

---

|                 |              |                     |               |
|-----------------|--------------|---------------------|---------------|
| Committee Date: | 09/07/2015   | Application Number: | 2015/03105/PA |
| Accepted:       | 11/05/2015   | Application Type:   | Full Planning |
| Target Date:    | 06/07/2015   |                     |               |
| Ward:           | Acocks Green |                     |               |

British Legion, 16 Botteville Road, Acocks Green, Birmingham, B27 7YD

Demolition of the existing British Legion building, the construction of eight dwelling houses (C3) and a replacement club building (Sui Generis) with flat above

Applicant: ERNE Build  
British Legion, 16-18 Botteville Road, Acocks Green, Birmingham, B27 7YD

Agent: AJ Carter Consulting  
5 Royston Court, Wake Green Park, Moseley, Birmingham, B13 9YN

---

Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Report Back
  - 1.1. Members will recall that this planning application was considered by the Planning Committee on 9<sup>th</sup> July 2015, and resolved to be approved subject to a Section 106 Legal Agreement to secure a compensatory sum of £48,300 for the loss of the bowling green. This agreement is due to be completed by the 9<sup>th</sup> August 2015. The applicant has considered the conditions to be attached to the planning permission and has identified 3 conditions that cause particular logistical issues for the British Legion Club. It is appropriate to vary these now prior to completion of the Legal Agreement rather than delay the scheme's implementation with a revised application later.
  - 1.2. Condition 8 refers to the submission of extraction and odour control details prior to commencement of the development. The applicant has advised that they intend to fit out the kitchen and have requested that the condition specify 'prior to occupation' rather than 'prior to commencement' of the development. This is considered reasonable and would still ensure that details are agreed prior to the first use of the new clubhouse.
  - 1.3. Furthermore, condition 10 limits the hours that plant and machinery can be used at the clubhouse (1100-2300 Monday to Saturday and 1100-2230 Sundays and Bank Holidays). The applicant has advised that there may be chillers for the cellar which would need to operate 24 hours. Condition 9 sets an upper limit for noise levels for all plant and machinery at the premises and therefore, on the basis that noise levels remain within these acceptable levels, there is no need to limit the hours that plant and machinery can operate.
  - 1.4. It is recommended in conclusion that:

- 1.5. Condition 8 reads as follows:  
"Requires the prior submission of extraction and odour control details to the British Legion Club

Prior to first occupation of the replacement British Legion Club, details of the extract ventilation and odour control equipment, including details of any noise levels, noise control and external ducting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation of the British Legion Club and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF"

- 1.6. Condition 10 is omitted and condition 9 remains unaltered.

#### ORIGINAL REPORT

2. Proposal
- 2.1. Full planning application for the demolition of the existing British Legion building and loss of associated bowling green, erection of replacement club building with parking and eight new dwellinghouses.
- 2.2. The proposed replacement club building would occupy the western third of the application site, consisting of a 2-storey structure fronting Botteville Road (9.8m high) and an elongated single storey rear flat roof wing, which would have a ground floor level some 1m below current ground levels. This would result in the rear wing being approximately 2.1m in height above existing and adjoining ground levels. The opening hours would be 1100-2300 Monday to Saturday and 1100-2230 on Sundays and Bank Holidays and are consistent with the current opening hours of the club. The new club building would continue to function as per the existing club for its current 200 members. The proposal does not seek to replace the existing bowling green, which is to be lost.
- 2.3. The ground floor would accommodate a snooker room, member's bar, toilets, kitchen as well as the George Davis Room, which would have a capacity for 60-80 people and host events and entertainment associated with the club. The first floor would accommodate an office and 2-bedroom flat for on-site residence for the operators of the club. The kitchen extraction units would be located on the roof of the single storey rear flat roof wing above the kitchen area, which would be housed within acoustically treated spaces.
- 2.4. The external appearance of the new club building is a pastiche of the Georgian building currently occupying the site. Access to the club building would be via the existing footway crossing to the western end of the site's Botteville Road frontage with a side access road leading to 13 car parking spaces, including 2 disabled spaces, to the rear of the site.
- 2.5. The remaining two thirds of the site would be redeveloped to accommodate eight houses. Four 4/5bedroom semi-detached houses would front Botteville Road with a centrally located new access road leading to a new small cul-de-sac consisting of two 4/5bedroom semi-detached houses and two 4bedroom detached houses. The

houses fronting Botteville Road would be 2.5-storey in height and those within the cul-de-sac would be 2-storey with the roof space utilised to accommodate bedrooms.

- 2.6. The external appearance of the new housing adopts a traditional approach, replicating Victorian housing found on Botteville Road and includes important architectural features such as ground floor bay windows and an appropriate hierarchy to the upper floor windows. 200% on-plot parking would be provided to the new housing accessed via the new access drive or footway crossings off Botteville Road. The residential element of this scheme represents a density of 35.5 dwellings per hectare.
- 2.7. The application includes a Design and Access Statement, Tree Survey, Noise Statement, Bowling Green Assessment and Transport Statement. The proposal also includes a financial contribution of £48,300, to be secured by means of a Section 106 agreement, as compensation for the loss of the bowling green.

#### [Link to Documents](#)

### 3. [Site & Surroundings](#)

- 3.1. The application site measures some 0.3ha and is located within a tree-lined and predominantly residential area consisting of traditional Georgian, Victorian, Edwardian and inter-war housing as well as a modern purpose built flatted development at Botteville Road's junction with Shirley Road. A number of the houses have been converted into flats. To the opposite side of the junction is the Acocks Green Methodist Church and vacant former Neighbourhood Office. To the rear of the application site is the Archbishop Ilsey Catholic Secondary School and beyond that to the north is Acocks Green District Centre. The majority of the properties have off-street parking and on-street parking is also available.

#### [Site location](#)

### 4. [Planning History](#)

- 4.1. This site: none of relevance.
- 4.2. 8 Botteville Road:
- 4.3. 14/02/2011 - 2010/06541/PA – Partial demolition of 8 Botteville Road and 11 two-storey dwellings, comprising 7 3-bedroom dwellings and 4 two-bedroom dwellings with associated access and parking. Approved
- 4.4. 08/01/2013 - 2012/06960/PA - Material minor amendment of application 2010/06541/PA for alternations to layout and provision of 6, 3-bed and 5, 4-bed dwellings – Refused – Proposed layout would adversely affect character of the existing residential area and fail to create a sense of place.
- 4.5. 06/10/14 – 2014/04956/pa – Variation of Condition 5 (plans schedule) attached to planning approval 2010/06541/PA to allow minor alterations to housetypes and site layout. Approved.

### 5. [Consultation/PP Responses](#)

- 5.1. Transportation Development – No objection subject to conditions - amended parking layout, cycle parking provision, siting / design of means of access, parking areas laid out, pedestrian visibility splays and a S278/TRO Agreement to secure a package of highway measures.
- 5.2. Regulatory Services – No objection subject to conditions relating to hours of use, noise insulation to club building, noise levels for plant and machinery, extraction and odour control details, and occupancy of flat to be occupied solely in conjunction with the club.
- 5.3. Severn Trent Water – No objection subject to drainage condition.
- 5.4. West Midlands Police - No objection and recommends 'Secured by Design'.
- 5.5. Leisure Services – No objection.
- 5.6. Neighbouring properties, residents associations, local Councillors and MP consulted.
- 5.7. Representation received from the current Secretary for the Acocks Green Bowls Club, making the following observations on the submitted Bowling Green assessment:
  - Contents are inaccurate and out of date.
  - The bowls club did not make the decision to move to another facility.
  - Bowling green was well maintained.
  - Majority of members have moved to the Tyseley Working Mens Club.
  - Will the compensation be made available to the Acocks Green Bowls Club?
  - Discrepancies in the capacity/availability of other venues to take on further members.
  - The Bowls Club wish to remain as the Acocks Green Bowls Club.
  - There is a demand for bowling greens.
- 5.8. 1 objection received from local resident objecting on the following grounds:
  - Loss of privacy
  - Adverse impact on character
  - Overdevelopment in the area
  - Increased congestion and parking issues
  - Noise and disturbance
  - Anti-social behaviour
6. Policy Context
- 6.1. Birmingham UDP, Draft Birmingham Development, Places for All SPG, Places for Living SPG, Mature Suburbs SPD, Car Parking Guidelines SPD, 45 Degree Code and the NPPF.
7. Planning Considerations
- 7.1. Principle:
- 7.2. The provision of a British Legion club on the site is already established and as such no objection is raised in principle to a replacement club building on the site. The

current building does not benefit from any restrictions relating to opening hours and noise levels and this proposal offers the opportunity to provide some appropriate safeguarding conditions in light of its close proximity to residential properties.

- 7.3. Furthermore, the application site is located within an established residential area within walking distance of Acocks Green District Centre and the provision of housing suitable for family occupation on the remainder of the site is considered acceptable.
- 7.4. Visual appearance:
- 7.5. The existing buildings on the application site consist of a Georgian property and a significant 2-storey flat roof post-war extension. The buildings are in a poor state of repair and whilst the Georgian property has architectural merit and makes a positive contribution to the streetscene, the extension is a poor example of a building of its time. The proposal would clear the site of existing building and no objection is raised with the loss of the post-war extension. The demolition of the existing Georgian property would represent the loss of a non-designated heritage asset. Options have been investigated into converting this property into flats or a single house, none of which have been identified as being suitable or economically viable. In light of the property's non-statutory protected status and within the context of the overall proposal including its appearance and impact on the overall streetscene (discussed in greater detail later in the report) it is considered that the loss of the existing building would not represent a reason for refusal.
- 7.6. The external appearance of the new club building and housing adopts a traditional approach, with the club building being strongly influenced by the existing Georgian building and the housing influenced by surrounding Victorian housing. The proposals are well-designed, incorporating architectural features that make a positive contribution to the overall character of this mature suburb. Furthermore the scale and massing of the buildings are appropriate to their context with the creation of a strong built frontage to Botteville Road and the breaking up of the existing expanse of hardstanding with generous front gardens represents an improvement on the character and appearance of the streetscene.
- 7.7. The creation of a cul-de-sac behind the Botteville Road frontage is a similar approach to a housing scheme currently under construction to the rear of 4-12 Botteville Road with a comparable width to the new access and flanking walls of adjoining houses (7m). The proposed layout achieves an appropriately designed cul-de-sac with a contribution to the public realm that is in keeping with the character of the existing mature suburb.
- 7.8. The submitted tree survey identifies the value of the three street trees (Lime – Cat B2) fronting the site as well as a Sycamore within the boundary of 20 Botteville Road (Cat B1) and an Oak (Cat B2) to the north tip of the site along the rear boundary with the adjoining school. These would be retained with the exception of the removal of one street Lime tree to facilitate the new access. The Tree Officer accepts the removal of this tree, within the existing context of the tree-lined street, with the replacement planting for two new street trees.
- 7.9. Residential amenity:
- 7.10. A Noise Statement has been submitted in support of the application, which identified that the new club would have the same opening hours as the existing club on the site. The application offers the opportunity to control these hours by means of a planning condition as well as apply suitable safeguarding conditions relating to noise

insulation to the new club building, extraction equipment and noise levels from any associated plant and machinery. Whilst the proposal would relocate the existing club building closer to 14 Botteville Road from its current position, in light of its current presence on the site and the opportunity to apply some safeguarding conditions to a purpose-built structure, it is considered that the impact on neighbour amenity by means of noise and disturbance would be acceptable and could not justify a reason for refusal. Regulatory Services raise no objection subject to a number of safeguarding conditions.

- 7.11. The rear single storey flat roof wing to the new club would stand some 2.1m above the existing ground level on the site and that at the closest adjoining property (14 Botteville Road). The current boundary treatment is a 1.8m high panel fence and the proposed rear wing would only stand 0.3m and 0.1m above the existing fence or what could be erected under permitted development rights respectively. Whilst this breaches the 45 degree code and separation distances, in light of the building only standing 0.1m above a permitted development fence (and only 0.3m above the existing fence), it is considered that the resulting harm on residential amenity by means of loss of light and outlook would be negligible
- 7.12. The new housing complies with the 45 degree code and separation distances given in 'Places for Living' SPG in relation to existing neighbouring housing. Roof lights are positioned at a high level to prevent direct overlooking into neighbouring gardens, in particular with unit 5 and 20 Botteville Road. In addition, the proposed houses would provide adequate private garden space for family accommodation and the bedroom sizes exceed those given in 'Places for Living' SPG. Six of the eight gardens would exceed the 70sqm guideline (70-151sqm) whilst two would measure 57sqm and 62sqm. These gardens are affected by the radius of the turning head, which also contribute to the sense of openness and the public realm of the cul-de-sac and therefore their shortfalls are justified in terms of urban design.
- 7.13. Highways and parking:
- 7.14. The new housing would provide 200% on-plot parking provision which is considered appropriate for the proposed family accommodation. The width of the shared surface access drive and size of the turning head is suitable for refuse vehicles as well as passing vehicles. Furthermore, the on-site parking for the new club building is considered appropriate for its identified demand. In addition, there is some on-street parking capacity available, particularly the further away from the road's junction with Shirley Road. Transportation Development raises no objection.
- 7.15. Loss of bowling green:
- 7.16. The NPPF identifies that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 7.17. Bowling greens are classed as playing fields in the UDP, which advises that their development will not normally be allowed particularly in areas which fall significantly below the standard 1.2ha playing field provision per 1000 population. Where, in

exceptional circumstances, permission is granted for the development of a sports field this will be subject to the provision of equivalent long-term recreational community benefit. Planning permission will not be granted for development simply because a playing field has fallen out of use and become derelict.

- 7.18. The UDP also advises that the proposals which would result in the loss of open space will only be permitted in exceptional circumstances, for example taking into account the availability of public open space nearby, its quality and how well it meets local needs. Where able to demonstrate that exceptional circumstances exist to justify the release of open space, appropriate recreational community benefit of equal value to compensate for the open space loss, that is at least as accessible to current and potential users, and at least of equivalent in terms of size, usefulness, attractiveness and quality will be sought.
- 7.19. A Bowling Green Assessment has been submitted in support of the application, which identifies that the site has been the home of the Acocks Green Legion Bowling Club since 1944 but in 2014 the club took the decision to move to another facility (College Arms Club). The assessment highlights that membership at the club had been falling and the poor state of repair of the bowling green and club house facilities further informed the club's decision to relocate.
- 7.20. In terms of quantity, the assessment identifies a number of existing bowling green clubs with capacity for new members (College Arms, Three Magpies Public House, Hall Green Bowling Club, Moseley Cricket Club and Beaufort Club). Within Acocks Green Ward, the total amount of playing fields is 0.29ha per 1000 population, significantly below the 1.2ha per 1000 population standards. The existing facility is in a relatively poor state of repair, inaccessible to members of the public and with little passive surveillance.
- 7.21. Experience has shown that due to difficulties in scale and management, there tends to be no interest in utilising these types of sites for any other sports. As such it is considered that the applicant has demonstrated exceptional circumstances. In accordance with policy, a compensatory sum of £48,300 is proposed for the loss of the bowling green, which will be used for the provision, improvement and maintenance of sports, recreational and community facilities in the Acocks Green Ward. Planning Strategy and Leisure Services raise no objection to the application. This approach would comply with the requirements of relevant policies relating to loss of open space and playing fields.

## 8. Conclusion

- 8.1. The application has demonstrated exceptional circumstances for the loss of the existing bowling green and the compensation sum would provide long-term recreational community benefit. The proposed comprehensive redevelopment of the site would enable a new purpose-built club as well as provide new housing suitable for family occupation in a design that would reinforce local positive characteristics, safeguard existing neighbour amenity and provide adequate amenity for future occupiers, as well as have no adverse impact on highway safety. The application is in accordance with relevant policy and guidance and subject to the completion of a suitable planning obligation, planning permission should be granted.

## 9. Recommendation

- 9.1. That consideration of application number 2015/03105/PA be deferred pending the completion of a suitable planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- a) The payment of £48,300 (index linked to construction costs from 9<sup>th</sup> July 2015 to the date on which payment is made) towards the provision, improvement and maintenance of sports, recreational and community facilities in the Acocks Green Ward or to be spent on any other purpose that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.
  - b) Payment of a monitoring and administration fee of £1,500 associated with the obligation which is due on completion of the obligation.
- 8.2 That in the event of the above obligation being completed to the satisfaction of the Local Planning Authority on or before the 9 August 2015, favourable consideration be given to the application subject to the conditions listed below.
- 8.3 That in the event of the above obligation not being completed to the satisfaction of the Local Planning Authority on or before the 9<sup>th</sup> August 2015, planning permission be REFUSED for the following reasons;
- l) In the absence of a financial contribution towards the provision, improvement and maintenance of sports, recreational and community facilities in the Acocks Green Ward the proposed development conflicts with paragraphs 3.57, 8.51 and 8.52 of the Birmingham Unitary Development Plan 2005 and with policies 73 and 74 of the National Planning Policy Framework 2012.
- 8.4 That the Director of Legal and Democratic Services be authorised to prepare seal and complete the appropriate planning obligation

- 
- |    |   |
|----|---|
| 1  | Requires the prior submission of a drainage scheme  |
| 2  | Requires the prior submission of hard and/or soft landscape details   |
| 3  | Requires the prior submission of hard surfacing materials   |
| 4  | Requires the prior submission of boundary treatment details   |
| 5  | Requires the prior submission of a lighting scheme  |
| 6  | Requires the prior submission of level details  |
| 7  | Limits the hours of use of the British Legion Club to 1100-2300 Monday to Saturday and 1100-2230 on Sundays and Bank Holidays |
| 8  | Requires the prior submission of extraction and odour control details to the British Legion Club                              |
| 9  | Limits the noise levels for Plant and Machinery at the British Legion Club  |
| 10 | Limits the hours that plant and machinery can be used at the British Legion Club  |
-



- 
- |    |  |
|----|--|
| 11 | Requires the prior submission of noise insulation to the new British Legion Club premises                  |
| 12 | Requires the prior submission of cycle storage details at the British Legion Club                          |
| 13 | Limits the use of the residential accommodation within the new club building to incidental occupation only |
| 14 | Removes PD rights for the installation of gates to the new residential access drive                        |
| 15 | Requires the implementation of tree protection   |
| 16 | Requires the prior submission of an arboricultural method statement  |
| 17 | Requires the prior approval of an amended car park layout  |
| 18 | Requires the prior approval of the siting/design of the access   |
| 19 | Requires the provision of cycle parking prior to occupation  |
| 20 | Requires the parking area to be laid out prior to use  |
| 21 | Requires pedestrian visibility splays to be provided   |
| 22 | Requires the prior submission and completion of works for the S278/TRO Agreement                           |
| 23 | Requires the scheme to be in accordance with the listed approved plans                                     |
| 24 | Limits the approval to 3 years (Full)  |
- 

Case Officer: Peter Barton

**Photo(s)**

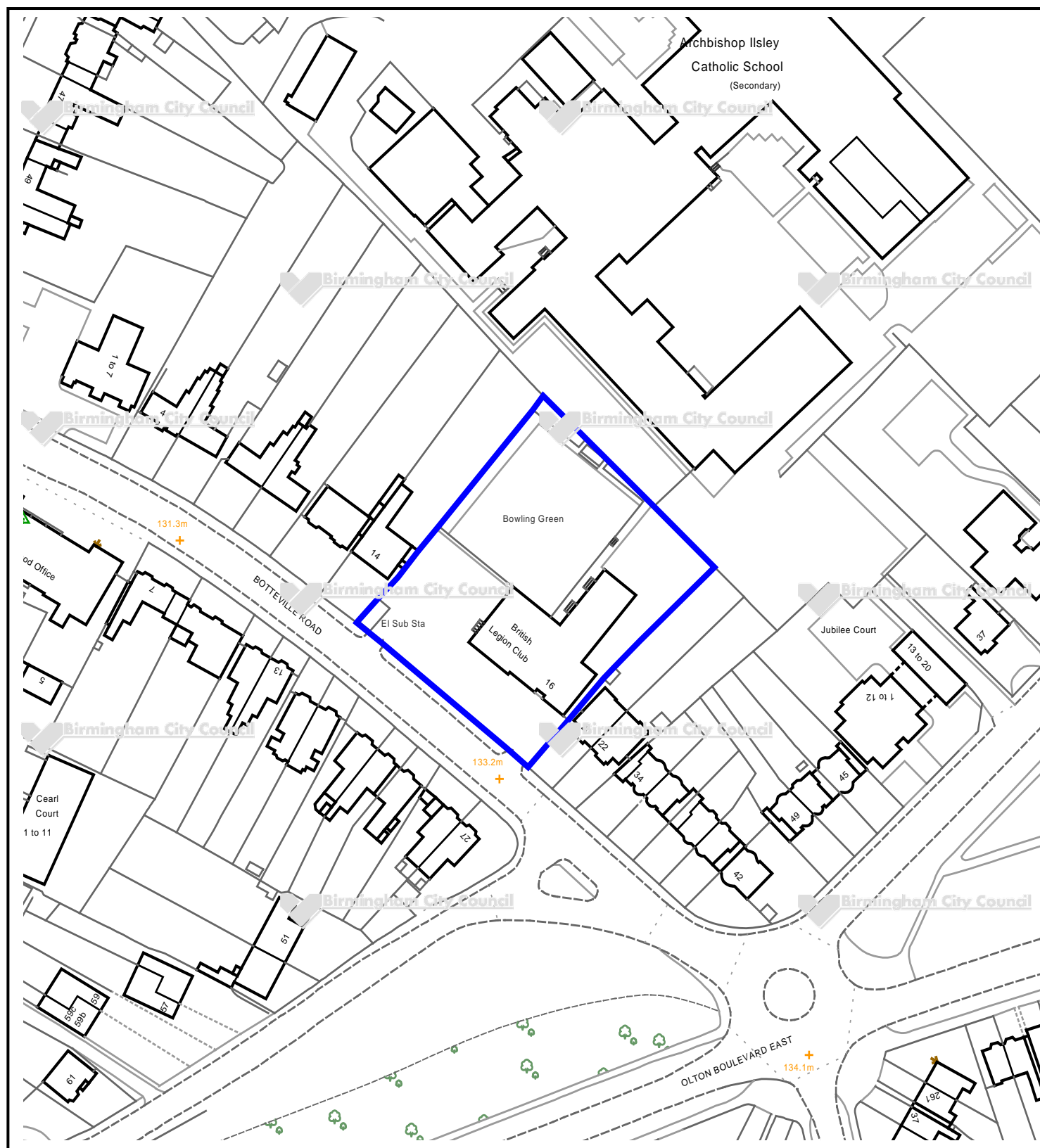


Figure 1 – Botteville Road frontage



Figure 2 – existing bowling green

## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010