the provision of daylight and sunlight amenity within the proposed apartments, and the level of sun hours on ground overshadowing to amenity areas demonstrates that 88% of the habitable rooms assessed would meet the minimum recommended Average Daylight Factor (ADF) daylight criteria. In terms of sunlight, 79% of the windows relevant for assessment will meet the recommended criteria for winter sunlight and 76% for total sunlight. This represents an acceptable level of compliance, considering the dense nature of the development within an urban location.
- 6.38. Whilst there are windows/rooms which fall below the recommended BRE criteria for daylight and sunlight amenity, this is not uncommon in urban developments and full compliance is very unlikely to be achieved when allowing for other requirements of a scheme.
- 6.39. In relation to sun hours on ground overshadowing, two courtyard amenity areas within Blocks A and B would fall below the recommended BRE Guidelines on 21st March. However on 21st June when the areas are most likely to be used both courtyard amenity areas would achieve at least two hours of direct sunlight to over 50% of their areas on. Residents will, therefore, have access to sun within the communal amenity areas, particularly during the summer months.
- 6.40. Although the proposal does not achieve full compliance with the BRE Guidance the scheme is considered to be acceptable in terms of daylight, sunlight and overshadowing given its density and city centre location.

#### Noise

- 6.41. The application submission is supported by a noise assessment and two addendum statements produced in response to the initial comments received from the Regulatory Services department. The noise assessment seeks to determine whether prospective residents can enjoy a suitable level of amenity within their apartments without being subject to adverse noise conditions. It is accepted that the vast majority of units proposed would enjoy a suitable noise environment. However, 46 of the proposed apartments within Block B of the development, namely those facing 'Cleary's Irish Bar' (Cleary's) on Moseley Street require careful assessment.
- 6.42. Furthermore, as an established business the right of 'Cleary's' to continue to operate without the imposition of unreasonable restrictions arising as a result of the approval of the proposed development must be ensured in accordance with paragraph 182 of the NPPF. Where significant adverse effect on new development is anticipated the applicant is required to provide suitable mitigation.
- 6.43. Given the application has been submitted during the covid-19 pandemic, during which entertainment venues and public houses such as 'Cleary's' have been forced to close and/or operate under restricted hours, there had not been adequate opportunity to conduct on site noise monitoring. As such, the applicant's initial noise assessment has been based upon data submitted in support of the recently approved application at 122 Moseley Street (ref: 2018/01177/PA) located next door to 'Cleary's'. The noise data was collected on St. Patrick's Day's 2019 and was considered to represent the 'worst case scenario' for noise generation at the pub.

- 6.44. The primary noise source is accepted to be at the rear of 'Cleary's' where a function room used to host live DJ's and bands spills out onto the beer garden facing Highgate Park. Moseley Street is screened from the beer garden largely by the 3 storey pub itself, and to a lesser extent by the pub's single storey side extension. It is this entertainment noise, in conjunction with the on street noise generated on Moseley Street that must be appropriately assessed to determine whether the development would be adversely affected by noise which could subsequently give rise to complaints made against the pub.
- 6.45. However, Cleary's maintain that this noise data is not an accurate representation of the 'worst case scenario' i.e. a live band playing at its loudest with the pub full of patrons enjoying the performance. Regulatory Services also raised concerns with the use of the data collected to support the planning application at 122 Moseley Street given that the proposed development is orientated differently to the noise source and is directly opposite Cleary's front doors which are considered to be the main source of noise outbreak.
- 6.46. A joint noise monitoring exercise was undertaken by acoustic consultants acting on behalf of Cleary's and the applicant, with officers from Regulatory Services also present. This consisted of a mock live band performance, with monitoring equipment set up at various locations including within the pub and at the development façade. A revised noise assessment was then submitted in support of the application. Despite the joint exercise the two parties have still been unable to agree the baseline noise level at the development façade due to a difference in opinion as to realistic noise levels likely to be generated by the band, and real life scenarios such as a pub full of people which were not possible to simulate under current covid restrictions.
- 6.47. Notwithstanding the disagreement over the baseline level, it was clear that mitigation of some form would be required in order to create an acceptable noise environment within the 46 proposed residential units fronting Moseley Street. Regulatory Services recommended that at source mitigation measures be explored in accordance with the Noise Hierarchy as defined by NPPG and BCC's Planning Consultation Guidance Note 6.

In assessing mitigation schemes the following hierarchy of measures should be considered in descending order of preference:

1. Engineering – reduction of the noise generated at source by redesign, relocation or containment
2. Design and layout – maximise the distance between noise source and receptor, using existing topography or existing structures or purpose-built barriers to screen the proposed development site from significant sources of noise.
3. Using the layout of the scheme or orientation of buildings to avoid location of noise sensitive rooms on adversely impacted facades
4. Using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels (differentiating as appropriate between different times of day, such as evenings and late at night),
5. Using the building envelope to mitigate the impact of noise to acceptable levels through noise insulation.

Figure 10 – Noise Hierarchy as defined by PCGN6

- 6.48. It should be noted that PCGN6 is a practice note used by Regulatory Services when assessing noise impact and does not form formal planning policy.
- 6.49. Negotiations commenced between the applicant and Cleary's, with the applicant proposing to replace the front door and the internal lobby door of the pub with acoustic treated alternatives, and to provide the pub with mechanical ventilation so that the doors could be kept closed during live music performances. This offer was rejected by Cleary's who confirm that it is not feasible to close the front doors as they are in continual use and have to be kept open during busy times/events simply due to the number of people entering and exiting the pub.
- 6.50. Regulatory Services have confirmed that if the front doors are required to remain open, as its current practice, then effective at source noise mitigation would not be possible. As such I consider negotiations in regards to suitable at source noise mitigation to have been exhausted.
- 6.51. The applicant has removed habitable rooms from the ground floor block facing Cleary's to reduce the number of sensitive receptors located opposite the pub. Moving the development façade back from the pavement in its entirety would be out of character in terms of the local urban design, would reduce the amount of useable residential amenity space and create a development that does not accord with the Rea Valley Urban Quarter SPD. Creating a blank façade would also be detrimental to the character of the development and the area, thus also contravening planning policy. In addition, any further changes in relation to layout or orientation would compromise the viability of the scheme and lead to a reduction in the affordable housing contribution that is sought by a S106 agreement.
- 6.52. As such, I am satisfied that the applicant has considered the scheme's layout and orientation sufficiently in regards to reducing sensitive receptors. What's more, whilst requiring a revised layout may accord with planning consultation guidance, it would be contrary to planning policy, which carries the greater weight when considering matters in the planning balance.
- 6.53. The next stage in the noise hierarchy would be to use planning conditions to control noise impacts. Given that the development is residential in nature and would be in use continuously, the implementation of conditions are not practical and would fail the 6 tests.
- 6.54. The final step in the noise hierarchy is to consider mitigation at the development façade. The applicant contends that a suitable noise environment can be created within the affected units by utilising suitable acoustic glazing while maintain openable windows. However, Regulatory Services do not concur with this view and believe openable windows could lead to noise complaints that would ultimately lead to restrictions being placed upon Cleary's. If this were to occur, then the scheme would be contrary to paragraph 182 of the NPPF. However, a suitable noise environment within the affected units could be achieved if they were fully sealed and ventilated through mechanical means.
- 6.55. Given the proposed development's close proximity to the recently approved scheme at 122 Moseley Street I am of the opinion that it would not be unreasonable to expect suitable mitigation could indeed be implemented at the façade of Block B to ensure a suitable level of amenity could be enjoyed by potential future occupiers. However, such mitigation would need to be informed by an appropriate bespoke noise assessment that takes account of entertainment noise generated by 'Cleary's' in the context of the current urban landscape, and the landscape in the event of the

development at 122 Moseley Street being implemented. The forthcoming relaxation of covid-19 restrictions may present an opportunity for further 'real life' scenario noise monitoring to be undertaken.

- 6.56. The total number of units potentially subject to adverse noise, of varying levels, is 46. The noise assessment submitted in relation to the application at 122 Moseley Street suggests mitigation in the form of high specification noise attenuating glazing is may be suitable in relation to this development. However, should this not be the case, it may be necessary for some or all of the 46 units to be fully sealed, dependant on the conclusion of the bespoke noise assessment.
- 6.57. While sealed apartments are not preferable, and not supported by Regulatory Services, provided suitable mechanical ventilation is installed, the apartments would constitute a satisfactory residential environment free from adverse noise. Given the potential number of sealed units is small in the context of the development as a whole, their possible inclusion is considered acceptable when weighed in the planning balance against the other aspects of the scheme that include; the city's need for housing, the on-site affordable housing provision, the high quality design and the provision of the publically accessible green route 'Park Lane'.
- 6.58. As such, I recommend conditions be appended to any approval Members may be minded to grant that requires the submission of a noise assessment methodology, a noise mitigation strategy and MVHR ventilation strategy prior to the commencement of development. In addition, I recommend conditions requiring the submission of a noise validation report and the testing of internal noise levels prior to first occupation of the development.
- 6.59. Paragraph 182 of the NPPF states that '*Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*' Subject to the conditions recommended above, the applicant (agent of change) will have exercised their duty under this section of the NPPF.
- 6.60. Paragraph 80 of the NPPF states: '*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address challenges of the future*'. The proposed development would contribute towards economic growth by creating jobs in the construction industry and associated supply chains. In addition it would contribute towards the identified housing need in the city, with prospective residents themselves contributing to the economy, including by supporting local businesses. Subject to the conditions outlined above, existing local businesses would be supported and allowed to operate and build on their strengths, without restrictions, into the future.

## SUSTAINABILITY

### Energy Efficiency

- 6.61. Policy TP3 sets out a number of ways in which development should be designed and constructed. The submitted sustainability statement incorporates the sustainable construction statement and has met all the criteria required.

- 6.62. An energy statement has been submitted to accompany the application. Although the statement does not consider a variety of LZC generation sources, it does propose the installation of Solar PV panels. The development is predicted to deliver a 17.7% Co2 saving after Energy Efficiency Measures and a 19% saving after LZC Technology (Solar PV). As such the development is considered to comply with policy and is deemed acceptable in terms of sustainability and energy efficiency.

#### Ecology

- 6.63. An Ecological Assessment and sets out the findings of an extended Phase I habitat survey. The habitats recorded on site primarily consist of 0.4ha of bare ground, which is of negligible ecological importance, alongside 0.01ha of scattered shrub and 0.29ha of ephemeral/short perennial and tall ruderal habitat, which, are collectively considered to be of no more than site-level ecological importance.
- 6.64. No protected species were found on site and the appraisal concluded that the development would result in a net gain for biodiversity of 10% through the landscaping of the amenity courtyards and the 'Park Lane', as well as on the building's brown roofs. To ensure these gains are delivered and maximised, my ecologist has requested conditions to ensure ecological enhancement, to provide bat/bird boxes, and to agree details of brown roofs and a landscaping scheme. Subject to the requested conditions, the proposal would comply with Policy TP7 of the BDP.

#### Flood Risk and Drainage

- 6.65. A Flood Risk Assessment demonstrates that the proposed development is not at significant flood risk, being wholly in Flood Zone 1, subject to the recommended flood mitigation strategies being implemented. The Assessment confirms that the flood risk posed from groundwater, surface water, canals, reservoirs and sewers is also considered low and that the development will not increase flood risk to the wider catchment area, subject to suitable management of surface water runoff discharging from the site.
- 6.66. The recommended mitigation measures include the raising of finished floor levels above surrounding ground levels where possible, the profiling of ground levels to encourage pluvial runoff and overland flows away from the built environment and towards the nearest drainage point, safe access and egress to and from the site and surface and foul water drainage.
- 6.67. The LLFA and Severn Trent Water raise no objection to the proposal subject to the inclusion of conditions requiring the submission of surface/foul water drainage plans and a SuDs drainage scheme and maintenance plan.

#### Air Quality

- 6.68. The site is located within the Birmingham Air Quality Management Area and lies within the emerging Clean Air Zone and, accordingly, the application is accompanied by an Air Quality Assessment. This considers the potential impacts associated with the construction and operation of the proposed development.
- 6.69. There are no exceedances of the NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> annual mean, the 1- hour mean NO<sub>2</sub> and the 24-hour PM<sub>10</sub> air quality objectives at the proposed receptor locations. Therefore no mitigation is required.

## Ground Contamination

- 6.70. Some contamination issues have been identified, including a potential for historic tanks, and marginally elevated levels of carbon dioxide. There are no elevated concentrations of petrol contamination; no asbestos fibres; and no elevated groundwater contaminants.
- 6.71. Conditions requiring a contaminated land remediation strategy and a contamination verification report are recommended.

## TRANSPORTATION

- 6.72. The application site is in a highly sustainable location in close proximity to services and facilities. Its location benefits from being fully integrated with existing pedestrian and cycle networks and has good access to regular bus and rail services.
- 6.73. The existing primary routes to the application site would be retained, with the incorporation of a new primary pedestrian and cycle only route created between Block A and Block B ('Park Lane') facilitating a significant improvement in accessibility within the site; to Highgate Park and to the city centre, and encouraging walking and cycling. This meets the aspirations of the Birmingham Development Plan, Big City Plan and Rea Valley Urban Quarter SPD.
- 6.74. The proposed development is 'car free' and includes no on-site parking provision, but does include the provision of 388 cycle spaces in accordance with the adopted Car Parking Guidelines SPG and the emerging Birmingham Parking SPD. As such, the proposal is considered to be in accordance with policies TP38, TP39, TP40, TP44 of the BDP and paragraph 109 of the NPPF).
- 6.75. The transportation officer has raised no objection subject to conditions requiring the provision of cycle parking prior to occupation of development, a construction management plan, measures to prevent vehicles entering 'Park Lane'.

## PLANNING OBLIGATIONS

- 6.76. This application is supported by a Financial Viability Statement that has been the subject of independent assessment, and the conclusions reached reference the likely residential values that could be achieved in this part of the City Centre.
- 6.77. The report concludes that the scheme is able to sustain the provision of 33 affordable apartments (9%) for low cost home ownership comprising a proportionate mix of one and two bedroom apartments, to be sold at 20% discount on Market Value in perpetuity. This is in addition to the Park Lane public realm works being undertaken at a cost of £500,000 which is broadly the equivalent of an additional 3% affordable housing contribution. The total contribution is therefore the equivalent of approximately 12%. The City's independent assessor believes that this is the most that can be sustained by the development without impacting on viability and deliverability.
- 6.78. The financial contribution towards the provision of school places would be met through the CIL process and is not appropriate to be secured by a section 106 agreement.

- 6.79. The Leisure Services department have requested a total contribution of £806,475 towards public open space. Given the conclusion of the independent viability appraisal it is clear that the full contribution cannot be met, although a considerable portion will be provided on site in the form of 'Park Lane'.
- 6.80. Having regard to the above, I am satisfied that the proposed on site provision of 33.No apartments (9%) for Low Cost Home Ownership comprising 14.No one bedroom apartments and 19.No two bedroom apartments, to be sold at 20% discount on market value in perpetuity, in addition to the public realms works estimated at a cost of £500,000, is the most that can be sustained by the development without impacting on viability and deliverability.

## 7. Conclusion

- 7.1. The application proposes 366 new residential apartments comprising a mix of 1, 2 and 3 bed units contributing to the city's identified housing need and is in accordance with the Rea Valley Master Plan which seeks to regenerate the area, with residential proposals accepted as providing an important part of the mix of uses within this wider area. The scheme provides a good standard of accommodation, with units all meeting or surpassing the NDSS for their proposed occupancy. Good quality private amenity space is provided in the form of landscaped courtyards, gardens, balconies and a publically accessible green route through the site provides valuable public realm. The proposal also makes a contribution of 33 affordable homes, to be provided on site in this city centre location.
- 7.2. The scheme represents a high quality design and incorporates architecture and features that are distinctive and relate to the character and history of the area. The scheme has been designed sympathetically in relation to nearby heritage assets and would not result in any adverse heritage impacts other than those discussed in relation to the Rowton Hotel. However, the benefits of the proposed development outweigh that harm, as previously discussed.
- 7.3. The proposition of sealed and mechanically ventilated units is remains unsupported by Regulatory Services. However, for the reasons outlined in this report I am confident that an appropriate assessment can be secured via condition, and subsequent mitigation measures could be implemented that would ensure the development is acceptable. On balance, considering the proposal accords with relevant local and national policy and for the reasons stated above, the application is recommended for approval subject to the following conditions.

## 8. Recommendation

- 8.1. APPROVE application number 2020/07829/PA subject to the prior completion of a Section 106 Legal Agreement to secure the following:
- i) the provision of 33 No. on-site affordable housing units (14 No. 1 bed units and 19 No. 2 bed units) to be sold at 20% discount on market value, in perpetuity.
  - ii) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the value subject to a maximum of £10,000.

and subject to the conditions listed below.

- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 14<sup>th</sup> June 2021 or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason(s):-
- a) In the absence of a legal agreement to secure an onsite affordable housing contribution the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan 2005 (saved policies) and Policy TP31 and paragraph 10.3 of the Birmingham Development Plan
- 8.3. That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 14<sup>th</sup> June 2021 favourable consideration is given to this application, subject to the conditions listed below.

- 
- 1 Implement within 3 years (Full)
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Requires the submission of foul and surface water drainage plans.
  - 4 Requires the submission of a lighting scheme
  - 5 Requires the submission of a CCTV scheme
  - 6 Requires the submission and approval of materials.
  - 7 Requires the submission and approval of architectural details.
  - 8 Requires the submission of a detailed section of the proposed brick work recess detail.
  - 9 Requires the prior submission of sample materials
  - 10 Requires the prior submission of sample brickwork
  - 11 Requires the prior submission of hard and/or soft landscape details
  - 12 Requires the prior submission of external fixtures and fittings
  - 13 Boundary Treatment Details
  - 14 Requires the submission of levels.
  - 15 Requires detailed cross-sections
  - 16 Requires the submission of external doors
  - 17 Requires the submission of dormer window/window frame details
-

- 
- 18 Requires the submission of details of public art
  - 19 Requires the submission of hard and/or soft landscape details
  - 20 Requires the submission of hard surfacing materials
  - 21 Requires the submission of a landscape management plan
  - 22 Requires the prior submission of a construction employment plan.
  - 23 Requires the prior submission of a contamination remediation scheme
  - 24 Requires the submission of a contaminated land verification report
  - 25 Requires the provision of cycle parking prior to occupation
  - 26 Requires the prior submission of a construction method statement/management plan
  - 27 Requires the prior submission of a sustainable drainage scheme
  - 28 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
  - 29 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 30 Requires the prior submission of details of bird/bat boxes
  - 31 Requires the submission of details of green/brown roofs
  - 32 Pedestrian link to remain publically accessible.
  - 33 Requires submission of a noise asesment methodology
  - 34 Requires submission of a noise assessment and mitigation strategy
  - 35 Prior to commencement of the development details of an MVHR ventilation scheme
  - 36 Requires the submission of an internal noise validation report prior to the occupation of the first apartment
  - 37 Testing of the internal noise levels prior to the occupation of the first apartment and submission of results for agreement
  - 38 Requires the prior submission of an overheating assessment.
- 

Case Officer: Tom Evans

**Photo(s)**

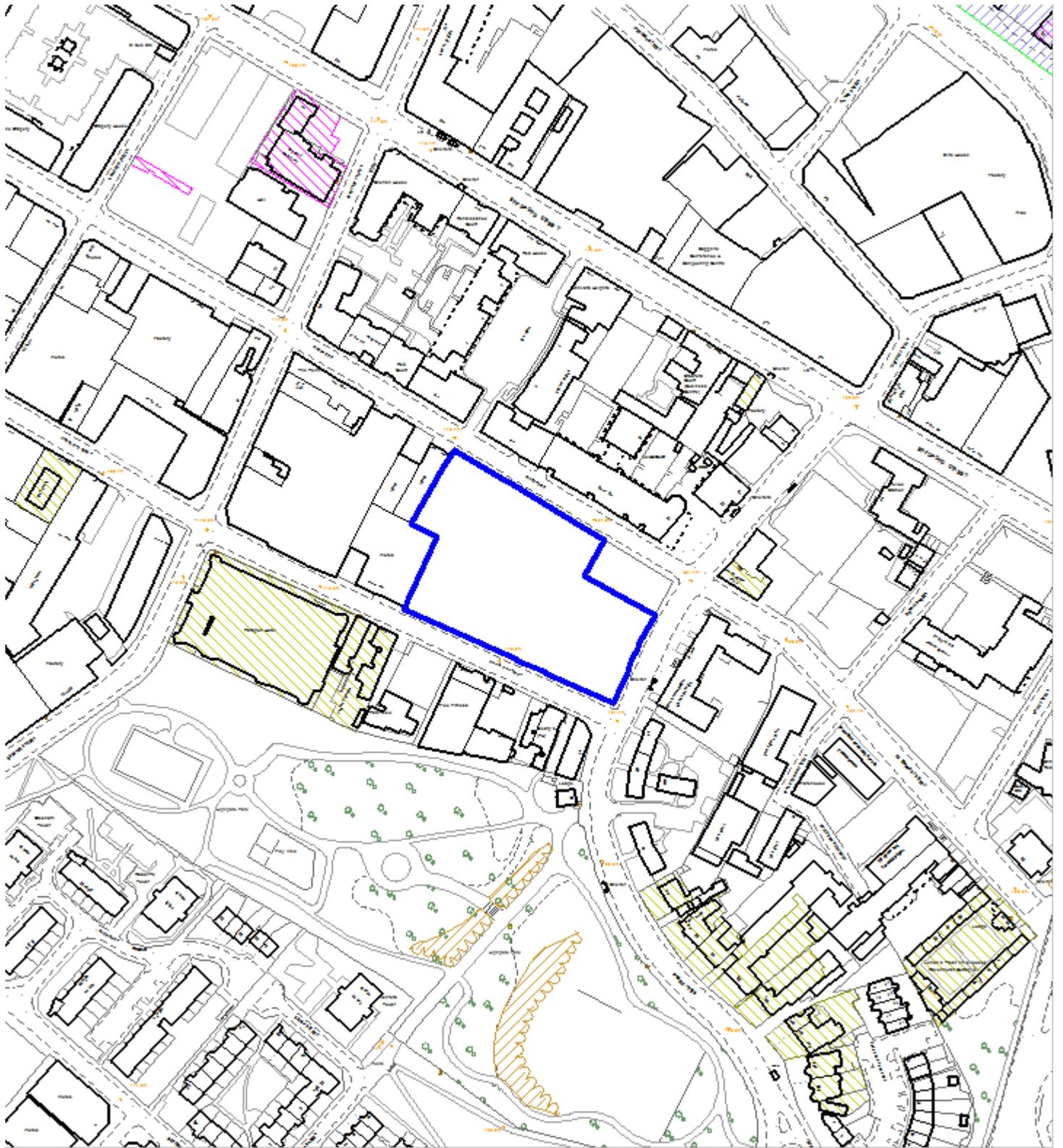


Figure 11 – View of site from Moseley Road towards city core



Figure 12 – View from Moseley Road over site towards Cleary's Irish Bar and Moseley Street

## Location Plan



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# Birmingham City Council

Planning Committee

10 June 2021

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	10	2020/05933/PA  24 Chestnut Drive Erdington Birmingham B24 0DP  Erection of two and single rear and first floor side extension, installation of dormer window and Juliette balcony to rear and alteration to front

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Committee Date: 10/06/2021      Application Number: 2020/05933/PA  
Accepted: 25/08/2020      Application Type: Householder  
Target Date: 10/06/2021  
Ward: Erdington

**24 Chestnut Drive, Erdington, Birmingham, B24 0DP**

**Erection of two and single rear and first floor side extension, installation of dormer window and Juliette balcony to rear and alteration to front**

Recommendation

**Approve subject to Conditions**

1. Proposal

1.1. Consent is sought for the erection of a two storey and single storey rear extension, first floor side extension, installation of dormer window to rear and alterations to the front.

1.2. In detail the proposed rear extensions would comprise a single storey full width extension, 4m in depth from the rear of the main house. This part of the proposal would be 3m in height and constructed with a flat roof. Above this would be a first floor addition set in 2m from the proposed single storey rear and would be 5m in width (just over half of the width of the existing property) with the extended section being constructed off of the proposed flank wall of this semi-detached dwelling. This first floor element would be constructed with a pitched roof that would be set down approximately 1.1m from the ridge height of original dwelling. A Juliette balcony is proposed within this first floor rear addition.



Figure 1. Existing rear elevation



Figure 2. Proposed rear elevation

1.3. The existing dwelling has a catslide roof to the front half of the property with a first-floor set in flank wall and hipped roof to the rear half of the property. This seeks to remove the catslide feature and infill the section behind resulting in a full two storey side flank wall across the depth of the original dwelling and a hipped roof finish to the overall property. The proposed hipped roof would extend off the original roof with a marginal set down from the original ridge height.



side elevation  
Figure 3. Existing side elevation



Figure 4. Proposed side elevation

- 1.4. Within the resulting extended rear roof slope a boxed dormer window is proposed set down marginally from the extended hip roof.
- 1.5. To the front a single storey addition is proposed to extend the existing garage and porch forward of the house. This element would measure 0.45m in depth, 5m in width and 2.6m in height constructed with a flat roof. Other minor alterations are also proposed to the front elevation including the insertion of an additional first floor window.



front elevation  
Figure 5. Existing front elevation



Figure 6. Proposed front elevation

- 1.6. All materials are proposed to match the existing dwelling.
- 1.7. Amended plans have been received: 1) improvements to the roof to the side to include a full hip 2) reduce the scale of the rear dormer and 3) omit a third storey extension.

1.8. [Link to Documents](#)

## 2.0. Site & Surroundings

- 2.1. The application site consists of a traditional semi-detached dwelling designed with a catslide roof over an integral garage and two storey bay window features to both the front and rear. The original integral garage extends slightly forward of the main house with a pitch roof over.
- 2.2. The rear of the site is enclosed by approximately 1.8m high fence with mature planting.
- 2.3. The application site is located within a street scene which is characterised by detached and semi-detached dwellings of a similar character and age.

2.4. The adjoining semi-detached dwelling, No. 26, has been previously extended with a single storey rear extension approximately 3m in depth. The nearest window lights an extended living room at ground floor and a bedroom at first floor.

2.5. With respect to No. 22 the nearest opening is a rear door leading to a kitchen/utility room with the main window further over. The nearest first floor window lights a bathroom. There are no habitable room windows to the side of this dwelling.

2.6. [Site location](#)

### 3. Planning History

3.1. 14/10/2019 - 2019/08017/PA - Pre-application advice for hip to gable extension with associated rear extension – concerns were raised over the principle of altering the roof design

### 4. Consultation/PP Responses

4.1. The occupiers of neighbouring properties have been consulted as well as local Ward Councillors. 16 letters of objection have been received. Comments have been made in respect of:

- Loss of light/outlook;
- Overlooking/loss of privacy;
- Scale and design (impact on the traditional character of the street scene);
- Parking concerns;
- Drainage concerns;
- Impact on resale value of neighbouring properties;
- An increase in noise disruption at time of building works; and
- Use of the property as HMO or Bed and Breakfast.

4.2. Councillor Robert Alden objects echoing residents' concerns with specific reference to the scale of the proposal and impacts on residential amenity such of loss of light and privacy.

4.3. One letter of support has been received stating they consider the scale and design to be comparable to others previous additions in the locality and welcome the possibility of local builders being used following national pandemic restrictions.

### 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 2001.
- Extending Your Home 2007.
- 45 Degree Code SPD.

5.2. The following national policies are applicable:

- National Planning Policy Framework.

### 6. Planning Considerations

- 6.1. The scale, mass and design of the proposed side and rear extensions as amended are considered to be acceptable and would be in accordance with the principles contained within 'Extending Your Home' Design Guide. The amended scheme, when viewed from the highway now proposes a fully hipped roof to the side. This is more reflective of the pitch of the original dwelling and in keeping with other first floor side extensions in the wider locality. Amended plans have reduced the scale of the first floor rear extension and rear dormer. The scale and design of the amended rear additions are considered to be acceptable and would not have a detrimental impact on the overall scale of the host dwelling. The additions cumulatively are considered to remain in keeping with the character and appearance of the wider street scene.
- 6.2. The proposed extension complies with both the 45 Degree Code and the adopted distance separation guidelines contain in 'Places for Living' and 'Extending your Home'. As such the proposal would not result in a detrimental impact on the amenities of the occupiers of the neighbouring properties by way of loss of light, outlook or overlooking. Safeguarding conditions are recommended firstly to restrict any walkout area to the rear of the Juliette balcony and secondly to remove permitted development rights for the installation of additional windows and doors. Both of these conditions seek to safeguard against any potential future overlooking issues.
- 6.3. In regard to concerns of loss of view and access-way issues from construction work; these issues raised are non-material planning considerations and cannot therefore be taken into account in the determination of this application.
- 6.4. With respect to parking objections raised the proposal would retain off road parking to front of the dwelling.
- 6.5. Issues of drainage would be regulated by a building surveyor at the time of any construction.
- 6.6. Concerns over property and resale values as well as increased noise at the time building works are undertaken are not material planning considerations.
- 6.7. Objection raised over the future use of the property have been noted however the plans indicate that the proposal will be retained as a single-family dwelling.

## 7. Conclusion

- 7.1. This application is recommended for approval as it is considered that the amended proposal complies with the objectives of the policies that have been set out above.

## 8. Recommendation

- 8.1. Approve with conditions

- 
- 1 Implement within 3 years (Full)
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Requires that the materials used match the main building
  - 4 Removes PD rights for new windows
  - 5 Requires the Juliette balconies to be inward opening
-

Case Officer: Philip Whittaker

**Photo(s)**

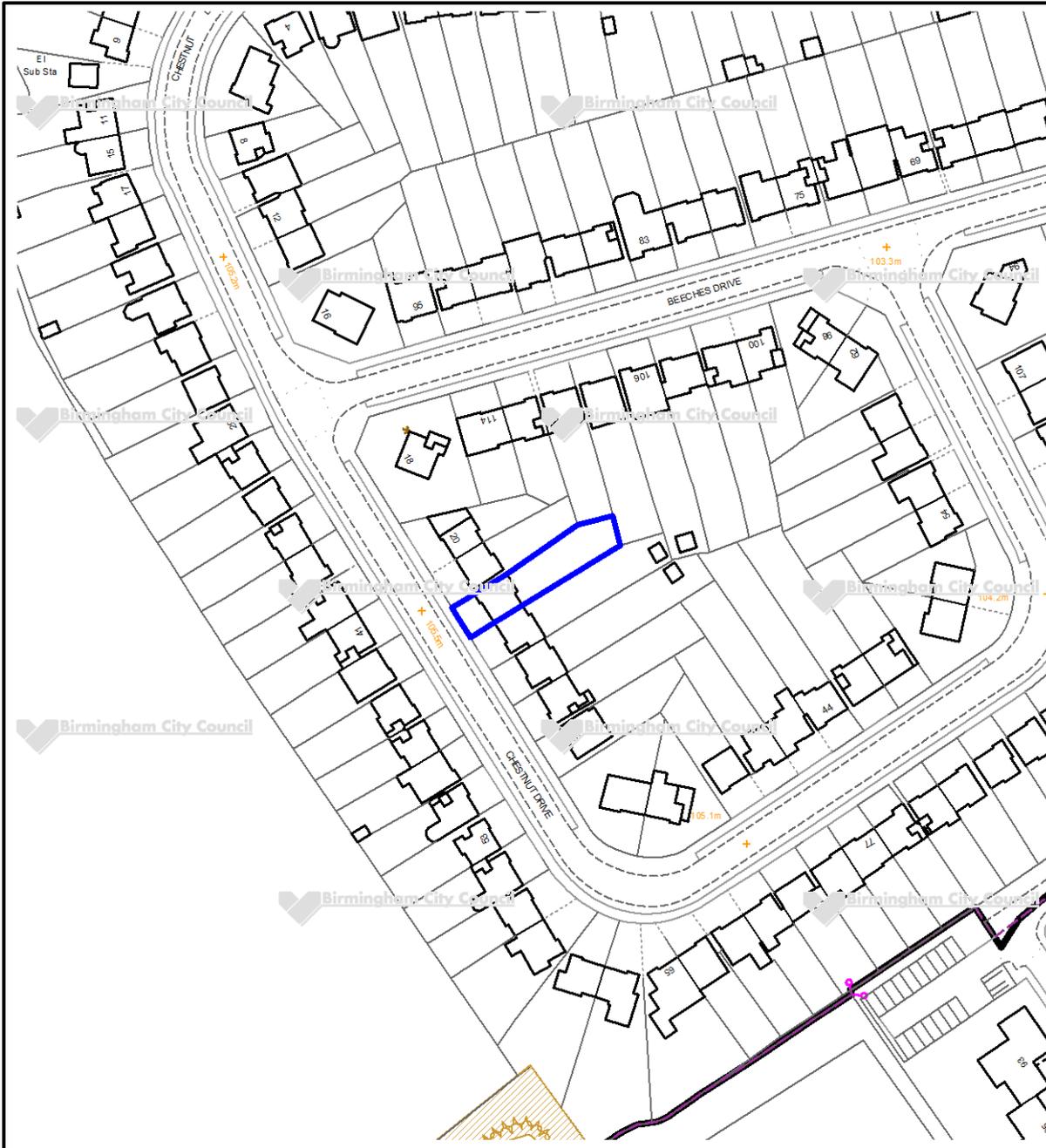


Photo 1: Front elevation



Photo 2: Rear elevation

## Location Plan



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