

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE

THURSDAY, 23 JULY 2015 AT 11:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise the meeting to note that this meeting will be webcast for live and subsequent broadcast via the Council's Internet site (www.birminghamnewsroom.com) and that members of the press/public may record and take photographs. The whole of the meeting will be filmed except where there are confidential or exempt items.

2 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will make announcements, if any.

3 APOLOGIES

To receive any apologies.

5 - 12

MINUTES - PUBLIC - 9 JULY 2015

To note the public part of the Minutes of the last meeting.

5 MATTERS ARISING

To discuss matters arising.

6 NOTIFICATION BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE

To receive notifications from Members.

7 **PETITION(S)**

To consider petitions relating to planning applications submitted by Councillors on behalf of local residents.

PLANNING APPLICATION(S) IN RESPECT OF THE CITY CENTRE AREA

13 - 28 LAND AT BRISTOL STREET, RICKMAN DRIVE, BELL BARN ROAD, SPRING STREET AND LEE BANK MIDDLEWAY (ZONE 11 PARK CENTRAL) - 2015/03524/PA

Report of Director of Planning & Rengeneration

29 - 42 FORMER KETTLEWORKS, LAND BOUND BY ICKNIELD STREET/POPE STREET/CAMDEN STREET, JEWELLERY QUARTER - 2014/07978/PA

Report of Director of Planning & Regeneration

43 - 53 PHASE 2, FORMER POST & MAIL PRINTING WORKS, WEAMAN STREET - 2015/02639/PA

Report of the Director of Planning & Regeneration

PLANNING APPLICATION(S) IN RESPECT OF THE NORTH WEST AREA

54 - 63 25 MOUNTFORD DRIVE, LAND ADJACENT, SUTTON COLDFIELD - 2015/03920/PA

Report of Director of Planning & Regeneration

64 - 70 23 PARK AVENUE, HOCKLEY - 2015/03051/PA

Report of the Director of Planning & Regeneration

71 - 78 COPPICE PRIMARY SCHOOL, TRINITY ROAD, FOUR OAKS, SUTTON COLDFIELD - 2015/04086/PA

Report of the Director of planning & Regeneration

79 - 86 17A FOUR OAKS ROAD, SUTTON COLDFIELD - 2015/04114/PA

Report of the Director of Planning & Regeneration

PLANNING APPLICATION(S) IN RESPECT OF THE SOUTH AREA

87 - 101

CLARENDON SUITES, STIRLING ROAD, EDGBASTON - 2015/04036/PA

Report of the Director of Planning & Regeneration

102 - 116

LAND AT LONGBRIDGE WEST, NORTH OF BRISTOL ROAD SOUTH, LONGBRIDGE - 2015/03064/PA

Report of Director of Planning & Regeneration

117 - 126

LAND AT WEATHER OAKS, HARBORNE - 2015/03396/PA

Report of Director of Planning & Regeneration

127 - 134

LAND BETWEEN 23 & 28 DERWENT GROVE, STIRCHLEY - 2015/04275/PA

Report of Director of Planning & Regeneration

135 - 144

LAND OFF WOODVILLE ROAD, KINGS HEATH - 2015/03979/PA

Report of the Director of Planning & Regeneration

145 - 154

LAND OFF HEATHFIELD ROAD, KINGS HEATH - 2015/03978/PA

Report of the Director of Planning & Regeneration

155 - 163

FOUNTAIN COURT HOTEL, 339 HAGLEY ROAD, HARBORNE - 2015/03893/PA

Report of Director of Planning & Regeneration

164 - 169

4 LINDEN ROAD, BOURNVILLE - 2015/03811/PA

Report of the Director of Planning & Regeneration

170 - 171

HOLLYMOOR WAY, NORTHFIELD - PLOTS 301 & 302, BIRMINGHAM GREAT PARK - 2006/02421/PA

Report of Director of Planning & Regeneration

POLICY REPORT(S)

Item Description

172 - 174

APPEAL DECISIONS RECEIVED FROM THE PLANNING INSPECTORATE IN JUNE 2015

Report of the Director of Planning & Regeneration

25

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

To authorise available Members to visit sites in connection with planning applications and to submit recommendations as appropriate.

26 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

27 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

28 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Minutes - Exempt Paragraph 3

P R I V A T E A G E N D A

MINUTES - PRIVATE - 9 JULY 2015

Item Description

30 **MATTERS ARISING - PRIVATE**

To discuss matters arising.

31 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE 9 JULY 2015

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 9 JULY 2015 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Sharpe in the Chair;

Councillors Azim, Beauchamp, Booton, J Clancy, Cornish, Douglas Osborn, Fazal, M Khan, Linnecor, Moore, Straker Welds and F Williams.

PUBLIC ATTENDANCE

- 3887 The Chairman welcomed members of the public to the meeting, indicating that a leaflet had been circulated explaining how the Committee operated. He stressed that, because the Committee was a quasi-judicial one, no decisions had been made before the meeting.

NOTICE OF RECORDING

- 3888 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.birminghamnewsroom.com) and members of the press/public could record and take photographs. The whole of the meeting would be filmed except where there were confidential or exempt items.

CHAIRMAN'S ANNOUNCEMENTS

Planning Committee Meetings

- 3889 The Chairman informed Members that meetings were scheduled to take place on 23 July, 6, 20 August and 3 September 2015. He advised that training would be arranged in due course for Members who had been unable to attend on 2 July 2015.

APOLOGIES

- 3890 Apologies were submitted on behalf of Councillor Griffiths and C Jones.

MINUTES

3891 **RESOLVED:-**

That the Minutes of that part of the last meeting of the Committee open to the public be noted.

MATTERS ARISING

3892 There were no matters arising.

NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE

A. **Planning Application No 2015/04191/PA – McDonald’s Restaurant, 1151-1159 Chester Road, Erdington**

3893 Councillor Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding the impact the proposal might have on the residential amenity.

B. **Planning Application No 2015/04849/PA – 57 Station Road, Erdington**

3894 Councillor Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding the lack of parking and that there were a number of takeaways already in the area.

PETITION

Planning Application No 2015/02982/PA – Land Fronting City Road and Rotton Park Road, Soho

A petition presented by Councillor Beauchamp on behalf of local residents objecting to the proposed residential development of land fronting City Road and Rotton Park Road, Soho (former Birmingham Athletics Club/ Mitchells and Butlers football playing field) was received.

3895 **RESOLVED:-**

That the petition be referred to the Director of Planning and Regeneration.

The business of the meeting and all discussions in relation to individual planning applications including issues raised by objectors and supporters thereof was available for public inspection via the web-stream.

REPORTS OF THE DIRECTOR OF PLANNING AND REGENERATION

The following reports were submitted:-

(See document No 1)

Planning Application in Respect of the East Area

Report No 8 – Avalon Hotel, 48 Sherbourne Road, Acocks Green – 2015/01963/PA

The Principal Planning Officer (East) advised that three additional letters objecting to the proposal had been received. He added that paragraph 1.3 of the report should refer to 8 not 7 bedrooms located on the first floor.

An objector spoke against the application.

A supporter spoke in favour of the application.

The Principal Planning Officer (East) responded to comments made by the objector and supporter.

Members commented on the application and the Principal Planning Officer (East) and Head of Planning Management responded thereto.

Upon being put to a vote it was 5 in favour, 5 against and 2 abstentions. Therefore, the Chairman used his casting vote in favour of the application and it was:-

3896

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report.

Report No 9 – Baldmoor Lake Road, Land to the Rear, Former Court Lane Allotments, Erdington – 2015/03116/PA

Councillor Moore declared an interest and left the room during consideration of the item.

Members commented on the application and the Principal Planning Officer (East) and Head of Planning Management responded thereto.

3897

RESOLVED:-

- (i) That approval be given to the reserved matters relating to appearance, landscaping, layout and scale pursuant to outline planning permission no 2010/06527/PA, as amended by planning application no 2015/03116/PA subject to the conditions set out in the report;
 - (ii) that no objection be raised to the stopping up of part of Baldmoor Lake Road and that the Department for Transport be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.
-

Councillor Moore returned to the meeting.

Report No 10 – British Legion, 16 Botteville Road, Acocks Green – 2015/03105/PA

The Principal Planning Officer (East) pointed out that an additional letter objecting to the proposal had been received.

With regard to recommendation 8.1 a) and 8.3 I) set out in the report, he advised that he wished to delete reference to 'Acocks Green Ward' and replace it with 'Fox Hollies Park'.

3898

RESOLVED:-

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report and amended below:-
 - 8.1 a) The payment of £48,300 (index linked to construction costs from 9 July 2015 to the date on which payment is made) towards the provision, improvement and maintenance of sports, recreational and community facilities in Fox Hollies Park 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.
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by 9 August 2015, planning permission be refused for the reasons set out in the report and amended below:-
 - 8.3 I) In the absence of a financial contribution towards the provision, improvement and maintenance of sports, recreational and community facilities in Fox Hollies Park 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.

- (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority by 9 August 2015, favourable consideration would be given to the planning application subject to the conditions set out in the report;
 - (iv) that the Director of Legal and Democratic Services be authorised to prepare and seal the appropriate legal agreement.
-

Report No 11 – Land off Farnborough Road, Castle Vale – 2015/02540/PA

Members commented on the application.

3899 **RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report.

Report No 12 – 62 Montgomery Street, Sparkbrook – 2015/00988/PA

Members commented on the application and pointed out that the temporary consent had expired yet the gym had continued to operate.

Members noted that local residents had raised a number of concerns including parking problems and traffic congestion and the fact that the gym had allegedly been opening for longer than the agreed hours.

The Principal Planning Officer (East) and Head of Planning Management responded to Members' comments and confirmed that, if the Committee agreed, the application premises could be targeted.

Councillor Azim proposed and Councillor Linnecor seconded a site visit and upon being put to a vote it was 5 in favour, 7 against and 1 abstention. Therefore, the proposal was lost.

Members then voted on the recommendation with the addition that the application premises be targeted and it was 10 in favour, 2 against and 0 abstentions:-

3900 **RESOLVED:-**

- (i) That temporary planning permission be granted subject to the conditions set out in the report;
 - (ii) that the application premises be targeted.
-

Planning Applications in Respect of the South Area

Report No 13 – Land at Longbridge West, North of Bristol Road South, Longbridge – 2015/03066/PA

The Area Planning Manager (South) advised that Transportation Development had raised no objections to the proposal.

Members commented on the application and the Area Planning Manager (South) responded thereto.

3901 **RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report.

Report No 14 – 20 Wake Green Road, Moseley – 2015/01804/PA

Members commented on the application and the Area Planning Manager (South) and Head of Planning Management responded thereto.

3902 **RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report.

Report No 15 – Nos 1-19 (Odds) Dee Grove, Forth Grove and 2-36 (Evens) Ithon Grove, Kings Norton – 2015/04954/PA

The Area Planning Manager (South) advised that Regulatory Services and Transportation Development had raised no objection to the proposal. He added that, although Transportation Development had requested, a demolition management plan was not necessary on this occasion.

Members commented on the application.

3903 **RESOLVED:-**

That no prior approval is required.

Planning Applications in Respect of the North West Area

Report No 16 – Plantsbrook School, Upper Holland Road, Sutton Coldfield – 2015/02634/PA

The Area Planning Manager (North West) advised that the applicant had submitted a revised parking layout that increased the number of spaces available.

A Member commented on the application.

3904 **RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report.

Report No 17 – 36 Upper Clifton Road, Sutton Coldfield – 2015/03668/PA

Members commented on the application and the Head of Planning Management responded thereto.

3905 **RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

3906 There were no site visits pending.

OTHER URGENT BUSINESS

3907 No other urgent business was raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

3908 **RESOLVED:-**

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

EXCLUSION OF THE PUBLIC

3909

RESOLVED:-

That, in view of the nature of the business to be transacted, which includes the following exempt information, the public be now excluded from the meeting:-

Agenda Item etc

**Paragraph of Exempt
Information Under Revised
Schedule 12A of the Local
Government Act 1972**

Private section of the Minutes of the last meeting 3

Advertising Contract – Briefing Note 3

Committee Date:	23/07/2015	Application Number:	2015/03524/PA
Accepted:	01/05/2015	Application Type:	Full Planning
Target Date:	31/07/2015		
Ward:	Ladywood		

Land at Bristol Street, Rickman Drive, Bell Barn Road, Spring Street and Lee Bank Middleway, (Zone 11 Park Central), Birmingham

Erection of a mixed use development providing 335 one, two and three bed apartments (Use Class C3) with ground floor retail (Use Classes A1-A5) and creche/day centre (Use Class D1) fronting Bristol Street with associated parking and landscaping

Applicant: Crest Nicholson Regeneration Ltd
c/o Agent
Agent: Savills (UK) Ltd
Innovation Court, 121 Edmund Street, Birmingham, B3 2HJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1 The application relates to Zone 11 at Park Central which occupies a prominent sloping site at the junction of Lee Bank Middleway and Bristol Street. It is proposed to erect a residential led mixed used development on the site in the form of 335 apartments, two commercial units and a crèche/day centre. The development would be arranged as a group of six individual buildings positioned around a central courtyard which would provide parking and amenity space. The six buildings (Blocks A -F) would face onto the four existing roads that surround the site and provide living accommodation above basement parking areas. On the Lee Bank Middleway and Bristol Street frontages, three of the buildings (D-F) would be linked at the lower level and arranged as a crescent with the central block being the tallest structure to provide a strong presence at the road junction.
- 1.2 It is intended that the development would deliver one, two and three bedroomed apartments which would provide a mix of open market and privately managed purpose built rental sector dwellings (PRS). Blocks A, B and C would be located fronting the existing Park Central estate roads and provide a total of 118 apartments within 6 floors of accommodation above a basement area which would provide car parking spaces, bin and cycle storage areas. The car parking provision would be 100% with one space for each unit. The mix proposed is 28 x one-bed, 88 x two bed and 2 x three bed apartments all of which would be open market properties.
- 1.3 Blocks D, E and F which would front Lee Bank Middleway and Bristol Street would provide 217 dwellings as a mix of 85 x one bed, 114 x two bed and 18 x three bed apartments. All of these are proposed to be private rented dwellings. Block D would provide 7 storeys of residential accommodation, Block E - 9 storeys and Block F - 8 storeys of residential accommodation and on the two later blocks this would be

above 2 floors of basement/semi basement parking and storage areas. 136 parking spaces are proposed for the 217 apartments at a ratio of 63%. On Block F the apartments would be located above two floors of commercial/non-residential floor space fronting Bristol Street. This would be in the form of 2 ground floor retail units (use classes A1-A5) providing a total of 504 sqm GIA and entrance/reception area for the PRS apartments. Above this would be a Crèche/Day Centre (use class D1) of 302 sqm with communal areas for occupiers and the management of the PRS apartments including a possible café.

- 1.4 The proposed apartments would range in size from 45 – 48 square metres for the one bed units, 61 – 66 square metres for the 2 bed units and 81-82 square metres for the 3 bed units. All the main bedroom sizes would meet or exceed the 12.6 square metres recommended in Places for Living.
- 1.5 All 6 buildings would be faced in the same light buff coloured brick with contrasting dark framed windows and doors which would also match infill panels and the roof on the upper floor and rainwater goods. Each block would be flat roofed with the accommodation on the top floor clad with grey ribbed metal. The design includes balconies to the upper floors of the three open market blocks and on the 3 blocks forming the crescent units would have a small Juliet balcony. The shop fronts would be double height and fully glazed.
- 1.6 There is a difference in levels of about 7 metres from north to south across the site which has allowed much of the car parking to be accommodated in basement or semi basement areas under the buildings. However a number of parking spaces are also proposed within the central courtyard park of which will be covered with a deck so that a large shared amenity space can be provided for residents. The area would be terraced and landscaped to include planting and seating areas. On the road frontages there are currently a number of trees around the boundaries of the site which would be removed apart from three large specimens at the junction of Bell Barn Road and Rickman Drive and a further group of trees on the Bristol Street/Lee Bank Middleway junction. Replacement trees would be provided around the site frontages as well as on the highway verges to Bristol Street and Lee Bank Middleway.
- 1.7 A total of 270 car parking spaces are proposed for the entire development including 22 spaces for disabled persons. Under Blocks A-C, 91 parking spaces would be provided with a further 27 spaces for these residents within the central courtyard, all accessed from Spring Street. For Blocks D, E and F the 136 parking spaces proposed would be located in a basement and semi basement area under the buildings and within the courtyard. The remaining 16 spaces would be located in front of the commercial units proposed in Block F adjacent to Bristol Street. Access will be provided from Spring Street and from Rickman Drive with egress only onto Bristol Street. 259 covered cycle parking spaces are also proposed for residents within the basement car parks with an additional 5 cycle spaces provided in front of the commercial units for general use.
- 1.8 The application proposals will also require changes to the current position of the public footpaths, bus stop on the Bristol Street frontage including to the ramps/steps leading to the subway that currently provides a segregated pedestrian crossing the A38. It is intended that the subway will be infilled and closed and be replaced by a toucan crossing at surface level. The application also includes setting back the buildings on the frontages to Bristol; Street and Lee Bank Middleway to accommodate a cycleway and footpath as proposed as part of the “Birmingham Cycle Revolution”.

- 1.9 The site has an area of 1.4 ha giving a density of 241 dwellings per ha. The application is supported by a Planning Statement, Design and Access Statement, Transport Assessment and Travel Plan, Environmental Noise Report, Arboriculture Impact Assessment, Ecology Assessment, Foul and Surface Water Drainage Assessment, Flood Risk Assessment, Ground/Land Condition Report and Air Quality Assessment

1.9 [Link to Documents](#)

2 Site & Surroundings

- 2.1 The application site forms Zone 11 at Park Central and lies in the south-eastern corner of the Park Central development at Attwood Green, formerly part of the Lea Bank Estate. It occupies a prominent position at the junction of Bristol Street and Lee Bank Middleway and is also bounded by Bell Barn Road and Rickman Drive to the north and Spring Street to the west. The site was originally occupied by a 22-storey residential block known as Haddon Tower, two blocks of maisonettes and a small parade of shops. Haddon Tower was demolished in 2006 and the other buildings were removed some years earlier.

- 2.2 The centre of the site has been largely cleared and is occupied by site offices and a compound which are being used in conjunction with the building works being undertaken at Park Central. This area is surrounded by hoardings and there are several mature trees on the road frontages. The site also includes the ramps associated with the subway that provides a pedestrian crossing under Bristol Street. There is a considerable difference in levels across the site of about 7 metres with the lowest point being at the junction of Lee Bank Middleway and Bristol Street and to the highest point at the junction of Bell Barn Road and Spring Street.

- 2.3 To the north of the site is a five storey block of recently built apartments, and older two storey housing as well as East Park (Moonlit Park) which is one of two new large areas of public open space provided within the Park Central development. On the western boundary of the site another new development of five storey apartments and houses is under construction. To the south and east of the site is the Bristol Street/Middleway junction which is a major intersection and gateway into the City Centre. Diagonally opposite the site to the south east at the corner of Belgrave Middleway lies Opal 1 an 18-storey development of student accommodation. To the immediate south of the site is the single storey MacDonald's building and opposite the site to the east is St Luke's Church

2.4 [Site Location](#)

3 Planning History

- 3.1 17 January 2002 – 2001/05674/PA – Outline planning permission granted for partial redevelopment and partial refurbishment of the Lee Bank Estate.
- 3.2 11 April 2002 - 2002/00787/PA – Planning permission granted for variation of condition C2 of planning permission C/05674/01/OUT to extend the period of time within which to submit reserved matters to 10 years.
- 3.3 24 June 2004 - 2004/02236/PA - Reserved matters approval granted for landscaping, pursuant to outline planning permission C/05674/01/OUT, for the partial redevelopment, partial refurbishment of the Lee Bank Estate, concerning the formation of Attwood Green Park (East & West Park).

- 3.4 13 April 2006 -2006/01613/PA – No prior approval required for demolition of Haddon Tower block & associated works.
- 3.5 13 February 2008 – 2005/02946/PA - Outline planning application granted for a landmark mixed use scheme including a class A1 retail store, further retail uses (classes A1-A5) and 164 x 1 bed and 251 x 2 bed dwellings with associated access and car parking.
- 3.6 8 July 2011 - 2010/07236/PA - Application to extend time period in which to implement outline planning permission 2005/02946/PA granted for redevelopment of site to provide a landmark mixed use development including a class A1 retail store, further retail/leisure units (Classes A1-A5), 164 one bed and 241, two bed apartments with associated access and car parking.

4 Consultation/PP Responses

- 4.1 Transportation – No objection in principle subject to further information being provided with regard to the details of the new signalised Toucan crossing facility on Bristol Street and the access plan being amended to show the carriageway lanes on Bristol Street being reduced in width. They also request a number of highway conditions being imposed to require a package of highway works, provision of a construction, parking and vehicle management plan, highway signage, cycle parking, a residential travel plan and affiliation to company Travelwise. They also advise a stopping up resolution will be required under Section 247 of the T&CP Act to cover the area of public highway becoming redundant around the junction of Rickman Drive and Bristol Street.
- 4.2 Drainage Team– No objection in principle but request further information in respect of the agreement between developer and private management company for ongoing maintenance of SuDS features and that a drainage condition be imposed.
- 4.3 Regulatory Services - No objection subject to conditions requiring a site investigation, noise levels for plant and machinery, details of any extraction and odour control equipment, noise Insulation between the commercial and residential uses, restricting the Hours of Use of the A1-A5 premises to 0700 - 2300 daily and the D1 premises to 0700 - 1800 Mondays to Fridays, restricting delivery times to 0700 -1900 on Mondays to Saturdays and 1000 -1900 on Sundays. They also request that the glazing and ventilation specification set out in the noise report is installed and that the balconies should have solid sides and faces to protect external amenity areas from road traffic noise. Conditions are also recommended to require provision of a vehicle charging points that any commercial vehicles comply with Euro emission standards, designation of parking spaces for low emission vehicles and measures discouraging use of high emissions vehicles.
- 4.4 Ecologist – No objection subject to a condition being imposed requiring a scheme for ecological/biodiversity/enhancement measures. Comments that the landscape plan shows the retention of a number of the more mature trees around the perimeter of the site which is welcomed and requests the replacement tree and shrub planting includes species that provide some benefit to insects and birds. Considers that the proposed “Bioswale” could be an important biodiversity feature within the scheme.
- 4.5 Severn Trent Water – No objection subject to a drainage condition being imposed.

- 4.6 Environment Agency – No objection subject to a condition being imposed to ensure that any unsuspected contamination encountered is dealt with.
- 4.7 West Midlands Police – No object and comments that they support the segregation of the parking for the two distinct uses of the site and the access control proposals for vehicles and pedestrians which they consider should reduce the potential for crime and anti-social behaviour. Requests high standards of door security to Secured by Design 'New Homes 2014' standards, that a suitable CCTV system be installed, a lighting plan for the site are produced following the guidelines in 'Lighting Against Crime' and separate alarm systems are installed for the commercial units.
- 4.8 Local residents, ward councillors, residents associations notified of the application, press and site notices displayed. Three letters received from local residents. One letter objects to the development on the grounds that Park Central area is already a very busy area due to the number of building projects going on and further development would make a quiet area a very noisy one and causing issues for the current residents. A second letter supports the application in principle, but considers 335 dwellings is excessive and would have a huge impact on the surrounding area and road network. Requests that building heights are capped to 4 or 5 storeys in line with the rest of the Park Central development. The third letter comments that although they have no objection it is a shame that beautiful trees and green areas will be removed but is pleased to see new retail floor space, the crèche and communal relaxation/ social area in the new development.

5 Policy Context

- 5.1 Birmingham UDP 2005, Draft Birmingham Development Plan, NPPF, Convention Centre Planning and Urban Design Framework, Central Area Estates Framework, Places for Living, Places for All, Attwood Green Phase 1 Public Realm Design Guide, Affordable Housing SPG.

6 Planning Considerations

- 6.1 The application site which is known as Zone 11 forms the last parcel of land to be redevelopment at Park Central following the outline planning permission originally granted in January 2002 for the partial redevelopment and partial refurbishment of the former Lee Bank Estate. To date over 1200 new dwellings have been built along together with two new parks, a hotel, two office buildings (one converted into a school), new health centre and a local shop/takeaway.
- 6.2 The main issues to be considered with this current application are whether the development complies with the planning policies relating to the site, whether the design and layout is acceptable, whether a suitable living environment can be provided for occupants, the impact on nearby residents and parking/highway issues

6.3 Policy

- 6.4 The former Lee Bank estate is identified for regeneration and a housing led redevelopment in the UDP and Central Area Estates Development Framework adopted in 1999. Policy TP31 of the draft BDP states that the regeneration and renewal of existing housing areas will continue to be promoted to ensure that high quality accommodation and environments are provided in line with the principles of sustainable neighbourhoods.

- 6.5 The original outline approval 2001/05674/PA has now expired, however this included a “Framework for Development” in which the application site was shown as being redeveloped for a mix of residential and commercial uses including food retail on the ground floor and offices/hotel to provide a new commercial frontage to Bristol Street. The residential development was shown as being mainly flats at a density of between 250-350 dwellings per ha and building heights between 3-6 storeys. The 22 storey Haddon Tower, which previously occupied the site, was identified as being in need of refurbishment or rebuilding in order to create an “icon” building at one of the key gateways into the city centre.
- 6.6 Following the outline approval planning permission was subsequently granted in 2008, following a public enquiry, for a landmark mixed use scheme on the application site including a class A1 retail store, further retail uses (classes A1-A5) and 415 one and two bed dwellings with associated access and car parking. This included a large supermarket/food store of 11,045 square metres, secondary retail uses classes A1-A5 and 762 car parking spaces. The residential development proposed included 6 apartment buildings of 6 storeys and a tower sited at the Middle Way/Bristol Street junction 24 storeys high above the deck to form a landmark feature building. Although this outline planning permission was extended for a further 3 years in 2011 reserved matters were never submitted as the applicants were unable to secure an operator for the supermarket/food store. However although the outline planning permissions relating to the site have all now expired this plot has been identified for a mixed use development for a number of years including apartment blocks and a tall feature building on the Bristol Street/Lee Bank Middleway junction.
- 6.7 Therefore although objections have been received on the grounds that the area is already busy and noisy and the erection of 335 dwellings is excessive, the site has been scheduled for redevelopment for many years. The impact of these proposals on the surrounding area and road network is likely to be significantly less than from the large food store, other retail units, 415 apartments and 762 parking spaces that were previously approved. The principle of a mixed use development on this site is considered to be acceptable and to accord with policy and the previous permissions granted on the site.
- 6.8 Layout and Design**
- 6.9 Comments have also been received that the buildings heights should be reduced to 4 and 5 storeys whereas the proposals would provide buildings of heights of 6, 8 and 9 storeys above a basement car park and podium. The framework for development document envisaged that most of the development would be up to 6 storey’s in height but with a refurbished Haddon Tower or landmark building of about 22 storeys in height fronting on Bristol Street. The previously approved scheme also provided 6 storey apartment buildings but above a higher basement/podium level of retail floor space and parking together with a tall 24 storey tower at the Middle Way/Bristol Street junction with a height of approximately 92 metres. The development framework and previous outline planning permissions have therefore always envisaged building heights of about 6 storeys on the application site but with either the retention of Haddon Tower or a replacement feature building of a similar height.
- 6.10 In terms of layout it is considered appropriate to locate the buildings as perimeter blocks fronting existing highways with a new parking and amenity area in the centre of the site. As traffic noise is an issue, particularly at the Lee Bank Middleway/Bristol Street junction, it allows a protected, private, sheltered and sunny amenity area to be provided for the benefit of future residents. The apartment blocks have also been set

back from the road frontages to allow amenity space and tree planting to be provided in front of the buildings which would also form a green corridor to link to the new parks and through to the open space on The St Luke's development on the opposite side of Bristol Street. This arrangement would also complement the "Birmingham Cycle Revolution" proposals which are for a new 3 metre wide cycleway on the Bristol Street /Lee Band Middleway frontages.

- 6.11 The development would require the removal of 10 individual trees and two groups of trees but does retain two groups of trees on the Rickman Drive and Bristol Street frontages. The Council's tree officer raises no objection to the proposals and notes that the development does retain more trees than previously approved scheme where none were retained. He comments that the proposals would retain a greater portion of visual amenity around the main road junctions and numerous tree replacements including good provision on all external frontages is being offered.
- 6.12 The original development framework and previous permissions supported the proposal to create a tall "icon" building on the Haddon Tower site /Bristol Street Lee Bank Middleway junction. Although the proposals for this part of the site do not provide a tall tower they address the need for a strong solution on this junction by linking the three blocks at podium level to form a curve with the central corner block designed as a crescent and at a higher height at 9 storeys to the blocks on either side. This is considered to provide a suitable and appropriate scale of development to address this important junction.
- 6.13 It was also originally envisaged that the development of the site would deliver active frontages including commercial uses on Bristol Street. This has been addressed by providing two commercial units to this frontage and functions associated with the PRS accommodation, which include concierge, nursery and café. This space would be two storeys in height and fully glazed. Elsewhere landscape buffers have been provided in front of the blocks and where undercroft car parking is visible from the street it is at a maximum of 0.5 -1 storeys high with residential uses brought down to the street.
- 6.14 The design proposed for the individual blocks adopts a 'base/middle/top' principle, with a strong podium line, coupled with a defined 'top', connecting to a strongly framed section in between. It is proposed that the treatment of the upper-most floor would be dark coloured textured aluminium panels to match the windows and compliment and contrast with brick which would be used as the main material. A buff coloured brick has been proposed to lighten the overall mass and help maximise light levels within the courtyard. The main elevations have been ordered to reflect the internal spatial arrangements, with the living room defined by a wider window module, and the bedrooms narrower slots. It is also proposed that the framed windows are set back from the façade into reveals of varying depth to add interest to the elevations as well as serving a practical function on the south facing façades of blocks D, E and F.
- 6.15 Overall the layout and design proposed is considered to be acceptable and would result in a suitable form of development for this prominent site.
- 6.16 Residential Amenity**
- 6.17 All the apartments are considered to be of a suitable size and the main bedrooms meet the guidance set out in Places for Living. On the three market blocks each apartment would have either a balcony or terrace but on the three PRS blocks only a

Juliet balcony is proposed on some units. Residents would however have use of the landscaped courtyard and the two new parks within the wider estate.

- 6.18 It is acknowledged that the site is affected by road traffic noise and a noise report has been submitted which sets out the noise mitigation measures proposed which includes provision of acoustic glazing and ventilation. The apartments most affected by noise would be those fronting Lee Bank Middleway and Bristol Street where mechanical ventilation will be required in addition to a high glazing specification. It will be noted that Regulatory Services requests that the balcony designs be amended to have solid sides and faces to protect external amenity areas from road traffic noise.
- 6.19 The applicants however do not consider it to be appropriate to amend the design of the balconies to include solid sides. They consider that occupiers are capable of deciding whether or not to sit out on their balconies and as the associated openings would have acoustic glazing and ventilation this offer sufficient protection. They would also have the benefit of being able to use the internal courtyard area and neighbourhood parks for amenity space. If the design of the balconies were amended this would detract from the appearance of the development and therefore it is not considered that it is not necessary to require the balconies designs to be amended so they are fully enclosed.
- 6.20 Regulatory Services also recommend a number of conditions to protect residents from potential noise from the commercial uses proposed. The applicants have no objection to the opening hours recommended (07:00 - 23:00 daily) for the A1-A5 units but request that the (D1) use be allowed to open 07:00 - 19:00 Mon-Fri and 08:00 - 18:00 on Sat and Sun which is considered to be acceptable.

6.21 Impact on Existing Residents.

- 6.22 Letters have been received from 2 local residents concerned about the impact the development could have on the area however the site has been proposed for a high density mixed use scheme for many years. This revised scheme for the site is also likely to have less impact on existing residents than the previously approved development which included a large food store, delivery areas and 762 parking spaces. The new buildings have been set back from the road frontages so that the minimum separation distance between the proposed development and the new housing under construction on the opposite side of Spring Street is 20 metres. Elsewhere the separation distances are closer to 40 metres. Conditions are also recommended to restrict the opening hours and delivery times of the new commercial uses. It is not therefore considered that the development would cause any unacceptable loss of amenity to existing residents.

6.23 Highway Issues

- 6.24 Although comments have been received that the development would have a huge impact on the surrounding road network, the 270 car parking spaces now proposed for the development is a significant reduction compared to 762 car parking spaces previously approved. In addition the large reduction in commercial floor space would reduce vehicles movements and deliveries to and from the site.
- 6.25 Transportation comments that the site access strategy has evolved through the pre-application discussions and is governed by the levels across the site. An access in to the site on Bell Barn Road would lead to a surface level car park with 16 spaces for the retail and commercial uses and a basement car park with approximately 60

spaces. This is an entrance only with vehicles exiting onto Bristol Street via a left out only egress. Other access points would be provided on Rickman Drive and Spring Street into car parks with 50 spaces and 160 spaces respectively. They consider that the level of parking is proportionate to the level of development and is around two thirds less than the historic scheme with a significantly reduced level of trips by all modes.

- 6.26 The access strategy follows the previous approval and retains the principle of removing the pedestrian subway on Bristol Street which leads to a redesign of the footway and existing subway ramps that become redundant along this frontage. The subway has been sought for closure to link with the opposite side of Bristol Street and a future redevelopment on St Lukes estate. Previous traffic modelling and a review of the traffic signal junction of the Bristol Street/Middleway junction have shown a suitable level of operation in linking the surface level pedestrian crossing facility without adding any significant delays to the network. The proposed replacement of the subway with street level crossing is considered to offer improved facilities for pedestrians in the area and is a welcome feature of the proposals. The the development has been designed in accordance with on-going BCC improvements being designed under the Cycling Revolution project. This will see an improved pedestrian and cycle network along Bristol Street and the Middleway which should be implemented before the end of this financial year
- 6.27 The proposed car parking provision would provide 16 surface parking spaces for the commercial uses and more could be included with parallel parking subject if the need arises. Overall residential provision is made at 76% with 254 spaces for 335 apartments. This is similar to other developments across Park Central and in the wider area and in mitigation a series of on-street parking controls exist to manage the daily parking demand. 259 Cycle parking spaces are indicated within plans, 77% provision which slightly below the adopted parking SPD which seeks 100% provision for residential uses.
- 6.28 The conditions requested by Transportation are recommended and the additional information requested regarding the details of the new signalised Toucan crossing facility on Bristol Street and the showing the carriageway lanes on Bristol Street being reduced have been provided. Further detailed design of the highway improvements would be secured through the Section 278 agreement and there will also need to be a stopping up resolution to cover the area of public highway becoming redundant around the junction of Rickman Drive and Bristol Street. Regulatory Services have also requested conditions to require provision of a vehicle charging points that any commercial vehicles comply with Euro emission standards, designation of parking spaces for low emission vehicles and measures discouraging use of high emissions vehicles. It is considered that these conditions cannot be justified and are not reasonable.
- 6.29 Other Matters**
- 6.30 When planning permission was previously granted for development on this site it was subject to a Section 106 Agreement which secured -
- Environmental Contributions of £400,000 to be used for improvements to the public realm and/or to Bristol Street/Lee Bank Middleway and additional landscaping. adjacent or adjoining the site
 - Highway works including the provision of a new at grade crossing to Bristol Street and the closure of the existing subway crossing at Bristol Street and Bus stop infrastructure on Bristol Street and Lee Bank Middleway.

- Extension of the existing local jobs and training scheme up to a value of £50,000
 - Works to provide a public art features including aesthetic enhancements to the new bridge over Lee Bank at a maximum total cost of £200,000 being £100,000 for public art features and £100,000 for the aesthetic enhancements to the bridge.
 - The extension of Eastern Park into part of the Development Site
 - That a minimum of 12% of the additional dwellings to be constructed on the development site over and above those granted by the outline planning consent shall be provided as rented affordable units to a maximum of 25% if the additional dwellings are shared ownership units providing a total discount of £2,640,000.
- 6.31 In connection with this application the applicants are offering to carry out improvements to the footpath network/public realm on the Lee Bank Middleway/Bristol Street junction including additional tree planting and to provide the new toucan crossing on Bristol Street to replace the existing subway. They consider that any further off site works or contributions are not justified in view of the much reduced scale of development now proposed on the site and the existing Guaranteed Essential Works Programme (GEW) which includes an extensive package of infrastructure improvements in the local area - in lieu of any Section 106 Agreement including the following -
- the creation of the parks
 - works to the roads, junctions and crossings
 - support for new and improved affordable housing
 - environmental and public realm improvements
 - new services as well as covering various abnormal remediation, demolition and construction costs
- 6.32 They advise that to date the total investment across all the GEWs has been approximately £40.6m substantially more than the original budget that had been agreed between the landowners (City and Optima) and the developers (Crest). The vast majority of the GEWs have been completed successfully and there are only a few items remaining that will be completed later this year. They further comment that having reviewed the GEWs, the three partners have agreed that the last two remaining items (a footbridge and turning lane on Lee Bank Middleway) are not required and should be replaced with alternative improvements elsewhere within Park Central to support the completion of the final phase of development. This includes the current proposal to close the existing pedestrian subway under Bristol Street and provide a new Toucan crossing at street level to provide a stronger link between Park Central and St Luke's to the east.
- 6.33 With regard to affordable housing the applicants advise that no provision is made for subsidised affordable housing as part of this development as they have already fulfilled the level of provision and numbers of units required through the original Development Agreement. This requires the Park Central development to deliver 165 Social Housing Dwellings for Rent and 60 Affordable Housing Dwellings for Shared Ownership giving a total of a total of 225 units. The residential phases already completed have provided 237 affordable homes and an additional 84 units have also been sold to Optima for use as affordable housing, bringing the total to 321 units. The overall development has therefore already provided some 86 more affordable units than was required under the Development Agreement.
- 6.34 Birmingham Property Services who manage the Development Agreement have confirmed that the total number of social housing units provided at Park Central is 321 exceeding the target. Also that there is no requirement for public art on Zone 11.

They also advise that Crest have also been implementing the “Construction Training Project” as part of the “Social Economic Programme” within the Supplemental Development Agreement May 2004 which requires Optima, Crest Nicholson and the Construction Employment Alliance (CEA) to work together to provide opportunities for the residents of Attwood Green to access training and employment in the construction industry. Five placements have also been arranged with Crest’s subcontractors and they have agreed to continue to work with Optima and CEA to ensure all their subcontractors are committed to participating in the scheme. It is therefore not considered necessary to require further affordable housing, public art or employment opportunities as part of this development.

- 6.35 In addition a development of more than 20 dwellings would normally be required to either provide on-site public open space or contribute towards off site facilities. Provision of public open space on the site has also been addressed by the Development Agreement which required two new neighbourhood parks to be provided. These were delivered at an early stage at the centre of the Park Central development and therefore there is no requirement for further public open space.

7 Conclusion

- 7.1 The application proposals would complete the redevelopment of the former Attwood Green estate and deliver an important focal point for Park Central and the wider City at the junction of Lee Bank Middleway and Bristol Street. The scale of the apartment blocks proposed is considered to be acceptable and the development would also deliver additional retail floor space on Bristol Street as envisaged in the master plan. It is considered that the development would provide a suitable living environment for future occupants and would not have an adverse impact on existing residents. The design, appearance, massing, height, layout and detailing of the development is consistent with the approach taken to other phases of the redevelopment of Park Central and would result in a high quality environment as well as delivering a new pedestrian crossing of Bristol Street.

8. Recommendation

- 8.1 I. That no objection be raised to the stopping up of the areas of public highway becoming redundant around the junction of Rickman Drive and Bristol Street and that the Department for Transport be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990

II. Approve subject to the following conditions

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- | | |
|---|--|
| 1 | Requires the prior submission of a phasing plan |
| 2 | Requires the prior submission of a construction method statement/management plan |
| 3 | Requires the prior submission of unexpected contamination details if found on a phased basis |
| 4 | Requires the prior submission of contamination remediation scheme on a phased basis |
| 5 | Requires the prior submission of a contaminated land verification report |
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- 6 Requires the implementation of the drainage proposals and details of the ongoing maintenance of SuDS features
 - 7 Requires the prior submission of hard and/or soft landscape details
 - 8 Requires the prior submission of sample materials in a phased manner
 - 9 Requires the prior submission of hard surfacing materials
 - 10 Requires the prior submission of earthworks details in a phased manner
 - 11 Requires the prior submission of boundary treatment and retaining features details in a phased manner
 - 12 Requires the submission of a landscape management plan
 - 13 Requires the prior submission of a lighting scheme in a phased manner
 - 14 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
 - 15 Limits the noise levels for Plant and Machinery
 - 16 Requires the submission of extraction and odour control details
 - 17 Requires the submission of noise insulation (variable)
 - 18 Limits the hours of use of the A1-A5 premises to 0700 and 2300 daily.
 - 19 Limits the hours of use of the D1 premises to 0700 and 1800 on Mondays to Fridays and 08:00 - 18:00 Saturdays and Sundays.
 - 20 Limits delivery time of goods to or from the site to 0700 and 1900 on ondays to Saturdays and 1000 and 1900 on Sundays.
 - 21 Requires the implementation of the glazing and ventilation specification
 - 22 Requires the prior submission of details for tree works
 - 23 Requires tree replacement within 2 years post development
 - 24 Requires the prior submission of an arboricultural method statement (AMS) and a tree protection plan (TPP)
 - 25 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 26 Requires the prior submission of entry and exit sign details
 - 27 Requires the submission of a parking management strategy
 - 28 Requires the provision of cycle parking prior to occupation
 - 29 Requires the implementation of the residential travel plan
-

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- 30 Requires the submission of details of a delivery vehicle management scheme
 - 31 Requires details of the design of the PRS Hub and D1 Unit .
 - 32 Requires the prior submission of window frame details
 - 33 Requires the prior submission of details of car park louvres.and brickwork.
 - 34 Requires details of the design of the retail units .
 - 35 Requires the scheme to be in accordance with the listed approved plans
 - 36 Limits the approval to 3 years (Full)
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Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: View of site frontage to Bristol Street



Figure 2: View of site frontage to Lee Bank Middleway

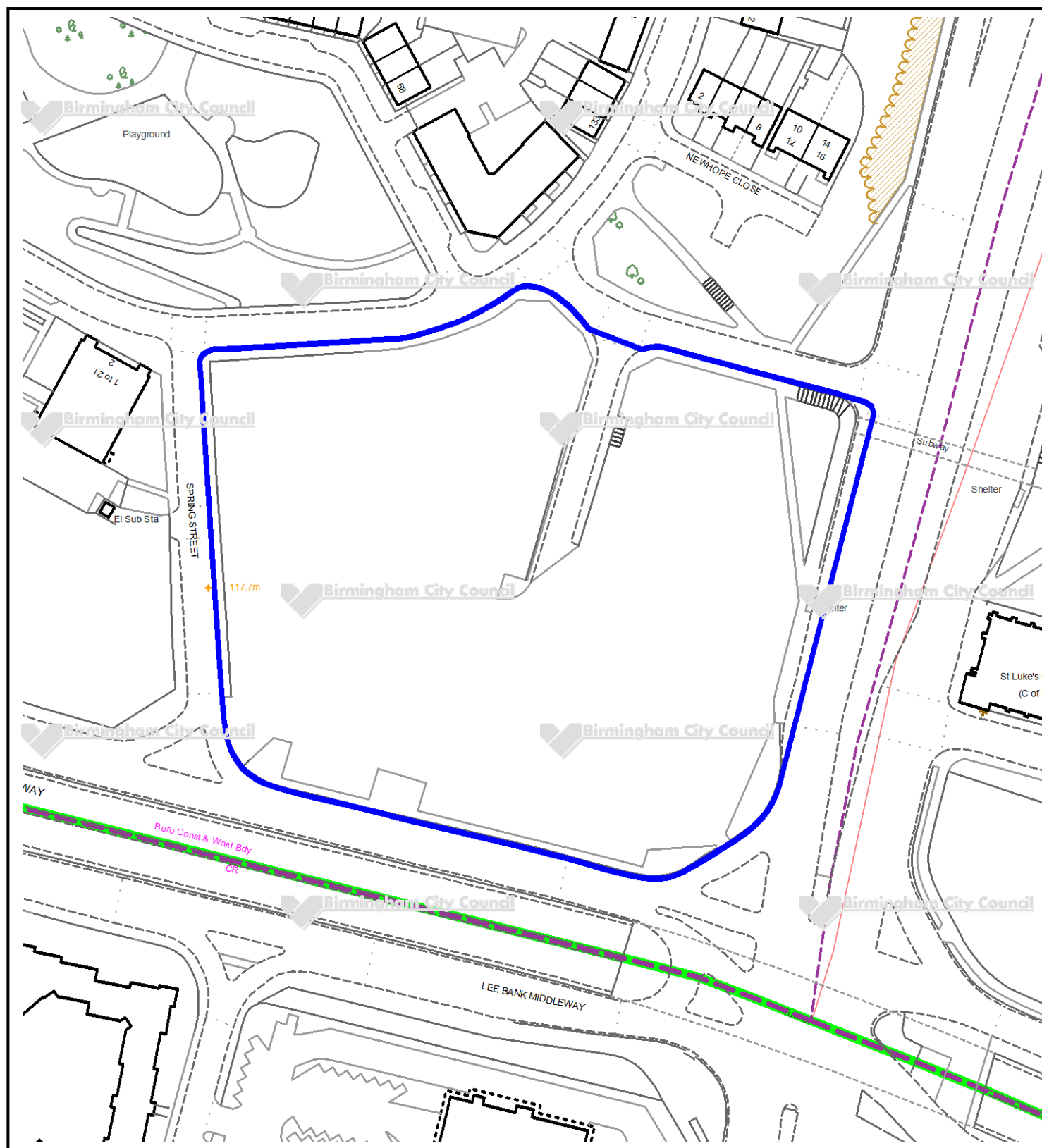


Figure 3: View of site frontage to Rickman Drive



Figure 4: Internal view of site

Location Plan



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Committee Date:	23/07/2015	Application Number:	2014/07978/PA
Accepted:	04/12/2014	Application Type:	Full Planning
Target Date:	05/03/2015		
Ward:	Ladywood		

Former Kettleworks, Land bound by Ickniel Street/Pope Street/Camden Street, Jewellery Quarter, Birmingham, B1 3AG

Part demolition, part conversion and part new build of land bounded by Ickniel Street, Pope Street and Camden Street, including the Kettleworks building, for erection of 291 residential units, 2 commercial units (A1) and associated infrastructure, parking and landscaping

Applicant: Seven Capital (JQ) Ltd
c/o Agent
Agent: WYG
3rd Floor, 54 Hagley Road, Edgbaston, Birmingham, B16 8PE

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. The application seeks planning consent for the refurbishment, redevelopment and extension of the existing Kettleworks building and adjacent car park to create a total of 291 apartments, 2 retail units, car parking, landscaping and associated works.
- 1.2. The original Kettleworks building, to the corner of Pope Street and Ickniel Street is to be retained and refurbished, as is the second oldest extension which fronts Pope Street. The newest addition to the existing Kettleworks, along the remaining part of Pope Street, is to be demolished and replaced by a new build which would also be used to complete the Kettleworks as a perimeter block building. The largest extension to the original Kettleworks, along Camden Street and part of Ickniel Street, is to have its façade replaced but the existing steel floorplate structure would be retained. A new pedestrian route would be created between the Kettleworks and the existing car park.
- 1.3. The existing car park would have a replacement façade and would be 'topped' by a level of residential accommodation.
- 1.4. The new build elements would be 5 and 6 storeys high with the different sections of the Kettleworks building linked by the use of modern recessed links.
- 1.5. A landscaped courtyard would be provided within the internal area of the Kettleworks perimeter block, approx. 870 sqm in size along with 8 car parking spaces. Approx. 612 sqm of garden/amenity would also be provided on the rooftop area of the car park. A galvanised steel decorative metal balustrade, approx. 1m high, would be utilised internally and externally within the scheme to demarcate

'private space' with timber screens provided between each balcony/terrace to ensure privacy.

- 1.6. 226 car parking spaces (8 disabled) would be provided of which 112 (38% provision) would be allocated to the residential development within this scheme. The remaining spaces would be held back for phase 2 located opposite the site (vacant land between Pope Street, Carver Street and Moreton Street). 138 cycle spaces (47% provision) would also be provided, of which 82 would be within the residential block with the remaining 56 within the car park.
- 1.7. Where the existing building is to be retained, the steel windows would be retained and refurbished with the brickwork repaired, repainted and cleaned. The new build elements on the Kettleworks block would be of an industrial appearance constructed within brick columns, utilise two different facing red clay bricks, galvanised steel lintels and polyester coated glazed aluminium windows. To the internal courtyard clay facing bricks, rockwell cladding, and a frameless glass balustrade would be used. Timber gates would be introduced across the site where new/existing vehicular entrances are proposed. Blue brick and cobbles would be used for the new pedestrian route.
- 1.8. The link infills would be constructed using blue and red facing bricks and format acid etched glass panels, whilst the new car park façade would comprise clay brick columns, a clay brick "brick weave", metal louvres, glazing and large format acid etched opaque panels. The specific material details would be secured by condition.
- 1.9. The 291 residential units would comprise of 86 studio apartments (29.5%), 86 one bed apartments (29.5%), 117 two bed apartments (40%) and 2 three bed apartments (1%). Apartments would range in size between 37sqm – 93sqm and some would also benefit from terrace/balcony areas. Internally all units would comprise of an open plan kitchen/living area, bathroom and bedroom(s), dependent on exact apartment type. All bedroom sizes would comply with guidance as identified within Places for Living.
- 1.10. Two ground floor A1 retail units (approx. 203 sqm and 149 sqm) would be provided to either side of the proposed new pedestrian route, fronting onto Pope Street. The main pedestrian entrance to the car park and the residential block would be accessed from the proposed new pedestrian route with additional pedestrian accesses off Pope and Camden Street. Ancillary accommodation such as residents storage, post room, bins etc.. would be provided to the southern end of the Kettleworks block.
- 1.11. A Design and Access Statement, Ecology Assessment, Heritage Statement, Financial Appraisal, Air Quality Survey, Noise Assessment, Flood Risk Assessment, Sustainable Urban Drainage Assessment, Transport Assessment and Travel Plan have all been submitted in support of the application.

1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is situated to the north west of the Jewellery Quarter within the Conservation Area. During the C20th this part of the JQ became associated with large scale industrial/commercial businesses, however the surrounding area is currently mixed in nature with a range of commercial, industrial, educational and

residential uses in the vicinity. Residential uses are becoming increasingly prominent in the area.

- 2.2. The site is currently occupied by a vacant factory and office block known as the Kettleworks, the original part of the building was constructed in the early 1900's and has a frontage to Icknield Street and Pope Street. The building has a range of period features such as a stone detailed entrance and cast iron internal columns. The elevations are industrial in style brickwork piers and infill panels with large window openings. The later extension which extends along part of the Icknield Street frontage and along Camden Street was built in the 1950's of concrete and brick block and is of little architectural merit.
- 2.3. The whole complex was formerly the Swan Moulinex factory. The existing storage building to the south-eastern end of the site was originally built as a car park, it is a concrete framed building which is faced with vertical ribbed steel cladding. The adjacent site to the south-west on the opposite side of Camden Street is occupied by a low rise call centre which has been modernised. On the opposite side of Icknield Street are residential blocks and to the north-east on the opposite side of Pope Street is the new Assay Office. Adjoining the application site to the south-east of the parking area is Perry Beeches IV School.
- 2.4. The site is identified as part of the Kettleworks Enterprise Zone.

2.5. [Site location](#)

3. [Planning History](#)

- 3.1. 03.06.2008 - 2007/02855/PA and 2007/02854/PA – Demolition of existing buildings excluding part of The Kettleworks (2007/02854/PA) and the mixed use redevelopment of former industrial premises consisting of 695 studio, 1 and 2 bedroom apartments, 8 live-work units, 2 hotels 8689sqm offices (B1), 2274sqm retail (A1 or A2), 1145sqm café/restaurant (A3) and 981 parking spaces. Approve (outline) with conditions and S106 Agreement.
- 3.2. 06.04.2009 - 2008/06508/PA and 2008/06509/PA - Planning permission and Conservation Area Consent for the partial demolition of building to allow for conversion of existing building into office and mixed use accommodation and multi storey car park, including an additional set back storey at roof level, creation of a public square and pedestrian link. Approved with conditions.
- 3.2. 22.06.2012 - 2012/01833/PA and 2012/01834/PA – Application for a new planning permission to replace extant planning permissions 2008/06508/PA and 2008/06509/PA for the partial demolition of a building to allow for conversion of existing building into office and mixed use accommodation a multi storey car park, including an additional set back storey at roof level, creation of a public square and pedestrian link. Approved with conditions.

Site opposite

- 3.3. 2015/00775/PA - Demolition of existing buildings/structures on site and redevelopment for 318 residential units, parking, landscaping and associated works – discussions ongoing.
4. [Consultation/PP Responses](#)

- 4.1. Local residents' associations, neighbours, Ward Councillors, District Director and the MP have been notified. Site and press notices have also been displayed.
- 4.2. 2 letters of support have been received on the basis that the proposed redevelopment is welcomed as there are too many derelict buildings in the area.
- 4.3. 1 letter of objection has been received on the basis of errors in the submission.
- 4.4. 2 letters of comment have been received one of which supports the redevelopment of the Kettleworks building but highlights the need to see a high quality and vibrant development which complements existing investment. They also consider it should comprise a mix of uses, ensure that the development is not overly oppressive i.e. support a more 'open' courtyard and that there is an opportunity to alter the highway in the area. The other letter of comment notes that there are records of Black Redstarts within 300m of the building and that a survey should therefore be required along with brown/living roof.
- 4.5. Birmingham Civic Society – Large development which will bring activity into a run down part of the JQ. Proposal appears to be of an appropriate scale and character for the area.
- 4.6. Centro – Well linked site, but developer should ensure a travel plan is developed.
- 4.7. Education – On basis of the originally submitted scheme (nothing from 1 beds/studio's) a financial contribution of £523,879.06 would be required.
- 4.8. Environment Agency – no objection subject to conditions to prevent contamination of controlled waters and the underlying principal aquifer.
- 4.9. Historic England – proposal should be determined in accordance with local advice.
- 4.10. Jewellery Quarter Development Trust – Concerns about the design and massing and how different the scheme is from the original discussions, consider there is limited amenity for resident's and nothing for occupiers of the wider community, consider there also to be a lack of parking which will increase pressure on limited existing on street parking. Also note that the mix of uses is unacceptable with a lack of commercial despite the site being designated an Enterprise Zone and that the residential mix of 60+% being studio/1 bed apartments unacceptable, as it would fail to encourage a balanced and sustainable community.
- 4.11. Lead Local Flood Authority – some additional information is required however this can be secured by condition.
- 4.12. Local Services – scheme generates the need for public open space and an off-site financial contribution of £331,200 is required towards restoration of Warstone Lane and Key Hill Cemeteries in the Jewellery Quarter.
- 4.13. Regulatory Services – conditions required.
- 4.14. Severn Trent – no objection subject to a condition re drainage.
- 4.15. Transportation – no objection subject to conditions including demolition and construction management plan, cycle parking, delivery and service area restrictions, residential travel plan, parking area laid out, gate position and s278 agreement.

- 4.16. West Midlands Police – Scheme should comply with Secured by Design ‘New Homes 2014’ guide, a lighting plan should be designed and suitable access control and cctv is required.

5. Policy Context

- 5.1. Birmingham UDP (2005), submission draft Birmingham Development Plan, Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Urban Village Framework, Jewellery Quarter Conservation Area, Jewellery Quarter Design Guide, Conservation Strategy, Places for All, Places for Living, NPPF.

6. Planning Considerations

- 6.1. The adopted Birmingham UDP (2005) still forms the basis of the statutory planning framework. It contains policies to support city living (5.32b) as residential accommodation in the City Centre provides sustainable accommodation close to both public transport and places of work and reduces the pressure on greenfield sites.
- 6.2. The NPPF supports sustainable development, especially on previously developed land, within established centres and where sites are well located in terms of public transport.
- 6.3. The site is within the Industrial Fringe area of the Jewellery Quarter where there are no restrictions in terms of new residential development.
- 6.4. The site is also part of the Kettleworks Enterprise Zone however this would not prevent a residential scheme being developed on the site. Planning permission has also previously been granted for both mixed use development and residential development of this, since which time policy has not fundamentally altered.
- 6.5. Therefore, in land use policy terms I raise no objection to the proposed commercial and residential uses, subject to all other material considerations.

Design/Impact on the Conservation Area

- 6.6 Local and national planning policies seek to ensure high quality design. In addition, policies specific to the Jewellery Quarter identify its unique historic environment and that (policy 2.1 of the JQCACAMP) “...permission for new development will normally only be granted where it respects the scale, form and density of the historic pattern of development, where it protects views and roofscapes and where it preserves or enhances the character and appearance of the conservation area...”
- 6.7 The existing factory building would be retained, with more recent additions retained in part with replacement facades or replaced with new development to create a large perimeter development block, which is welcomed. The detailed design of the replacement façade/new build would reflect the large industrial openings and materials of the original building with a flat roof, resulting in a traditional industrial appearance with each different section of the building linked by a more modern recessed element. Whilst the new build elements of the main building would be either 5 or 6 storeys high they would be of a similar scale to the original 4 storey building, step up to the car park building to the south and ensure the integrity of the original buildings skyline, by virtue of no roof top additions. Furthermore, their positioning to the back of footpath would allow the perimeter block to be completed

as well as facilitate the creation of a new pedestrian route from Pope Street to Camden Street.

- 6.8 The replacement façade to the car park would, by virtue of its column framed design and the use of more traditional materials, significantly improve its visual appearance and ensure its mass is broken up appropriately. Whilst the use of more modern materials on the top level identify the new residential element as well as incorporating a reference to the adjacent Kettleworks development. A high rise pedestrian link between the two buildings has been removed from the scheme as it would have introduced an uncharacteristic feature into the Jewellery Quarter.
- 6.9 Policy does not require commercial uses at ground floor however, two commercial uses have been introduced at ground floor either side of the proposed new pedestrian route which, along with the main reception area for the residential building provide a good level of activity to this location. Additional entrances to the residential block on Pope Street and Camden Street have also been introduced and this, along with the overlooking of the street from the residential accommodation, would ensure that the building will become active within the street scene.
- 6.10 Amended plans have been submitted showing an amenity area to both the internal courtyard area of the residential block and on the rooftop of the car park, totalling almost 1500 sqm of communal amenity for future occupiers. Some of the apartments would also benefit from terraces/balconies. The amenity spaces would all be contained within the building envelopes and would not therefore adversely affect the character or appearance of the Jewellery Quarter. I therefore welcome this amenity provision which will enhance the environment for future occupiers.
- 6.11 Within the courtyard area the separation distances between facing elevations would be at least 16m and given the utilisation of the existing building and the arrangement of properties within the scheme I consider this distance sufficient so as to not harm the amenities of future occupiers.
- 6.12 Originally the scheme proposed a total of 311 new apartments, of which 118 (38%) were shown to be studios, 95 (30.5%) one bed apartments, 96 (31%) two bed apartments and 2 (0.5%) three bed apartments. The scheme has now been amended and the number of total apartments reduced by 20, due to the number of studios and one bed apartments being reduced from 68.5% to 59% and the number of 2 beds increased to 40%. Therefore on the basis of the amended plans, that the site is a brownfield, windfall site within the City Centre which reutilises an existing building I consider this mix acceptable and would reflect the aims of the emerging housing policy within the Birmingham Development Plan (TP26). In addition, I also note it would make a significant, and valuable, contribution to the City's housing need.
- 6.13 I therefore consider the layout, design, scale and mass of the proposal are acceptable and would retain and regenerate a currently run-down building within the historic Jewellery Quarter Conservation Area, resulting in a development which would significantly improve the quality of the built environment.

Planning obligations

- 6.14 A financial appraisal has been submitted to demonstrate that, with policy compliant contributions, the scheme would not be financially viable. An independent assessment has been commissioned which agrees that the scheme would be unviable. Further, on the basis of the applicant's assumptions it acknowledges that

any financial contribution would result in a negative residual land value. However, the Council does not accept all of the assumptions within the applicant's appraisal, in particular the land value. Therefore, following further discussion the applicant has agreed to a contribution of £800,000.

- 6.15 Given the nature of the city centre development this contribution would be used towards off site affordable housing, enhancement of the public footpaths in the immediate vicinity and improving and enhancing publically accessible space at the Jewellery Quarter Cemeteries (as part of the Jewellery Quarter Heritage Lottery Fund programme). There are insufficient monies to include a contribution towards education. I consider this contribution would accord with policy and comply with the CIL Regulations 2010.

Transportation Development

- 6.16 The proposal would provide a total of 226 car parking spaces with 8 disabled parking spaces within the internal courtyard of the Kettleworks building. The rest of the parking spaces would be provided across three floors of the multi-storey car park adjacent. 112 of the spaces would be allocated to the Kettleworks residential development with the remaining spaces being held for the second phase (planning application 2015/00775/PA).
- 6.17 1 of the letters of comments raises concerns in terms of parking provision. However, whilst the parking provision would be approx. 38% a good level of cycle parking provision would be provided (approx. 47%) and the site is sustainably located in the Jewellery Quarter which has good public transport and amenity links. I therefore concur with Transportation Development who raise no objection to the scheme.
- 6.18 Transportation Development request a number of conditions which I attach accordingly however given the location of the site within the Jewellery Quarter Conservation Area I do not consider it would be acceptable to require gates to be set back from the back of the footpath.

Air quality

- 6.19 The whole of Birmingham falls within an air quality management zone (AQMA) where the introduction of new residential accommodation needs to be carefully considered. An air quality report, has been submitted in support of the application which identifies that some of the ground floor apartments, fronting Icknield Street, may be adversely affected by poor air quality. Regulatory Services consider further information is required as further monitoring may demonstrate that mitigation may not actually be required in this location. Therefore, given poor air quality is likely to affect a minimal number of properties within the scheme, if at all, I recommend a condition to secure additional monitoring, and mechanical and natural ventilation solutions if necessary.

Noise

- 6.20 A noise assessment has been submitted. Regulatory Services consider this assessment deals adequately with transport noise but that existing commercial noises, particularly in relation to the adjacent Assay Office, have not been adequately considered. However, I note that the Assay Office development was approved despite residential properties at 50-54 Carver Street which immediately adjoin the offices eastern boundary. Furthermore, I note 'quieter' office and data analysis uses are also located closest to the Kettleworks building. I do not therefore consider noise

generated by the Assay Office will adversely affect future occupiers sufficient to warrant refusal.

Other

- 6.21 A local resident has raised the issue of Black Redstarts in the vicinity; a point which my Ecologist also considers has not been adequately addressed within the ecological survey. However given the condition of the existing building my ecologist is satisfied that subject to conditions to secure additional survey work and improvements to the natural environment, the proposed development will not adversely impact on Black Redstarts sufficient to warrant refusal.
- 6.22 Severn Trent, Lead Local Flood Agency and the Environment Agency raise no objection subject to conditions which are recommended accordingly.
- 6.23 The Police have identified the need to comply with Secured by Design particularly internally and whilst I am unable to control this I do recommend conditions with regard lighting and CCTV.

7. Conclusion

- 7.1. In principle the proposed development is consistent with both local and national land use planning policies. The design, scale and mass of the proposal is acceptable and would result in significant improvement to the built environment which would also have a positive impact on regeneration of the wider area. Therefore, subject to safeguarding conditions and a S106 legal agreement to secure a financial contribution towards affordable housing, public realm, public open space and a commitment to local employment and training, the proposal would result in a sustainable form of development in accordance with policies. Proposal should therefore be approved.

8. Recommendation

- 8.1. That consideration of planning application 2014/09600/PA be deferred pending the completion of a planning obligation agreement to secure the following:-
 - a) A financial contribution of £240,000 (index linked from date of resolution) towards off-site affordable housing.
 - b) A financial contribution of £250,000 (index linked from date of resolution) towards public realm enhancements of Icknield Street, Pope Street and Camden Street.
 - c) A financial contribution of £300,000 (index linked from date of resolution) towards public open space enhancements at the Jewellery Quarter Cemeteries as a result of the Jewellery Quarter Heritage Lottery Fund.
 - d) A commitment to engage with the City Council and other agencies to enter into a local training and employment scheme for construction of the development.
 - e) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing, public realm and public open space sum subject to a maximum of £10,000.

- 8.2 In the absence of the suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority by 30th July 2015 then planning permission be refused for the following reason(s):
- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal conflicts with Policies 5.37 A-D of the Birmingham Unitary development Plan 2005, Affordable Housing SPG and Policy TP30 of the draft Birmingham Development Plan 2031.
 - b) In the absence of any suitable legal agreement to secure a financial contribution towards public realm improvements and/or enhancements to Icknield Street, Pope Street and Camden Street the proposal conflicts with Policies 3.8 and 3.10 of the Birmingham Unitary Development Plan 2005.
 - c) In the absence of any suitable legal agreement to secure a financial contribution towards public open space improvements and/or enhancements to Jewellery Quarter Cemeteries the proposal conflicts with Policies 3.53, 5.53 A and B, 5.20B and 5.20C and public open space in new residential development SPG.
 - d) In the absence of any suitable legal agreement to secure local training/employment opportunities, the proposal conflicts with Policy 8.52 of the Birmingham Unitary Development Plan and Policy TP25 of the Draft Birmingham Development Plan 2031.
- 8.3 That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the planning obligation.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 30th July 2015, favourable consideration be given to this application, subject to the conditions listed below.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Restricts piling |
| 3 | Control of surface drainage |
| 4 | Requires submission of a scheme for biodiversity enhancement specifically green/ brown roof designed for Black Redstarts |
| 5 | Further Survey - Black Redstarts |
| 6 | Requires the prior submission of entry and exit sign details |
| 7 | Requires the provision of cycle parking prior to occupation |
| 8 | Requires the delivery and service area prior to occupation |
| 9 | Requires the prior submission of a residential travel plan |
| 10 | Requires the parking area to be laid out prior to use |
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| 11 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 12 | Limits the approval to 3 years (Full) |
| 13 | Requires the prior submission of a lighting scheme |
| 14 | Requires the prior submission of hard and/or soft landscape details |
| 15 | Requires the prior submission of sample materials |
| 16 | Requires the prior submission of a CCTV scheme |
| 17 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 18 | Requires air quality monitoring and mitigation |
| 19 | Requires the prior submission of noise insulation (variable) |
| 20 | Requires the prior submission of a contaminated land verification report |
| 21 | Requires the prior submission of shop front design details |
| 22 | Requires the prior submission of a landscape management plan |
| 23 | Requires the prior submission of level details |
-

Case Officer: Joanne Todd

Photo(s)



Photo 1: Corner of Icknield Street/Camden Street



Photo 2: Corner Icknield Street/Pope Street



Photo 3: Looking east along Pope Street

Committee Date:	23/07/2015	Application Number:	2015/02639/PA
Accepted:	08/05/2015	Application Type:	Reserved Matters
Target Date:	07/08/2015		Development
Ward:	Ladywood		

Phase 2, Former Post & Mail Printing Works, Weaman Street, City Centre, Birmingham, B4 6AT

Reserved Matters application for Phase 2 for 14 new storeys above Phase 1 for residential (115 apartments) and office uses.

Applicant: Chatham Billingham (P&M) Limited
1 Fountain Court, Steelhouse Lane, Birmingham, B4 6AT
Agent: Associated Architects LLP
1 Severn Street Place, The Mailbox, Birmingham, B1 1SE

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. This is a reserved matters application for approval of layout, scale, access, appearance and landscaping for Phase 2 of the Post and Mail Building. The application is supported by a Design and Access Statement. In summary, consent is sought for:-

- 7 floors of Class B1 office use with a gross internal floor area of 22,820 sqm (additional to the office floor space included within Phase 1); and,
- 7 floors of Class C3 residential use (13,270 sqm GIA).

This gives a total gross internal floor area of 36,090 sqm for the Phase 2 development.

Layout

- 1.2. The proposed office floor plates (levels 2-8) extend to approximately 2,760 sqm net area per floor with a typical floor plate 50m wide by 70m (maximum) in length. Each floor is served by a main core and a smaller satellite core. The main core would be situated centrally within the floor plate, whilst the secondary core would be located at the south-east end of the building facing Colmore Plaza.
- 1.3. Between levels 8 and 9 of the proposed building there would be a 1.2m high services transition floor.
- 1.4. The apartment floors (levels 9-13) provide 105 1 and 2 bedroom units. The floor plates are arranged around a large external courtyard space allowing all apartments to have a dual aspect. Apartments range from 43 to 119 sqm and all bedroom sizes meet BCC minimum guidelines.

- 1.5. Large format duplex penthouses (between 212-352 sqm) would occupy the top two floors of the building (levels 14-15). The penthouse level floors are similar to the apartment floors below, being arranged around the central courtyard space. The 10 penthouses typically offer large double height living areas, 3 or 4 bedrooms, bathrooms and ensuites, and external terrace spaces.

Scale

- 1.6. The Phase 1 building provides a two-storey base to the Phase 2 development. This comprises of two distinct elements: a 'solid' plinth at ground floor level and a 'transparent' first floor storey expressed in virtually continuous glazing. Within the Phase 1 podium there are retail, restaurant and offices uses. Phase 2 would then comprise 14 new floors above the Phase 1 roof level, resulting in a building of approximately 198m above ordnance datum (AOD).
- 1.7. The footprint of the Phase 2 building follows the building line established by the Phase 1 component below, except along the northwest elevation, where the building line steps back by 7m to accommodate an external plant space at level 2. In common with the Phase 1 building, the building line steps back by approximately 8m at the Printing House Street end of the Colmore Plaza elevation.

Access

- 1.8. The circulation strategy for the proposed building is based on the creation of separate front doors for each use. The main entrance to the office floors would be situated on the corner of Weaman Street and Colmore Plaza, whilst the residential entrance is situated on Printing House Street. Pedestrian access to the car park and retail units provided as part of Phase 1 is primarily from the new pedestrian arcade which runs through the centre of the building. Within the basement there is a car park with 759 spaces, some of which will be allocated to the building occupiers based on their needs.
- 1.9. The main entrance to the office floors would be from a double height space that gives access to the first floor via escalators, lift and stairs. At first floor level, there would be a transition space leading to the main office and car park lift core.
- 1.10. The residential apartments would be served by a dedicated reception accessed directly from Printing House Street and from the new retail arcade. Two lifts would then give access to each residential floor. There would also be direct access from the reception area to the basement car park lift core. Access for visitors to the apartments would be controlled by a managed access control system linked to the reception area from each apartment. The passenger lifts would be located at each residential level within the large communal courtyard space. Individual apartments would be accessed at each floor level via an external covered walkway than runs around the entire perimeter of the courtyard.

Appearance

- 1.11. The palette of materials for Phase 1 sets a precedent for this scheme. These include white granite faced precast concrete cladding, limited areas of polished black granite, and an aluminium curtain walling system. Whilst the plinth level of the building is expressed almost entirely in black and white, a more varied palette of black, grey and silver is proposed at the upper levels of the building to create a randomised effect.

- 1.12. The office floors feature a unitised system of curtain-walling and anodised aluminium panels set out to a 1.5m modular grid. The pattern of panels provides alternating full height glazing and windows with sills to assist with internal space planning. Projecting anodised aluminium boxes add depth and modelling to the elevations. In addition, double width cladding modules are used to mark the position of arcade entrances and to provide a corner feature above the Phase 2 office entrance.
- 1.13. Between the office and residential levels, there would be a 1.2m high services transition floor. This is included within the office elevations so that the proportions of cladding elements change at this point to express termination of the office levels. Additionally, a fascia panel runs around the top of the transition floor to create a strong closure element.
- 1.14. The apartment floors are architecturally expressed different though complementary to the office levels. The proposed external cladding comprises of a unitised system of solid anodised aluminium and glazed panels set out to a 1.5m grid. External vertical aluminium fins are incorporated on an alternating grid, and window sill heights are varied. The residential elevations also include opening lights and louvres for the whole house ventilation system.
- 1.15. The penthouse apartment elevations form a distinct top to the building. Vertical fins are used to shroud the penthouse units, whilst to create a further distinction, opaque glazing is proposed instead of solid aluminium panels. Since the plant spaces are all located in a services module within the Phase 1 building, there is no requirement for roof top plant spaces.
- 1.16. On the South East (Colmore Plaza) elevation, a fire escape stair runs up the entire height of the building. The stair enclosure would then be clad in black to form a single unifying element to the building elevations.
- 1.17. The residential courtyard elevations would have a simpler architectural treatment comprising aluminium rainscreen cladding panels and an aluminium window system set out to a 1.5m modular grid. The external walkways are enclosed with structural glass balustrades.

Landscape

- 1.18. The proposed landscaping within the scheme comprises a central courtyard at level 9 for use by residents. It measures 24m by 30m and includes the following elements:-
 - an entrance terrace area and legible walkways to create permeable space;
 - small pockets of informal seating positioned around the courtyard;
 - planting areas to create visual interest and soften physical edges;
 - surface finishes complementary to internal floor finishes to create seamless transition between indoor and outdoor space;
 - low maintenance, shade tolerant planting interspersed with bright, colourful highlight plants; and,
 - a pavilion to provide an indoor space for residents located towards the centre of the courtyard opening out onto a large terrace area.

In addition private terraces and balconies are proposed at roof level. A green living wall is also proposed within the Level 9 courtyard.

1.19. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application site is the former Post and Mail printing works building. The Phase 1 works to create basement parking and a double height podium are now complete.
- 2.2. The site is in the heart of the city centre to the north east of the Colmore Business District. It is bounded by Printing House Street to the east with a surface car park on the opposite side of the road. Beyond are Rowchester Court and the locally listed Children's Hospital, both of which fall within the Steelhouse Conservation Area. To the south is a route between the recently completed 14 storey (61m high) Colmore Plaza office building. Further south is the 9 storey (42m high) Wesleyan and General Assurance building. Lloyd House (12 storeys / 54m high) is on the opposite side of Weaman Street to the west; and, to the north is a multi-storey public car park and 6 storey office building at 1 Printing House Street. Further north on the opposite side of Weaman Street is the Thistle Hotel and Kennedy Tower.

[Site Plan](#)

3. [Planning History](#)

- 3.1. 16 March 2012 Application 2011/01322/PA. Planning consent granted for part detailed application (Phase 1) for redevelopment involving partial demolition of the former Post and Mail printing works to street level, the insertion of new levels into the existing basement to create a new car park for up to 800 spaces, with a new two storey building above for retail, restaurant and office uses. Part outline application for Phase 2 comprising multi storey building above Phase 1 for restaurant, office, hotel, residential and non-residential institution uses.
- 3.2. 24 October 2014 Application 2014/05454/PA. Section 73 Applicant approved to reword condition 5 attached to planning application 2011/01322/PA to state the maximum height of any buildings within the site shall not exceed 205m (including plant) in height when measured from AOD Level.
- 3.3. 4 March 2015 Application 2014/08876/PA. Planning consent granted for the variation of condition 3 attached to previous planning application 2014/05454/PA to increase gross internal floor space for Phase 2 from 33,180sqm to 40,000sqm and increase gross internal floor space for residential use (C3) from 12,000sqm to 15,000sqm.
- 3.4. February 2015, Snow Hill Masterplan launched for public consultation. This Masterplan identifies the Post and Mail Building as an opportunity for redevelopment. It also shows public space created on the existing car park on the opposite side of Printing House Street.

4. [Consultation/PP Responses](#)

- 4.1. Nearby occupiers, residents association, Colmore BID, local ward Councillors and M.P. notified. Site and Press notices displayed. No comments received.
- 4.2. Prior to submission of the application an earlier version of the scheme was presented to CABE who commented that both the internal courtyard and the

elevational treatment would benefit from further refinement to make this project a successful building and compelling piece of architecture.

- 4.3. BCC Regulatory Services – no objections.
- 4.4. Historic England – no adverse comments.
- 4.5. West Midlands Police - Phase 1 of the development was the subject of a successful Secure by Design application and they would welcome a formal SBD application for this phase of the development. They recommend a full CCTV system, that suitable lighting be provided, access into and around the building be controlled and the location of post rooms and refuse storage be carefully considered. They note that large buildings of this nature can interfere with the communications systems of the emergency services and recommend that a telecommunications assessment be undertaken.

5. Policy Context

- 5.1. Relevant planning policies include the National Planning Policy Framework; Birmingham Unitary Development Plan (2005) - saved policies, Draft Birmingham Development Plan 2031, High Places SPG, Lighting Places SPD, Places for All / Places for Living SPG; Car Parking Guidelines SPD and Draft Snowhill Masterplan.
- 5.2. In addition, to the east of Printing House Street and Whittall Street is the Steelhouse Lane Conservation Area, which includes the locally listed Children's Hospital. The site is also an Enterprise Zone site.

6. Planning Considerations

Background Information

- 6.1. Planning permission for the Post & Mail development was granted on 16 March 2012 through application 2011/01322/PA. This included detailed consent for Phase 1 and outline consent for Phase 2. The outline consent established a number of principles for Phase 2 including building use and maximum floor areas, building height and massing, external works, and residential unit type apportionment. Matters which were reserved are as follows:-
 - access into the Phase 2 building uses from street level;
 - appearance of the building above Phase 1 roof level;
 - landscape works associated with Phase 2 of the development;
 - layout of floors for the Phase 2 building uses; and,
 - scale and massing of the Phase 2 development.
- 6.2. Two Section 73 applications were submitted in 2014 to vary planning conditions associated with the approved scheme. An application was firstly made to vary condition 5 to state that the maximum height of any building within the site should not exceed 205m AOD. This was the building height originally applied for through application 2011/01322/PA, but due to an objection from the West Midlands Police, permission was only granted for a building height of up to 184m AOD. This objection has since been withdrawn, and consent was granted for the increased building height on 24 October 2014.

- 6.3. A second Section 73 application was then submitted to vary condition 3 of this consent in order to increase the maximum permissible gross internal floor area of the Phase 2 development to 40,000 sqm and to increase the maximum gross internal floor area for residential (Class C3) use to 15,000 sqm. This was granted on 4 March 2015.

Layout

- 6.4. Attached to the outline consent and amended by the most recent Section 73 application is a condition that restricts the maximum gross internal floor areas of Phase 2 to the following:-
- restaurant (Use Class A3) 6,500 sqm
 - offices (Use Class B1A) 33,180 sqm
 - residential (Use Class C3) 15,000 sqm
 - hotel (Use Class C1) 15,000 sqm
 - medical and clinical (Use Class D1) 25,000 sqm
 - total for all uses 40,000 sqm
- 6.5. The Phase 2 proposals include 22,820 sqm of gross internal office floor space over the lower 7 floors. Given the location of the development within the Colmore Business District, Class B1 office use is clearly appropriate. Furthermore there is high demand for purpose built Grade A office space within the city, and large format floor plates, which the Post & Mail building is capable of offering, are particularly attractive in the current market.
- 6.6. There is no proposal to include a restaurant, hotel or any provision for Class D1 Medical and Clinical Use within Phase 2 of the development.
- 6.7. The Phase 2 development proposals also include 13,270 sqm (GIA) of Class C3 residential use over the upper 7 floors. Whilst residential use is currently limited within the Colmore Business District, there is potential for introducing high quality provision into the area. The residential component of the scheme would also complement the future provision of housing within the existing Birmingham Children's' Hospital site, as envisaged by the draft Snow Hill Masterplan document.
- 6.8. To secure a range of accommodation types the outline planning consent places some restrictions on the residential mix as follows:-
- 1 Bedroom apartments 5 – 20%
 - 2 Bedroom apartments 45 – 85%
 - 3-4 Bedroom 5 – 20%
- 6.9. The scheme meets this restriction by offering standard 1 bed (13%) and 2 bed (78%) apartments as well as large format 3 and 4 bedroom penthouses (9%). In addition all bedroom sizes comply with minimum guidelines. Moreover, setting the apartments around a central courtyard ensures that they are all dual aspect.
- 6.10. Overall, the amount of office and residential floorspace and the total floorspace for the Phase 2 development is within the maximum limits permitted by the outline consent. Furthermore placing the residential accommodation above the offices is appropriate. In addition the apartment mix complies with the restrictions placed on the outline consent and the dual aspect apartments sizes are generous and meet

BCC minimum guidelines. I therefore have no objections to the layout and uses proposed.

Scale

- 6.11. The outline planning application was accompanied by a Statement of Design Principles informed by various supporting technical documents. This set the minimum height of the Phase 2 building at 170m AOD and the maximum height at 205m AOD. The proposed building would be a maximum of 198m AOD, which is within the parameters set by the outline consent, as amended by the Section 73 application.
- 6.12. In addition, the footprint of the building follows the building line established by the Phase 1 component below, except along the northwest elevation, where the building line steps back by 7m to accommodate an external plant space at level 2. The scale and massing of the building are therefore consistent with the Statement of Design Principles agreed at outline planning stage.
- 6.13. With regard to the comments from the Police a telecommunications assessment was submitted in support of the most recent S73 application to increase the height of the building to 205m AOD. In addition, attached to the S73 planning permission is a condition that requires submission of a post completion telecommunications reception assessment.

Access

- 6.14. The circulation strategy for the proposed building centres on the creation of separate front doors for each use. This improves the legibility of the building, allows the specific requirements of each user group to be addressed, and means that each reception area can have its own character and identity. This is a robust approach which has been proved on similar mixed use schemes in Birmingham.
- 6.15. The main entrance to the office floors would be situated on the corner of Weaman Street and Colmore Plaza, where it would clearly visible and immediately accessible from the Colmore Business District. The residential entrance would be on Printing House Street, opposite the area designated as a new public square by the Snow Hill Masterplan. This means that the residential entrance would help to animate Printing House Street.
- 6.16. From within the building it would be possible to access the basement car park either from the office core or the residential reception via the retail arcade. Level access suitable for people with disabilities can therefore be provided for each user group through the building. As recommended by the Police, access would be managed and CCTV/ lighting incorporated.

Appearance

- 6.17. Prior to submission of this reserved matters application an earlier version of the scheme was presented to CABE. They considered that the commercial storeys of the building elevation were well proportioned and the articulation of the cladding panels compelling. However, they considered that the sequencing could be further refined to achieve a more diverse façade. CABE also liked the deep recessed intermediate storey between the plinth and office storeys but thought that the differentiation between the commercial and residential storeys less successful. With

regard to the residential façade, including the top part, they considered that further work was needed that either unifies the façade or has a unique logic to both.

6.18. In response the architect has addressed these concerns by:-

- refining the office façade by randomising the panel colours and by introducing additional double width modules towards the centres of the main elevations. This has the additional benefit of marking the positions of the arcade entrances;
- introducing a black/grey fascia panel around the perimeter of the building above the office glazing which more clearly marks the transition from one use to another;
- developing the office and residential facades further to give a unique logic to each part; and,
- using the same elements of solid/ glazed panels and external projecting fins, they have tested different configurations and refined the architectural language of the residential elevations. The revised proposals incorporate differing window sill heights, variation in panel colours and types, and a different proposal for the configuration of external fins.

I am of the view that the residential façade is now more fully resolved, that the scale and proportion of the different elements is appropriate, and that it reflects the residential use more clearly. Conditions are attached to the outline consent to secure samples of materials.

Landscape

6.19. The proposed central landscaped courtyard at level 9 would provide a communal amenity space for residents of 720 sqm. This would be equivalent to 6.2 sqm per apartment. In addition, the 10 larger penthouses would each have private terraces. Taking into account its city centre location I consider that this level of amenity provision is acceptable.

6.20. In terms of its design CABE commented that the deep cross section may result in overshadowing and present challenges in dealing with noise. However, overall they were of the view that the high level residential courtyard had great potential to provide a delightful space for residents.

7. Conclusion

7.1. I consider that the application is consistent with the principles agreed at outline planning stage and therefore acceptable. Accordingly I recommend approval of this reserved matters application for Phase 2 of the Post and Mail Building.

8. Recommendation

8.1. Approve subject to conditions.

1	Requires the scheme to be in accordance with the listed approved plans
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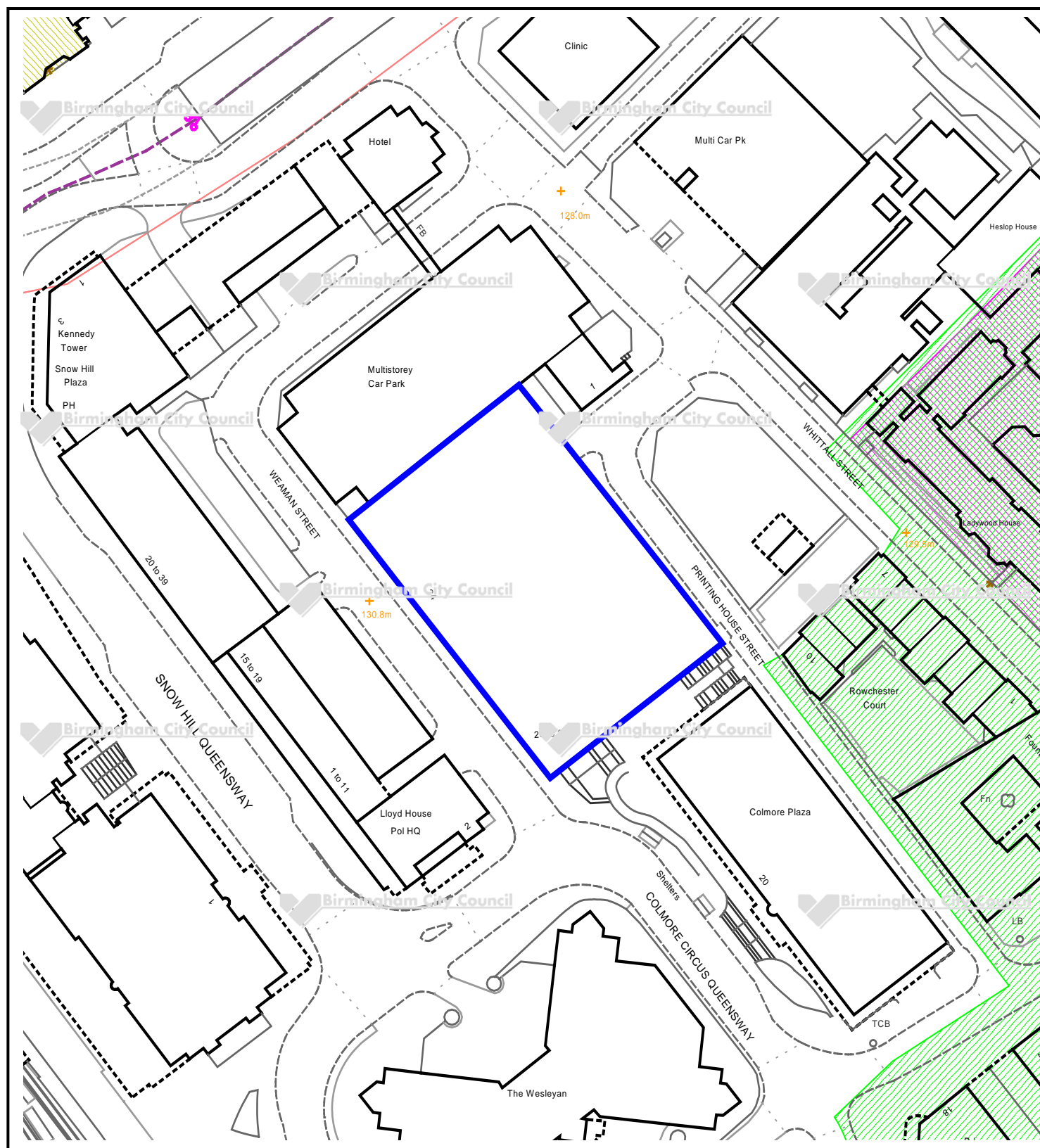
Case Officer: David Wells

Photo(s)



View along Weaman Street

Location Plan



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Committee Date:	23/07/2015	Application Number:	2015/03920/PA
Accepted:	02/06/2015	Application Type:	Full Planning
Target Date:	28/07/2015		
Ward:	Sutton Four Oaks		

25 Mountford Drive, Land adjacent, Sutton Coldfield, Birmingham, B75 6TA

Erection of detached dwelling house with new footway crossing, car parking and associated landscaping and boundary treatment, following demolition of existing garage and installation of new footway crossing for 25 Mountford Drive.

Applicant: Linda Hudson
25 Mountford Drive, Sutton Coldfield, Birmingham, B75 6TA
Agent: Jab Architectural Design
76 Brooks Road, Sutton Coldfield, Birmingham, B72 1HR

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought to erect a detached dwellinghouse with new footway crossing, car parking and associated landscaping following the demolition of the existing garage and installation of new footway crossing to existing dwelling.
- 1.2. It is proposed to subdivide 25 Mountford Drive and create a new residential plot within the existing side garden. The proposed dwelling would be sited 2 metres northeast of the existing dwelling and would follow the established building line of 23 and 25 Mountford Drive. It would have a contemporary design with full height glazing, aluminium windows and a mix of brick, rendered and timber cladding elevations. The dwelling would be two-storeys in height with rooms within the roof space and would include a three-storey forward projecting gable. Amendments have been made during the application, which have reduced the scale of the building by lowering the mid-point of the roof and the height of the northeast gable has been reduced by 0.27 metres to ensure the majority of the building is two-storeys high.
- 1.3. Internally, the ground floor would comprise a lounge, hallway, W.C and an open plan kitchen/dining room. At first floor there would be a laundry room and two bedrooms (both with en-suites) and at second floor and within the roof space there would be a third bedroom with an en-suite and a storage room. The bedrooms would measure between 10.5sqm and 19.5sqm and the proposed rear garden would measure 117sqm. The remaining rear garden for 25 Mountford Drive would measure 78sqm.
- 1.4. It is proposed to install two separate footway crossings for the existing and proposed dwelling houses and each house would have two car parking spaces (200% parking provision). The existing footway crossing serving the garage would be reinstated.

- 1.5. The Silver Birch tree to the front of 25 Mountford Drive would be retained and new soft landscaping would be provided to the front of the existing and proposed dwelling houses.
- 1.6. Site Area: 0.0254 hectares. Density: 50 dwellings per hectare.
- 1.7. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site relates to the side garden belonging to a two-storey semi-detached dwelling, located at the turning head of a residential cul-de-sac. The site contains a single storey garage and is adjoined by Coppice Primary School to the rear of the site and a public footpath to the northeast. The site has vehicular access from Mountford Drive which provides access to a car parking area and garage located to the side of the dwelling house. There is an ancient woodland (subject to a Tree Preservation Order 117) located around the perimeter of Coppice Primary School that adjoins the site to the rear.
 - 2.2. The surrounding area is predominantly residential in character and comprises two-storey semi-detached 1960s houses, with some having been extended to the side and rear. The houses in the cul-de-sac have open and deep front gardens and off-street car parking.
 - 2.3. [Site Location](#)
 - 2.4. [Street View](#)
3. Planning History
 - 3.1. 15 February 1956 - 41651000 - Planning permission approved for residential development.
 - 3.2. 21 November 1974 - 40262000 - Planning permission approved for kitchen, dining room, bedroom, cloakroom/WC extension.
4. Consultation/PP Responses
 - 4.1. Ward Councillors, M.P, Residents Associations and nearby occupiers were notified.
 - 4.2. 7 letters of objection received from nearby occupiers stating the following:
 - Out of character as the house is detached with a larger width and narrow depth footprint; is three storeys in height (in part); sited much closer to the road; and would have a smaller rear garden compared to neighbouring properties.
 - Over-development.
 - Set a precedent and contribute to erosion of the locality, contrary to Mature Suburbs SPD.
 - Inconsistent with surrounding housing density and design/layout of houses at the end of cul-de-sacs.
 - Loss of light and privacy.
 - Loss of mature trees and landscaping.

- Increase on-street parking problems, traffic congestion and cause more access problems for emergency and delivery vehicles.
 - Builder's vehicles would cause extreme disruption, obstruct access and may cause a bad accident as local children play on the road.
 - Detrimental to wildlife, in particular bats, foxes and birds.
 - Increase surface water drainage and result in additional pressure on the capacity of the existing drainage system.
 - Spoil the environment, which has already been spoiled by the building of a much bigger school adjoining the site.
 - The occupiers of the new dwelling may start using the adjoining pathway for parking and 'land grabbing' purposes.
 - The applicant has not consulted existing residents and shown no consideration.
 - The plans do not have correct measurements and the application form is incomplete.
 - Planning Officers have advised previously that the conversion/extension of a neighbour's garage is unlikely to be granted planning permission as it would amount to over-development of the site.
- 4.3. 1 letter of comment received from a nearby occupier stating the following:
- Would like the local planning authority to consider the design of the property being out of keeping with existing properties style; loss of mature trees and bushes to the front of the property; over-intensification of land; and loss of kerbside parking space, which will displace on-street parking into turning head and thus impacting use, convenience and highway safety.
- 4.4. Transportation Development - No objection subject to conditions requiring appropriate pedestrian visibility splays new access point; new footway crossing to be built to BCC specifications/standards and at applicant's expense; and any redundant footway crossing to be reinstated to full height kerb at applicant's expense.
- 4.5. Regulatory Services - No objection subject to a condition requiring a vehicle charging point.
- 4.6. Severn Trent Water Limited - No objection subject to a suitable drainage condition.
- 4.7. West Midlands Police - No objection and recommends that the proposal is developed to enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design'.
- 4.8. West Midlands Fire Service - No objection.
5. Policy Context
- 5.1. Birmingham Unitary Development Plan (UDP) 2005, Draft Birmingham Development Plan (BDP), Places for Living SPG, 45 Degree Code SPD, Mature Suburbs SPD, Car Parking Guidelines SPD, National Planning Policy Framework (NPPF), Planning Practice Guidance and TPO 117.
6. Planning Considerations
- 6.1. The main considerations are whether the proposed development would be acceptable in principle and whether it would have a detrimental impact on the

character and appearance of the area, on the amenities of existing occupiers, trees, ecology, and highway safety.

6.2. Principle of Development

6.3. Policies 3.8 and 3.10 of the adopted UDP seek to protect what is good in the City's environment and states that proposals, which would have an adverse effect on the quality of the built environment, would not normally be allowed. Policy 5.20 advises that the City Council will take measures to maintain and protect the existing good quality residential environments which are one of the City's greatest assets.

6.4. The adopted UDP recognises the role of previously developed windfall sites in meeting the City's housing requirements. However, in assessing proposals for residential development, policy 5.25C requires account to be taken of factors such as the suitability of the location, whether there are any physical constraints and whether the site is accessible to jobs, shops and services by modes other than the car.

6.5. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It encourages the effective use of land by utilising brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

6.6. The application site relates to the side garden of a semi-detached dwelling at 25 Mountford Drive, located within a predominantly residential area. The site raises no constraint issues that would prevent its development or create an unacceptable environment for future occupiers and is located within an accessible location close to jobs, shops and services. Regulatory Services raise no objection and no objections have been raised by Severn Trent Water Limited subject to a condition requiring suitable drainage of the site. I further note that the proposed redevelopment of the site would provide additional surveillance of the public footpath that adjoins the site. I therefore consider that the proposed development is acceptable in principle subject to the following site specific considerations.

6.7. Impact on the Character and Appearance of the Area

6.8. Policy 3.14 of the adopted UDP promotes good urban design that responds to local context. The NPPF advises that planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 63 states that great weight should be given to outstanding or innovative designs which help to raise the standard of design more generally in the area. Planning Practice Guidance advises that local building forms and details that contribute to the distinctive qualities of a place can be successfully interpreted in new developments and that innovative design should not be discouraged.

6.9. Mature Suburbs SPD states that new housing can have a significant impact on local distinctiveness on the character of an area and that new development must be of 'good design' resulting from a good understanding of the local character and circumstances. Innovative and contemporary designs that respect their context are encouraged. The Mature Suburbs SPD identifies 7 factors which enable a character

to be assessed and defined. These factors are; built form, spatial composition, architectural style, enclosure, density, degree of landscaping and the character of the public realm.

- 6.10. The application site is located within a residential cul-de-sac that is made up of well-proportioned semi-detached houses set behind open and deep front gardens with similar spacing between the buildings, which gives the street scene interest and a strong sense of rhythm. The site is adjoined by Coppice Primary School to the rear and a public footpath to the northeast.
- 6.11. The new residential plot would be of an appropriate size for the proposed dwelling house and would reflect the frontage width of plots in the area and provide an acceptable open front garden and adequate rear garden. The proposed dwelling would follow the front building line of 25 Mountford Drive and would respect the scale of houses in the cul-de-sac. The three-storey forward projecting gable would have a similar ridge height as 25 Mountford Drive and would not appear incongruous within the street scene.
- 6.12. The City Design Advisor raises no objection to the contemporary design approach and considers that the building footprint responds well to the tight configuration of the plot. I am satisfied that the proposed dwelling has been carefully designed to respond to the constraints of the site in terms of the irregular plot shape and would complement the buildings within the cul-de-sac in terms of scale, architectural forms (i.e. hipped roof with gables) and building materials. I do not consider that contemporary design would dominate or detract from the mature character of the area. I have recommended a condition regarding the proposed building materials and in particular the colour of the rendering to the front elevation and conditions to secure details about the proposed windows, doors and boundary treatment to ensure a high quality development.
- 6.13. The proposed development would create a new front parking area for 25 Mountford Drive and a front parking area for the proposed dwelling house. The new parking areas are similar to those at neighbouring properties within the cul-de-sac and amendments have been made during the application which shows the Silver Birch tree to the frontage to be retained and replacement soft landscaping to be provided which would help to soften the street scene. I have recommended a condition to secure details of the soft landscaping and hard surfacing for the new parking areas.
- 6.14. Impact on Trees and Ecology
- 6.15. The proposed dwelling and patio area would be located within the root protection area (RPA) of the Ash trees, which are covered by a Tree Preservation Order (TPO 117) and form part of a woodland that is sited within Coppice Primary School to the rear of the site. The Council's Tree Officer has advised that the construction of the proposed dwelling would need to employ special foundation designs to ensure the excavations are kept to a minimum within the RPA and that the hard surfacing for the patio would need to employ special construction methods to ensure no adverse implications for the existing tree roots. I consider that it is necessary to attach a condition to secure the final design of the construction methods within the RPA areas of the existing trees.
- 6.16. The Tree Officer has further stated that the existing trees to the rear of the site could be a problem for the future occupiers of the dwelling house due to their close proximity and risk of overshadowing. I am of the view that the proposed dwellinghouse and the rear garden would gain adequate sunlight throughout the day

given the orientation of the house and the rear garden would only be overshadowed in the late afternoon/early evenings and future occupiers would be aware of the trees when buying the proposed dwelling house.

- 6.17. I note nearby residents have expressed concern about the impact of the proposed development on existing wildlife. I consider that the proposed development would have negligible impact on ecology.
- 6.18. Residential Amenity
- 6.19. Regulatory Services raises no objection subject to a condition requiring a vehicle charging point. I do not consider that this condition is reasonable and necessary to make the proposed development acceptable.
- 6.20. All bedrooms would comply with the minimum guidelines set out in Places for Living SPG for bedroom sizes. The rear garden for 25 Mountford Drive would be reduced to 78sqm and the rear garden for the proposed dwelling would measure 117sqm. Both gardens would be useable, private and would exceed the guidelines set out in Places for Living, which recommends 70m² for family dwelling houses.
- 6.21. The proposed dwelling would comply with the 45 Degree Code SPD in relation to the rear facing habitable room windows at 25 Mountford Drive and would not result in any overshadowing of this property. I note that 25 Mountford Drive has side facing windows that provide secondary light to a living room and a bedroom. The new boundary fence that would be erected to separate the two plots would prevent overlooking and the first floor side facing Master bedroom window would be installed with obscure glazing to prevent overlooking into the side facing windows at 25 Mountford Drive. I am therefore satisfied that there would be no loss of privacy to the existing occupiers at 25 Mountford Drive.
- 6.22. I note that nearby residents are concerned that the full height glazing to the front elevation of the proposed dwelling would result in overlooking of the existing dwellings located on the opposite side of the road. The separation distance between the proposed dwelling and the front elevations of the existing dwellings at 31, 33 and 35 Mountford Drive exceeds 21 metres and although the three storey part of the proposed dwelling falls below the minimum guidelines as set out in Places for Living SPG, which recommends 27.5 metres between building faces for three storey dwellings I am of the view that the proposed development would not result in significant overlooking. Furthermore, the front elevation of existing dwellings already experience some degree of overlooking from the public realm.
- 6.23. Impact on Highway Safety
- 6.24. The proposed dwelling and the existing dwelling would both have parking for at least two vehicles, which complies with the maximum parking standards set out in the Car Parking Guidelines SPD. The proposed development would provide adequate parking provision for the proposed and existing dwelling and I note that there is unrestricted on-street parking available. I therefore do not consider that the proposed development would result in on-street parking pressure to the detriment of highway safety.
- 6.25. The proposed development would involve the installation of a new footway crossing to the existing dwelling house and to the proposed dwelling. Transportation Development raises no objection subject to conditions to ensure appropriate pedestrian visibility splays are provided at the new access points; for the new

footway crossings to be built to BCC specifications and at the applicant's expense; and to ensure the redundant footway crossing is reinstated. I consider that these conditions are reasonable and necessary and have attached them accordingly.

- 6.26. Transportation Development have noted that the proposed dwelling is likely to generate approximately five 2-way trips per day, and that this increase in traffic generation would not have a negative impact upon the safe operation of the surrounding highways. I concur with this view.

7. Conclusion

- 7.1. The proposed development would redevelop previously developed land and provide a dwelling house that is of high quality design. I consider that the contemporary design approach would complement the scale, architectural form and materials of neighbouring properties and would not harm the distinctive character or identity of the area. Subject to safeguarding conditions, I am satisfied that the proposed development would contribute to the improvement of the built environment, and would not have an adverse impact on the amenities of adjoining residents, trees or upon highway safety.

8. Recommendation

- 8.1. I recommend approval subject to the following conditions:

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|----|---|
| 1 | Requires the prior submission of a drainage scheme |
| 2 | Requires the prior submission of level details |
| 3 | Requires the prior submission of sample materials |
| 4 | Requires the prior submission of hard and/or soft landscape details |
| 5 | Requires the prior submission of hard surfacing materials |
| 6 | Requires the prior submission of boundary treatment details |
| 7 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 8 | Requires the prior submission of dormer window/window frame details |
| 9 | Requires the prior installation of means of access |
| 10 | Requires the redundant footway crossing to be reinstated. |
| 11 | Requires pedestrian visibility splays to be provided |
| 12 | Requires the prior submission of an arboricultural method statement |
| 13 | Requires the implementation of tree protection |
| 14 | Requires the scheme to be in accordance with the listed approved plans |
| 15 | Limits the approval to 3 years (Full) |
-

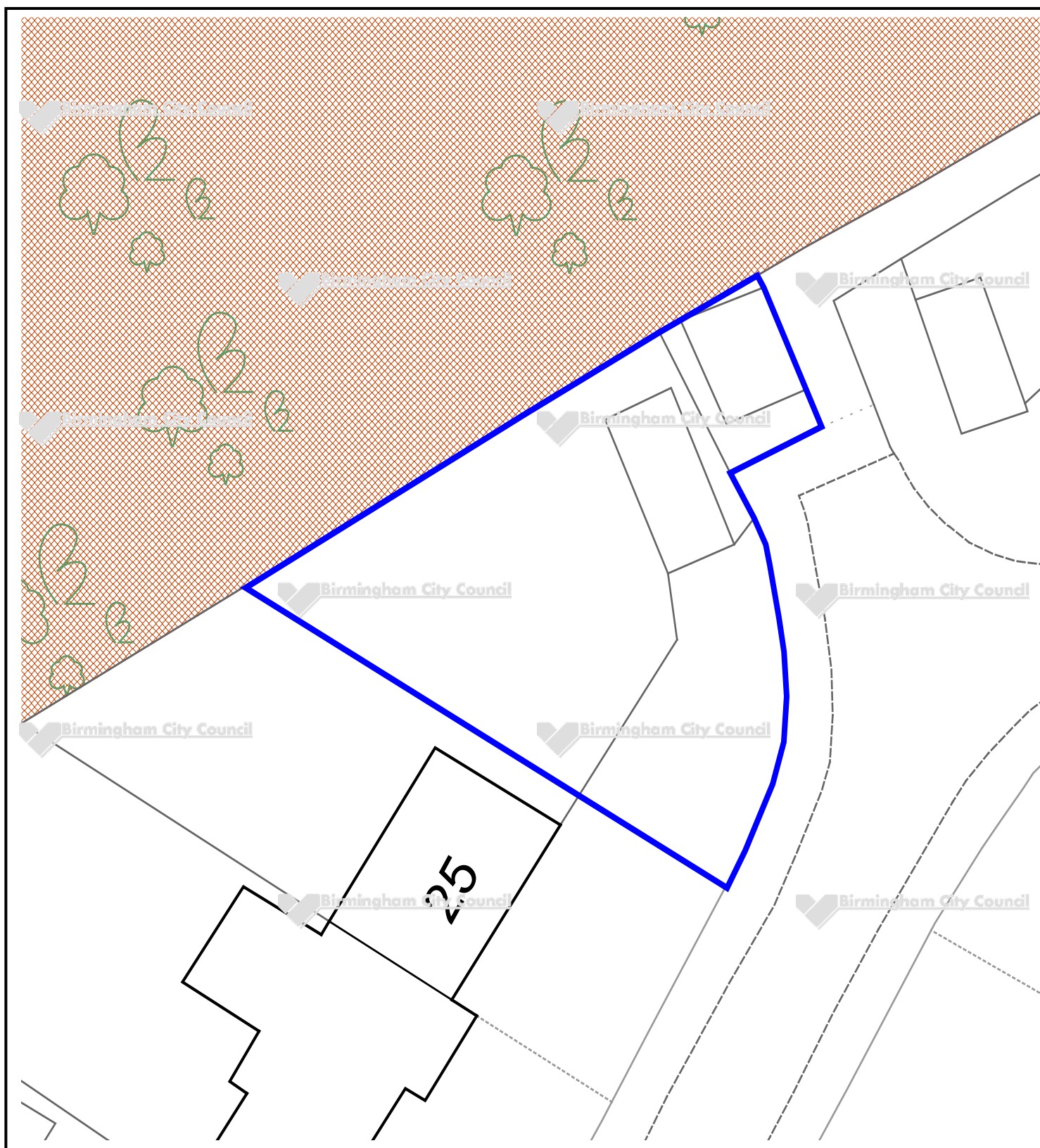
Case Officer: Helen Hawkes

Photo(s)



Application Site

Location Plan



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Committee Date:	23/07/2015	Application Number:	2015/03051/PA
Accepted:	08/05/2015	Application Type:	Full Planning
Target Date:	03/07/2015		
Ward:	Soho		

23 Park Avenue, Hockley, Birmingham, B18 5ND

Change of use from C3 (Dwelling House) to a 8 person HMO (Sui Generis).

Applicant: Mr Caplain Ramdas-Harsia
12 Kingswood Avenue, Leeds, West Yorkshire, LS8 2DB
Agent: Richard J Hulbert Architect
121 Sellywood Road, Bournville, Birmingham, B30 1XA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the change of use of a dwelling house to 8 bedroom House of Multiple Occupation (HMO).
- 1.2. The HMO would accommodate a communal dining/lounge area, sitting room, kitchen and utility area, 7 bedrooms would have en-suites and 1 would have shared bathroom access. There would be 1 bedroom at ground floor, 4 at first floor and 3 within the roof space.
- 1.3. The application also proposes the installation of a new rooflight on the rear slope of the roof.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a large two and a half storey semi-detached dwelling located close to Soho Road district centre.
- 2.2. The property is currently vacant following being refurbished. The agent has confirmed that the last known use was as a single dwelling house. The property is constructed from facing brickwork with a bay window feature, gable roof feature with a two storey rear wing projection and single storey rear rear extension. There is a large rear garden and small garden to the front of the property. The property does not benefit from off street parking.
- 2.3. The immediate adjoining neighbouring property at no.21 is a single dwelling residential house and no.25-35 are flats.
- 2.4. The character of the immediate surrounding area on Park Avenue is predominantly a mix of large premises as residential flats, care homes and non-family dwelling uses.

- 2.5. A plan is attached as Appendix to the report which shows the location of non-family dwelling uses within the immediate area.
- 2.6. [Site Location](#)
3. [Planning History](#)
- 3.1. 25th October 1962, 23 Park Avenue, 21739001, Approved for use as club.
- 3.2. 29th April 1965, 23 Park Avenue, 21939003, Approved for continued use as club.
- 3.3. 15th February 1968, 23 Park Avenue, 21739004, Approved for change of use as club.
- 3.4. 20th August 1990, 21-23 Park Avenue, 1990/03554/PA, Section 191/192 Permission not required, determination as whether planning permission is required for use as a residential care home.
- 3.5. 25th April 1991, 21-23 Park Avenue, 1990/05279/PA, Approved for erection of extensions and alterations to provide 29 bed spaces to nursing home, means of access and 10 parking spaces.
- 3.6. 4th June 1996, 21-23 Park Avenue, 1996/00871/PA, Approved for erection of extensions and alterations to provide 29 bed spaces to nursing home, means of access and 10 parking spaces (renewal of planning application number E/05279/90/FUL).
- 3.7. 8th April 2009, 21-23 Park Avenue, 2009/00363/PA, Approved for change of use from nursing home (Use Class C2) to a residential dwellinghouse (Use Class C3).
4. [Consultation/PP Responses](#)
- 4.1. Local residents, resident associations and local ward Councillors notified, no comments received.
- 4.2. Regulatory Services – No objection.
- 4.3. Transportation – No objection.
- 4.4. WM Police – No objection.
5. [Policy Context](#)
- 5.1. UDP 2005, Draft Birmingham Development Plan 2013, SPG Places for Living 2001, SPD Car Parking Guidelines 2012, Area of Restraint Policy in respect of the location of residential care homes, nursing homes, hostels in Soho, Sandwell and Handsworth wards 1994, National Planning Policy Framework 2012 and National Planning Practice Guidance 2014.
6. [Planning Considerations](#)
- 6.1. The proposal should be assessed against the objectives of the policy context set out above.

- 6.2. Policy context
- 6.3. The NPPF advises that all planning applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4. UDP Policies 8.23 and 8.24 refer specifically to HMOs. The policy states that the use of dwellings as HMOs will be considered on their own merits. The impact of the use in relation to noise and disturbance and the cumulative effect of non-residential uses, HMOs, flats, hostels and residential care homes upon the residential character and appearance of the area and available places for parking will be taken into consideration. If the site lies within an Area of Restraint planning permission may be refused as further development of such uses could adversely affect the character of the area.
- 6.5. Paragraph 12.22 relates to the Area of Restraint at Landsdowne Road/Richmond Road/Park Avenue (policy Hi11), reaffirming that similar proposals may be refused on grounds that further such uses could adversely affect the character of the area. The application property is within the Soho Ward area of the city which is covered by an area of restraint.
- 6.6. Impact on the amenities of adjoining residents
- 6.7. The proposed bedrooms on the upper floors would be adjacent to neighbouring bedrooms, while the proposed rear ground floor bedroom would be adjacent to a kitchen at no.21 neighbouring property. I consider that “comings and goings” would be very similar to the lawful use therefore I do not consider that the proposed HMO would adversely affect the amenity of adjoining residents. It is noted that Officers from Regulatory Services have not objected to the proposal.
- 6.8. Impact on character
- 6.9. During the site visit by the case officer, he was able to identify 20 of a total of 36 properties on Park Avenue that were non-family dwelling uses. A plan showing the location of non-family residential uses is attached. The remaining single family dwelling units are spread out with a row of 10 smaller terraced properties being set to the west side of the road. The neighbouring dwelling at no.21 is a single family dwellinghouse and the nearest non-family dwelling uses to the application site are at no.25-35 and no.40-50. Many of the premises on Park Avenue are therefore already in non-family dwelling use. Your committee are required to judge the extent to which, within this context, the proposed change to a HMO would adversely affect the character of the area. Given the fall back position that a 6 person HMO use could operate from the property without requiring planning permission, and that the property has a history of approved non-family residential use. I conclude that the additional impact on the character would not be so significant that refusal of consent could be justified.
- 6.10. Car parking and impact on highway safety
- 6.11. During the case officer’s site visit there were available on-street parking spaces along the length of Park Avenue, including in the immediate vicinity of the application site. In terms of the addition of 2 bedrooms above the fall back position of 6 bedrooms, it is considered that this is unlikely to attract a significant level of

additional parking demand and Transportation Officers have not objected to the proposal.

- 6.12. I also note that the Soho Road district shopping centre is located 500m to the north which is well served by a number of frequent bus services.

7. Conclusion

- 7.1. The use of the property as a 8 person HMO would not unduly affect the character of the local area, the amenity of local residents or highway and pedestrian safety.

8. Recommendation

- 8.1. I recommend approve subject to the following conditions:

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|---|--|
| 1 | The property should be occupied by no more than 8 people. |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 3 years (Full) |
-

Case Officer: Atief Ishaq

Photo(s)

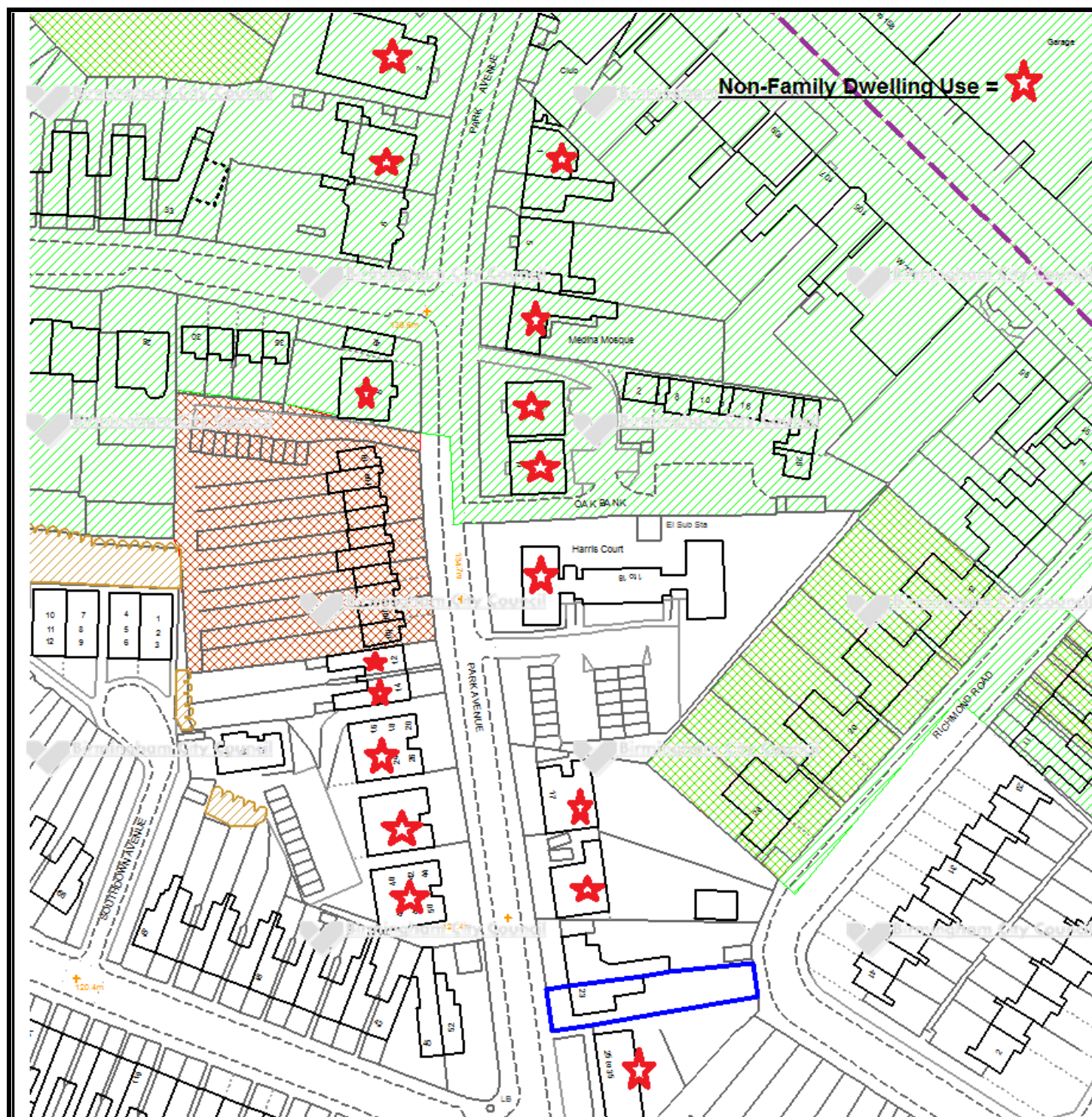


Front Elevation



Rear Elevation

Location Plan



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Committee Date:	23/07/2015	Application Number:	2015/04086/PA
Accepted:	08/06/2015	Application Type:	Full Planning
Target Date:	03/08/2015		
Ward:	Sutton Four Oaks		

Coppice Primary School, Trinity Road, Four Oaks, Sutton Coldfield, Birmingham, B75 6TJ

Installation of floodlights around existing all-weather pitch.

Applicant: Coppice Primary School
Trinity Road, Four Oaks, Sutton Coldfield, Birmingham, B75 6TJ
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the installation of 8 x 6 metre high lighting columns with 12 LED 120W floodlights around the all-weather sports pitch at Coppice Primary School.
- 1.2. The floodlighting would be used between 4pm and 9.30pm Monday to Friday to allow local sports clubs to train and play games.
- 1.3. The applicant has provided the manufacturer's lighting documents which details the project luminaries and 3D views of the proposed floodlighting.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a 50 metre by 29 metres all-weather sports pitch at Coppice Primary School. The all-weather pitch is located within the southwest corner of the school site, to the rear of the main school building and is bounded to the east and south by trees that form Cooper's Coppice woodland (which is covered by a tree preservation order 117).
- 2.2. Coppice Primary School has 420 children in classes from Reception to Year 6. The school buildings were redeveloped and the all-weather sports pitch was provided in 2008 when Coppice Infant and Junior School and the Langley Special Needs School amalgamated. The school has a large car parking area with approximately 82 car parking spaces to the front of the site, accessed from Trinity Road.
- 2.3. The surrounding area is predominantly residential in character. The nearest residential properties are located approximately 19 metres to the west on Dower Road and approximately 24 metres to the south in Mountford Drive. The site has

good accessibility by regular bus services on Birmingham Road. Four Oaks railway station and the nearest bus stop are approximately 120 metres from the site.

2.4. [Site Location](#)

2.5. [Street View](#)

3. [Planning History](#)

3.1. There have been numerous planning applications for the site, with the most relevant being:

3.2. 15 December 2006 - 2006/05733/PA - Planning permission granted for demolition of school and phased development of new school buildings and associated landscape, subject to conditions.

4. [Consultation/PP Responses](#)

4.1. Ward Councillors, Residents Association and nearby occupiers were notified.

4.2. 7 letters of objection received from nearby residents on the following grounds:

- Cause light pollution.
- Impact neighbouring resident's enjoyment/hobby of astronomy.
- Noise pollution and disturbance.
- Impact on wildlife and bat colony.
- Parking and traffic problems during the evenings and weekends.
- Exhaust pollution from additional traffic.
- Late night extension of the pitch would convert the school premises into a 24/7 community leisure facility.
- Floodlit all-weather pitches should be provided by local community leisure facilities or at local designated sports clubs which are planned, developed and operated specifically for either for multi-purpose or single sports use catering for wide ranging needs across diverse ages and interests. This application would set a precedent for all schools across Birmingham.
- A floodlighting proposal was withdrawn from the previous application to redevelop the school as residents objected.
- Income generating opportunity with little regard to its neighbours and local community.

4.3. Regulatory Services - No objection, subject to the following conditions: Require either a plan showing Lux levels (which includes nearby residential properties) or for a lighting scheme to be submitted and approved by the Local Planning Authority prior to the first use of the floodlighting; and a condition to restrict the hours of use to between the hours of 1600 and 2130 daily.

4.4. Transportation Development - No objection.

4.5. Education - No objection.

5. [Policy Context](#)

5.1. National Planning Policy Framework (NPPF) 2012, Birmingham Unitary Development Plan (UDP) 2005, draft Birmingham Development Plan (BDP), Use of

Floodlighting of Sports Facilities, Car Parks and Secure Areas (Light Pollution), 2001 SPG, TPO 117 and Nature Conservation Strategy for Birmingham.

6. Planning Considerations

- 6.1. The main considerations are the impact on character of the area, on the amenities of existing residents and on parking demand and traffic generation.
- 6.2. Policy Context
- 6.3. National Planning Policy Framework 2005 contains a presumption in favour of sustainable development and seeks to promote healthy communities. It advises that sport and recreation facilities can make an important contribution to the health and well-being of communities. Also, that planning decisions should help to allow existing facilities to develop and modernise in a way that is sustainable, and retained for the benefit of the community. Within the core planning principles it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 125 notes that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 6.4. Policy 3.8 of the UDP 2005 seeks to ensure the need to protect and enhance what is good in the City's environment, and to improve what is less good. Policy 3.10 advises that proposals which would have an adverse effect on the quality of the built environment would not normally be allowed. Policy 3.60 states that the quality of sports pitches is important and that the Council would continue to encourage improvements.
- 6.5. The Use of Floodlighting of Sports Facilities, Car Parks and Secure Areas (Light Pollution) SPG advises that the height and size of floodlighting columns and equipment should be kept to the minimum needed for operational purposes.
- 6.6. Background Information
- 6.7. The applicant has provided a supporting statement which states that "Coppice Primary School has always seen itself as a hub for the local community, providing an outstanding educational environment as well as offering a space for the community to provide services. Over the past few years our all-weather pitch has proved very popular with local providers offering sports training all year round. At their request, we have been using mobile floodlights over the last 18 months so that play can continue after 1600 hours. However this is not a long term solution as we have had two of the mobile lights fall and break due to strong winds, meaning we do not think that it is viable to continue to offer our pitch after dark if we cannot install lighting. We have had numerous requests to use the pitch if we had fixed lighting".
- 6.8. The application was submitted with 5 letters of support from Mere Green Football Club, Sutton Town Juniors Football Club, Total Football Premier Coaching, Four Oaks Boys Youth Club and Four Oaks Boys under 13 Club. It was expressed by the football clubs that floodlit pitches are limited in the community and that this proposed scheme would provide junior football clubs with somewhere to train all year round.
- 6.9. I am of the opinion that the proposed scheme would bring recreational benefits as it would allow the continued use of the school's sports pitch by local sports clubs

during the evening hours in the winter months and may help to increase the use, which is supported by policies within the adopted UDP and the NPPF.

6.10. Impact on Character of the Area

6.11. The proposed floodlights would be 6 metres high and would be positioned around the existing all weather sports pitch, which is located to the rear of the main school building and is not visible from the street scene. Immediately surrounding the sports pitch is a woodland, which would provide screening of the floodlights from the view of neighbouring residential properties. I therefore do not consider that the proposed floodlighting scheme would have a detrimental impact on the character of the area.

6.12. Impact on Residential Amenity

6.13. The floodlights would be located 29 metres away from the residential properties on Dower Road to the west of the site and 37 metres from the residential properties on Mountford Drive. The separation distance between the residential properties and the proposed floodlights complies with the minimum guidelines set out in the Use of Floodlighting of Sports Facilities, Car Parks and Secure Areas SPG which requires 12.5 metres between habitable room windows and proposed floodlighting in order to secure satisfactory outlook from residential properties.

6.14. I further note that the proposed floodlights would be well screened by the woodland that extends around the perimeter of the school boundary and is covered by Tree Preservation Order 117. The trees within the woodland are mainly Oak, Ash and Elm trees and I am of the view that the density of planting would provide sufficient screening of the proposed floodlights during the winter months.

6.15. Regulatory Services raises no objection to the proposed scheme subject to conditions requiring a Lux Level diagram to demonstrate that the floodlights would not illuminate nearby houses and gardens and to secure the proposed hours of use. Given the distance from nearby residential properties, the existing tree screening and the imposition of conditions to secure details (including design, orientation and illumination levels) and hours of use, I do not consider that the proposed floodlights would have a detrimental impact on the amenities of adjoining residents in terms of light pollution.

6.16. In terms of the potential for noise and disturbance, I acknowledge that the proposed floodlights would allow extended use of the all-weather sports pitch during the early evenings in the winter months. However, with the level of distance separation from the nearest dwellings in Dower Road and Mountford Drive as referred to above and controlling conditions, including use no later than 9.30pm, I do not consider that the impact on residential amenity would be significant. I don't consider that the increased use of the existing parking areas within the school grounds during the evening is likely to have a significant increased impact on residents within the wider area. I therefore consider that any additional evening use of the sports pitch is unlikely to have a detrimental impact on the amenities of nearby residents.

6.17. Impact on Ecology

6.18. Planning Practice Guidelines advise that the positioning, duration, type of light source and level of lighting are all factors that can affect the impact of light on wildlife. It is intended to use the proposed floodlighting between October and March when the impact on nocturnal species such as bats is limited.

- 6.19. The Ecologist raises no objection and has stated that the impact of the proposed floodlighting on bats feeding and commuting in the area can be mitigated by applying the following measures: restricting the overall height of the lighting columns to 6 metres (as applied for by the applicant); the fitting of cowls to the floodlights to provide directional lighting and to ensure minimal light spillage towards the woodland canopy; and to restrict the hours of use to avoid use between 15 and 30 minutes after sunset in the summer months when bats are starting to emerge.
- 6.20. I concur that the proposed floodlights would not have a significant adverse impact on bats and I have recommended a condition to secure the design of the floodlights to ensure minimal light spillage outside of the sports pitch.
- 6.21. Impact on Highway Safety
- 6.22. Transportation Development raises no objection to the proposed scheme. I concur with this view. The school currently provides community use of the sports pitch outside of the school hours and the site can accommodate any additional parking demand. I also note that the use would support the local community where people can walk and cycle to the site. Furthermore, the site is well served by public transport services. I therefore consider that any additional evening use of the sports pitch would not have a detrimental impact on highway safety.

7. Conclusion

- 7.1. I conclude that the proposed floodlighting to the existing all-weather sports pitch is acceptable and would provide a recreational benefit to the local community. Subject to safeguarding conditions, I am satisfied that the proposed floodlights would not result in a detrimental impact on the amenities of adjoining residents, ecology or upon highway safety. I therefore consider that the proposed development would comply with policies outlined in the adopted UDP 2005, Light Pollution SPG and the NPPF.

8. Recommendation

- 8.1. I therefore recommend approval subject to the following conditions:

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|---|--|
| 1 | Prior to the installation of the floodlighting hereby approved, details of the lighting design, illumination levels and orientation shall be submitted to and agreed in writing by the Local Planning Authority. The floodlighting shall be installed in accordance with the approved details and maintained thereafter. |
| 2 | Restricts the hours of use of the floodlights to between 16:00 - 21:30 Monday to Friday |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Limits the approval to 3 years (Full) |
-

Case Officer: Helen Hawkes

Photo(s)

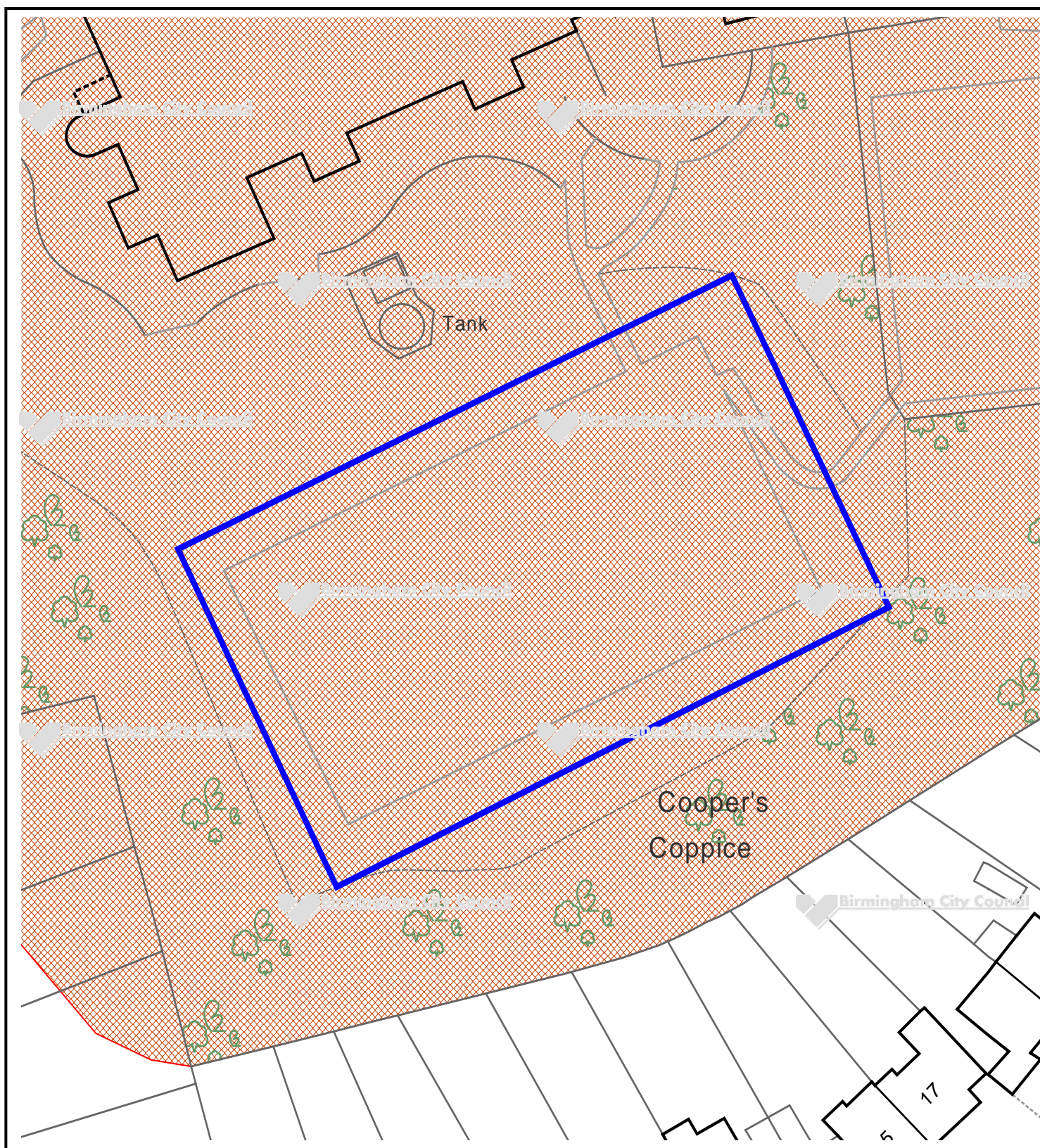


Application site



Application site

Location Plan



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Committee Date:	23/07/2015	Application Number:	2015/04114/PA
Accepted:	08/06/2015	Application Type:	Full Planning
Target Date:	03/08/2015		
Ward:	Sutton Four Oaks		

17A Four Oaks Road, Sutton Coldfield, Birmingham, B74 2XP

Retention of raised decking area and installation of privacy screen.

Applicant: Massey Ltd
High Meadow, Hill Top, Longdon Green, Lichfield, Staffs, WS15 4QA
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Application is for the retention of the unauthorised raised decking area at the rear of the property and the installation of a privacy screen which would be attached to the decking and steps.
- 1.2. The raised decking area which has been installed without the benefit of planning permission at the rear of the newly constructed property sits approximately 1 metre above ground level. It has been designed to fit in with the lower patio area and is constructed of wooden decking and white rendered blockwork with a metal safety railing. It has 5 steps down to garden level where a planter has been included in the structure and a further 5 steps down to the lower patio to the basement which does have planning permission. Direct access is gained from the lounge and kitchen.
- 1.3. The proposed privacy screen would comprise extending the white rendered blockwork wall (0.65 metres above deck level) along the edge of the deck to the bottom step and the installation of a balustrade system with opal obscured toughened glazing panels on top of the blockwork to act as a privacy screen. The privacy screen would comprise 6, 1 metre x 1.210 metre glazing panels and extend 6 metres from the back of the dwelling house. It would provide a screen of 1.86 metres high at deck level and would be set between 2 metres and 1.5 metres at its nearest point off the boundary with 17 Four Oaks Road.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a newly constructed detached dwelling house between 15 and 17 Four Oaks Road. The site was formerly part of the side and rear garden of 17 Four Oaks Road. The dwelling houses either side are large detached properties and the site is within the Four Oaks Conservation Area.

Site Location and Street View

3. Planning History

- 3.1. 10/10/2012. 2011/07886/PA. Application for outline planning permission for the erection of a 5 bedroom dwelling house with an integral double garage with all matters reserved. Allowed on appeal.
- 3.2. 05/06/2013. 2013/01896/PA. Application for the approval of reserved matters (access, appearance, landscaping, layout and scale) attached to the allowed appeal of outline application 2011/07886/PA for the erection of one dwellinghouse. Approved.
- 3.3. 30/04/2015. 2015/0430/ENF. Installation of unauthorised raised platform area. Awaiting outcome of this planning application.

4. Consultation/PP Responses

- 4.1. Councillors, Residents Associations and nearby occupiers notified. Site and press notice posted. 11 letters have been received objecting to the application on the following grounds;
 - Raised deck built without planning permission should be removed following serving of an enforcement notice.
 - Developers deliberately exploiting planning laws.
 - Should not be allowed to submit a retrospective application.
 - Description of proposal implies that the raised deck area is legally in place.
 - Loss of privacy through overlooking as deck is 1 metre above ground level.
 - Impact on visual amenities of an additional 3 foot of privacy screen above an existing 6 foot fence.
 - Builders damaged patio at adjacent property.
 - Raised deck and privacy screen is detrimental to the Four Oaks Conservation Area.
 - Breaches planning guidelines which require 5 metres per storey horizontal separation to adjoining properties and the platform is within 2 metres of the boundary and a metre higher than ground level. This would open the door to balconies being constructed without planning permission and granted retrospectively solely by erecting a privacy screen.
 - Breaches Four Oaks Development Guidelines.
 - Breaches Human Rights Act and the ability of adjacent occupiers to enjoy the privacy of their garden.
- 4.2. Councillor Cornish has requested that the application be determined by the Planning Committee.

5. Policy Context

- 5.1. UDP (Adopted 2005), Draft Birmingham Development Plan, Four Oaks Conservation Area, Four Oaks Estate Sutton Coldfield Development Guidelines SPG (1993), NPPF (2012).

6. Planning Considerations

- 6.1. **Policy** – Paragraph 3.8 of the UDP requires that proposals should protect and enhance what is good in the City's environment and improve what is less good. Paragraph 3.10 states that proposals, which would have an adverse effect on the quality of the built environment, would not normally be allowed. Paragraph 3.27 requires that development should preserve or enhance the character of a conservation area.
- 6.2. Paragraph 131 of the NPPF requires that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and new development making a positive contribution to local character and distinctiveness.
- 6.3. Places for Living SPG includes numerical guidelines for bedroom sizes, garden sizes and separation distances in new developments and sets out key design issues for new housing development in the City.
- 6.4. The Four Oaks Estate Sutton Coldfield Development Guidelines SPG gives general guidance for new development in the conservation area including that new development is in harmony with the original design philosophy of the Estate and preserves or enhances the character or appearance of the conservation area. It notes that houses are generally set in extensive grounds with relatively formal landscaping around buildings comprising lawns, paths and terraces.
- 6.5. **Background** – Outline planning permission for a detached house at the site was granted on appeal in 2012 and the reserved matters approved in 2013. The issue of the unauthorised raised deck area was brought to the attention of my department in April of this year and an enforcement case was opened. The construction of the new dwelling house has now been completed. This application was submitted following discussions between officers and the applicant to try and find a solution that would enable the retention of the raised decking area and overcome the loss of amenity issue to the adjoining occupiers at 17A Four Oaks Road through overlooking and loss of privacy.
- 6.6. **Design/Appearance/Residential Amenity** – The raised decked area and steps that have been constructed adjacent to the boundary with 17 Four Oaks Road with access from the lounge and kitchen was not included in the reserved matters application or subsequent discharge of conditions application. It has been constructed 1 metre higher than ground level and is located between 1.5 and 2 metres from the boundary with 17 Four Oaks Road. The current boundary treatment is a 1.8 metre fence. The raised deck area and steps, although of a good design and appearance, would have a detrimental impact on the residential amenities of 17 Four Oaks Road as people using the deck would have direct views into the garden of no. 17 resulting in an unacceptable level of overlooking and loss of privacy.
- 6.7. The applicants have sought advice as to how they can resolve the overlooking/loss of privacy issue. Advice was given by officers that any structure to secure the privacy of the adjoining occupiers would need to be designed as an integral part of the deck structure and not have any impact on the visual amenities of the adjoining occupier while preventing views over the garden of no.17 and securing the privacy and residential amenities of the occupiers.
- 6.8. I consider the design of the privacy screen now proposed would have an acceptable appearance (subject to approval of the materials for the glazing) and would look like

it has been designed as an integral part of the structure. In terms of its effectiveness as a privacy screen, it would be erected to a height of 1.860 metres above the level of the raised deck and extend along the length of the upper steps. I consider this is a reasonable height to prevent overlooking of the garden of no. 17 and secure the privacy of the occupiers when using their garden.

- 6.9. I note the objection on the grounds that the raised deck area does not comply with guidance in Places for Living SPG that requires 5 metres per storey separation distance from existing private space. I would point out that this guideline relates to main windows in new development. I would also reiterate that I acknowledge that without the privacy screen the raised deck area is not acceptable.
- 6.10. The other main issue would be the appearance of the proposed privacy screen when viewed from the garden of no. 17. The privacy screen would project 0.9 metres above the height of the existing close boarded fence for a length of 6 metres. If the privacy screen was located directly on the boundary it would adversely impact on the visual amenities of no. 17, however, it would be between 1.5 and 2 metres off the boundary, the visual impact would be significantly reduced. I do not consider the impact on the visual amenities is of a sufficient level to warrant refusal of planning permission in this instance.
- 6.11. **Impact on the Four Oaks Conservation Area** – The application site is located within the Four Oaks Conservation Area. The raised deck area and proposed privacy screen are to the rear of the property and effectively only visible from the adjoining properties 15, 17 and 19 Four Oaks Road. As the design of the raised deck and proposed privacy screen is considered acceptable and it cannot be viewed from the public domain I consider it would preserve the character and appearance of the Four Oaks Conservation Area and not harm the significance of the area as a heritage asset. I note that the Four Oaks Estate Development Guidelines make reference to terraces as a common feature in the conservation area.

7. Conclusion

- 7.1. I consider that the proposed privacy screen would overcome the issue of overlooking/loss of privacy from the raised deck to the garden of no. 17 Four Oaks Road. The privacy screen has been designed as an integral part of the deck and would have an acceptable appearance. It would be visible from the garden of no.17 but the impact would be reduced as it would be set between 1.5 and 2 metres from the boundary and I do not consider the visual impact is such as to warrant the refusal of planning permission.

8. Recommendation

- 8.1. Approve Subject To Conditions.

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| 1 | Requires the prior submission of sample materials |
| 2 | Requires the privacy screen to be installed prior to use of the raised decking area |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
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Case Officer: John Davies

Photo(s)

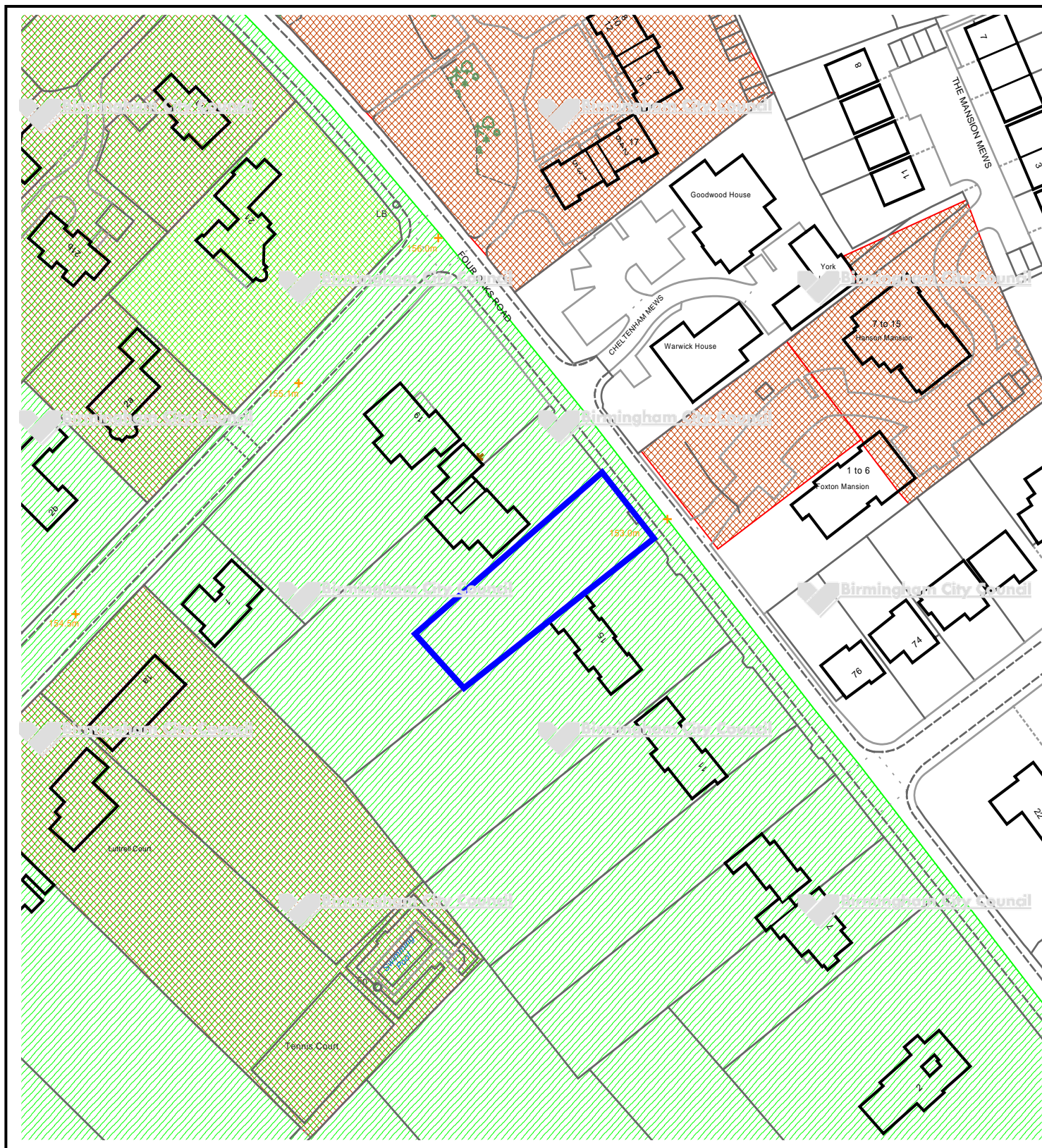


Figure 1 – View of raised decking area in relation to boundary with 17 Four Oaks Road



Figure 2 – View from raised decking area towards garden of 17 Four Oaks Road

Location Plan



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Committee Date:	23/07/2015	Application Number:	2015/04036/PA
Accepted:	21/05/2015	Application Type:	Outline
Target Date:	20/08/2015		
Ward:	Edgbaston		

Clarendon Suites, Stirling Road, Edgbaston, Birmingham, B16 9SB

Outline planning application for demolition of existing building and new build residential development (84 dwellings). All matters reserved except scale and access. Access to be gained from Clarendon Road and Stirling Road

Applicant: Terra Strategic
2 The Courtyard, 707 Warwick Road, Solihull, B91 3DA
Agent: GVA Grimley Ltd
Bilfinger GVA, 3 Brindleyplace, Birmingham, B1 2JB

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application seeks outline planning permission for the demolition of the existing building and the erection of residential development consisting of 84 dwellings. The application has all matters reserved apart from access and scale.
- 1.2. Indicative layouts, and associated floor plans, have been submitted to establish key design principles. The indicative layout plan comprises 62 one and two bed apartments and 22 houses (9 three beds and 13 four beds) with car parking ratios of around 150% but not specifically disclosed as parking levels would be partly informed by the final layout. The indicative layout plan shows that 11 trees would need to be removed, although this matter is reserved for later consideration. Issues of appearance, layout and landscaping have been reserved.
- 1.3. Access points are shown from both Clarendon Road and Stirling Road. The indicative layout plan shows two culs-de-sac from Stirling Road and a pedestrian 'through route' continuing onto Clarendon Road. The Clarendon Road access points would serve one private drive for 7 houses and a second private drive for 2 houses.
- 1.4. Scale has been requested as a matter for full consideration at this stage. The scheme proposes development that is predominately 3 storeys in character, consisting of two storey houses (with rooms in the roof-space and with dormer windows) and a three storey block of flats in the northern area of the site. The scheme also includes a 4 storey block at the southern end of the site, adjacent to Hagley Road.
- 1.5. A Design and Access Statement, Flood Risk Assessment, Heritage Statement, Noise Assessment, Ecological Appraisal, Transport Statement, Planning Statement and initial Tree Survey has been submitted in support of the application.

- 1.6. The site area is 1.34ha and the scheme proposes a density of 63 dwellings per hectare.
- 1.7. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The site currently accommodates a large four storey hall and conference facility sitting within landscaped grounds. The site has 180 marked parking spaces arranged in small pockets to the south and west of the building with a large main car park located to the north, further parking for approximately 70 vehicles is available on 'grass-crete' amongst the trees in the rear of the site. There is a small woodland within the northern area of the site. The site fronts onto Hagley Road with the building set back 17m from the pavement edge. This frontage is higher than adjacent land, on a raised bank and sits behind a one metre high retaining wall. There is a group of mature trees along the frontage forming a screen to the existing building on site.
 - 2.2. The site contains 76 individual trees around the site and four groups of trees within the rear area. The site is generally flat with a retaining wall to the front of the site, adjacent to Hagley Road. The site is bounded by residential rear gardens to the north, and by Clarendon Road (to the east), Stirling Road (to the west) and Hagley Road the A456 (to the south).
 - 2.3. Properties to the north of the site are residential in character, across Clarendon Road (to the west) is the Rainbow Casino, a two storey building with a casino/bar at ground floor and restaurant at first. To the east of the site, across Stirling Road, is a Grade II listed building (215 Hagley Road) and 10 Stirling Road (3 storey block of flats) and the former St Chad's Hospital (now offices) beyond, with a middle element being Grade II listed. Buildings to the south of the site, over Hagley Road, include the Birmingham Primary Care Trust teaching facilities. Other nearby uses, on the south side of Hagley Road, are a combination of offices and other commercial activities.
 - 2.4. [Site Location Map](#)
3. Planning History
 - 3.1. 13/06/13 pa no.2013/00770/PA. Proposed demolition of the existing building and the erection of residential development consisting of 84 dwellings. All matters reserved apart from access and scale. Refused as the applicants failed to enter into the S106 Agreement.
4. Consultation/PP Responses
 - 4.1. Consultation Responses
 - 4.2. Transportation – No objection in principle to access subject to conditions to require a S278 Agreement, a Demolition management plan, a Construction management plan and a Residential Travel Plan.

- 4.3. Local Lead Flood Authority- No objection subject to a condition requiring a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan.
- 4.4. Regulatory Services – Awaited, commented on the 2013 application: “No objection subject to conditions to seek appropriate noise mitigation for glazing on both Hagley Road and the rest of the site.”
- 4.5. Education – A contribution is required towards education provision for primary school places. The scheme generates the need for an education contribution of £180,528.44 towards primary and nursery school education. A priority school within the area is St George's Church of England Primary School, Beaufort Road, Ladywood.
- 4.6. Parks and Local Services - No objections in principle off-site POS and play area contributions should be considered if the application is progressed. These would be calculated as a total contribution of £167,400. This would be spent on the provision and improvement or maintenance of POS and play equipment at Bellevue Park within the Edgbaston Ward. Although in terms of vicinity to the application site, Edgbaston reservoir would seem the closer choice for this spend, it already has a number of sizeable contributions earmarked for its improvement. Bellevue Park site, although further away, has a play area and other aspects that need improvement and is therefore the main priority for spend for contributions from this application.
- 4.7. Severn Trent – No objection to the proposals subject to the inclusion of a drainage condition.
- 4.8. Centro – Awaited, commented on the 2013 application: “The application site is well located for access to a number of high frequency bus services that operate along Hagley Road and Portland Road. The applicant should be required to develop a Residential Travel Plan and promote sustainable travel to and from the development. This could take the form of a Welcome Pack for residents including public transport timetables, cycle maps and walking information. The developer should also be required to provide secure cycle parking facilities”.
- 4.9. West Midlands Fire Service – Awaited, previously commented “There should be vehicle access for a pump appliance to within 45m of all points within each dwelling, or dry rising fire main(s) provided in accordance with the Fire Safety requirements”.
- 4.10. West Midlands Police – No objection, the current levels of crime and anti-social behaviour in the locality could potentially make this development vulnerable. They advise that there is sufficient lighting in the parking area to the NE corner of the site (near to the 3 storey block) and that the Basement car park under the Apartment block facing Hagley Road is gated to prevent unauthorised access.
- 4.11. Public Participation
- 4.12. Residents and other local occupiers, Resident Associations, Councillors and the MP consulted. Press and Site Notice made.
- 4.13. North Edgbaston Residents Association generally welcome the return of the Clarendon Suites site to residential usage, it raises several concerns;

- the proposed opening up of two vehicular entry points on Clarendon Road would exacerbate parking and traffic congestion on local Roads and on-site parking would be insufficient
 - it questions the rationale for the high proportion of 1 bedroom apartments in the light of so many being vacant in the area (offering a 'buy-to-let' opportunity would risk upsetting the finely tuned balance of a socially and culturally mixed area)
 - the style of dwellings and apartments is comparatively anonymous and would add little to the character of the area
 - the two apartment blocks, to judge from the plans, are especially dull
 - it would want to see restrictions imposed on traffic and parking during construction work consequent on granting this application.
- 4.14. 1 letter of support has been received supporting new housing and the removal of the existing building.
- 4.15. 8 letters of objection have been received from local residents. The objections consist of concerns regarding;
- 4.16. *"HIGHWAY SAFETY- The Road became a cul-de-sac to stop a circuit for curb crawlers and prostitutes. Access will reverse this solution. Parking is an issue as during the week workers park in the road, and there has been a number of car accidents at the bend in the road and issues with school children crossing. The access will accentuate already existing problems and put added pressure on Stirling Road in terms of parking provision, which will no doubt be used as overspill parking. On this basis, could I suggest that the Council considers a Residents' Parking scheme on Stirling Road, as there is on Monument Road."*
- 4.17. *"Clarendon Road has a blind spot turning into Vernon Rd. The increase in daily traffic will increase the chances of road traffic collisions. Residents are concerned that there will not be sufficient parking within the development leading to overspill onto Clarendon Road, Stirling Road and other nearby streets and leading to traffic congestion within these neighbouring streets as well as when joining and leaving the Hagley Road. Double yellow lines should be added to the junction around Montague and Vernon Roads and on the bend coming into Clarendon Road from Vernon Road as I think this will be exacerbated."*
- 4.18. *Opening proposed entry points opposite our property in Clarendon Road will create massive traffic congestion and long queues in Clarendon Road, Vernon Road and Montague Road, adding to the already existing problem of office workers parking on both sides of the road, restricting access. We would welcome strict but reasonable restrictions on traffic and parking during construction work."*
- 4.19. *"DENSITY AND DESIGN- The number of dwellings is too dense for will result in traffic issues in Clarendon Road. The street grain is not respected, unless the houses are three storey and of similar height to all of the other houses in Clarendon Road, of which 5 are statutorily listed buildings in the immediate vicinity. The layout should ensure that it is impossible to gain access to other parts of the development from Clarendon Road and thus create a rat run. We would like to point out that the stark architecture of this block seems completely out of keeping with the rest of the proposed development that consists of pleasant town houses."*

- 4.20. *"NOISE - Clarendon Road is a quiet residential area and the development will further contribute to the noise and pollution in this residential area."*
- 4.21. *"DEMAND - There is already a considerable number of flats in this small locality and not enough on road parking. As many commuters park their cars on Clarendon road during the day it will add to the on road traffic."*
- 4.22. *"TYPE OF HOUSING - many of the flats will be bought as buy-to-let investments, resulting in a short-term population with no long-term commitment to the neighbourhood. While this is not illegal, it undermines the delicate community cohesion that has built up over many years."*
- 4.23. *"OVERLOOKING - Our property (19 Carlyle Road) runs along the north boundary of the site and the garden shares some 40 metres of common boundary so is likely to be the one most affected by the development. The proposed block is approximately 25 metres away so much nearer our house and garden. It appears that there will be balconies on the north side so we will definitely be overlooked. Much to our relief the plans propose retaining the existing trees (which are all the subject of tree preservation orders) so we will have partial privacy when they are in leaf but not for the rest of the year. A further concern about the proximity of the block in the north section of the site and whether it will generate noise. Our greatest fear is that it would have 30 air conditioning units and 30 extractor fans."*

5. Policy Context

- 5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014).
- 5.2. Birmingham UDP, Draft Birmingham Development Plan, Mature Suburbs SPD, Car Parking guidelines SPD, Places for Living SPG, Adjacent to St Augustine's Conservation Area, Adjacent to Edgbaston Conservation Area, Adjacent to 215 Hagley Road (Grade II), adjacent to 12-20 Clarendon Road (Grade II). TPO 663.

6. Planning Considerations

6.1. Policy

- 6.2. Paragraphs 16.16 to 16.23, of the adopted UDP, discuss Hagley Road. These paragraphs indicate that hotel, leisure and tourism will be supported adjacent to Edgbaston reservoir and that hotel uses would be supported between 213-267 (the application site being between 215 and 217 Hagley Road). Therefore, there is no specific policy support for residential use, but equally there are no policy aspirations that preclude residential use either, as such assessment is required to be made on its own merits.
- 6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the

delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

- 6.1. The UDP also supports a more sustainable pattern of development by re-using brown-field sites in suitable locations. The UDP requires that new housing developments should provide an appropriate environment (paragraphs 5.20-5.20A), a suitable housing density and mix (paragraph 5.40) and encourages a full range of housing types and sizes including those for people with disabilities and other specific needs (5.35 and 5.37). Paragraph 5.38 identifies that densities of at least 50 dwellings per hectare will be expected in local centres and corridors well served by public transport, with 40 dwellings per hectare elsewhere.
- 6.2. Paragraphs 5.37 (A-G) relate to the requirement for the provision of affordable housing. The NPPF seeks affordable housing for schemes 15 units or more. Paragraphs 3.14D-E, of the UDP states that new housing development should be designed in accordance with good urban design principles.
- 6.3. Places for Living (SPG) encourages good quality accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character. 'Places for All' SPG also emphasises the importance of good design, high quality environments, again with an emphasis on context.
- 6.4. Policy SP25, of the draft Birmingham Development Plan, states that the location of new housing should be on previously developed land, be accessible to jobs, shops and services by other modes of transport, be sympathetic to natural assets and not conflict with other core strategy policies in relation to employment land, green belt and open space. Policy SP26 refers to new housing offering a choice of type, size and tenure to create balanced and sustainable communities.
- 6.5. The principle of redeveloping this site for residential purposes would be a positive move in line with national and local policy. The application site is located adjacent to the Strategic Highway Network, with excellent access to public transport and the City. The scheme would provide the redevelopment of a brown field site on a key landmark site. As such residential use is considered to be acceptable in principle.
- 6.6. Design Issues
- 6.7. Scale – The scheme proposes buildings generally of 3 storey, with a 4 storey block proposed adjacent to Hagley Road. The existing building on site, is a large brick built conference facility with very few external windows and being 10.5m high (3 ½ storeys in scale). Other buildings nearby, to the north of Hagley Road are 215 Hagley Road (3 storeys), St Chad's Hospital (3 Storeys), 10 Stirling Road (4 storeys), 10 Clarendon Road (2 storeys), The Strathallan Hotel, 217 Hagley Road (7 storeys) and other nearby housing being a combination of 2 and 3 storeys. To the south of Hagley Road consist of 142 Hagley Road (3 storey), 146 (3/5 storey) and 126 Hagley (7 storeys), other building heights are generally varied in this section of the road with housing behind this row being generally 2 storey. I am satisfied that the proposed scale would be appropriate for the local context and consequently have no object to the massing diagram submitted in support of this scheme.
- 6.8. Layout (indicative) - The indicative layout shows a perimeter block arrangement of development with two new roads created through the site to bisect it on lines parallel to Hagley Road. This would create clearly defined public realm and private gardens that would be properly framed by buildings. This would create a successful 'back-to-

back' relationship providing a logical and coherent sense of place. The scheme shows how a density of 63 dwellings per hectare could be suitably accommodated on site. As the layout plan is indicative only it shows one potential solution to how the site could be arranged, but more importantly it shows key Masterplan principles that could be translated into a range of different solutions for the site. This layout would also protect the amenity of the rear gardens of residents to the rear (north) of the site placing a block of flats in this space framing this rear area. I am also satisfied that Places for Living can be suitably met in terms of separation distances, garden sizes and bedroom sizes when further details are available when considering reserved matters later. I response to Police comments I note that they have requested that the car parking areas for the proposed flats be secure, this can be addressed at the reserved matters stage and conditions at a later date.

- 6.9. Access – Access is afforded by two points from Clarendon Road and two from Stirling Road. I note that right turning in and out of Stirling Road is not possible due to the central reservation on Hagley Road. Stirling Road is two way up to the bend (just before no. 12) where No Entry signs are located therefore traffic coming out of the site, onto Stirling Road, can only turn right. Vehicles travelling from the city centre, from Hagley Road, would have to use Monument Road then Waterworks Road to get to Stirling Road. This is awkward but an existing situation, made no worse by the current proposal. Also, it is considered that residents that work in the City would more frequently catch a bus, walk or cycle rather than drive and seek a parking space in the City. The layout plan shows vehicular entrances from Stirling Road and two smaller access points providing access to two small private driveways from Clarendon Road, there would be no route through the site for vehicles. Access to Clarendon Road would not be possible direct from Hagley Road as the end of Clarendon Road has been closed to traffic.
- 6.10. Landscaping – Whilst this matter is reserved it is still pertinent to be satisfied that a landscape strategy can be agreed in principle at this stage. The scheme shows key landscaping areas in front of new housing on Clarendon Road, infill planting on Stirling Road and structural planting within the new culs-de-sac and between new rear gardens. This shows that adequate space is provided to accommodate planting. As such, subject to suitable conditions, I am satisfied that a detailed landscape scheme can be developed to suit the character of the proposed indicative layout and the surrounding area.
- 6.11. Conservation
- 6.12. The site is adjacent to several listed buildings and close to St Augustine's and Edgbaston Conservation Areas (both 400m to the west and east respectively). The applicants comment that the scheme would increase the amount of green space on site and would complement the existing character of the conservation area. It acknowledges that 215 Hagley Road and part of St. Chad's Hospital next door are Listed Grade II. The submitted heritage statement concludes that the proposal would not impact on the status of the nearby conservation areas and that the proposal can be seen as a positive contribution to the surrounding area. I concur with these findings and am satisfied that the proposal would not affect local heritage assets based on the proposed scale, the indicative layout and subject to proper design consideration when assessing the Reserved Matters in the future.
- 6.13. Transportation
- 6.14. The submitted Transport Statement considers the existing traffic impacts of the site in comparison to the proposed scheme. It notes that the venue can accommodate

250 cars (180 in marked bays, 70 on grass-crete to the rear) and 800 delegates. A safety audit indicates that the immediate area, surrounding the application site, was subject to three accidents in the last three years with only slight injuries being recorded. It also noted that no incidents were recorded in association with the use of the Stirling Road junction (which serves the application site). The statement also notes the site is in a highly sustainable location with access to numerous bus services via Hagley Road.

- 6.15. Whilst layout plan is only indicative, the applicant has provided a detailed layout and offered information with regards to the dwellings within the Design and Access Statement. The proposed frontage apartment would have 24 two bed and 8 one bed flats. The rear apartments would have 24 one bed and 6 two bed flats and the proposal would also include 22 three and four bed dwellings. All dwellings would include two car parking spaces. Sixty two car parking spaces would be provided for the flats with an additional number of fourteen disabled spaces. Cycle storage is provided together with the communal bin storage areas for the flats. Indicative parking levels are considered appropriate in mind of the location of the site on a major public transport corridor.
- 6.16. Transportation Officers are concerned that there is the potential for vehicles to 'rat run' through the site. The proposed plans do not indicate any features to prevent vehicles driving over the pedestrian link from Clarendon Road to the cul-de-sac. There could be a temptation given the restrictions of movement due to the one way street on Stirling Road and dead end on Clarendon Road. Right turning in and out of Stirling Road is not possible due to the central reservation on Hagley Road. Stirling Road is two-way up to the bend (just before no. 12) where 'No Entry' signs are located as such traffic coming out of site can only turn right. Therefore, this matter will require careful consideration at the detailed design matter stage.
- 6.17. The Transport Statement concludes that the proposal would not have an adverse effect on the safety and operation of the highway network. Traffic generation for 84 apartments would be 30-35 trips (two-way) at peak times. Traffic generation to the Clarendon Suites is variable due to the demand for conferences and functions but even so Transportation consider that the proposed development would generate less traffic than that generated by the existing use.
- 6.18. Car Parking Guidelines (SPD) identifies that the site is within zone 3, where there is a requirement for a maximum parking provision of 2 spaces per dwelling. The layout indicates a parking provision of 150%. Transportation have raised no objection to the proposal subject to conditions to require a Residential Travel Plan, a construction management plan and for any works in the highway to be detailed and agreed by condition. I concur with these comments.
- 6.19. Noise Impact
- 6.20. The proposal would place residential development adjacent to the Strategic Highway Network. The indicative layout shows a 4 storey block of flats adjacent to Hagley Road with a mix of flats and houses behind, as such the front elevation of the block would deflect some of the sound from traffic on Hagley Road creating a reduced noise impact to those properties behind. The submitted Noise Assessment indicated that following survey the noise exposure level was rated as category C. The National Planning Policy Guidance note (2014) identifies 4 different levels of noise impacts, ranging from 'not noticeable' to Noticeable and very disruptive'. The third level, 'Noticeable and Intrusive' appears comparable to the previous rating of 'Noise Category C' as it offers mitigation rather than refusal.

- 6.21. I note that there are many examples of residential development located adjacent to Hagley Road in nearby locations, particularly in regard to apartment schemes, such as the Mansion blocks at Kenilworth Court (135m to the east). I note that Regulatory Services have raised no objection in principle to the granting of this application, based on the fact that the adjacent units are not used for industrial use. However, local roads are busy and the adjacent Hagley Road creates significant noise levels. As such they have recommended conditions to require glazing attenuation to mitigate noise levels around the site, with a greater level of attenuation required for the South block adjacent to Hagley Road.
- 6.22. Impact on existing Residents
- 6.23. The scheme would result in the replacement of a conference facility with a wholly residential use. In principle this would result in a use less harmful to adjacent residential amenity. This is particularly in mind of the location of the main car park, serving the current use, that is located adjacent to residential rear gardens located on Clarendon Road, Stirling Road and Carlyle Road. I also note that the indicative layout shows the retention of the woodland (behind 19 and 21 Clarendon Road) and this area being used as amenity space to serve the second block of flats. I also note that the indicative plan shows an area of car parking (to serve these flats) that would be located to the side of the flats and behind houses 12-18 Stirling Road. This car park would replace the larger former car park for the conference use and therefore would have no greater disturbance, I am also confident that an appropriate buffer with landscape screening would provide additional noise mitigation on this boundary that would prevent undue noise and disturbance.
- 6.24. Ecology and Trees
- 6.25. Ecology – The site is partly within a Wildlife Action Area. Approximately 10% of part of the site (southern corner) is within this designation, this area of the site consists mostly of trees and green space that is proposed to be retained. The submitted Ecological Assessment comments that no legally protected habitats or plants were found on site. The building was surveyed for bat roosts. It was concluded that due to its design and position adjacent to Hagley Road, that no roosts were present. Some bird nests were found on trees on site but no other significant ecological interests were found. The Assessment report recommends that the scheme be designed with a sensitive lighting plan, a landscape plan that includes native planting, bird and bat boxes, and grouping of planting to encourage nesting and foraging routes. Your ecologist is satisfied with the finding of this report subject to suitable mitigation measures, referred to within the Assessment, which can be secured by condition.
- 6.26. Trees – The northern part of the site, behind houses at 19 and 21 Clarendon Road, are protected by Tree Preservation Order. These trees are proposed to be retained. Also, the proposal seeks to retain most trees on the site and mostly only remove those which have been classified as 'R' type trees (rated as no value). There is one category A tree that is shown to be removed (a Lime) and two category B trees are also proposed to be removed (a London plane and a lime). My arboriculturalist considers that the first lime tree could be retained subject to minor changes to the proposed layout, as the layout is currently indicative I am satisfied that this can be resolved when detailed matters are considered as part of the reserved matters submission. There are some areas where further detail will be required by condition, due to the proposed location of some paths but I am satisfied that this can be suitably mitigated when detailed design is considered and with the benefit of mitigating conditions. The scheme proposes the retention of the majority of trees

and I recommend conditions to require a full tree survey, tree protection measures, and a Tree work specification to be considered once a detailed layout is known.

6.27. Flooding and drainage

6.28. The submitted Flood Risk Assessment (FRA) comments that the site is within flood zone 1 (least likely to flood), that the Edgbaston Reservoir is 400m to the north of the site and the Chad Brook 500m to the south. It suggests that soak-aways and pervious paving could be considered for use on site at the detailed design stage subject to infiltration testing. Rainwater harvesting also could be considered at the detailed design stage. It also suggests the use of Swales (surface water drainage ditches) but I suspect that this would be inappropriate for this medium density site. It concludes that a combination of on-site storage and flood routing to the larger landscaped areas would mitigate on-site surface water run-off and satisfy the Environment Agency's general requirement to limit run off and capture water on site (including a 30% climate change multiplier).

6.29. The Local Lead Flood Authority has considered the proposal. They have stated that an operation & maintenance plan is required at the reserved matters stage of this application, including Details of party responsible for the maintenance of each feature, a Specification for inspection and maintenance actions (including frequency of tasks and setting out minimum standard of maintenance required), Proposed arrangements for adoption/ownership to secure operation of the scheme throughout its lifetime and Details of proposed contingency plans for failure of any part of the drainage systems that could present a hazard to people. This can be secured by condition.

6.30. S106 Issues

6.31. Housing – The proposal is for more than 15 dwellings and therefore would need to provide 35% of the units as affordable housing. The scheme shows a mix of apartments and houses. This provision can be secured through a S106 Agreement, as the scheme is speculative, and layout is not currently for consideration, the house type mix should remain unspecified within the S106 at this time.

6.32. Education – The scheme generates the need for an education contribution of £180,528.44 towards primary and nursery school education. A priority school within the area is St George's Church of England Primary School, Beaufort Road, Ladywood which is 0.3 mile from the application within the adjacent constituency. This calculation is based on the application of the formula based on pupil yields looking at current surplus places. There are fewer than 5% surplus places in primary and nursery schools in this area and as such my education colleagues seek the full planning contribution in this case. No contribution is requested for secondary provision due to current lack of places. As the scheme is in outline form, and so the final mix and size of flats and houses is not yet known, the requested sum is based on the flats and houses currently shown. This sum may change to a greater or lesser degree when final details are approved, and will be calculated using the standard formula.

6.33. Parks and Local Services – Have raised no objections in principle to this outline proposal, but requested that public open space (POS) and play requirements be provided to satisfy Policy. An off-site contribution providing both junior play facility and POS would be £167,400. This would be spent on the provision, improvement and maintenance of Bellevue POS, in close proximity to Islington Row and Bristol

Road. As the scheme is in outline form this sum would be expressed in the S106 as a pro-rata calculation.

7. Conclusion

- 7.1. The principle of redeveloping this site for residential purposes would be in line with national and local policy. I have no objection to the loss of the existing building or use. The application site is located adjacent to the Strategic Highway Network, with excellent access to public transport and the City. The scheme satisfies flood assessment requirements and provides for the retention of important perimeter trees. Noise impact issues can be suitably mitigated through conditions. The scheme constitutes sustainable development. The proposal would also contribute towards the city's housing need.

8. Recommendation

- 8.1. I. That application 2015/04036/PA be deferred pending the completion of a suitable Section 106 Planning Obligation to require:

a) On-site Affordable Housing provision of 35%.

b) Off-site Public Open Space and Children's Play Area Contribution based on a sum derived from a pro-rata calculation in the adopted Public Open Space in new residential development SPD (detailed at appendix B of that SPD) (index linked to construction costs from the date of the committee resolution to the date on which payment is made) to be spent on the provision, improvement / or maintenance of POS and Play within the Bellevue POS, within the Edgbaston Ward. The sum is to be paid prior to the commencement of development.

c) Education contribution based on a sum derived from a pro-rata calculation in the 'Education Contribution' guidance note (detailed at appendix A, B and C of that note)(index linked to construction costs from the date of the committee resolution to the date on which payment is made) towards St George's Church of England Primary School, Beaufort Road, Ladywood. Sum to be paid prior to the commencement of development.

d) Payment of a monitoring and administration fee associated with the legal agreement subject to a contribution of £7,900. To be paid prior to the completion of the S106 Agreement.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 18th August 2015 planning permission be REFUSED for the following reason;

a) In the absence of a financial contribution towards Public Open Space, education and the provision of on-site affordable housing the proposal conflicts with Paragraph 3.53B, 3.61, 5.20B, 5.20C, 8.50-8.53 and 5.37 A-G of the Birmingham UDP 2005 and the National Planning Policy Framework (2012).

III. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate Section 106 planning obligation.

IV. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 18th August 2015, favourable consideration

be given to Application Number 2015/04036/PA, subject to the conditions listed below;

-
- 1 Limits the approval to 3 years (outline)
 - 2 Requires the submission of reserved matter details following an outline approval
 - 3 Limits the layout plans to being indicative only
 - 4 Limits the maximum number of dwellings to 84
 - 5 Limits the maximum number of storeys to 3 and 4 storeys
 - 6 Requires the prior submission of sample materials
 - 7 Requires the prior submission of level details
 - 8 Requires the prior submission of hard and/or soft landscape details
 - 9 Requires the prior submission of hard surfacing materials
 - 10 Requires the prior submission of boundary treatment details
 - 11 Requires the prior submission of a lighting scheme
 - 12 Requires the implementation of the Flood Risk Assessment
 - 13 Requires the prior submission of a sustainable drainage scheme
 - 14 Requires the prior installation of means of access
 - 15 Requires the prior submission of a parking management strategy
 - 16 Requires the prior submission of a residential travel plan
 - 17 Requires vehicular visibility splays to be provided
 - 18 Requires the prior submission of cycle storage details
 - 19 Requires pedestrian visibility splays to be provided
 - 20 Requires the prior submission of a tree survey
 - 21 Requires the prior submission of details for tree works
 - 22 Requires the implementation of tree protection
 - 23 Requires the prior submission of a contamination remediation scheme
 - 24 Requires the prior submission of contamination remediation scheme on a phased basis
 - 25 Requires the scheme to be in accordance with the listed approved plans
-

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- 26 Requires the prior submission a noise study to establish residential acoustic protection
 - 27 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 28 Requires the prior submission of details of bird/bat boxes
 - 29 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 30 Requires the prior submission and completion of works for the S278/TRO Agreement
-

Case Officer: Ben Plenty

Photo(s)

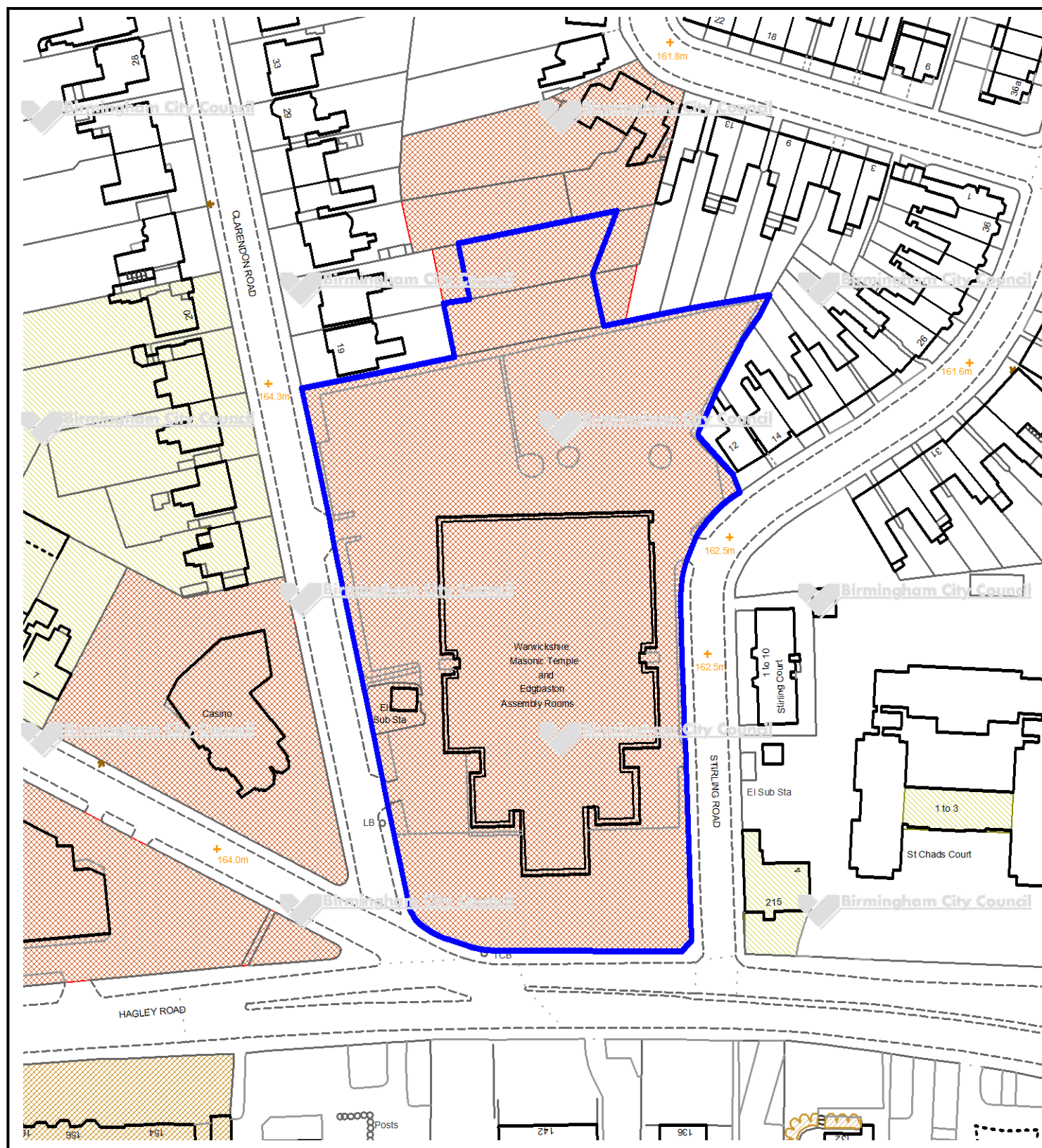


Front view of site looking north



Aerial view looking west

Location Plan



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Committee Date:	23/07/2015	Application Number:	2015/03064/PA
Accepted:	07/05/2015	Application Type:	Full Planning
Target Date:	06/08/2015		
Ward:	Longbridge		

Land at Longbridge West, North of Bristol Road South, Longbridge, Birmingham

Erection of secure serviced residential accommodation (Use Class C2A) for defence medicine personnel, access, parking, landscaping and associated infrastructure

Applicant:	St Modwen Developments and Defence Infrastructure Organisation c/o Agent
Agent:	Planning Prospects Ltd 4 Mill Pool, Nash Lane, Belbroughton, Worcestershire, DY9 9AF

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Planning permission is sought for the erection of a 10,585sq.m (Gross Internal Area), 6 storey, 180 bed space building, associated 170 car parking spaces and 48 cycle stands, access and landscaping for secure serviced residential development for the Royal College of Defence Medicine (RCDM) personnel. The RCDM personnel operate within the QE Hospital and provide services for both the general public and also the rehabilitation and care for forces personnel returning from active duty around the world.
- 1.2. The proposed building would be located in the middle of the site due to a Defence Infrastructure Organisation (DIO) standoff requirements from site boundaries, sewer easements and on-site services. I measure the building as set back 24m from the A38 pavement, 21m from the western boundary, and 19m at the closest point to the northern boundary.
- 1.3. The building would be of an 'H'-shaped footprint, measuring 58m in width and 45m in depth, with two principal elements of 6 storey height (20.5m). It would be finished in a mix of render and metal cladding, with a strong horizontal emphasis on the two principal elevations (north and south), created by the window and material arrangements. The accommodation would not comprise of fully self-contained flats, but individual en-suite rooms with shared communal facilities including kitchen and dining, bar and gym. The building's front door would face the A38.
- 1.4. The majority of the site around the building would be hard standing, providing the 170 car parking spaces. However two outdoor spaces for use by the residents are proposed to the rear of the site adjacent to the river corridor. These would comprise a formal courtyard and a restorative garden. The courtyard would have the ability to

be used as an outdoor dining and entertaining area whilst the restorative garden would contain sensory planting, seating, lawn and a hard landscaped area.

- 1.5. The site would have a vehicular access from the A38 Bristol Road South, at its western corner. This would be a 24 hour manned rising barrier, set back into the site to allow for a refuse/fire vehicle to clear the highway. A separate pedestrian access would be provided to the east of the site connecting it to the new River Rea walkway and into Longbridge Town Centre.
- 1.6. A brick wall with piers and flat bar railing (total height 1.8m) would form the front boundary of the site with the A38 Bristol Road South. This treatment would also form the eastern boundary running alongside the new pedestrian access ramp to the river corridor and bridge across approved by your committee under the River Rea Infrastructure works (reference 2015/03066/PA). Behind this boundary would be a defendable zone between 3m and 5m in depth after which an internal weldmesh site security fence is proposed. The proposed site secure 'internal' fence would be 3m in height. A 1.8m high vertical bar railing fence is also proposed to the site's northern boundary along the river corridor and would be sited at the top of the river bank. The site would have secure gated pedestrian and vehicular access. The vehicular access would have an electro-mechanical barrier and associated guard hut post.
- 1.7. Amended plans have been submitted during the course of the application that alters the proposed boundary treatment to the front and the inner security fence. The security fence originally proposed to be the external boundary to most of the site and would have been 3m in height with a further 1m in height of razor wire. These have subsequently been altered and razor wire removed from the proposed development.
- 1.8. A Design and Access Statement, Drainage Strategy and Flood Risk Assessment, Geo-Environmental Summary Report, Environmental Noise Report, Ecological Appraisal, Transport Statement, Planning Statement and Tree Survey and Arboricultural Assessment have been submitted in support of the application.
- 1.9. The planning application is screened regarding the requirement for an Environmental Impact Assessment and the Local Planning Authority determines that an EIA is not required.
- 1.10. Site area: 1.2 hectares.
- 1.11. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site comprises 1.2 hectares of land which was previously occupied by Bournville College Construction Centre, which has been demolished and relocated. The site also contains a pumping station and control attenuation equipment for Severn Trent Water and a sub-station for Western Power, both on the A38 frontage, both would remain in situ.
- 2.2. The site is bounded to the north by the River Rea, immediately to the south and east by the A38 Bristol Road South which links the M5 motorway towards Birmingham City Centre and to the west by other commercial uses fronting the A38.
- 2.3. The application site is located within a short walking distance of Longbridge railway station which would provide direct train services to the University of

Birmingham and the QE Hospital. The site is also adjacent to a primary bus route that is served by approximately 38 buses an hour.

- 2.4. The site is currently vacant following the demolition of buildings on site. The site is flat and lies approximate 1 – 1.5m lower than the A38 frontage.

[Site Location Map](#)

3. Planning History

Includes, for the wider Longbridge re-development area:

- 3.1. 9 July 2015. 2015/03066/PA. Planning permission granted for river infrastructure works, re-profiling of river banks, footpath/cycleway including bridge and landscaping (including temporary river realignment).
- 3.2. 19 March 2015. 2014/09425/PA. Outline planning permission with all matters reserved for future consideration granted for the erection of up to 10,040sq.m offices (B1), access, parking, landscaping and associated development infrastructure.
- 3.3. 21 January 2015. 2014/07124/PA. Temporary planning permission granted for the creation of a temporary car park with 209 parking bays for a period of 18 months. Permission granted until 31 December 2015.
- 3.4. 18 September 2014. 2014/04442/PA. Planning permission granted for the development of an extra care village comprising 260 units and village centre in a 5 storey building with associated car parking, roads and landscaping.
- 3.5. 7 August 2014. 2013/09229/PA. Planning permission granted for Retail and service development (A1, A3 and A5) comprising 14,832sqm (GEA) anchor store, retail units of 4,383sqm (GEA), restaurant/takeaway pavilion building of 589sqm (GEA), erection of multi storey car park of 1216 spaces and surface level car park of 500 spaces, access, landscaping and associated works.
- 3.6. 21 June 2012. 2012/02283/PA. Planning permission granted for Recreational park including alterations to river alignment, new bridge, pedestrian cycle bridge, footpaths, hard & soft landscaping and associated river & drainage infrastructure works.
- 3.7. 9 September 2011. 2011/00773/PA. Planning permission granted for mixed use development comprising new superstore, shops (A1), Financial and Professional (A2), Restaurants/Cafes (A3), Public Houses (A4) and Hot Food Takeaways (A5), Offices (B1a), 40 residential apartments, hotel, new public park, associated parking and service infrastructure and new highway access from Longbridge Lane and Lickey Road.
- 3.8. 17 April 2009. 2008/06456/PA. Planning permission granted for Development of a college facility (Class D1), with associated landscaping, parking and access arrangements.

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and Resident Associations notified. Site and press notice posted advertising the development as a departure from the

development plan. Two letters of response received from local residents firstly requesting further information regarding the proposal and the second being an objection relating to the following:

- Why here and not at the former Selly Oak Hospital Site?
- With security in the country being at its highest you are advertising the erection of the building to house some of the most high profile individuals in Birmingham without considering the safety of those in the area.
- Can we have a doctor's surgery and school instead to cater for the increase in housing?

4.2. Environment Agency – No objection subject to a safeguarding condition relating to the development being undertaken in accordance with the submitted Flood Risk Assessment including finished floor levels.

4.3. Drainage – Within the Flood Risk Assessment, Drainage Strategy and SUDS Report there are no details provided of the sustainable drainage to be used as part of the development, further detail is required including:

- Proposed drainage plans or details
- Drainage calculations for existing or proposed development
- Evidence that the recommended design process (SuDS Guidance document) has been followed, with reference to the primary design considerations in this constituency or to exploring additional suitable SuDS to achieve additional treatment or attenuation
- Evidence of consideration of where exceedance flows will be (greater than 1 in 100 year rainfall events).

The only SuDS feature referred to in the operation and maintenance plan is porous paving, the plan should cover all sustainable drainage features included in the development.

As such, a safeguarding condition is recommended relating to the submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan

4.4. Severn Trent Water – No objection subject to a drainage condition.

4.5. Regulatory Services – No objection subject to safeguarding conditions relating to the implementation of the acoustic report, contaminated land and a vehicle charging point.

4.6. Network Rail – No comments to make.

4.7. City Ecologist – No objection subject to safeguarding conditions relating to ecological mitigation and management plan.

4.8. Transportation – no objection subject to a s278 agreement for an amended bellmouth and disabled parking spaces.

4.9. Highways England – No objection.

4.10. West Midlands Police – No objection.

4.11. West Midlands Fire Service – comments awaited.

4.12. Local Services - In accordance with the UDP, this residential scheme in excess of 20 dwellings would generate an off- site POS contribution as follows: 180 people

generated. 180 divided 1000 x 20,000 (2 hectares per 1000 population) = 3600m² x £40 (average cost of laying out POS /m) = Total contribution of £144,000. This would be spent on the provision, improvement/or maintenance of facilities in Cofton Park in the Longbridge Ward.

5. Policy Context

- 5.1. Longbridge Area Action Plan, UDP, Draft Birmingham Development Plan, NPPF, NPPG, Car Parking Guidelines SPD, Places for Living SPG, Places for All SPD and Public Open Space in New Residential Developments SPD.

6. Planning Considerations

- 6.1. The application site sits within the Longbridge Area Action Plan (AAP) framework, which forms part of the Development Plan for the purposes of determining planning applications. The AAP contains a shared vision for Longbridge:

"Longbridge will undergo major transformational change redeveloping the former car plant and surrounding area into an exemplar sustainable, employment led mixed use development for the benefit of the local community, Birmingham, Bromsgrove, the region and beyond. It will deliver new jobs, houses, community, leisure and educational facilities as well as providing an identifiable and accessible new heart for the area. All development will embody the principles of sustainability, sustainable communities and inclusiveness. At the heart of the vision is a commitment to high quality design that can create a real sense of place with a strong identity and distinctive character. All of this will make it a place where people will want to live, work, visit and invest and which provides a secure and positive future for local people."

- 6.2. The MG Rover plant closed in April 2005. Preparation of the AAP commenced in April 2006 and was adopted in April 2009. St Modwen and Advantage West Midlands assisted in developing the AAP along with Bromsgrove District Council and Worcestershire County Council. The aim of the AAP is to create an urban eco-centre *"delivering 10,000 jobs, a minimum of 1450 houses, new education facilities, retailing, leisure, community and recreation uses underpinned by quality public transport and infrastructure"*.
- 6.3. Very significant development and regeneration has already taken place, following the site remediation carried out by the site owners. A new town centre has been delivered, which to date comprises Bournville College, various retail developments including a Sainsbury's supermarket, leisure uses, 3,240sq.m of B1a offices, and a new urban park of 0.99 ha. A large new Marks and Spencer and other retail development has been granted planning permission and is currently under construction. North of Longbridge Lane is the two-thirds completed Technology Park, the new youth centre, and the recently completed re-located Bournville Construction College. 132 dwellings have been provided on Lickey Road, the Extra Care Village is currently under construction and residential development is progressing on the former East Works site in Bromsgrove District along with employment development on the Cofton Centre.

RCDM

- 6.4. The primary function of the RCDM is to provide medical support to military operational deployments. It also provides secondary and specialist care for members of the Armed Forces. It is a dedicated training centre for defence

personnel and a focus for medical research. This scheme would provide serviced residential accommodation for the staff of the RCDM, giving them a sense of identity away from the QE and a space where the medics can recuperate from their day-to-day working life stress. The RCDM is a tri-service establishment, meaning that there are personnel from all three of the Armed Forces.

- 6.5. There are currently 350 RCDM staff working at the QE Hospital who currently reside in numerous houses across the City. This accommodation would provide a permanent residence for staff affiliated with the QE Hospital. Staff typically have a 3 year posting during which they would live at the new facility, if they are posted elsewhere; their post is then filled by another. All 180 rooms are single occupancy only. Staff would be self-sufficient, with meal and leisure activities taken in shared mess accommodation proposed within the building.
- 6.6. No specific site is allocated within the AAP for the proposed RCDM development as development of this nature was not envisaged at the time of AAP preparation.

Policy

- 6.7. The application site is located within the AAP allocated Regional Investment Site (RIS) which states that the RIS will comprise the following:
 - *“An area of 25ha gross.*
 - *A floor space and use class breakdown for new development of:*
 - *A technology park of at least 15ha to provide a minimum of 100,000sq.m of B1b (research and development)/B1c (light industry) and B2 (general industrial) and high quality high technology uses which support the objectives of the RIS.*
 - *A maximum of 25,000sq.m of B1a (office) for firms that support and complement the high technology sector and the objectives of the RIS.*
 - *A maximum total of 10,000sq.m of floor space for services and amenities primarily for use of staff and businesses and integrated into the development e.g. meeting and conference facilities, cafes, sandwich shops and newsagents, crèche, gym and hotel.”*
- 6.8. The RIS policy identifies that acceptable uses fall within the use classes of B1b, B1c and B2 with a provision for a proportion of B1a offices and other supporting uses. Clearly, the proposed site use is not in accordance with AAP policy. As such, the application has been advertised as a departure from the Plan.
- 6.9. Whilst the proposed development would result in a development that would not be in accordance with the AAP land allocation for the RIS, there would actually be a relatively minimal loss of allocated employment land resulting from this development. As the plan below shows (master plan from AAP with red line application boundary shown), not all of the site is shown as RIS (the purple designation), with part being affected by the then proposed realignment of the A38 and new K gate roundabout. The area of the RCDM site within the RIS amounts to 0.88 ha.



- 6.10. On the north bank of the River Rea, an area was proposed for the re-alignment of the River when it was originally proposed to re-direct it further north and remove the old railway bridge. These proposals are also not progressing in line with the AAP proposals map and the revised river works application was approved by your Committee on 9th July 2015. These revised River works provide a gain of 0.57 ha to the RIS. The effect of the above means that the overall loss to the RIS as a result of both the RCDM and the River Works, is only 0.31 ha (0.88 ha RCDM overlap minus the 0.57 ha gained north of the River).
- 6.11. Based on the above, relatively limited area, whilst the proposed development is not in accordance with the AAP land allocation relating to the RIS and its required uses, I do not consider that the proposed development would have an adverse effect on the development of the wider RIS site in the future. The RCDM plays a vital role for the Armed Forces. As such, the proposed development whilst not in accordance with policy, provides justification for a departure from the Plan, in my opinion.

Design

- 6.12. The proposed building would be 'H' shaped with two blocks of equal 6 storey height and would be rendered and clad with a metal vertical cladding system. The majority of the site around the building would be surrounded by hard standing forming the 170 car parking spaces. However, two outdoor spaces for use by the residents are proposed to the rear of the site adjacent to the river corridor. These would comprise a formal courtyard and a restorative garden. The courtyard would have the ability to be used as an outdoor dining and entertaining area whilst the restorative garden would contain sensory planting, seating, lawn and a hard landscaped area.
- 6.13. The site is in a highly visible location as illustrated by the site analysis in the submitted Design and Access Statement with views of the site from the River Rea, homes on Bristol Road South and the new town centre. In certain locations – river Rea corridor and town centre – there would be long views of the site increasing its visibility over a wide area.
- 6.14. Whilst the service constraints on the site and the DIO stand-off distances are understood, the consequence of this is that the building is pushed well into the site which is different to the built character of this part of Longbridge where buildings are closer to the street, creating activity and enclosure on Bristol Road South

particularly. An equally important aspect of the site is its boundary with the River Rea which will become a public linear open space walkway. This is established in the Longbridge Area Action Plan and will be implemented as part of the redevelopment of the West Works Site, part of which has been recently granted approval under 2015/03066/PA and which also supports aspects of this application.

- 6.15. Development on this site would also be the neighbour of further new built development on West Works and the proposed development needs to sit comfortably within the context of new business and residential developments nearby which would generate a significantly increased resident and working population in the near future.
- 6.16. Security requirements and site constraints dictate that the car parking is located on the most visible/prominent parts of the site. However, significant landscaping and well-designed and considered boundary treatments are essential to create enclosure of Bristol Road South, screen the car park and create an attractive and appropriate edge to the site and these have been negotiated during the process of the application.
- 6.17. Despite the stand-off distances and the consequences of this, I consider that the scale and mass of the building are appropriate in this prominent location and the contemporary architecture and materials contribute positively to the new development on North Works, the town centre, residential, commercial and educational developments in the vicinity. Boundary treatments are now considered acceptable following the receipt of amended plans.

Transport

- 6.18. A Transport Assessment is submitted in support of the application. This identifies that the site is well linked to and supported by a high level of public transport including a 13 minute train journey with 6 trains per hour from Longbridge Station to University Station and a direct 20 minute bus service (number 98) to the hospital operating between 0500hours and 0000hours. The site is also adjacent to National Cycle Network Route 5 which provides an approximate 20 minute off-road route to the hospital.
- 6.19. Traffic modelling has been undertaken as part of the assessment which demonstrates that the proposed development can be accommodated by the existing infrastructure in both the AM and PM peaks and as such, the local network would operate within capacity. The key junctions of the A38 roundabout/Lickey Road and the A38/Tessall Lane would accommodate the proposed development. With regards to the M5 motorway impact, the Highways England 'Pinch Point' scheme which allows for and facilitates growth at Longbridge are currently under construction and are due for completion later this year.
- 6.20. Transportation and Highways England have raised no objection to the proposal on traffic/highway impact grounds and I concur with this view. Safeguarding conditions are recommended relating to a s278 Agreement and the provision of disabled spaces.

Drainage/Sustainable Urban Drainage (SUDS)

- 6.21. A drainage strategy has been submitted in support of the application. This strategy identifies that the former site area was almost all hardstanding and roof area that had a positive gravity drainage system that collected surface water via roof guttering

and yard gullies. The roof drainage and external areas drained into the nearby public surface water sewerage network, which in turn discharged into the River Rea. Foul drainage collected via a gravity underground system that discharged into the existing public sewerage network located on the site. It is proposed that the former building and external area drainage would be removed as part of the development works leaving only the public sewerage pipework and equipment. A Severn Trent Water Limited (STWL) combined waste water pumping station is located adjacent to the application site. The equipment provides an overflow facility in times of heavy rainfall when high flow rates are encountered within the main combined water trunk sewer located within Bristol Road South. This equipment would remain unchanged during construction and future operation of the site.

- 6.22. The proposed development would have separate gravity foul and surface water systems that would drain from the building to under external areas and then discharge into the existing network. Existing drainage connection points would be reused where possible, for roof water and surface water from external areas. Car parking areas would drain by means of porous paving. Foul water would be collected on each floor before dropping into vertical vented soil stacks to the ground floor ceiling level where pipework would run horizontally to the nearest vertical soil stack to beneath the floor slab and into the drainage network.
- 6.23. The Strategy considers that a total surface runoff betterment of 50% could be achieved. The reduction in impermeable area and the use of SUDS would reduce and improve the water quality and quantity of runoff volumes discharged to the River Rea.
- 6.24. Severn Trent Water have raised no objection to the proposal subject to a drainage safeguarding condition while Mains Drainage have requested further conditions relating to SUDS. I concur with this view and the relevant safeguarding conditions are recommended below.

Flood Risk

- 6.25. A Flood Risk Assessment has been undertaken in support of the application. The assessment incorporates hydraulic river modelling previously undertaken to support the wider Longbridge redevelopment. This modelling demonstrates that the proposed RCDM application site lies outside of the 1 in 100 year plus climate change floodplain, and therefore outside of Flood Zone 3. The remainder of the application site is shown to lie partially within the 1 in 1000 year flood plain (zones 1 and 2). To further safeguard the proposed development, the assessment highlights the requirement for finished floor levels to be raised a minimum of 600mm above the 1 in 100 year plus climate change design flood level and a minimum of 150mm above immediate surrounding ground levels to protect the building from surface water/overland flooding.
- 6.26. The Environment Agency has raised no objection to the proposed development subject to a safeguarding condition requiring implementation of the FRA and its finished floor level mitigation measures. I concur with this view and consider the proposed development acceptable in relation to flood risk subject to the safeguarding conditions listed below.

Ecology

- 6.27. An ecological appraisal is submitted in support of the planning application following field surveys which took place in November 2014 and February 2015. The report

identifies that the site lies within the Natural England defined Midlands Plateau Natural Area, which possesses a diverse nature conservation resource although the area is essentially urban. The River Rea itself, is designated as a Wildlife Corridor.

- 6.28. The site comprises a part demolished brick structure; a disused florist shop; the A38 road bridge over the River Rea constructed from a combination of brick, concrete and metal girders; bare ground consisting of tarmac; an area of species-poor semi-improved grassland and woodland and scrub.
- 6.29. In relation to fauna, the survey found that there was no evidence for the presence of bats during the survey within the site; no evidence of badgers were found within the site and that there is limited suitable habitat; no evidence of water voles was identified and the reinforced banks and dense shading make it unsuitable for them.
- 6.30. The report identifies that the accompanying River Rea works (application reference 2015/03066/PA) would have a beneficial impact on the ecological value of the corridor by the:
- Removal of two areas of concrete reinforcement;
 - Re grading of the river bank in areas to provide a safe slope and a variety of marginal habitats for aquatic and wetland species;
 - Flow deflectors in the channel to encourage flow diversification and the accumulation of material to form additional habitat features;
 - Selective removal of scrub and trees from the areas of re-graded bank, to reduce shading of the river; and
 - Other trees would be selectively pruned or coppiced.
- 6.31. Mitigation and enhancement measures identified in the report comprise:
- Impacts on the river should be minimised by employing good construction management practices;
 - Preparation of a management plan for the enhancement and management of the river;
 - Retained trees should be protected by barriers and/or ground protection;
 - A pre-construction check for active badger setts within 100m of piling operations and 30m of working footprint should be undertaken;
 - Consultation with an ecologist prior to structural or lighting changes to the A38 road bridge to determine potential for roosting bats;
 - Consultation with an ecologist prior to felling of trees to determine potential for roosting bats; and
 - Site clearance/tree works should be undertaken outside of bird breeding season (March to August).
- 6.32. The City Ecologist identifies that the River Rea at this point, due to its location within the former Rover factory site, was previously out of view for much of its length and is contained within a modified channel, some sections having concrete walls, as “bag work” or as gabions. The brook course is also heavily shaded in places. The combination of these factors will have reduced the ecological value of this section and limited the connectivity between nature conservation sites both up and downstream. However there is a good opportunity to improve and enhance this section to provide a greater connectivity between these more natural sections, upstream at Rubery Great Park and downstream at Daffodil Park. Overall the proposed work would improve the ecological value of the river channel.

- 6.33. Safeguarding conditions are recommended by the City Ecologist relating to ecological enhancement measures, bird and bat boxes and a nature conservation management plan and these conditions are recommended below.

Trees

- 6.34. A tree survey has been undertaken, showing an Ash and Sycamore along with three groups of trees. The three groups included Sycamore, Ash, Wild Cherry, Norway Maple, Lawsons Cypress, Cherry Laurel, Rowan, Black Locust Tree Apple and Elm. Of the two individual trees, both were categorised as B1. The three groups were classified as B2. The application proposes the retention of all trees assessed within the site.
- 6.35. My Arboricultural Officer has raised no objection and has recommended safeguarding conditions relating to tree protection and implementation.

Contaminated Land

- 6.36. The accompanying Geo-Environmental report has assessed both the RCDM site and the River Rea South and North Banks. In relation to the South Bank, the report identifies the site as being made ground comprising varying proportions of sand, gravel silt and clay sized fractions with plastic, brick and concrete fragments below which were deposits of alluvium. In relation to the north bank (location of the proposed walkway), the ground consists of sand and gravel with ash, brick and concrete underlain by weathered sandstone.
- 6.37. Surface water samples were collected during the investigative works which had no elevated levels of recorded contaminants in them.
- 6.38. Regulatory Services has raised no objection to the proposed works subject to a safeguarding condition relating to unexpected contamination and I concur with this view.

Noise

- 6.39. A noise assessment has been undertaken and is submitted in support of the application. The noise readings were undertaken at a point of the site that would comprise the most exposed façade to the A38. Noise measurements were taken between approximately 1600 and 1900 hours on 6th January 2015 and between 2300 to 0200 hours on 6th/7th January 2015. The measurements averaged at 59.8dB (LAeq, 15mins) Daytime, and 50.8dB (LAeq, 15mins) Night-time. The assessment concludes that the predominant noise source is from road traffic and subject to glazing, ventilation and limiting plant noise measures; the proposed accommodation would be acceptable in relation to impact from noise. Regulatory Services has raised no objection to the proposal on noise grounds and I concur with this view.

Section 106 Issues

- 6.40. Local Services have requested a contribution of £144,000 in accordance with the requirements of the Public Open Space in New Residential Development SPD to be spent in the nearby Cofton Park. The applicant has agreed with the payment and as such a Section 106 Agreement is required. As Local Services have a scheme part funded by grant money for the provision of new changing rooms within the park, I consider that the money should be specifically allocated for this use as occupants of

the proposed development are likely to use the park and its facilities for training purposes; rather than Cofton Park in general.

Other Issues

- 6.41. I note the objections received from a local resident and can confirm that a number of sites were assessed for the proposed development and whilst discussions were undertaken with the Hospital Trust, these did not progress into an agreement. As such, a site was available within the required timeframe at Longbridge. Whilst security is clearly an issue, the RCDM required the site to be publicised in relation to the proposed development, use and occupants. This however, is their requirement and security in this form, is not a planning consideration although will have been assessed by the Ministry of Defence. Whilst the development is not in accordance with the AAP, the City Council do not own the application site and as such cannot enforce a specific use on this site such as a doctor's surgery (which would also be a departure from the AAP).

7. Conclusion

- 7.1. The site is located within the identified and allocated AAP Regional Investment Site. Whilst the proposed C2a development would be contrary to the land allocation within the Longbridge AAP, a minimal loss of 0.31Ha allocated employment RIS land would occur and 25 hectares, as per the AAP would remain. As such, the proposed development is considered acceptable in principle. The design and mass of the building are suitable for the highly visible site which will be linked to the River Rea walkway and under the A38 into Longbridge North and the new town centre park.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to support the wider site redevelopment with its associated significant economic and social benefits, support the provision of further local employment in both construction and support employment within the building whilst supporting the provision of medical services within the City and specifically locally at the QE Hospital and would have a positive and significant environmental benefit, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

- 8.1. That consideration of application number 2015/03064/PA is deferred pending the completion of a suitable legal agreement to secure the following:
- a) An financial contribution of £144,000 (index linked from the date of this planning committee) towards the provision of a new changing room pavilion with associated meeting space, toilets and baby changing facilities within Cofton Park, payable on commencement of development.
 - b) A continued commitment to remain in a Local Training and Employment Scheme with the City Council and other agencies and employ local people (target of 60% people hours) during construction of the development.
 - c) Payment of a monitoring and administration fee associated with the legal agreement of £5,040.

- 8.2. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate agreement.
- 8.3. That in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority, on or before 4 August 2015, planning permission be refused for the following reasons:
- a) In the absence of any suitable planning obligation to secure a financial contribution of £144,000 towards the new changing room pavilion in Cofton Park, the proposed development conflicts with the Longbridge Area Action Plan 2009 including paragraphs 2.2, 2.5, 2.9, 2.10, 2.17, 3.153 and 3.156; Public Open Space in new Residential Development SPD and Paragraphs 5.20 and 5.20C of the Birmingham UDP.
- 8.4. That in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 4 August 2015, favourable consideration would be given to application 2015/03064/PA subject to the conditions listed below.

1	Limits the approval to 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Requires the submission of unexpected contamination details if found
4	Requires the implementation of the Flood Risk Assessment
5	Requires the prior submission of a drainage scheme
6	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
7	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
8	Requires the prior submission of details of green/brown roofs
9	Requires the prior submission of hard surfacing materials
10	Requires the prior submission of sample materials
11	Development in Accordance with Acoustic Report
12	Requires the prior submission of access barrier and guard hut details
13	Requires the prior approval of an amended car park layout
14	Requires the prior submission and completion of works for the S278/TRO Agreement
15	Arboricultural Method Statement and Tree Protection Plan Implementation

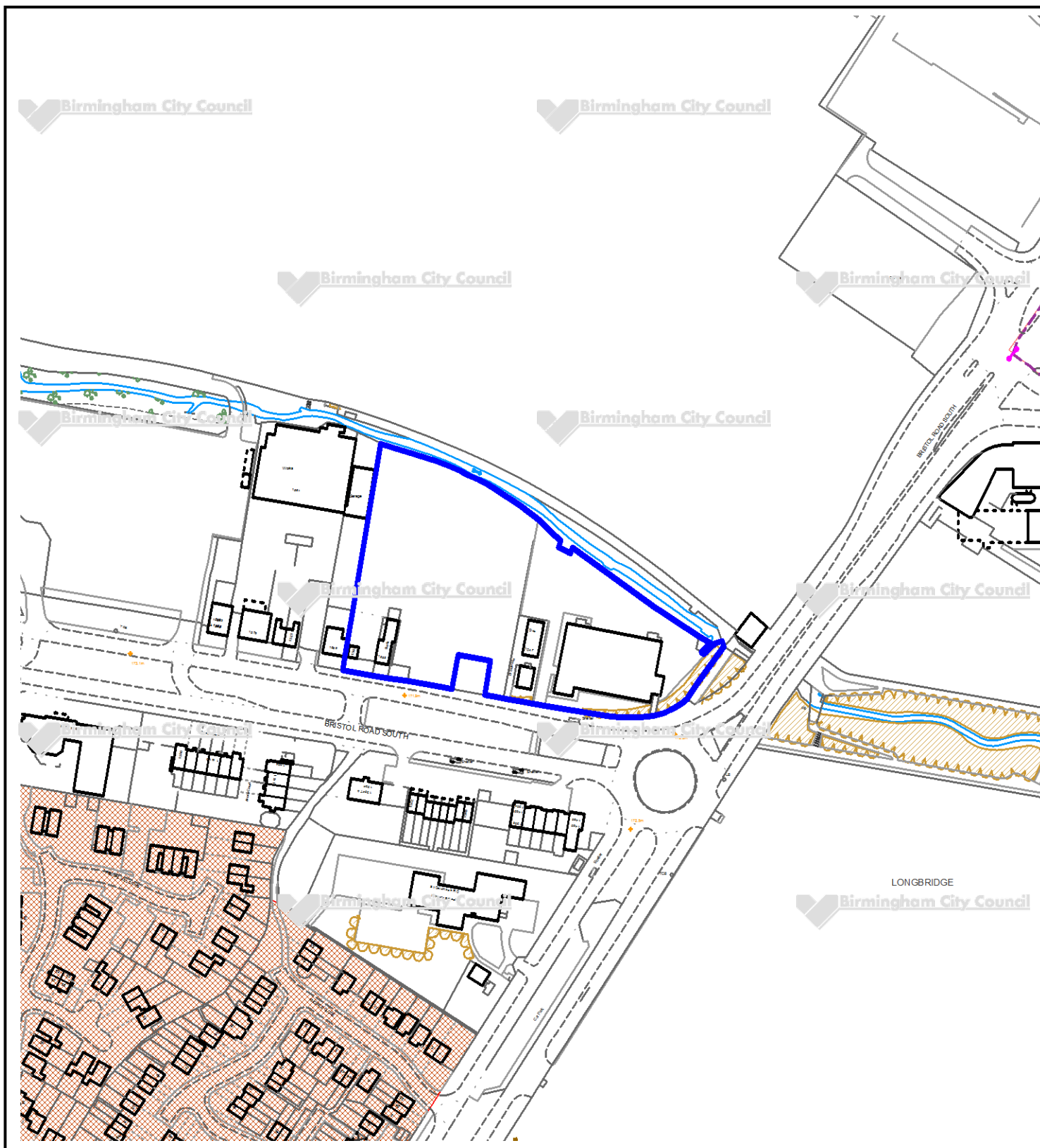
Case Officer: Pam Brennan

Photo(s)



View of RCDM site from A38 bridge

Location Plan



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Committee Date:	23/07/2015	Application Number:	2015/03396/PA
Accepted:	29/04/2015	Application Type:	Full Planning
Target Date:	29/07/2015		
Ward:	Harborne		

Land at Weather Oaks, Harborne, Birmingham, B17 9DD

Erection of 11 new dwellings and associated infrastructure, parking and landscaping

Applicant: Spitfire Properties LLP
c/o Agent
Agent: WYG
54 Hagley Road, 3rd Floor, Edgbaston, Birmingham, B16 8PE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The application is for the erection of 11 dwellings with associated car parking, landscaping and access on land at the end of Weather Oaks, Harborne.
- 1.2. The development would comprise;
 - 10 no. three bedroom terrace dwellings.
 - 1 no. four bedroom detached dwelling.
- 1.3. The site would be laid out with a block of three houses fronting onto Weather Oaks, with a shared car park and landscaped area to the front along with a new access formed directly from Weather Oaks, continuing the cul-de-sac with 8 units set in a liner formation along its south western side. Properties would be 2 storeys in character, with roofspace accommodation lit by front dormers and rear rooflights. They would be predominantly terraced, with the exception of one detached property, forming an 'L-shaped' development.
- 1.4. The accommodation would generally comprise: – kitchen/dining room, living room and WC at ground floor, with bedrooms (some en-suite), bathroom and storage areas at first and second floors. All except plots 4 and 11 would provide second floor accommodation and all bedrooms satisfy bedroom size requirements set out in 'Places for living'
- 1.5. The properties would be of a traditional design, constructed in brick, with tiled pitched roof, dormers and gables utilising a similar palette of materials to existing houses in the vicinity. There would be a mix of entrance canopies being either gables or lean-to timber structures with timer posts or gallows brackets.
- 1.6. All properties would be provided with two off street car parking spaces within a defined parking court laid out with concrete block paving.

- 1.7. The development would necessitate the removal of 6 no. trees (5no Sycamore and 1no Elder). All are Category U (dead, diseased or dying), with one having already fallen. All other trees and existing hedgerows would be retained. All new dwellings would be provided with private rear gardens, and front gardens of various depths.
- 1.8. A refuse store would be provided for plots 6 – 10, adjacent plot 3. This would be constructed with materials to match the proposed properties.
- 1.9. Site area 0.35 hectares. Density 32 dwellings per hectare.
- 1.10. The following information has been submitted in support of the application: Design and Access Statement, Ecological Appraisal, Planning Statement, Transport Statement, Drainage Strategy and Tree Survey.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The site consists of a cleared site at the end of Weather Oaks, a private road off Lordswood Road, Harborne. The site was previously occupied by a care home which was demolished some years ago and the site is now standing empty.
- 2.2. The site is relatively flat, with a number of mature trees and hedgerows located around its perimeter.
- 2.3. The area surrounding the site has a predominately residential character, with a variety of house types of differing styles and ages bordering the site. Weather Oaks itself consists of a number of Maisonettes and flatted properties, some of which are sheltered housing along with more traditional housing. Lordswood Medical Centre is located to the north of the site and adjoining the site to the north west is Dore House sheltered housing. The rear gardens of properties on Milford Copse back on to the south western boundary of the site.

[Location Map](#)

3. Planning History

- 3.1. 06/03/2015 – 2015/01047/PA Pre-application enquiry for the erection of twelve dwellinghouses. Advised principle of development would be acceptable.
- 3.2. *Adjoining the site on Milford Road*
25/06/2015 – 2015/02275/PA Erection of 6 dwelling houses and associated garages, vehicular access and landscaping. Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Transportation – No objection subject to conditions for pedestrian visibility splays to be incorporated into accesses.
- 4.2. Regulatory Services – No objection
- 4.3. Severn Trent – No objection, subject to a condition in respect of drainage details.
- 4.4. West Midlands Fire Service – No adverse comments.

- 4.5. West Midlands Police – No objection, recommends that this proposal is built to enhanced security standards as set by Police Crime Reduction initiative 'Secured by Design'.
- 4.6. Education – No objection.
- 4.7. Letters of notification have been sent to surrounding occupiers, local residents associations, Ward Councillors for Harborne, Planning Committee members from the Edgbaston Constituency and the MP for Edgbaston. A site and press notice have also been posted.
- 4.8. A petition containing 22 signatures has been submitted by Councillor James McKay on behalf of residents of Weather Oaks objecting to the proposal. The petition requests a site visit be undertaken by the Planning Committee to support the residents preference for more sheltered housing on the site.
- 4.9. A further 15 letters of objection, including one signed by 11 people have been submitted objecting to the proposal on the following grounds.
- A new development will cause disruption to existing elderly residents.
 - Increased noise from families with children.
 - Increased risk to residents' health and safety.
 - The worry of a new development on the site is causing health problems already for existing residents.
 - Weather Oaks consist of primarily sheltered housing, this development should continue with this provision.
 - There will be increased parking in Weather Oak, parking is difficult for visitors of existing residents to park. The development does not provide enough parking.
 - Weather Oaks is a private road, which people ignore.
 - There will be an increase in traffic congestion, especially on Milford Copse.
 - Reassurance is sought that there will be no access road to Weather Oaks from Milford Road/Milford Copse.
 - Adverse impact on local wildlife.

5. Policy Context

- 5.1. The following local policies are relevant.
- The Birmingham Unitary Development Plan (2005)
 - Draft Birmingham Development Plan (2013);
 - Places for Living SPG (2001);
- 5.2. The following national policy is relevant.
- The National Planning Policy Framework (2012)

6. Planning Considerations

6.1. Policy

The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

- 6.2. The UDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations with good access to jobs, shops and services by modes other than the car.
- 6.3. The UDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City.
- 6.4. The UDP requires that new housing developments should provide an appropriate environment (paragraphs 5.20-5.20A), a suitable housing density and mix (paragraph 5.40) and encourages a full range of housing types and sizes including those for people with disabilities and other specific needs (5.35 and 5.37). Paragraph 5.38 identifies that densities of at least 50 dwellings per hectare will be expected in local centres and corridors well served by public transport, with 40 dwellings per hectare elsewhere.
- 6.5. Paragraphs 3.14D and 3.14E of the UDP identify that new housing development should be designed in accordance with good urban design principles, with the key principles.
- 6.6. In addition, 'Places for Living' SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and makes reference to minimum design and amenity standards. Particular emphasis is given to assessing context and responding positively to local character.
- 6.7. Within the Draft Birmingham Development Plan policy, TP27 states that the location of new housing should be accessible to jobs, shops and services by other modes of transport, are sympathetic to natural assets and not conflict with other core strategy policies in relation to employment land, green belt and open space. Policy TP26 refers to new housing offering a choice of type, size and tenure to create balanced and sustainable communities.

6.8. Housing

The principle of redeveloping this site for residential purposes would be a positive step in line with national and local policy. The site is within an established, predominantly residential area, close to public transport links and with easy access to local services. The proposed development would deliver a choice of homes through the effective re-use of this brown-field site.

- 6.9. The proposed density of 32 units per hectare is below the normal policy requirement but would reflect the character of this location and would allow for the provision of a mix of house-types, including one larger family unit, to meet the needs of different groups in the community. Furthermore, the site is an unusual shape and the rear

most area is heavily treed with limited development potential. The layout would also be in accordance with Places for Living principles as it would be characteristic of the surrounding area.

6.10. Layout and Design

The design and layout of the scheme has been developed in consultation with Planning Officers through pre-application meetings. The layout has been shaped by a number of constraints and considerations, including the wish to accommodate and retain the majority of existing trees on the site and the desirability of creating a high quality residential environment. This layout indicates a new development which would place rear gardens adjacent to existing rear gardens to create defensible space.

6.11. The communal car park area has been designed to be accessed off Weather Oaks with all proposed properties fronting onto this new area, or onto Weather Oaks itself helping to create a strong frontage and presence.

6.12. The proposed houses would be 2 storeys, with roofspace accommodation at second floor level which would reflect existing properties in the vicinity. The properties in the surrounding area are varied in age and style, including large sections of interwar housing to the north and south and more recent housing within Weather Oaks.

6.13. The existing properties have a simple palette of materials and the proposed new houses would be similarly constructed in brick with tiled roofs, and would incorporate characteristic features including pitched gables, dormer windows and porch canopies.

6.14. The layout has been developed to address the requirements in 'Places for Living' in respect of distance separation to the existing properties. Each property has a garden length of over 10m. In addition, distance separation between the properties within the new cul-de-sac to existing properties is over 21m. Given this, it is considered that the new development would not have any detrimental impact to existing surrounding residents in terms of overlooking or loss of privacy and would provide future residential with a high quality residential environment.

6.15. All bedrooms accord with the requirements in 'Places for Living'. Four plots (Plots 5, 6, 7, and 10) have a shortfall in the recommended 70sqm for private rear garden space, with the lowest being 60sqm. However, garden lengths are 16.5m (including rear access paths) long and there would therefore be no overlooking into neighbouring properties. Whilst this shortfall of the garden area is unfortunate, the site's constraints have dictated this situation and given that it is only marginally below that recommended I do not consider this matter alone would be sufficient to warrant the refusal of the application.

6.16. In the light of the above, I consider that the design of the proposal would enable the creation of a good quality residential environment that would sit comfortably within its surroundings.

6.17. Transportation

No objection has been raised by Transportation officers, who are satisfied that the proposed level of parking is adequate and that there would be no unacceptable impact on the surrounding road network. An overall 200% off street parking provision is offered, which includes two off street spaces per property.

6.18. Concern has been raised by residents about parking on street along Weather Oaks. Demand for parking on Weather Oaks does appear to be high. However, given the good level of parking provision being offered it is expected demand associated with these 11 units would be accommodated within the site without the requirement for overspill parking beyond the sites curtilage. In addition, the accesses are noted to be of sufficient width to allow 2 way movements, and a condition is recommended to secure adequate pedestrian visibility.

6.19. In terms of traffic generated by this development, it would not be expected to differ notably to that of the previous care home on site. Furthermore it is acknowledged the local centre of Harborne and a number of regular buses are within reasonable walking distance of the site. Some objectors have sought reassurance that there would not be a highway link through to Milford Rd/Copse, and none is proposed.

6.20. Trees and Landscaping

There are 31 individual trees on the site, predominantly on the site's boundary. The rest of the site is covered in rough grass that has grown since the demolition of the former care home. The development would necessitate the removal of 6 no. trees (5no Sycamore and 1no Elder). All are Category U specimens, with one having already fallen and are not protected. The larger trees around the site's perimeter would be retained and seven new trees and shrub planting is indicated within the new development. Your tree officer raises no objection to the proposal noting that the landscape proposal has been modified following discussion to allow the inclusion of a new oak tree in the grass between the access driveways – a welcome replacement for the tree removals towards the frontage and in keeping with the local name. A condition to ensure development is carried out in accordance with the submitted Arboricultural method statement and tree protection plan is recommended

6.21. Ecology

A Ecological Assessment has been submitted. The Council's Ecologist notes that evidence and other sources suggests that the site provides a useful commuting route for badgers and foxes active in the local area. There is a well-established mammal path along the top of the southern embankment, as well as a number of mammal burrows. This excavation was checked by the ecologist during a site meeting, and although a faint badger print was observed, there was no definitive evidence to suggest this, or any of the other burrows along the embankment, were currently occupied by badgers. However, conditions are recommended to ensure the protection of badgers on the site, including the completion of an updated badger survey to ensure no change in the status of badgers on the site, as well as providing details of any revised mitigation requirements and post-development access for badgers through the site e.g. gaps under fences, badger gates at key access points, or use of hedges to define boundaries.

6.22. In addition to the above, trees and shrubby vegetation around the site boundaries provide opportunities for nesting birds and that none of the site trees could be used by rooting/hibernating bats. The Planning Statement indicates that new nesting sites for smaller birds will be created and that permanent opportunities for roosting bats will be provided as part of the new development and details of this can be secured by condition.

6.23. Sustainability

The proposal would be a positive move towards sustainability by re-using a brownfield site for housing. In addition the site is well served by local amenities and is within easy reach of local centres including Harborne and the site is served by public transport.

6.24. Other Issues

Regulatory Services have raised no objections in respect of noise. In addition, given the previous use of the site it is not considered that there would be any land contamination issues.

6.25. Severn Trent have raised no objections subject to the imposition of a drainage condition. A drainage strategy has been submitted with the application. The Council's Drainage Officer has reviewed this and notes that while it is acknowledged that some reference has been made to infiltration techniques and permeable surfaces within the revised drainage strategy, there is no evidence that exploration of any other appropriate SuDS features have been explored. Furthermore, there is no additional information provided with respect to operation & maintenance. Given this, they recommended a suitable safeguarding condition is applied to ensure full consideration of SuDS has been given.

6.26. Some residents wish the development to be sheltered, but there is no policy or local circumstance that means this can be insisted upon. Instead, the development would contribute to meeting the City's housing demand, with three bedroomed homes and one detached four bedroomed house.

7. Conclusion

7.1. The redevelopment of the site for housing accords with both national and local policy. The development would provide new housing to help meet the City's demand for new homes, and the proposed mix of dwellings, layout and design are appropriate for the area and can be accommodated without any significant adverse impact on existing residents, trees and ecology, or the local highway network. The proposals would provide a high quality development, which I consider would make a positive contribution to the area and which constitutes sustainable development.

8. Recommendation

8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of hard and/or soft landscape details |
| 3 | Requires the prior submission of boundary treatment details |
| 4 | Requires the prior submission of sample materials |
| 5 | Arboricultural Method Statement and Tree Protection Plan - Implementation. |
| 6 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
-

-
- 7 Requires the prior submission of a construction ecological mitigation plan
 - 8 Requires an updated badger survey
 - 9 Requires measures to ensure post development access for badgers
 - 10 Requires the prior submission of a drainage scheme
 - 11 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 12 Requires pedestrian visibility splays to be provided
 - 13 Limits the approval to 3 years (Full)
-

Case Officer: James Mead

Photo(s)

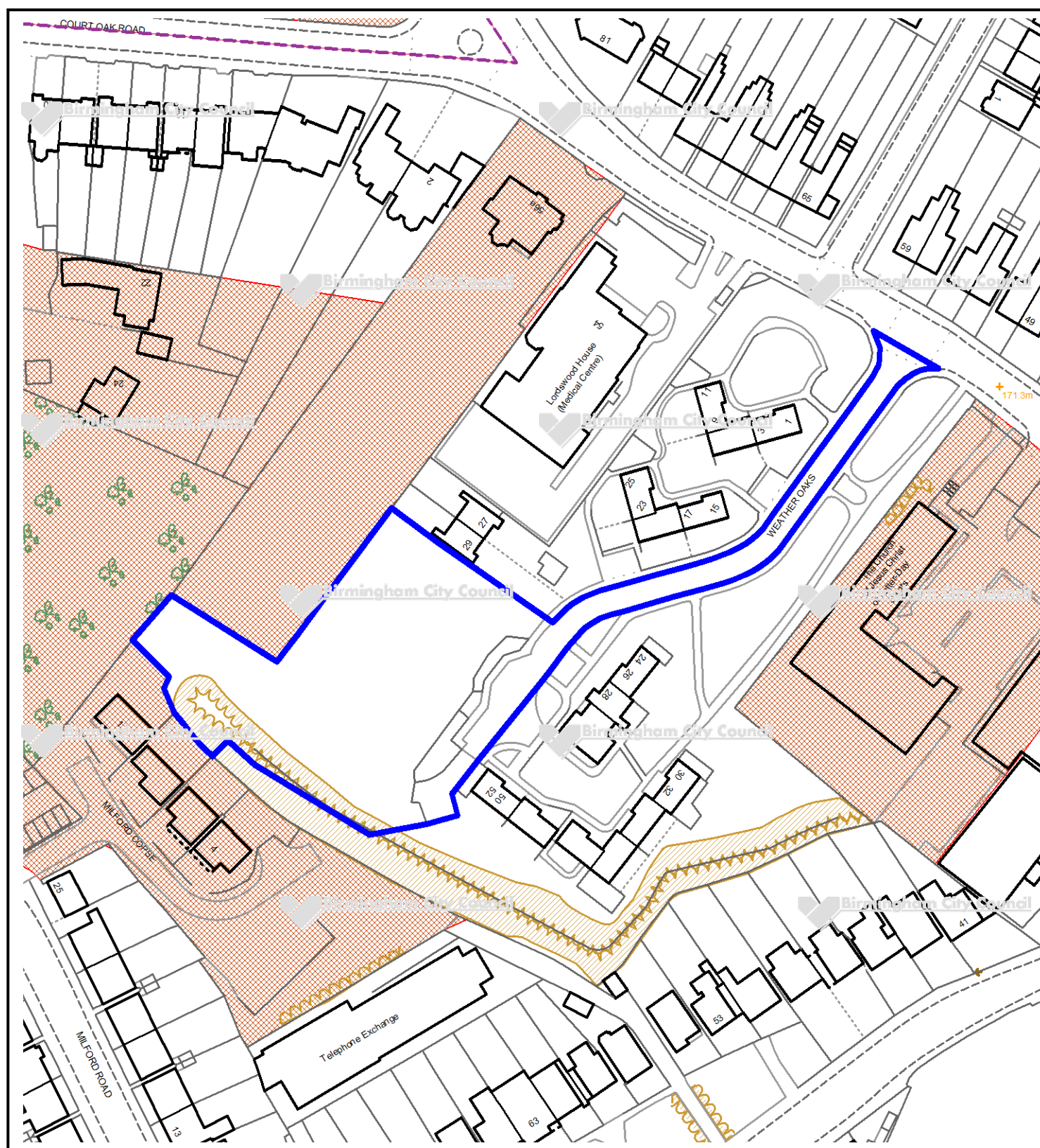


Photograph 1: Front of application site



Photograph 2: View of Southwest corner of application site

Location Plan



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Committee Date:	23/07/2015	Application Number:	2015/04275/PA
Accepted:	28/05/2015	Application Type:	Full Planning
Target Date:	23/07/2015		
Ward:	Bournville		

<p>Land between 23 & 28 Derwent Grove, Stirchley, Birmingham, B30 2UX</p> <p>Erection of 3 dwelling houses with associated car parking spaces</p>

Applicant:	North Van Developments c/o Agent
Agent:	Cross & Craig Associates Vine House, 462a Station Road, Dorridge, Solihull, B93 8HB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for the erection of three, two storey dwellings on land between Nos. 23 and 28 Derwent Grove, Stirchley.
- 1.2. The dwellings would form a small terrace row with the two end properties being 2-bed and the middle property having three bedrooms.
- 1.3. Each proposed dwellinghouse would be sited a minimum of 6m from the highway, with one car parking space on a driveway, with landscaped areas provided between. Each would have a private garden area to the rear, with the 2 bed properties having over 52sqm of space and the three bed property having over 70sqm of space in accordance with 'Places for Living'
- 1.4. The block would have a have a hipped roof to a total height of 7.8m, (5m to eaves). The block would be 16.7m wide and have a depth of 9m.
- 1.5. Each proposed dwellinghouse would comprise of a lounge, kitchen, hall and cloakroom at ground floor; and two double bedrooms and a bathroom at first floor. The middle property would comprise of a further double bedroom accommodated within the roofspace. All bedrooms comply with the guidance set out in 'Places for Living'
- 1.6. Each proposed dwellinghouse would be constructed of facing brickwork, with concrete roof tiles. Windows and doors would be constructed of UPVC. Each would have a bay window and flat roof canopy above the entrance which copies the design of properties within Derwent Grove.
- 1.7. Site area is 0.0575hectaes resulting in a density of 52 dwellings per hectare.
- 1.8. The application is a resubmission of previously refused application 2014/04858/PA, which was for three houses. There were various defects with the scheme,

especially for elevational appearance, and plot and ownership issues, which the applicant has sought to resolve since.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of vacant land, which fronts Derwent Grove to the west. The majority of the site comprises of previously Council owned land, sold in 2012 (210sqm). The site is located between No. 28 Derwent Grove to the north, the rear gardens of Nos. 33-37 (odds) Greenoak Crescent to the south east, and No. 23 Derwent Grove to the south. Ground levels across the site itself are relatively flat, but the ground slopes up steeply immediately beyond site boundaries to the east and south, within the rear gardens of properties fronting Greenoak Crescent and the front garden of No. 23 Derwent Grove. Derwent Grove is a short residential cul-de-sac, located within a larger residential estate of Inter-War dwellinghouses, which has a mix of Council owned and owner-occupied houses.

[Location Map](#)

3. Planning History

- 3.1. 26/07/2012 – 2012/04871/PA Pre-application advice for erection of detached dwellinghouse – Principle of residential use on site is accepted but cannot see that a dwelling could be accommodated which complies with the Council's Places for Living guidelines for new residential development (i.e. garden sizes and separations distances) and which would accord with the character of the area and therefore it is unlikely that a formal planning application could be supported.
- 3.2. 29/01/2015 – 2014/04858/PA Erection of 1 detached and 2 semi-detached dwelling houses with associated car parking spaces. Refused – layout, garden sizes, appearance, overlooking.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to a condition for pedestrian visibility splays to be incorporated into each drive way. Relocation of existing lighting column would be at the applicant's expense.
- 4.2. Regulatory Services – No objection.
- 4.3. West Midlands Fire Service – No objection
- 4.4. West Midlands Police – No objection, recommend that development is built to enhanced security standards set by Police Crime Reduction initiative 'Secured by Design'
- 4.5. Severn Trent Water – No objection subject to drainage condition
- 4.6. Letters of notification have been sent to surrounding occupiers, local residents associations, Bournville Ward Councillors, Planning Committee members from the Selly Oak constituency and the MP for Selly Oak.
- 4.7. Three letters of objection have been received from surrounding occupiers objecting to the proposal on the following grounds.

- The site is not big enough for three houses.
- There is a lack of green space within this development.
- These properties could create a fire risk.
- Further car parking would create pollution and noise.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham UDP
- Draft Birmingham Development Plan
- Places for Living SPG
- Mature Suburbs SPD

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

6.1. The National Planning Policy Framework seeks a presumption in favour of sustainable development (Para. 14). One of the core planning principles set out in Paragraph 17 is that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”

6.2. Chapter 7 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

6.3. The Council's Places for Living SPG seeks desirable, sustainable and enduring residential areas and recognises that higher density forms are not always appropriate everywhere. It recognises that is important in areas where lower density forms are a positive characteristic that harm is not caused by insensitive infill and redevelopment.

6.4. The Council's Mature Suburbs Residential Development Guidelines SPD states that proposals should be informed by a detailed contextual appraisal to determine the character of the area, including consideration of built form, spatial composition, architectural style, enclosure, density and levels of vegetation. It recommends that the appraisal should be incorporated in a design statement showing how the proposal fits into the character of the area. It goes on to say that plot size, building form, landscape and boundary treatment, plot access, parking provision and design style will be considered when appraising the design proposals. It also notes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted. It notes that “mature suburbs are not restricted to the more affluent parts of the city. They also include, for example, the extensive inter-war public housing estates of semi-detached and terraced housing built to Parker Morris standards often with generous sized and well established gardens and geometric road layouts all of which contribute to the character of the suburb.”

- 6.5. The application site is located within a large housing estate of Inter-War properties. I consider this estate has the character of a mature suburb because of the number of homogeneous positive characteristics. Among these (and within particular focus on Derwent Grove) are: building form and massing – two storey, semi-detached and small groups of terraced residences, separated by gaps of 3m between dwellings, and each house measuring 5.5m in width and 7.5m in depth; design style - generally being of red brickwork, having hipped tiled roofs, flat roofed bay windows and chimneys; plot size - generally long narrow rear gardens; building siting - generally set back from the highway by a minimum of 6m, with front gardens and driveways; landscape and boundary treatment – front boundaries generally of picket fencing or hedging, and with street trees.

Siting, Scale and Massing

- 6.6. Most of the properties on Derwent Grove are set back from the highway by a minimum of 6m. This revised application, now shows that the proposed dwellings would be sited 6m from the highway and following the established building line set by 26 and 28 Derwent Grove. This would now result in the proposed dwellings appearing appropriately set out with the character of the surrounding area and there would now be room to park a car on the driveway of each property, without it overhanging the public footway which the previously application did not demonstrate.
- 6.7. In the context of the earlier character analysis of this mature suburban environment, I consider the proposed terrace would appear acceptable given the surrounding form of semi-detached dwellings with terraced groups beyond Derwent Grove. There are now significant gaps between the existing and proposed dwellings giving more spacious separation distances. The proposed dwellings would be of similar heights, widths and depths of existing dwellings in the surrounding area. Finally, although the gardens are noticeably smaller than some in the area, there are properties with small gardens and given that they are of a size in accordance with 'Places for Living' I do not consider them to be out of character.

Appearance

- 6.8. This revised application has seen changes to the overall appearance of the properties, which have been amended to be more in keeping with the relatively uniform architecture of the estate. Bay windows have been incorporated and flat roof canopies over front doors. I consider this now to be an acceptable design solution that complements the local vernacular.

Living Conditions of existing and future occupiers.

- 6.9. The proposed dwellings would provide adequate internal living conditions for future occupiers, with bedroom sizes exceeding the minimum size requirements set out in the Council's Places for Living SPG (Bedroom 1 being 16.6sqm in size, Bedroom 2 being 10.5sqm in size, and Bedroom 3 where applicable being 25sqm in size).
- 6.10. The rear gardens of the proposed dwellings would all meet the requirement for garden sizes as set out on 'Places for Living' (52sqm for the two bed properties and 70sqm for the three bed property). It is recommended that permitted development rights for potential extensions to the properties are removed to ensure the retention of adequate rear amenity space for future occupants, given the gardens are quite short in places. As a result of the splayed nature of the rear boundaries, the two end properties failing to provide a set back of 10m to the boundary with properties to the

rear (being between 6-10m). However, there is also a notable ground level differences between the site and the neighbouring rear gardens of properties on Greenoak Crescent which sit on higher land. In addition, the rear gardens of these existing properties are long, with the distance between the rear of them and the proposed dwellings being between 25-40m and they would be set at oblique angles. Given this, I am satisfied that the amenity of these adjoining occupiers would not be significantly affected as a result of overlooking into the end of their gardens. I note the layout/garden pattern is similar to some other existing properties in the area.

- 6.11. There was a concern with the previous application that neighbours would be able to look into the new properties, given the relatively short gardens and levels. However, with the other refusal issues now satisfactorily addressed, and land ownership clarified, I am not persuaded that this matter could constitute a reason for refusal on its own – intervisibility between neighbours in their gardens and to the new dwelling's ground floor windows would be addressed by a boundary fence. There would be intervisibility between the neighbours' gardens and the new dwellings' upper floor windows, but I note the neighbours' long gardens meaning use at their far ends is likely to be limited, and that new occupiers could install blinds or net curtains for daytime privacy.

Traffic and Parking

- 6.12. Transportation Development have raised no objection to the proposal, subject to conditions requiring submission of details of appropriate pedestrian visibility splays. I consider there would be no material difference in traffic generation and parking resulting from the proposal, each dwelling could adequately accommodate a parked car on its driveway without this overhanging the public footway. In addition, parking on street within the vicinity is unrestricted and regular buses run within reasonable walking distance of this site, along Pershore Road, throughout the day.
- 6.13. The proposal necessitates the relocation of an existing lighting column. The applicant is aware of this and acknowledges that this will be at the developers' expense.

Other Issues

- 6.14. I note the concerns of local residents in respect of the properties creating a fire risk. West Midlands Fire Service has confirmed they have no objection to the proposal. As such it is not considered that the properties would pose any risk to the health and safety of surrounding residents.

7. Conclusion

- 7.1. It is considered that this revised application adequately addresses the previous concerns of the refused application. The dwellings are set out in an appropriate manner and are of a good design that accords with the character of the surrounding area. New housing would be provided on an existing previously developed site in a suitable location. The houses would contribute to meeting the City's housing need. As such, the proposal constitutes sustainable development and it is recommended that the application be approved subject to the attached conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the prior submission of a drainage scheme
 - 3 Requires the prior submission of hard and/or soft landscape details
 - 4 Requires the prior submission of hard surfacing materials
 - 5 Requires the prior submission of boundary treatment details
 - 6 Requires the prior submission of sample materials
 - 7 Requires the prior submission of level details
 - 8 Removes PD rights for extensions
 - 9 Requires pedestrian visibility splays to be provided
 - 10 Limits the approval to 3 years (Full)
-

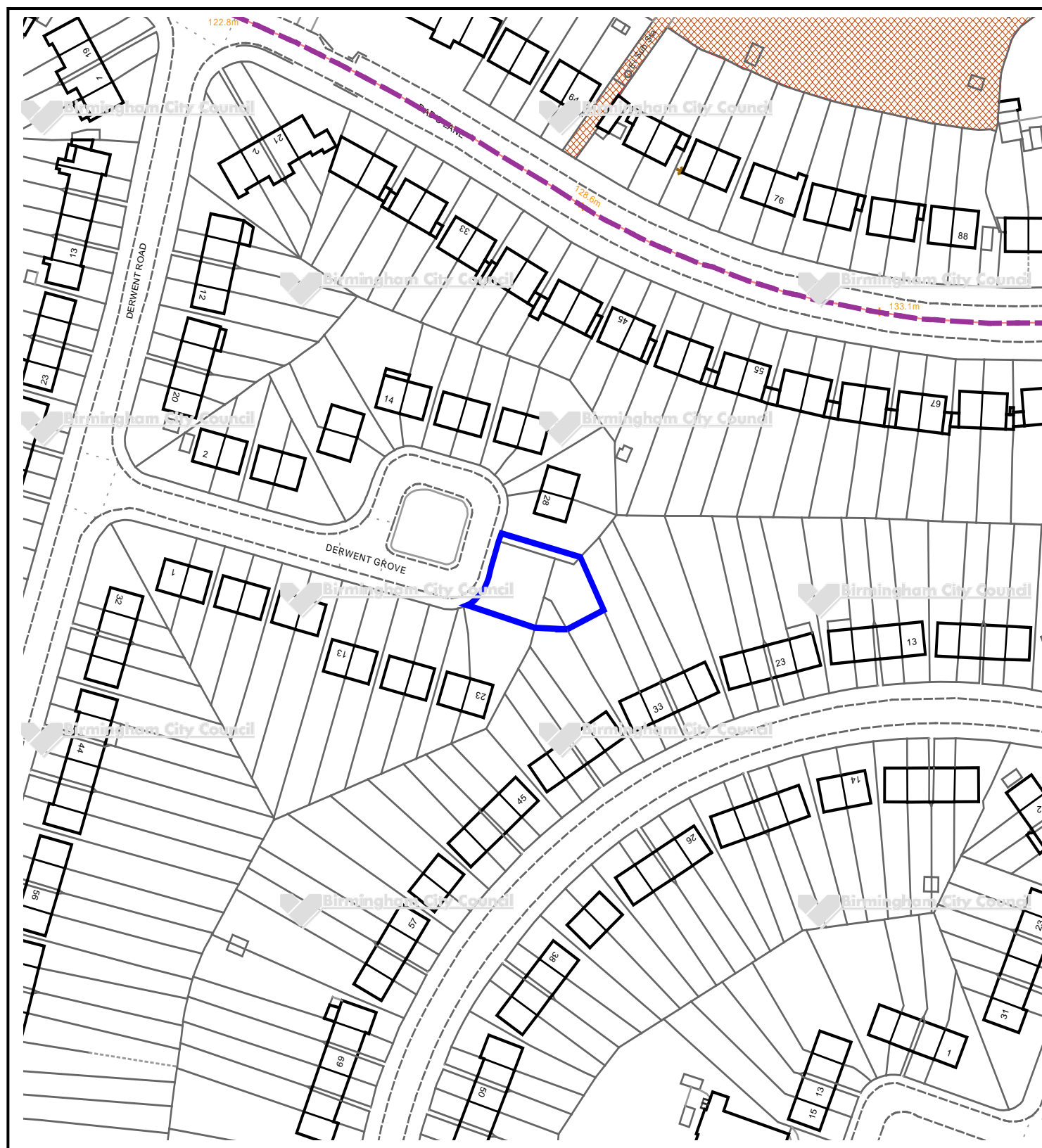
Case Officer: James Mead

Photo(s)



Photograph 1: View of application site

Location Plan



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Committee Date:	23/07/2015	Application Number:	2015/03979/PA
Accepted:	09/07/2015	Application Type:	Full Planning
Target Date:	03/09/2015		
Ward:	Moseley and Kings Heath		

Land off Woodville Road, Kings Heath, Birmingham, B14 7BT

Demolition of existing building and erection of 3 dwelling houses

Applicant: Allmid Limited
c/o Agent
Agent: Pegasus Group
Unit 5, The Priory, Old London Road, Canwell, Sutton Coldfield, B75 5SH

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for the demolition of an existing derelict outbuilding and erection of three, two-bed, terraced, single family dwellinghouses on land between No. 1 Woodville Road and No. 33 Heathfield Road.
- 1.2. The proposed dwellinghouses (Plots 1, 2 and 3) would be two storeys in height and each would provide 76sqm of internal floorspace. The row of dwellinghouses would be sited 3.6m in from the highway. Each dwellinghouse would measure 4.5m in width, 10m in depth and 9m in height to its roof ridge. The density of development on the site would be 92 dwellings per hectare.
- 1.3. Each proposed dwellinghouse would accommodate a living/dining room, kitchen/breakfast room, hallway and WC at ground floor. At first floor each would accommodate two double bedrooms (13sqm and 13.5sqm in size respectively) and a bathroom.
- 1.4. The proposed dwellinghouses would be faced in red brickwork, with pitched roofs constructed of slate. A bay window and timber framed canopy over the front door would be incorporated on the front elevations of each proposed dwellinghouse. Double doors would be incorporated on each of the rear elevations, leading out on to the rear gardens.
- 1.5. The frontages of each proposed dwellinghouse would comprise of small front gardens, enclosed behind a low brick boundary wall. The rear garden of the Plot 1 dwellinghouse would measure 36.5sqm in size, the rear garden of Plot 2 would measure 33sqm in size, and the rear garden of Plot 3 would measure 40.5sqm in size.
- 1.6. No off-street parking provision is proposed.

- 1.7. This application has been submitted in conjunction with Planning Application 2015/03978/PA for the erection of a single dwellinghouse fronting Heathfield Road, on land immediately adjoining the site to the south.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a vacant plot of land on which sits an existing two storey detached outbuilding, historically associated with No. 33 Heathfield Road, but now currently vacant and boarded up. The plot of land is enclosed on all sides by either brick walls or close boarded fencing, including the Woodville Road frontage of the site which is enclosed by the latter. The application site also incorporates the adjacent Post-War side extension of No. 23-27 Heathfield Road. This extension is located on the western part of the application site and comprises of a recently re-clad, three storey, flat roofed addition, with vehicular undercroft at ground floor level. The main building of No. 23-27 is a Grade B Locally Listed Edwardian building. This building, plus the extension, is also under the Applicant's ownership and is in the process of being converted in to fourteen flats.
- 2.2. Immediately adjoining the site to the south is a three storey Edwardian dwellinghouse sitting on the corner of Heathfield Road and Woodville Road (No. 33 Heathfield Road), whilst immediately adjoining the site to the north is No. 1 Woodville Road, an end of terrace dwellinghouse
- 2.3. The surrounding area is predominantly residential in character comprising of Victorian and Edwardian terraced houses. However, there are some nearby commercial uses located further west of the site along Heathfield Road and associated with the District Centre. Kings Heath High Street is located 175m to the west of the site, and the boundary of the District Centre is located some 60m west along Heathfield Road.
- 2.4. Parking in the local area is generally on-street, with very few properties benefiting from private drives.

[Site Location Map](#)

3. Planning History

Application Site

- 3.1. 11th March 2015 - 2015/00497/PA – Demolition of existing building and erection of three storey residential block (Block B) containing 6 apartments with juliette balcony to front - Withdrawn by Applicant following concerns raised about design and over-intensive use of site.

No. 23-27 Heathfield Road

- 3.2. 31st January 2014 – 2013/08186/PA - Outline planning application for the change of use from offices (Use Class B1) to residential (Use Class C3) and two storey extension to provide 12 residential units with associated access – Approved-conditions

3.3. 17th November 2014 – 2014/06871/PA - Prior Approval for change of use from offices (Use Class B1[a]) to residential (Use Class C3) – No prior approval required

3.4. 17th November 2014 - 2014/06779/PA – External alterations to existing building – Approved-conditions

Adjoining land fronting Heathfield Road

3.5. 2015/03978/PA – Erection of 1 dwelling house – Elsewhere on this Agenda.

4. Consultation/PP Responses

4.1. Transportation Development – No objection – Subject to secure cycle storage condition

4.2. Regulatory Services – No response received

4.3. Severn Trent Water – No objection - Subject to drainage condition

4.4. West Midlands Fire Service – No response received

4.5. West Midlands Police – No objection – Recommend proposal is built to Secured By Design standards

4.6. Local residents, Ward Councillors, Residents Associations and M.P. notified – 3 letters of objection, and one letter of general comment, received from local residents. The following relevant concerns were raised:

- No off-street parking – existing issues with parking on local roads, availability of parking crucial to success of Kings Heath Centre
- Lack of amenity space
- Roof height/shape not in keeping with other properties
- Overshadowing of proposed dwellings
- Overlooking of proposed dwellings
- Application should be considered as part of neighbouring development at No. 23-27 Heathfield Road
- Loss of light to habitable room windows on front elevation of No. 23-27

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham UDP
- Draft Birmingham Development Plan
- Places for Living SPG
- 45 Degree Code SPG
- Kings Heath Local Action Plan SPD

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

Policy and Background

- 6.1. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.2. The Birmingham UDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations with good access to jobs, shops and services by modes other than the car. The UDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City.
- 6.3. The UDP requires that new housing developments should provide an appropriate environment (Paragraphs 5.20-5.20A), a suitable housing density and mix (Paragraph 5.40) and encourages a full range of housing types and sizes (5.35 and 5.37). Paragraph 5.38 recommends a housing density of 40-50 dwellings per hectare in this location.
- 6.4. Paragraphs 3.14D and 3.14E of the UDP identify that new housing development should be designed in accordance with good urban design principles. In addition, 'Places for Living' SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and makes reference to minimum design and amenity guidance. Particular emphasis is given to assessing context and responding positively to local character.
- 6.5. Within the Draft Birmingham Development Plan, Policies TP26 and TP27 state that the location of new housing should be on previously developed land, be accessible to jobs, shops and services by other modes of transport, be sympathetic to natural assets and not conflict with other policies in relation to employment land, green belt and open space. It also states that new housing should offer a choice of type, size and tenure to create more balanced and sustainable communities.
- 6.6. There are no specific policies in the Kings Heath Local Action Plan SPD which are relevant to the application site, although No. 9-27 Heathfield Road immediately adjoining is identified as a residential development site.
- 6.7. Outline planning permission was granted in January 2014 under 2013/08186/PA for the change of use of No. 23-27 Heathfield Road from offices (Use Class B1) to 12 residential flats (Use Class C3), demolition of the existing Post-War extension and erection of a new three storey extension. This consent was not implemented and the Applicant instead subsequently implemented a prior approval consent (2014/06871/PA) and accompanying planning permission for external building alterations (2014/06779/PA) relating to the accommodation of 14 flats within the above building. The current planning application is a re-submission of a previous planning application (2015/00497/PA) which proposed to accommodate a flatted building on the site. This previous application was withdrawn following concerns

raised about the intensity of use and architecture of the proposal. The Applicant has attempted to address these concerns with the current submission.

- 6.8. I consider the principle of residential development on this site would be acceptable, given this is an unused, brownfield site, which if developed for residential use would help to meet the City's housing demand. The existing derelict outbuilding on the site is of no architectural merit and is awkwardly sited, not following the strong building line along Woodville Road. Its demolition would therefore be acceptable, as both the building and the site are currently a visual blight on the surrounding area.

Siting and Scale

- 6.9. The proposed dwellinghouses would follow the strong front and rear building line of terraced houses along Woodville Road and would have a similar footprint to these adjoining terraced houses.
- 6.10. I consider the scale of the proposed dwellinghouses, being two storeys in height, would be in keeping with the predominant character and appearance of existing dwellings along Woodville Road.
- 6.11. The Applicant has reduced the roof ridge height of the proposed dwellinghouses following concerns that the roofs looked disproportionately large in comparison to the rest of the dwellinghouses. I am satisfied that the roof ridge height and massing of the roof now appears in keeping with the appearance of both the proposed dwellinghouses and of the surrounding area. The Council's City Design Officer has raised no objection to the proposed development.

Appearance

- 6.12. The proposed dwellinghouses would reflect the Edwardian/Victorian character and appearance of dwellings in this locality, being built of red facing brickwork and incorporating brick detailing, a front bay window, chimney and timber framed canopy over the front door – these being architectural elements consistent with the local vernacular.

Living Conditions

- 6.13. Bedroom sizes would exceed the minimum recommended size guidelines set out in the Council's Places for Living SPG.
- 6.14. All three rear gardens would not meet the minimum recommended size guideline of 52sqm for a two bed house as set out in Places for Living SPG (the rear gardens being 36.5sqm, 33sqm and 40.5sqm respectively in size). Neither would the proposed dwellinghouses meet the minimum 15.5m separation distance recommended in Places for Living SPG between windowed elevations and neighbouring flank walls (i.e. the side elevation of the Post-War extension of No. 23-27 Heathfield Road), making these gardens rather short. However, whilst the rear gardens would be small, I consider there would still be sufficient room to provide outdoor seating space, clothes drier, bin store and some general amenity space. There are similarly sized or smaller rear gardens afforded to existing houses in the immediate vicinity of the site e.g. Cheshunt Place (approximately 15sqm sized gardens), Florence Road (approximately 30sqm sized gardens) and Nos. 9-21 Heathfield Road (approximately 40sqm sized gardens). In addition the rear gardens of houses currently being built to the rear of Nos. 9-21 Heathfield Road range in size from 33sqm-66sqm. Therefore on balance I consider the shortfall in garden size

would not be out of character with the immediate surrounding area, there would be sufficient amenity space for occupiers to enjoy, and outlook for future occupiers when in their gardens or rear rooms would not be so harmful as to warrant refusal. I consider it is important to show some flexibility in order to bring forward the site for positive redevelopment. Given the small garden size, and to ensure there remains some private outdoor amenity space for future occupiers, I recommend attaching a condition to any consent that withdraws permitted development rights for future rear extensions.

- 6.15. The side (east) elevation of the three storey Post-War extension of No. 23-27, which would effectively adjoin the rear garden boundaries of the proposed dwellinghouses, incorporates three small windows at first floor and three small windows at second floor. Consent was given under Planning Permission 2014/07669/PA for external alterations to No. 23-27 and included the introduction of three windows at second floor within the side (east) elevation of the extension building. A condition was attached to this consent to ensure that these windows, which were shown to serve a communal corridor, were to be obscurely glazed and remain as such thereafter. However, the windows that have recently been fitted here have not been obscurely glazed to date in accordance with this condition, and if this is not carried out imminently enforcement action will likely be taken against the Applicant to resolve this otherwise unsatisfactory issue. On resolving this issue I am satisfied that there would be no overlooking opportunities from these second floor windows into the rear garden of the proposed dwellinghouse.
- 6.16. Prior Approval Application 2014/06871/PA indicated that the three existing first floor windows located on the side (east) elevation of the extension building would serve the living/dining room of Flat 8, the living/dining room of Flat 7, and the communal stairwell respectively. Of relevance to the current application is the first floor window serving the living/dining room of Flat 7 (which would overlook the rear garden of the Plot 3 dwellinghouse) and the first floor window serving the communal corridor (which would overlook the rear garden of the Plot 2 dwellinghouse). These two small windows are either secondary windows or non-habitable room windows and were these to be obscurely glazed I do not consider they would adversely affect the amenity of occupiers of these flats. As such I recommend attaching a condition to any consent that these windows are retrofitted to be obscurely glazed and that they are retained as such thereafter. With this condition being attached to any consent to deal with existing first floor windows in the side elevation of the extension building, plus the previous obscure glazing condition dealing with new second floor windows in the side elevation of the extension building, I am satisfied that any windows overlooking the rear gardens of Plots 2 and 3 would remain obscurely glazed and would therefore not result in overlooking and loss of privacy for these future occupiers, or the existing occupiers at No. 33 Heathfield Road.

Amenity of Adjoining Occupiers

- 6.17. The proposed development would not meet the recommended separation distance of 12.5m between the windowed elevation of the rear wing of No. 33 Heathfield Road and the flank wall of the proposed Plot 3 dwellinghouse, as set out in Places for Living SPG. Notwithstanding, the existing flank wall of the two storey derelict outbuilding on the site is already located only 7m from the windowed elevation of the rear wing of No. 33 and therefore the relationship, in terms of separation distance, would be no worse than that which already exists.
- 6.18. The first floor of the Proposed Plot 3 dwellinghouse would have a bathroom window positioned on its side (south) elevation. I recommend attaching a condition to any

consent to ensure that this window remains obscurely glazed and that no additional windows can be introduced on this side elevation, in order to prevent overlooking into the rear garden of No. 33 Heathfield Road.

Traffic and Parking

- 6.19. The proposed development would have no off-street parking provision. Parking on street within the vicinity is largely unrestricted and typically demand is high, with the majority of properties not benefitting from in-curtilage provision. The road is also used for parking by shoppers visiting Kings Heath District Centre which is within short walking distance of this site.
- 6.20. Transportation Development have raised no objection to the proposal and do not expect the addition of these dwellinghouses would have any notable impact upon the existing situation in terms of the level of traffic and parking demand generated at this location. They note that the site is well served by public transport, with regular buses running throughout the day on Kings Heath High Street.
- 6.21. I acknowledge the concerns of local residents in respect of existing on-street parking congestion in the vicinity of the site, the lack of availability of parking for shoppers undermining the success of Kings Heath Centre, and the fact that the proposed development offers no off-street parking provision. However, Paragraph 32 of the NPPF explains that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". I do not consider these impacts would be so severe as to successfully warrant refusal on this basis.
- 6.22. Whilst Transportation Development have recommended a secure cycle storage condition be attached to any consent I consider this would rather onerous. I am satisfied that there would be adequate space on site for any bicycle storage i.e. shed, side passageways etc. should such storage be required.

Other Matters

- 6.23. I note the concerns of local residents that the application should be considered as part of the wider development of No. 23-27 Heathfield Road. Whilst the Applicant was encouraged at pre-application stage to look at a comprehensive masterplan for land under their ownership, the piecemeal approach they have taken in dividing up the site and use of the prior approval process is their prerogative, and assuming each application is acceptable on its own merits the Local Planning Authority would have no grounds for refusal on this basis.

7. Conclusion

- 7.1. Whilst the proposed development would not meet guidelines on garden size and separation distances, I consider that on balance (and with a condition for obscure glazing to prevent overlooking) living conditions for future occupiers would be satisfactory and there would be no material harm caused to them through overlooking or loss of outlook. I consider the siting, scale and appearance of the proposed development would be in keeping with the character and appearance of this suburban location. There would be no material adverse impact on the amenity of adjoining residential occupiers, nor traffic or parking as a result of this proposal. Therefore I consider the proposal, which would help to meet the City's housing

demand on a brownfield site, would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

8.1. Approve Subject to Conditions

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the prior submission of hard and/or soft landscape details |
| 4 | Requires the prior submission of boundary treatment details |
| 5 | Requires the prior submission of a sustainable drainage scheme |
| 6 | Requires the prior submission details obscure glazing for specific areas of the approved Plot 3 dwelling |
| 7 | Requires the prior submission details obscure glazing for first floor windows in the side (east) elevation of No. 23-27 Heathfield Road |
| 8 | Removes PD rights for extensions |
| 9 | Limits the approval to 3 years (Full) |
-

Case Officer: Andrew Conroy

Photo(s)



Figure 1 – Site viewed from Woodville Road (No. 33 Heathfield Rd to left, No. 1 Woodville Rd to right)



Figure 2 – Rear elevation of No. 33 taken from site (from elevation of existing barn building on site to right)

Location Plan



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Committee Date:	23/07/2015	Application Number:	2015/03978/PA
Accepted:	09/07/2015	Application Type:	Full Planning
Target Date:	03/09/2015		
Ward:	Moseley and Kings Heath		

Land off Heathfield Road, Kings Heath, Birmingham, B14 7BT

Erection of 1 dwelling house

Applicant: Allmid Limited
c/o Agent
Agent: Pegasus Group
Unit 5, The Priory, Old London Road, Canwell, Sutton Coldfield, B75 5SH

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for the erection of a two-bed, detached, single family dwellinghouse on land between No. 33 Heathfield Road and No. 23-27 Heathfield Road.
- 1.2. The proposed dwellinghouse would be two storeys in height and provide 84sqm of internal floorspace. The building would be sited 3m in from the highway and would measure 5m in width, 10m in depth and 9.5m in height to its roof ridge. The density of development on the site would be 75 dwellings per hectare.
- 1.3. The proposed dwellinghouse would accommodate a living/dining room, kitchen/breakfast room, hallway and WC at ground floor. At first floor it would accommodate two double bedrooms (15sqm and 14.5sqm in size respectively) and a bathroom.
- 1.4. The proposed dwellinghouse would be faced in red brickwork and the pitched roof would be constructed of slate. A bay window and timber framed canopy over the front door would be incorporated on the front elevation of the proposed dwellinghouse. Double doors would be incorporated on the rear elevation, leading out on to the rear garden.
- 1.5. The proposed frontage would comprise of a small front garden, enclosed behind a low brick boundary wall and railings. The rear garden would measure 53sqm in size.
- 1.6. No off-street parking provision is proposed.
- 1.7. This application has been submitted in conjunction with Planning Application 2015/03979/PA for the demolition of an existing building and erection of three dwellinghouses fronting Woodville Road, on land immediately adjoining the site to the north.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a vacant and rather overgrown plot of land enclosed on all sides by either brick walls or close boarded fencing, including the Heathfield Road frontage of the site which is enclosed by the latter. The application site also includes the adjacent Post-War side extension of No. 23-27 Heathfield Road - a recently re-clad, three storey, flat roofed addition, with vehicular undercroft at ground floor level. The main building of No. 23-27 is a Grade B Locally Listed Edwardian building. This building, plus the extension, is also under the Applicant's ownership and is in the process of being converted in to fourteen flats. Immediately adjoining the site to the east is a three storey Edwardian residential property sitting on the corner of Heathfield Road and Woodville Road (No. 33 Heathfield Road).
- 2.2. The surrounding area is predominantly residential in character comprising of Victorian and Edwardian terraced houses. However, there are some nearby commercial uses located further west of the site along Heathfield Road and associated with the District Centre. Kings Heath High Street is located 175m to the west of the site, and the boundary of the District Centre is located some 60m west along Heathfield Road.
- 2.3. Parking in the local area is generally on-street, with very few properties benefiting from private drives.

[Site Location Map](#)

3. Planning History

Application Site

- 3.1. 11th March 2015 - 2015/00496/PA – Erection of three storey residential block (Block A) containing 3 apartments with Juliette balcony to front - Withdrawn by Applicant following concerns raised about design and over-intensive use of site.

Application Site including No. 23-27 Heathfield Road

- 3.2. 31st January 2014 – 2013/08186/PA - Outline planning application for the change of use from offices (Use Class B1) to residential (Use Class C3) and two storey extension to provide 12 residential units with associated access – Approved-conditions

No. 23-27 Heathfield Road Only

- 3.3. 17th November 2014 – 2014/06871/PA - Prior Approval for change of use from offices (Use Class B1[a]) to residential (Use Class C3) – No prior approval required
- 3.4. 17th November 2014 - 2014/06779/PA – External alterations to existing building – Approved-conditions

Adjoining land fronting Woodville Road

- 3.5. 2015/03979/PA - Demolition of existing building and erection of 3 dwelling houses – Elsewhere on this Agenda.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection – Subject to secure cycle storage condition
- 4.2. Regulatory Services – No response received
- 4.3. Severn Trent Water – No objection - Subject to drainage condition
- 4.4. West Midlands Fire Service – No response received
- 4.5. West Midlands Police – No objection – Recommend proposal is built to Secured By Design standards
- 4.6. Local residents, Ward Councillors, Residents Associations and M.P. notified – 4 letters of objection, and one letter of general comment, received from local residents. The following relevant concerns were raised:
- No off-street parking – existing issues with parking on local roads, availability of parking crucial to success of Kings Heath Centre
 - Lack of amenity space
 - Roof height/shape not in keeping with other properties
 - Overshadowing of proposed dwellings
 - Overlooking of proposed dwellings
 - Application should be considered as part of neighbouring development at No. 23-27 Heathfield Road
 - Loss of light to habitable room windows on front elevation of No. 23-27

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham UDP
 - Draft Birmingham Development Plan
 - Places for Living SPG
 - 45 Degree Code SPG
 - Kings Heath Local Action Plan SPD
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF)

6. Planning Considerations

Policy and Background

- 6.1. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and

buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

- 6.2. The Birmingham UDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations with good access to jobs, shops and services by modes other than the car. The UDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City.
- 6.3. The UDP requires that new housing developments should provide an appropriate environment (Paragraphs 5.20-5.20A), a suitable housing density and mix (Paragraph 5.40) and encourages a full range of housing types and sizes (5.35 and 5.37). Paragraph 5.38 recommends a housing density of 40-50 dwellings per hectare in this location.
- 6.4. Paragraphs 3.14D and 3.14E of the UDP identify that new housing development should be designed in accordance with good urban design principles. In addition, 'Places for Living' SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and makes reference to minimum design and amenity guidance. Particular emphasis is given to assessing context and responding positively to local character.
- 6.5. Within the Draft Birmingham Development Plan, Policies TP26 and TP27 state that the location of new housing should be on previously developed land, be accessible to jobs, shops and services by other modes of transport, be sympathetic to natural assets and not conflict with other policies in relation to employment land, green belt and open space. It also states that new housing should offer a choice of type, size and tenure to create more balanced and sustainable communities.
- 6.6. There are no specific policies in the Kings Heath Local Action Plan SPD which are relevant to the application site, although No. 9-27 Heathfield Road immediately adjoining is identified as a residential development site.
- 6.7. Outline planning permission was granted in January 2014 under 2013/08186/PA for the change of use of No. 23-27 Heathfield Road from offices (Use Class B1) to 12 residential flats (Use Class C3), demolition of the existing Post-War extension and erection of a new three storey extension. The three storey extension would have fronted Heathfield Road with car parking to the rear on part of the application site. This consent was not implemented and the Applicant instead subsequently implemented a prior approval consent (2014/06871/PA) and accompanying planning permission for external building alterations (2014/06779/PA) relating to the accommodation of 14 flats within the above building (not including the current application site). The current planning application is a re-submission of a previous planning application which proposed to accommodate a flatted building on the site. This previous application was withdrawn following concerns raised about the intensity of use and architecture of the proposal. The Applicant has attempted to address these concerns with the current submission.
- 6.8. I consider the principle of residential development on this site would be acceptable, given this is an unused, brownfield site, which if developed for residential use would

help to meet the City's housing demand, rather than currently being a visual blight on the surrounding area.

Siting and Scale

- 6.9. The proposed dwellinghouse would have a similar siting to the three storey extension to No. 23-27 Heathfield Road as approved in outline under 2013/08186/PA, albeit the building as now proposed would be sited further away from the side elevation of No. 33 Heathfield Road (2m as opposed to 1.2m). The proposed dwellinghouse would follow front and rear building lines along Heathfield Road and would have a footprint not so different to that of small terraced houses in the vicinity.
- 6.10. I consider the scale of the proposed dwellinghouse, being two storeys in height, would be in keeping with the predominant character and appearance of dwellings along Heathfield Road. Although positioned between grander and larger three storey buildings on either side, I do not consider the proposed dwellinghouse would appear unduly at odds in the streetscene. With gaps of 3.2m and 2m to these adjoining properties I consider the proposed dwellinghouse would appear within the natural tolerance of variation/changes in building scale within the streetscene.
- 6.11. The Applicant has reduced the roof ridge height of the proposed dwellinghouse following concerns that the roof looked disproportionately large in comparison to the rest of the dwellinghouse. I am satisfied that the ridge height and massing of the roof now appears in keeping with the appearance of the property and of the surrounding area. The Council's City Design Officer has raised no objection to the proposal.

Appearance

- 6.12. The proposed dwellinghouse would reflect the Edwardian/Victorian character and appearance of dwellings in this locality, being built of red facing brickwork and incorporating brick detailing, a front bay window, chimney and timber framed canopy over the front door – these being architectural elements consistent with the local vernacular.

Living Conditions

- 6.13. Bedroom sizes would exceed the minimum recommended size guidelines as set out in the Council's Places for Living SPG.
- 6.14. The side (east) elevation of the three storey Post-War extension of No. 23-27, which would effectively adjoin the rear garden boundary of the proposed dwellinghouse, incorporates three small windows at first floor and three small windows at second floor. Consent was given under Planning Permission 2014/07669/PA for external alterations to No. 23-27 and included the introduction of three windows at second floor within the side (east) elevation of the extension building. A condition was attached to this consent to ensure that these windows, which were shown to serve a communal corridor, were to be obscurely glazed and remain as such thereafter. However, the windows that have recently been fitted here have not been obscurely glazed to date in accordance with this condition, and if this is not carried out imminently enforcement action will likely be taken against the Applicant to resolve this otherwise unsatisfactory issue. On resolving this issue I am satisfied that there would be no overlooking opportunities from these second floor windows into the rear garden of the proposed dwellinghouse.

- 6.15. Prior Approval Application 2014/06871/PA indicated that the three existing first floor windows located on the side (east) elevation of the extension building would serve the living/dining room of Flat 8, the living/dining room of Flat 7, and the communal stairwell respectively. Of relevance to the current application are the two windows serving the living/dining room of Flat 8 and the living/dining room of Flat 7. These two aforementioned windows are small, secondary, habitable room windows serving the respective flats and were these to be retrofitted to obscurely glazed I do not consider they would adversely affect the amenity of occupiers of these flats. As such I recommend attaching a condition to any consent that these windows are retrofitted to be obscurely glazed and that they are retained as such thereafter. With this condition being attached to any consent to deal with existing first floor windows in the side elevation of the extension building, plus the previous obscure glazing condition dealing with new second floor windows in the side elevation of the extension building, I am satisfied that any windows overlooking the rear garden of the proposed dwellinghouse would remain obscurely glazed and would therefore not result in overlooking and loss of privacy for these future occupiers.
- 6.16. Whilst acknowledging that the north facing garden of the proposed dwellinghouse would be rather shady, feel rather hemmed in, and would have a garden length of 8.5m, it would nonetheless (at 53sqm in size) exceed the 52sqm minimum size recommended for a two bed house in Places for Living SPG. Therefore, on balance, I consider living conditions for these future occupiers would be satisfactory. Given the small garden size, and to ensure there remains some private outdoor amenity space for future occupiers, I recommend attaching a condition to any consent that withdraws permitted development rights for future rear extensions.

Amenity of Adjoining Occupiers

- 6.17. The proposed dwellinghouse would contravene the Council's 45 Degree Code SPG in respect of first and second floor habitable room windows located on the front elevation of the Post-War extension at No. 23-27. These are the primary windows serving the living/dining areas of Flats 8 and 14. However, these are large, south-facing windows and, being at first and second storey, will gain more natural light than a ground floor flat would in this position between two neighbouring buildings. I also note they already have the 45 code contravened by the property at 23-27. I am satisfied that the amenity of the future occupiers of these flats would not be unduly harmed through loss of light or outlook between the two neighbouring buildings.
- 6.18. The proposed dwellinghouse would result in loss of light to windows located in the side elevation of No. 33 Heathfield Road. However, because these windows do not serve habitable rooms I am satisfied that the amenity of these adjoining occupiers would not be materially harmed.

Traffic and Parking

- 6.19. The proposed development would have no off-street parking provision. Parking on street within the vicinity is largely unrestricted and typically demand is high, with the majority of properties not benefitting from in-curtilage provision. The road is also used for parking by shoppers visiting Kings Heath District Centre which is within short walking distance of this site.
- 6.20. Transportation Development have raised no objection to the proposal and do not expect the addition of this single dwellinghouse (together with the other three dwellinghouses proposed under Planning Application 2015/03979/PA) would have

any notable impact upon the existing situation in terms of the level of traffic and parking demand generated at this location. They note that the site is well served by public transport, with regular buses running throughout the day on Kings Heath High Street.

- 6.21. I acknowledge the concerns of local residents in respect of existing on-street parking congestion in the vicinity of the site, the lack of availability of parking for shoppers undermining the success of Kings Heath Centre, and the fact that the proposed development offers no off-street parking provision. However, Paragraph 32 of the NPPF explains that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". I do not consider these impacts would be so severe as to successfully warrant refusal on this basis.
- 6.22. Whilst Transportation Development have recommended a secure cycle storage condition be attached to any consent I consider this would rather onerous. I am satisfied that there would be adequate space on site for any bicycle storage i.e. shed, side passageway etc. should such storage be required.

Other Matters

- 6.23. I note the concerns of local residents that the application should be considered as part of the wider development of No. 23-27 Heathfield Road. Whilst the Applicant was encouraged at pre-application stage to look at a comprehensive masterplan for land under their ownership, the piecemeal approach they have taken in dividing up the site and use of the prior approval process is their prerogative, and assuming each application is acceptable on its own merits the Local Planning Authority would have no grounds for refusal on this basis.

7. Conclusion

- 7.1. I consider the siting, scale and appearance of the proposed development would be in keeping with the character and appearance of this suburban location. Living conditions for future occupiers would also be satisfactory, with a condition for obscure glazing to prevent overlooking. There would be no material adverse impact on the amenity of adjoining residential occupiers, nor traffic or parking as a result of this proposal. Therefore I consider the proposal, which would help to meet the City's housing demand on a brownfield site, would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

- 8.1. Approve Subject to Conditions

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the prior submission of hard and/or soft landscape details |
| 4 | Requires the prior submission of boundary treatment details |
-

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- 5 Requires the prior submission details obscure glazing for first floor windows in the side (east) elevation of No. 23-27 Heathfield Road
 - 6 Requires the prior submission of a sustainable drainage scheme
 - 7 Removes PD rights for extensions
 - 8 Limits the approval to 3 years (Full)
-

Case Officer: Andrew Conroy

Photo(s)



Figure 1 – Frontage of site to Heathfield Road (No. 23-27 on left, No. 33 on right)



Figure 2 – Looking north from front of site (No. 23-27 on left, No. 33 on right)

Location Plan



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Committee Date:	23/07/2015	Application Number:	2015/03893/PA
Accepted:	15/05/2015	Application Type:	Full Planning
Target Date:	10/07/2015		
Ward:	Harborne		

Fountain Court Hotel, 339 Hagley Road, Harborne, Birmingham, B17 8NH

Change of use of The Fountain Court Hotel (Use Class C1) to student accommodation (Sui Generis) for up to 35 students and installation of new entrance door.

Applicant: YMCA Indian Student Hostel
41 Fitzroy Square, London, W1T 6AQ
Agent: Brooke Smith Planning
The Cloisters, 12 George Road, Edgbaston, Birmingham, B15 1NP

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the change of use of the Fountain Court Hotel (Use Class C1) to student accommodation (Use Class Sui Generis) and the installation of a new entrance door.
- 1.2. The student accommodation would comprise 25 bedrooms for a maximum 35 students. The proposed change of use would not result in any increase to the total floor area of the existing building. Some internal alterations would be required to provide each bedroom with their own en-suite bathroom and some small amendments to provide communal areas, staff areas and services areas.
- 1.3. The ground floor would provide five bedrooms for 9 students comprising 1 single room and 4 twin bedrooms, all with en-suite bathrooms. The ground floor would also provide the communal areas for the students, consisting of a utility providing laundry facilities, a dining room, reading room and TV room. There would also be a manager's office, ancillary office, meeting room and kitchens. These areas would only be used by the staff. In addition, there would be a student reception area (formed by removing the bar) and a general reception area.
- 1.4. The first floor would provide twelve bedrooms for 17 students in 7 single bedrooms and 5 twin bedrooms, all with their own en-suite rooms. In addition, the first floor would accommodate a manager's flat comprising of a lounge, bedroom and bathroom. The second floor would provide eight bedrooms for 9 students in 7 single bedrooms and 1 twin bedroom, all with their own en-suite bathrooms.
- 1.5. Alterations to the external appearance of the building would comprise a new entrance door to the right of the existing hotel entrance door allowing access to the

student reception area. The existing entrance door would be used to access the manager's office accommodation.

- 1.6. Vehicle access to the development would remain as existing – off Hagley Road. The existing hotel car park at the front of the property has 13 spaces. The proposed new entrance would result in the loss of one car parking space resulting in 12 spaces, which the Applicant states would be for visitors – the Applicant states there would be no parking provision for students. 2 staff car parking spaces would be provided to the rear of the property and accessed via an existing rear gated access on Stanmore Road. Cycle storage would be available for use by students within the existing garage.
- 1.7. The development would create the following staff positions:
 - 1 no. Live in Manager (single person or with a family)
 - 3 no. Front Office Staff
 - 2 no. Kitchen Staff
 - 3 no. Cleaning / maintenance staff.
- 1.8. Amended plans have been submitted during the course of the application that reduces the number of bedrooms for use by students from 26 to 25 and student occupancy from 38 to 35.
- 1.9. Site area: 0.2 hectares.
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises large 2/2.5 storey traditional Victorian buildings currently in use as a hotel. The buildings were originally one pair of semi-detached houses and a detached house but over the years the buildings have been joined by link extensions to accommodate the hotel use and have been subject to many alterations to the rear.
- 2.2. The hotel buildings sit parallel to the Hagley Road which is characterised by hotels, office developments and shops interspersed with residential development. The site extends to 0.2 hectares and sits at the junction of Hagley Road with Stanmore Road, the latter having a predominantly residential character.
- 2.3. The site is rectangular in shape having two frontages onto the flank highways. Much of the frontage of the site onto Hagley Road is hard surfaced and used for parking to the hotel; there are 5 separate accesses to the hotel here. The side of the hotel onto Stanmore Road is bounded by a close boarded fence, behind which there is a large garage and a shed.
- 2.4. To the east is a large electricity sub-station, to the north and south is predominantly residential development (including flatted infill) and to the west is a small parade of shops.
- 2.5. There are two significant trees close to the corner with Stanmore Road but are primarily to the Hagley Road frontage but these are unaffected by the proposal.

[Site Location Map](#)

3. Planning History

- 3.1. 8 January 2009. 2008/05168/PA. Planning permission refused for the demolition of building and erection of 2, 3 and 4 storey building comprising 38 self-contained sheltered apartments for the elderly and associated facilities. Application was recommended for approval but was refused on the following ground "In the absence of a suitable legal agreement to secure an affordable housing contribution and a public open space contribution the proposed development would conflict with Policy 5.37, 5.20B and 5.20C of the Birmingham Unitary Development Plan 2005."
- 3.2. 29 August 2013. 2013/05822/PA. Pre-application enquiry for change of use of the premises from hotel to retail with residential. Advice provided that stated there is no support for retail in this out of centre location through the UDP and that the proposed residential use, at first and second floors, would be acceptable in principle subject to issues of intensity, design and scale.
- 3.3. 24 March 2014. 2014/01521/PA. Pre-application enquiry for the demolition of existing hotel and erection of restaurant and 2 houses. Advice provided stated that the existing hotel is located on the edge but outside of a small parade of local shops, the proposed use would be outside of this parade and would potentially expand this parade along the Hagley Road increasing the linear nature of the centre and this would not be to its benefit. The scale of the restaurant use proposed in this location could limit its ability to be located in an existing retail unit within the parade. The proposed retail A3 use would not be acceptable in this location and would be considered to be contrary to adopted policy. The two proposed residential houses to the rear of the premises would be acceptable in principle subject to issues of design, scale and whether the proposal meets the space standards in our adopted supplementary planning guidance; *Places for Living*.
- 3.4. 23 February 2015. 2014/09548/PA. Planning permission granted for the change of use of hotel to three separate dwellings (1 detached and a pair of semi-detached houses) and erection of three houses (1 detached and a pair of semi-detached houses) to rear of existing building.

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and resident associations notified. 2 letters of objection received from local residents and a petition of objection with 7 signatures. Objections are based on the following grounds:
- The 26 bedroom development with an influx of 38 individuals creates a further imbalance to an already compromised area of former predominantly family homes and therefore we do not support the application. An important aspect in considering the application is the potential aftermath in the event that the YMCA Indian Student organization finds the venture no longer viable. The proposed development, despite Sui Generis, effectively would have Established Use that potentially could lead to an undesirable impact following a change of ownership or lease coupled with poor management.
 - Amongst the appropriately planning permitted conversions in the local environment there is a proliferation of Hostels, Rooms to let and dubious substandard Bedsits and a variable ongoing problem of prostitution and drug dealing in the vicinity and beyond the junction of Stanmore, Fountain and Hagley Roads i.e. in general there is an imbalance in occupation/demography to the former family orientated area.

- The Government underlines the need for more family homes and the previous approval granted application 2014/09548/PA fulfils that requirement appropriate to this residential area. More family homes will assist in reinstating the area to its former family orientated status.
- 4.2. Transportation – No objection subject to a safeguarding condition relating to a Car Park Management Plan to be provided & approved prior to occupation, including detail on management of student arrivals/departures.
- 4.3. Severn Trent Water Limited – No objection subject to a drainage condition.
- 4.4. West Midlands Fire Service – No objection.
- 4.5. Regulatory Services – No objection subject to a safeguarding condition requiring a noise and vibration assessment.
- 4.6. West Midlands Police – No objection.
- 5. Policy Context
- 5.1. NPPF, NPPG, Birmingham UDP, Draft Birmingham Development Plan, Specific Needs Residential Uses SPG.
- 6. Planning Considerations
- 6.1. The NPPF identifies that within the planning system lies a presumption in favour of sustainable development where development proposals accord with the development plan. Sustainable development is identified as having three dimensions: an economic role; a social role and an environmental role.
- 6.2. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling. The NPPF seeks to boost the supply of housing and seeks the delivery of high quality housing that is well designed and built to a high standard; a mix of housing, particularly in terms of type and tenure to create sustainable, inclusive and mixed communities.
- 6.3. The UDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City. Paragraph 6.18 of the UDP identifies where further hotel and office development will be permitted and notes that in the corridor *"all commercial development should maintain and enhance the character of the area, ensure the amenity of local residents is safeguarded and that car parking provision can be met within the site"*.
- 6.4. There are however no policies within the UDP to protect existing hotels and I note that there are a number of hotels along the Hagley Road. There are therefore no objections to the loss of the existing hotel use.
- 6.5. There is no specific policy relating to provision of student accommodation in the adopted UDP. The public examination into the Birmingham Development Plan 2031 has recently taken place and the Inspectors report is expected later this year.

Although not adopted, weight should be given to the policies within the Draft BDP, and Policy TP32 refers specifically to student housing. It states that proposals for off campus provision will be considered favourably where:-

- *There is a demonstrated need for the development.*
- *The proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport.*
- *The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.*
- *The scale, massing and architecture of the development is appropriate for the location.*
- *The design and layout of the accommodation together with the associated facilities provided will create a positive living experience.”*

- 6.6. One of the aims of this policy is stated to be that the City Council wishes to ensure that there is a sufficient supply of good quality accommodation which meets the needs of all members of the student community which is provided in a suitable and sustainable location, is well designed and provides a high quality living experience in attractive buildings which enhance the local area. I consider that this proposal would meet this aim and would comply with the requirements of Policy TP32.
- 6.7. The proposed student accommodation is to be operated by the YMCA Indian Student Hostel. The YMCA is well established and has a London hostel that first opened in 1920. The aims of the YMCA Indian Student Hostel are to provide accommodation for foreign students and to help new arrivals adjusting to a new environment by offering an appropriate atmosphere for study. The YMCA targets overseas students on a budget who wish to live in the particular form of accommodation that they provide following strict ethics and ethos of studying.
- 6.8. The site is considered to be in a suitable and sustainable location and is within an area characterised with mixed use development, with local shops and a doctors' surgery within walking distance. Given these adjacent uses, and the close proximity of the site to public transport services with access to all of the City's higher education institutions; I consider that the proposed use is acceptable in principle and would meet the aspirations of the adopted UDP, which identifies the City's education and training institutions as the key to achieving a successful economy by creating a skilled and motivated workforce.
- 6.9. Vehicle access to the development would remain off Hagley Road. The existing hotel car park at the front of the property has 13 spaces. The proposed change of use would involve the loss of one car parking space resulting in 12 spaces being available for visitors. No parking provision for students is proposed. 2 staff car parking spaces would be provided to the rear of the property and accessed via an existing rear gated access on Stanmore Road. Cycle storage would be available for use by students within the existing garage. Transportation has raised no objection to the proposed change of use from hotel to student accommodation subject to a condition relating to a car park management plan. I concur with this view and the condition is recommended below.
- 6.10. No external changes are proposed to the existing hotel except a new entrance door to a new student reception. On this basis, I consider that the proposal is acceptable in terms of design and visual amenity impact from the change of use. I note the comments from Regulatory Services requiring a noise assessment to ensure that the standard of glazing is acceptable. As the building currently operates as a hotel

with guest rooms fronting Hagley Road and no window replacements are proposed, I do not consider that the condition would be reasonable to impose and as such would fail the tests for applying conditions to planning permissions. I consider this to also be the case in relation to the drainage condition requested by Severn Trent Water.

- 6.11. Internal changes to the building are proposed, primarily to create larger communal areas for dining along with the creation of en-suite bathrooms to the rooms. The proposed change of use would see the removal of the hotel bar with the operator not allowing alcohol to be sold or allowed onto the premises. It is therefore considered that the proposed use would improve the quality of the local environment and nearby residential properties in relation to the removal of a transient population use and the ability to purchase and consume alcohol on site, albeit that this relates to the site management and the necessary licensing arrangements.
- 6.12. I note the objections received from local residents. The development could house a maximum of 35 students at any one time in a maximum 25 bedrooms. This would be unlike the majority of student accommodation in the City where students have their own bedroom. The Specific Residential Needs SPG gives guidance on single and double bedroom sizes (6.5 and 12.5 sq.m respectively), but does not advise on twin rooms. However, all of the rooms whether for a single person or for two people in a twin room, comply with the relevant room sizes. Furniture layouts are shown on the amended plans. The large rear garden would also be available as amenity space for the students. I note the concern regarding future uses and that the proposed development could establish a hostel use precedent however, the proposed student accommodation would fall within a Sui Generis use class and as such, any other use apart from student accommodation would require a further planning application, which would be assessed on its own merits against policy requirements.
- 6.13. West Midlands Police have raised no objections to the proposed change of use. Whilst the area does have a number of hostels, rooms to let and bedsits, I consider these, broadly speaking, may have different characteristics to managed student accommodation. I do not consider the proposed use would likely cause issues of noise disturbance, nor of anti-social behaviour or increased crime.
- 6.14. Planning permission has been previously granted for the conversion of the hotel back into three dwellings and whilst I note that this would have fulfilled the need for more family homes, the LPA has no ability to force the implementation of that planning permission and could not refuse this proposed development on that basis.
- 6.15. I consider that the proposed change of use to student accommodation complies with the policies outlined in the NPPF, adopted UDP and the Draft BDP.

7. Conclusion

- 7.1. The proposed change of use to student accommodation accords with both national and local planning policy. The proposal is consistent with the key objectives of the UDP and draft BDP and would deliver a layout of accommodation together with the associated facilities that would create a positive living experience.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would see the retention and conversion of an existing hotel building which would in turn provide economic and social benefits for the existing and new occupiers, whilst supporting the provision of local employment

and does not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

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

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of extraction and odour control details |
| 3 | Requires the prior submission of a parking management strategy |
| 4 | Requires that the managers accommodation is occupied in conjunction with the student accommodation. |
| 5 | Limits the approval to 3 years (Full) |
-

Case Officer: Pam Brennan

Photo(s)

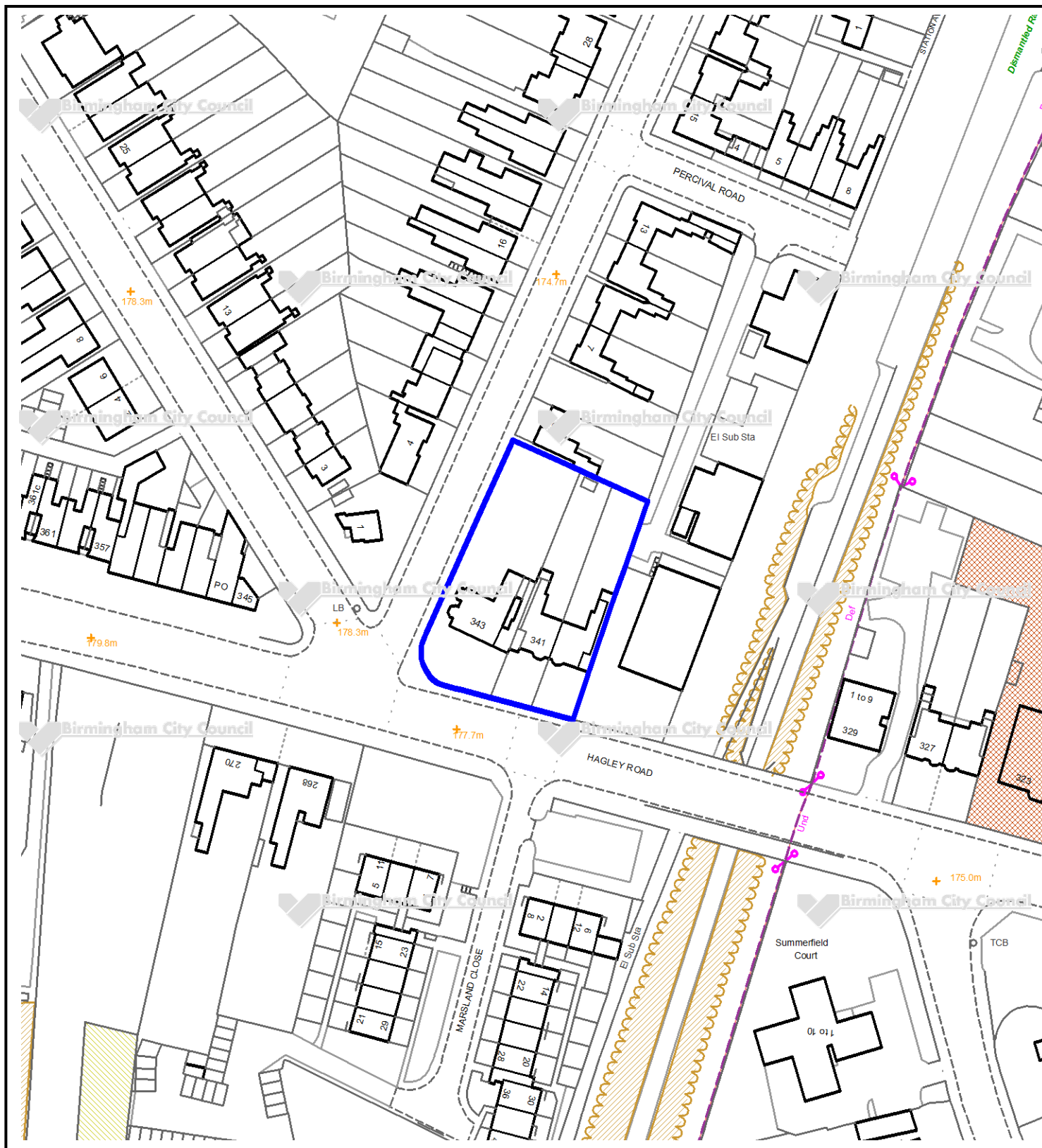


View from Hagley Road



View from Stanmore Road showing parking to front of premises
Page 162 of 174

Location Plan



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Committee Date:	23/07/2015	Application Number:	2015/03811/PA
Accepted:	13/05/2015	Application Type:	Householder
Target Date:	08/07/2015		
Ward:	Bournville		

4 Linden Road, Bournville, Birmingham, B30 1JS

Erection of single and two storey side extension and single storey rear extension.

Applicant: Mr Giles Tinsley
4 Linden Road, Bournville, Birmingham, B30 1JS
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for a two and single storey side and a single storey rear extension.
- 1.2. The side extension would be set back from the main frontage of the property by 1.05m, and would be 6m in width at ground floor and 3.5m at first floor. The single storey side element would have a flat roof with a parapet over, whilst the two storey roof would be a gable to match the main property. The proposed fenestration details would match the existing, with a dormer window to the first floor front.
- 1.3. The proposed single storey rear extension would be 2.8m in depth and the full width of the original application dwelling. The extension would have a single pitched roof over.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a traditional semi detached property within the Bournville Conservation Area. The site fronts onto Linden Road, with Oak Tree Lane to the rear. The surrounding area is residential in character.
- 2.2. The application property has brick elevations with a gable roof over. To the rear there is an existing conservatory adjacent to the boundary with No.6 Linden Road (to be replaced by this proposal). The frontage of the site contains an existing driveway and is enclosed by 1.4m high privet hedging. The rear garden of the application site contains mature landscaping and slopes away from a raised patio area down to the rear boundary with Oak Tree Lane. The rear boundaries are marked by 1.8m high close board fencing. There are mature shrubs and small trees along the rear boundary with Oak Tree Lane, and there is a large mature Yew Tree

located adjacent to the boundary of the application site with No's 135 and 137 Oak Tree Lane.

- 2.3. The adjoining property No.6 Linden Road has an existing two and single storey side extension and single storey rear extension similar to this proposal. No's 135 and 137 Oak Tree Lane and No.2 Linden Road form a terrace which is set perpendicular to the application site, fronting the junction between Oak Tree Lane and Linden Road. These properties are two storey traditional dwelling houses with single storey rear wings.

Site Location

3. Planning History

- 3.1. 2015/01244/PA- Erection of a two and single storey side and single storey rear extension- Withdrawn by the applicant.

4. Consultation/PP Responses

- 4.1. City Design and Conservation Team were consulted; no objections were raised to the principle of the proposal.
- 4.2. My Tree Officer has raised no objections, subject to a tree protection condition.
- 4.3. Neighbouring properties and local ward members have been consulted for the statutory 21 days, with a Site & Press notice displayed – one response was received from No.135 Oak Tree Lane: comments made rather than objection provided that reassurance can be provided on the following concerns: potential loss of light to rooms and garden, pruning, blocking of an existing access way during works.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan (2005)
 - Places for Living (Supplementary Planning Guidance, 2001),
 - Extending Your Home (Supplementary Planning Document, 2007),
 - The 45 Degree Code (Supplementary Planning Guidance 1996)
 - Draft Birmingham Development Plan (2013)
 - Bournville Conservation Area Design Guide (1997)
- 5.2. The following national policy is applicable:
- NPPF - National Planning Policy Framework (2012)

6. Planning Considerations

- 6.1. This application should be assessed against the objectives of the policies as set out above. I consider that the design of the proposal and the impact upon residential amenities and the character of the area are the principal matters for consideration.
- 6.2. This application has been submitted following a recently withdrawn application. The earlier application was withdrawn by the applicant to allow for a tree survey to be carried out in order to fully assess any potential impact on existing trees within the site.

- 6.3. The proposal would comply with your Committees 45 Degree Code. The proposal would comply with the Code to the rear of No.6 Linden Road when taking into account the existing extension to the rear of this property.
- 6.4. Places for Living (SPG) and Extending Your Home (SPG) require a distance of 12.5m between windowed elevations and opposing one and two storey flank walls. A distance of 16m currently exists between the side flank wall of the application property and the rear windows of No.135 Oak Tree Lane and 2 Linden Road. This would be reduced to a distance of 10m at single storey and 12.4m at two storey following the proposed development. Although there would be a shortfall as a result of the proposed development, when taking into account the current arrangement, including the presence of the existing 1.8m high boundary fence, existing timber structure in the rear garden of No.2 and the flat roof design over the single storey element of the proposal, I do not consider that the impact on the neighbouring occupiers in terms of light and outlook would be sufficiently detrimental in order to sustain a refusal of the application.
- 6.5. Although the windows in the side elevation of the proposal would not meet with the separation guideline of 5m per storey to the rear boundaries of No's 135 Oak Tree Lane and 2 Linden Road, a condition is attached in order to ensure that the windows in the side elevation are obscurely glazed in order to protect the existing privacy of the neighbours. In addition, 'Permitted Development' rights should be removed by way of a condition in order to further protect the neighbouring occupiers future privacy. All other distance separation guidelines contained within 'Places for Living' and 'Extending Your Home' would be met.
- 6.6. The overall scale and design of the proposal is acceptable and would not compromise the existing character or architectural appearance of the existing property. The proposal is similar to an existing extension to the adjoining property No.6 Linden Road and as such would cause no unacceptable detriment to the Bournville Conservation Area or the surrounding street scene. The proposal would comply with the general design principles within Extending Your Home (SPD).
- 6.7. My Tree Officer has confirmed that the Arboricultural report, method statement and tree protection plan as submitted would ensure the protection of the mature Yew Tree within the site. Further to this, it is considered that the replacement of two Conifer Trees in the frontage of the site would be an improvement to visual amenity within the street scene. A condition is attached in order to ensure that the development is implemented in accordance with the information submitted.
- 6.8. Notwithstanding the concerns raised by the neighbouring occupiers; I consider that the impact on existing light and outlook would not be sufficiently detrimental in order to sustain a refusal of the application. Disruption during works and the use of the existing alleyway to the side of the application site would be covered by separate civil legislation.
7. Conclusion
- 7.1. While there is a breach of the guideline separation distance for the single-storey, flat-roofed extension, it would be minor in effect, In-the-round, the proposal is well-designed and meets with objectives of the policies as set out above.
8. Recommendation

8.1. Approve subject to the following conditions:

-
- 1 Requires the prior submission of sample materials
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Limits the approval to 3 years (Full)
 - 4 Requires the prior submission details obscure glazing for specific areas of the approved building
 - 5 Removes PD rights for new windows
 - 6 Arboricultural Method Statement and Tree Protection Plan - Implementation
-

Case Officer: Kerry Challoner

Photo(s)



Figure 1. No.4 Linden Road



Figure 2. Frontage between No.4 Linden Road and No.2 Linden Road/ 135 Oak Tree Lane.

Location Plan



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AUTHORISE

PLANNING COMMITTEE 23rd July 2015

2006/02421/PA

DISTRICT: SOUTH Northfield

LOCATION: Hollymoor Way, Northfield - Plots 301 & 302,
Birmingham Great Park, B31 5HE

PROPOSAL: Erection of two warehouse buildings with ancillary
offices

APPLICANT: Hortons Estate Development Limited

BACKGROUND PAPERS:

Financial appraisal for development consented under 2006/02421/PA.

OBSERVATIONS

- 1.1 The planning consent was subject to a S.106 legal agreement to secure £100,000 for works which would 'benefit the local community in the vicinity of the Birmingham Great Park development'. The Applicant seeks to vary the agreement, arguing that the development's finances cannot sustain the last £30,000 due.
- 1.2 The £100,000 was due upon occupation of 60% of the wider industrial site (the five original plots anticipated in applications through the 1990s, of which two were the application 2006/02421/PA).
- 1.3 The Applicant was written to in January 2012 when it became evident that more than 60% of the wider site had been developed. In February 2012 the applicant sought deferral of the payment, until the development on the last site, Plot 101. Given the economic circumstances of the time, the Director of Planning and Regeneration agreed in March 2012 that £50,000 should be paid immediately, and £50,000 upon completion of Plot 101, or by 31st March 2014, whichever was the sooner. The first £50,000 was paid to the City Council in June 2012.
- 1.4 In December 2013, the Council requested that 60% (£30,000) of the remaining £50,000 be paid immediately, on the basis that around 60% of Plot 101 had been developed for an ambulance station (2012/03657/PA). The Applicant paid £20,000 in January 2014. Therefore, £30,000 remains outstanding.
- 1.5 The Council requested payment of the remaining £30,000 in March 2014. In April 2014, the Applicant was advised that either the balance was due or that a request for a formal Deed of Variation should be submitted.

1.6 The Applicant submitted financial viability evidence in April 2014 to support their stated inability to pay the sum due. The viability appraisal should have related to the entire development, but instead it focussed on only the two plots the subject of the 2006 consent. The Applicant was advised accordingly and was given a limited time in which to submit a more appropriate appraisal. The Applicant has not made a further submission.

1.7 The Council has shown flexibility in order to allow development to come forward with a phased S.106 payment. The wider site is now substantially complete, with one half plot left beside the new ambulance station. The Council reasonably seeks payment of the monies due, especially as they are needed for capital works to secure the future use of the Hollymoor Centre and Old Chapel buildings as community and educational facilities.

RECOMMENDATION

1. That the Director of Planning and Regeneration dismisses the Applicant's financial viability evidence of April 2014 as not sufficient to justify a Deed of Variation.

AUTHOR: Simon Turner

Birmingham City Council
Planning Committee 23 July 2015

Appeal Decisions Received from the Planning Inspectorate in June 2015

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	582 Moseley Road, Moseley	Erection of 2 three-storey metal structures to rear and construction of mezzanine floor between ground floor and first floor. 2012/0168/ENF	Dismissed (see note 1 attached)	Enf	Hearing
Enforcement	23 North Road, Selly Oak	Change of use of the premises to use as seven self contained flats and the erection of a single storey rear extension. 2013/1187/ENF	Dismissed	Enf	Written Representations
Enforcement	44 North Road, Selly Oak	Change of use of the premises to use as seven self contained flats and the erection of a single storey rear extension. 2013/1155/ENF	Dismissed	Enf	Written Representations
Enforcement	46 North Road, Selly Oak	Change of use of the premises to use as seven self contained flats and the erection of a single storey rear extension. 2013/1156/ENF	Dismissed	Enf	Written Representations
Advertisement	233 Tamworth Road, (Ashfurlong Medical Centre) Sutton Coldfield	Display of one non-illuminated sign mounted above an existing free-standing sign. 2014/07768/PA	Dismissed	Delegated	Written Representations
Residential	107 Edgbaston Road, Land to side of, Moseley	Demolition of 6 garages and erection of 1 dwellinghouse. 2014/05367/PA	Dismissed	Delegated	Written Representations
Residential	6 Penns Lake Road, Land adjacent, Sutton Coldfield	Erection of dwellinghouse with integral garage, new vehicular access and boundary treatment. 2014/09015/PA	Dismissed	Delegated	Written Representations
Other	680 Tyburn Road, (Happy Days Nursery) Erdington	Installation of 1.8m railings and gate to front. 2014/08857/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council
Planning Committee 23 July 2015**

Appeal Decisions Received from the Planning Inspectorate in June 2015

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
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Total - 8 Decisions: 8 Dismissed (100%)

Cumulative total from 1 April 2015 - 30 Decisions: 24 Dismissed (80%), 5 Allowed, 1 Part Allowed

Notes relating to appeal decisions received in June 2015

Note 1: (582 Moseley Road)

Subject to the variations listed below, the appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the 2 three-storey metal structures to the rear of the premises and mezzanine floor as constructed and carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

- 1) The appeal is allowed on ground (j) and the enforcement notice is varied by the deletion of requirement (ii) and substitution with 'The existing mezzanine floor is to be modified to accord with the parts of Listed Building Consent (reference 2008/02357/PA) and conditions' that are relevant to the construction of the mezzanine floor only'. Listed building consent is granted for a mezzanine floor modified to accord with the parts of the Listed Building Consent (reference 2008/02357/PA) relevant to the mezzanine floor.
- 2) The appeal is also allowed on ground (h) and the enforcement notice is varied by the deletion of 3 months and substitution with 6 months as the period for compliance.