

Birmingham City Council

Planning Committee

15 March 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	9	2017/08752/PA 42-45 Upper Dean Street Birmingham B5 4SG Redevelopment of the site, including retention and conversion of 42-45 Upper Dean Street (as per 2014/09530/PA), to provide 399 student bedrooms (Sui Generis), relevant ancillary communal facilities and gymnasium together with 4 no. ground floor retail units (Use Class A1-A5) within a building ranging from 3 to 10 storeys

Committee Date:	15/03/2018	Application Number:	2017/08752/PA
Accepted:	24/11/2017	Application Type:	Full Planning
Target Date:	16/03/2018		
Ward:	Nechells		

42-45 Upper Dean Street, Birmingham, B5 4SG

Redevelopment of the site, including retention and conversion of 42-45 Upper Dean Street (as per 2014/09530/PA), to provide 399 student bedrooms (Sui Generis), relevant ancillary communal facilities and gymnasium together with 4 no. ground floor retail units (Use Class A1-A5) within a building ranging from 3 to 10 storeys

Applicant: Bricks Developments
1 Livesy Street, Rochdale, OL16 1SS
Agent: KKA Architecture
K K A Highpoint, 34 Highfield Street, Liverpool, L3 6AA

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Proposal is for the retention and reuse of the listed building façade, the demolition of all other buildings and redevelopment of the site with an 'L' shaped building of between 3 and 10 storeys. The resultant building would provide 399 student self-contained studio bedrooms/cluster flats, associated communal and ancillary facilities, approx. 550sqm of commercial space, parking and landscaping. The application is a revision to a previous consent with the main change relating to the increase of an internal wing from single storey to 8 storeys to provide an additional 66 bedrooms.
 - 1.2. The building would, essentially, be an 'L' shaped building to Upper Dean Street and Pershore Street with an eight storey wing internal to the site. A five storey building would sit behind the listed building on Upper Dean Street which would then step up to 10 storeys at the corner of Upper Dean Street and Pershore Street. The main Pershore Street frontage would be 10 storeys. This development would complete the development block.
 - 1.3. The building would be of a modern contemporary design with regularised but staggered window openings of varying sizes. The materials proposed include red brick, which would be used as a framing element around large reveals and openings which would feature grey metal cladding and grey aluminium framed windows. The commercial units would be fully glazed over ground/mezzanine storey heights to maximise the active frontage to the streetscene. The main student entrance would be via a glass entrance link between the listed façade and the proposed new build on Upper Dean Street.

- 1.4. The listed building's façade (42-45 Upper Dean Street) would be retained with new windows, doors, floors and the brickwork cleaned and restored. A shallow pitched roof would also be added. The ground and first floor would accommodate communal amenity space with student rooms on the second.
- 1.5. The scheme includes the provision of approx. 940sqm of internal community space throughout the site, including a gym and a large ground floor amenity space within the retained listed building. The upper floors would comprise a mix of 4-6 bedroom cluster flats and self-contained studios.
- 1.6. 4 commercial units would be located at ground floor fronting Pershore Street and provide approx. 550sqm of floorspace. The development is speculative and a flexible A1-A5 use is therefore sought.
- 1.7. A 490 sqm landscaped courtyard would be provided to the rear along with a covered bicycle stand for 80 (double stacked) bikes.
- 1.8. 5 car parking spaces, including 1 disabled, would be provided to the rear of the building, accessed off Pershore Street. This would also be managed as a drop-off /pick-up area for student change-overs at the start and end of term.
- 1.9. The application has been supported by a Design and Access Statement, Planning Statement, Heritage Statement, Archaeological Assessment, Noise Assessment, Statement of Student Need, Structural Report, SuDs Assessment, Air Quality Assessment, Ground Contamination Report, Transport Statement and a Framework Travel Plan

1.10 [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site covers 0.32ha and is broadly rectangular in shape, bound by Pershore Street to the west, Upper Dean Street to the north, the Travelodge to the east and the former Silverblades Rink to the south (which is currently being redeveloped for residential). It is situated in a mixed use area on the south eastern side of the city centre close to the Bullring markets, the wholesale markets and the Arcadian Centre. There are a wide range of uses in the vicinity including residential, car parking, retail and commercial with the majority of the actual planning application site currently is use as a surface level car park with the unlawful shisha lounge that was operating on the site now burnt down and the hot food takeaway unoccupied.
- 2.2. The listed building is currently vacant. Works have previously been undertaken, in accordance with 2009/01239/PA and its conditions, resulting in only the façade of the original building remaining.
- 2.3. The site is within the Smithfield Enterprise Zone.

2.4. [Site location](#)

3. Planning History

- 3.1 24th September 2009 - 2007/07279/PA Development of the site for the purpose of a mixed use development comprising hotel offices, residential apartments and commercial space (B1, A1-A5) – Withdrawn.

- 3.2 24th September 2009 - 2007/07280/PA Alterations to listed building (42-45 Upper Dean Street) to provide ground floor commercial space with offices on the floors above, including two new storeys to the frontage building and one to the rear wings as part of a wider mixed use development – Withdrawn.
- 3.3 17th June 2009 - 2009/01238/PA Development of site for purpose of mixed use scheme comprising 2 hotels, offices and commercial floorspace (B1, A1-A5) – Approved subject to S106 and conditions.
- 3.4 17th June 2009 - 2009/01239/PA Listed building consent application for internal and external alterations, phased rebuilding of rear wings, additional storeys to frontage of building and rear wings in association with development of the site for mixed use development scheme comprising 2 hotels, offices and commercial floorspace – Approved subject to conditions.
- 3.5 13th April 2011 - 2009/03973/PA Discharge of conditions in connection with 2009/01239/PA. Approved.
- 3.6 17th May 2010 - 2010/00969/PA Non material minor amendment to application 2009/01238/PA to reduce the building height by 1.2m. Approved.
- 3.7 23rd March 2015 - 2014/09530/PA Listed building consent for the retention and conversion of 42-45 Upper Dean Street in connection with the redevelopment of the wider site as detailed in 2014/09503/PA – Approved subject to conditions.
- 3.8 23rd March 2015 – 2014/09503/PA Redevelopment of the site, including retention and conversion of 42-45 Upper Dean Street and the demolition of all other buildings, to provide 323 student bed accommodation (Sui Generis) led mixed-use development with ancillary communal facilities and retail (flexible within Use Classes A1-A5) within a building of between 2 and 10 storeys plus associated landscape and parking.
- 3.9 18th July 2017 – 2017/01622/PA Minor material amendment to planning application 2014/09503/PA for the creation of 10 additional bedrooms, revised internal layout, student amenity space and gym. Approved subject to conditions.

Adjacent Silverblades site

- 3.10 8th February 2008 - 2007/06908/PA Redevelopment to provide for leisure (D2), ancillary retail and commercial (A1-A4 & B1) and residential (C3) floorspace, including parking provisions and means of access – Approved subject to S106 and conditions.
- 3.11 20th January 2011 - 2010/05998/PA Application to extend the time to implement extant planning application 2007/06908/PA for redevelopment to provide for leisure (D2), ancillary retail and commercial (A1-A4 & B1) and residential (C3) floorspace, including parking provisions and means of access – Approved subject to S106 and conditions.
- 3.12 27th February 2015 - 2015/00522/PA Prior approval for the demolition of former ice rink and leisure facility building – Prior approval required and approved.
- 3.13 27th August 2015 - 2014/09600/PA Demolition of existing building and erection of 11 storey building for 336 residential units, ground floor retail unit (A1-A5) and associated facilities. Approved subject to S106 and conditions.

4. Consultation/PP Responses

- 4.1. Education – no comments.
- 4.2. Lead Local Flood Authority – no objection to the amended information subject to conditions.
- 4.3. Leisure Services – no objection, no contribution required.
- 4.4. Regulatory Services – no objection subject to conditions as previously approved.
- 4.5. Severn Trent – no objection subject to drainage condition.
- 4.6. Transportation Development – no objection subject to conditions as previously approved.
- 4.7. West Midlands Fire – note dry risers are to be installed within staircases and that the building should comply with Part B of the Building Regulations 2010.
- 4.8. West Midlands Police – queries made in connection to MIMO (moving in, moving out) process, cctv, staffing/security, lighting, cycling and refuse and notes that the residential units should comply with Secured by Design for residential 2014 and the retail units should comply with Secured by Design for commercial 2015.
- 4.9. Local residents' associations, neighbours, Ward Councillors, District Director and MP were notified. A site and press notice were also displayed. No comments received.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Birmingham UDP saved policies, Places for All SPG, Car Parking Guidelines 2012 SPD, Specific Needs Residential Guidance 1992 SPG, Regeneration through Conservation – Birmingham Conservation Strategy SPG, Grade II Listed Building, Archaeology Strategy, Smithfield Masterplan, NPPF and NPPG.

6. Planning Considerations

- 6.1. Your Committee has previously approved an application for student accommodation, utilising the listed building, on this site in March 2015. This application is fundamentally the same as the previously approved application and only differs in the following ways;
 - The previously single storey internal wing has been increased to eight storeys increasing the total number of bedrooms from 323 to 399.
 - Relocation of the substation from the rear to the front of the site for maintenance access from the road.
 - Introduction of second stair and firefighting lift for means of escape.
 - Relocation of lifts and main stair-core to increase internal amenity space
 - Relocation of rooms on levels 1-3 adjacent to the Listed Building to floors 7-10 and level off the previously staggered corner.
- 6.2. Since the consideration of the 2014 application the BDP has been adopted and the Smithfield Masterplan launched. The application site is located in the City Centre

Growth Area within the Southside and Highgate Quarter and the Southern Gateway Wider Area of Change. Policies GA1.1 and GA1.2 support a wide mix of uses within the city centre and policy TP33 supports off campus purpose built student accommodation subject to a series of criteria including whether there is a demonstrated need for the development. An updated student need assessment has been submitted which shows there remains an undersupply of purpose built student accommodation (PBSA) with only 20% of Birmingham's full time student population being offered accommodation within PBSA. No objections have been raised in relation to the provision of further student accommodation and I note that there is an extant permission on the site for student accommodation which was considered against the backdrop of the TP33 as an emerging policy at that time. I therefore consider the proposal would comply with policy and would be acceptable in principle.

Impact on listed building

- 6.3 The façade of the listed building is all that remains and the previous scheme accepted that the proposed scheme would preserve and enhance the listed building by refurbishing it and reinstating a pitched roof. The changes sought by the current planning application would not require changes to, or adversely impact upon, the listed building and would increase the distance between the existing and the proposed building on the Upper Dean Street elevation. My Conservation Officer is therefore of the view that, subject to the conditions attached to 2014/09530/PA being complied with, a new listed building application is not required. I concur with this view.

Design and Scale

- 6.4 As previously the application would result in perimeter development and would, primarily, be of the same scale, design and massing and whilst policy has been updated there are no fundamental alterations that would require a different view to be reached.
- 6.5 Further, as noted at 6.1 there are minimal differences with this application and that previously approved. The proposed internal single storey wing would result in an increased height however this would be contained within the courtyard area and have no adverse impact on the street scene. The south eastern elevation of this wing would contain windowed elevations which would overlook the adjacent communal amenity space however this area would be extensively overlooked by apartments within its own development; the proposed windows would be angled to the boundary and would be in excess of 27m from the windowed elevation opposite. I do not therefore consider the current proposal would significantly increase overlooking opportunities of the communal amenity space sufficient to adversely affect the use of this area or the amenities of future occupiers of the adjacent site.
- 6.6 Part of the previously approved building nearest to the listed building on Upper Dean Street would be relocated to the upper corner and would improve the space between the existing and proposed buildings. The plant would be relocated to Pershore Street for maintenance/access purposes but this would not detract from the overall activity or appearance of this frontage.
- 6.7 Room layouts have been provided to demonstrate a satisfactory internal layout can be achieved in both of the proposed accommodation types and I note that the accommodation would be in excess of the minimum standards identified within Specific Needs Residential Accommodation. Over 940sqm of internal communal space would be provided throughout the building and 490sqm of external communal

space would be provided within the courtyard area which is a positive benefit, particularly given the sites urbanised location. This proposal also includes at least 17 universally accessible bedrooms, a second staircase for improved fire safety purposes and an improved internal layout.

- 6.8 I therefore consider the scale, mass and design of the proposal acceptable and, as previously, welcome the sites redevelopment which will improve the setting of the listed building and the appearance of this part of the city, and result in significant regeneration benefits.

Transportation

- 6.9 TP33 requires student accommodation to be well located in relation to the educational establishment that it is to serve and to local facilities by means of walking, cycling and public transport.
- 6.10 The current proposal would increase the number of students on the site by 76. It includes 5 car parking spaces which would be used as drop-off/pick-up area and would also include 80 covered bike spaces (increased from 30 previously). I also note the site is extremely sustainable, being located within the city centre in close proximity to bus, train and metro link and within walking distance of a wide range of services including educational establishments. I therefore concur with Transportation Development who consider the increased capacity is unlikely to have any noticeable highway effects and subject to conditions as previously would raise no objection to the proposal. I concur with this view.

Air Quality

- 6.11 An air quality assessment has been submitted in support of the application which identifies that rooms on ground, mezzanine level, first and second to both Upper Dean Street and Pershore Street would be exposed to nitrogen dioxide in excess of the acceptable pollution levels. Consequently sealed units with mechanical ventilation are proposed. Previous applications anticipated and accepted such mitigation would be required. Therefore subject to conditions to secure the implementation of the proposed mitigation I raise no objection.

Planning obligations

- 6.12 As a result of part implementation of 2009/01238/PA the City had received a financial contribution of £45,864 in connection of this sites redevelopment and therefore the previous application, 2014/09503/PA, only required a further financial contribution of £20,000 for use towards public realm improvements along Pershore Street. However, since these applications were considered the City has adopted CIL and this development will be liable for a CIL payment of over £1m. I do not therefore consider it would be appropriate to seek any further financial contribution.

Other

- 6.13 Previous applications have been supported by archaeological desk based assessments which have highlighted the potential for Post-Medieval archaeology on the site and conditions have been attached to secure archaeological excavation, analysis and publication of the results. This application is supported by an Archaeological Evaluation, which excavated four trenches to locate any further osier

pits or other archaeologically significant features. The trenches revealed a combination of backfilled cellarage of the 19th century houses which occupied the site until the 1970s and modern made ground. No archaeologically significant features were recorded and the report therefore concluded that, the former watercourse and Osier pits would have been destroyed by cellarage in the 19th Century. I raise no objection to this report, which meets previous condition requirements, and I do not consider further archaeological work is required.

6.14 Concerns raised by the Police will be addressed by conditions to include cctv, boundary treatment, lighting and management conditions.

6.15 The Lead Local Flood Authority and Severn Trent raise no objection to amended information subject to safeguarding conditions.

7. Conclusion

7.1. The proposed development would involve the refurbishment, renovation of a listed building currently in a poor condition and the redevelopment of a currently uninviting prominent city centre site. The proposal would be well designed and introduce uses in accordance with policy. The proposal should therefore be approved.

8. Recommendation

8.1. Approve subject to conditions.

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| 1 | Prevents occupation until the turning and parking area has been constructed |
| 2 | Requires the prior approval of the siting/design of the access |
| 3 | Requires the prior submission of a parking management strategy |
| 4 | Requires the provision of cycle parking prior to occupation |
| 5 | Requires pedestrian visibility splays to be provided |
| 6 | Requires the prior submission of details of a delivery vehicle management scheme |
| 7 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 8 | Requires the prior submission of a contamination remediation scheme |
| 9 | Requires the prior submission of hard and/or soft landscape details |
| 10 | Requires the prior submission of details of green/brown roofs |
| 11 | Requires the prior submission of sample materials |
| 12 | No obstruction, displays or signage fitted to the shop front |
| 13 | Requires air quality details |
| 14 | Limits the occupation to students |
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- 15 Requires submission of travel plan
 - 16 Requires the scheme to be in accordance with the listed approved plans
 - 17 Limits the entertainment noise level from attached entertainment premises
 - 18 Requires the prior submission of noise insulation (variable)
 - 19 Requires prior submission of extraction and odour control details
 - 20 Limits the hours of operation 0700-2300
 - 21 Requires the prior submission a noise study to establish residential acoustic protection
 - 22 Requires the prior submission of a lighting scheme
 - 23 Requires the prior submission of a CCTV scheme
 - 24 Requires student management plan
 - 25 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 26 Implement within 3 years (Full)
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Case Officer: Joanne Todd

Photo(s)

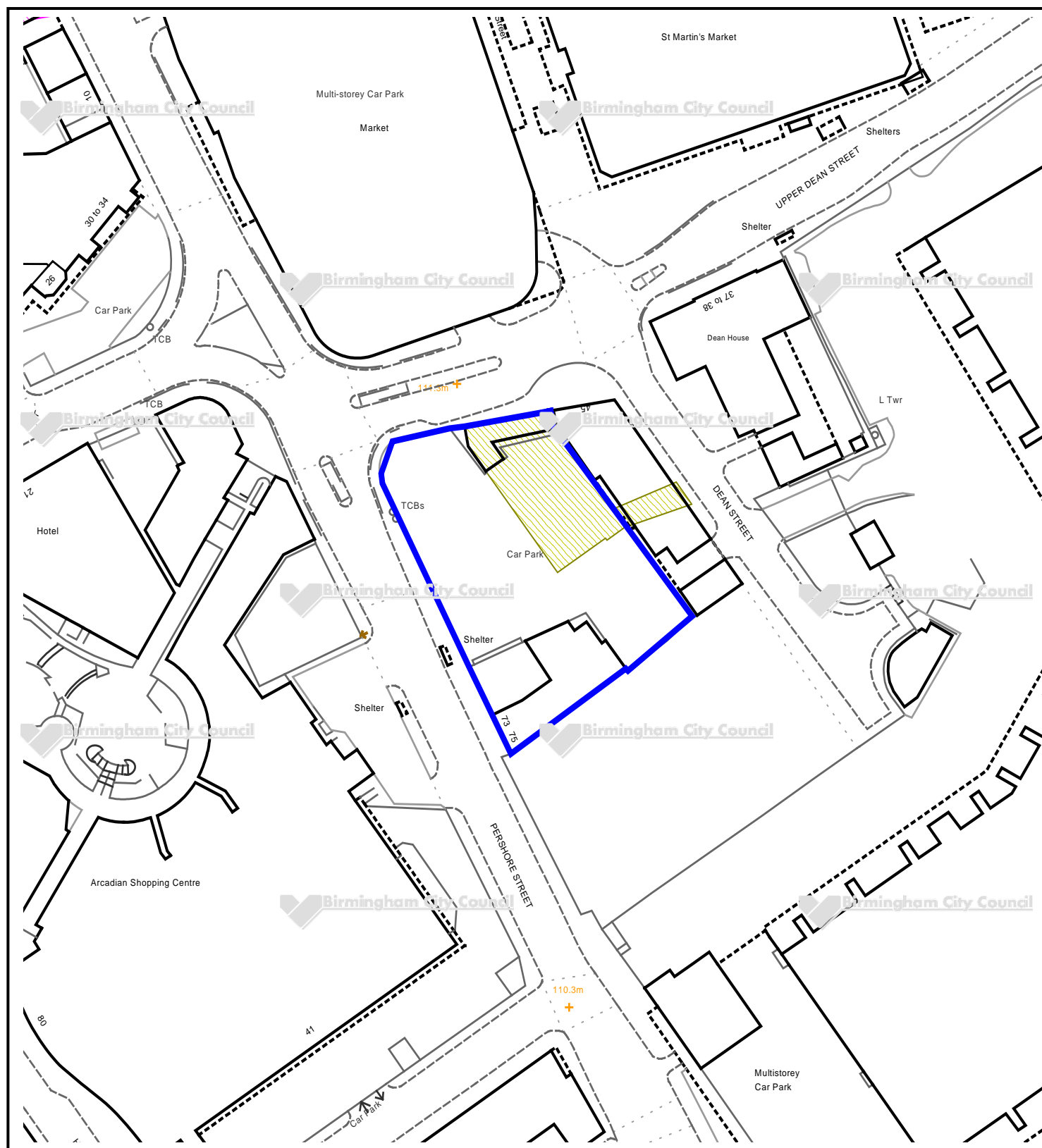


Photo 1: Existing site with the Travelodge and former Silver Blades redevelopment site east and south



Photo 2: View of existing listed facade

Location Plan



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Birmingham City Council

Planning Committee

15 March 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	10	2017/10547/PA Twickenham Primary School Twickenham Road Kingstanding Birmingham B44 0NR Retention and erection of part-constructed fencing around existing playground boundary
Approve – Conditions	11	2018/00350/PA 432 Kingstanding Road Kingstanding Birmingham B23 5HU Change of use from doctor's surgery (Class D1) to hot food takeaway (Class A5) and erection of extraction flue to rear

Committee Date:	15/03/2018	Application Number:	2017/10547/PA
Accepted:	19/12/2017	Application Type:	Full Planning
Target Date:	19/03/2018		
Ward:	Kingstanding		

Twickenham Primary School, Twickenham Road, Kingstanding,
Birmingham, B44 0NR

Retention and erection of part-constructed fencing around existing
playground boundary

Applicant:	Twickenham Primary School Twickenham Road, Kingstanding, Birmingham, B44 0NR
Agent:	HG Design Limited Sutton House, 4 Coles Lane, Sutton Coldfield, Birmingham, B72 1NE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the retention and completion of a part-built boundary fence between Twickenham School and nine neighbouring residential gardens, on the school's side of the boundary. The fence will measure 3000mm high adjacent to five of the gardens – the height as built – and reduce to 2500mm high adjacent to the other four gardens – the section where it has not yet been completed. The fence is of a corrugated sheet metal construction, and is currently painted blue facing towards the school and is unpainted facing towards the residential gardens. The School has agreed to paint the residents' side of the fence if planning permission is granted.
- 1.2. The School wishes to erect the fence in order to provide greater security, prevent trespass on the site and prevent individuals from intimidating pupils from the gardens on the other side.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. Twickenham Primary School sits in a crescent of land, bounded by Twickenham Road to the west and Rivington Close to the east. The fence subject to this application covers around a sixth of the School's boundary with the rear gardens on Rivington Crescent, towards its southern end between numbers 26 and 42.
- 2.2. Other sections of the school's boundary with gardens on Rivington Crescent have different boundary treatments, including a mixture of wooden and metal fences generally around 2000mm high. Some of the neighbouring gardens also have tree and shrub planting close to and alongside the boundary.

- 2.3. Rivington Crescent rises to a higher level than the school at its middle, to the extent that some gardens end at a higher level than the school. This is the case to varying extents along the section of boundary along which the fence has been erected. The plans submitted with the application indicate a height difference of 500mm (such that the apparent height of the fence to residents would be 2500mm for the 3000mm high section and would be 2000mm for the unbuilt 2500mm high section). It is difficult to be more precise about the levels because of the close spacing between the fence subject to this application and other existing fences at the ends of the gardens, as well as because of the relatively extensive degree of rubbish tipping along the boundary which makes the actual ground level difficult to decipher.
- 2.4. The plans originally submitted with the application indicated that the fence would only be 2500mm high along its whole length, and that there was a change in levels of 1000mm meaning that the apparent height to residents would only be 1500mm. This was clearly not the case when viewed on site, and affected residents have been re-consulted on the amended plans now submitted.
- 2.5. [Link to site location plan and street view](#)
3. Planning History
- 3.1. None relevant to this application.
4. Consultation/PP Responses
- 4.1. Transportation – No objection.
- 4.2. Regulatory Services – No objection.
- 4.3. West Midlands Police – Full support for the introduction of a substantial boundary fence in this location, in order to help to combat significant levels of crime which have taken place within the school grounds as a result of access in this location. However, the response notes that other types of fence may be appropriate, notably metal weld mesh fencing.
- 4.4. Local ward councillors, residents associations and occupiers of neighbouring properties have been consulted. A site notice has also been posted.
- 4.5. Residents of seven neighbouring properties have objected to the fence, summarised as follows:
- The need to have an improved boundary fence in this location is accepted; however, no consideration has been given to residents' relationship with it;
 - The height of the fence is unacceptable, being significantly higher than any other fences nearby;
 - The submitted plans indicate that the fence is 2500mm tall and partially hidden by a change in levels, however the levels have not properly been taken into account and in any case the fence is actually 3000mm tall;
 - The choice of material for the fence is unacceptable in a residential area, having a very industrial and gloomy appearance;
 - The fence has given residents' gardens a very enclosed and prison-like feel;
 - Other types of fence material, such as wood or metal mesh or some sort of landscaping buffer between the fence and gardens, would offer the same benefits but have a significantly better appearance;

- Because the fence has been erected immediately adjacent to existing fences, the small gap between the two will gradually fill with rubbish. The gap cannot be accessed and could become home to rats and vermin;
- Because of the choice of material, balls hitting the fence during break times create a loud rattling sound. Other material choices would be less noisy.

5. Policy Context

5.1. The following local policies are applicable:

- Places for Living (2001)
- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan (2005) – Saved policies

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

6. Planning Considerations

6.1. The main issues to consider with this application are the harm that the fence is causing to the amenity of the adjoining residential properties, the benefits that the fence is having from a crime prevention perspective, and the extent to which these issues balance up against one another.

6.2. **Residential amenity** – The fence is situated at a distance of between 18-20m from the rear windows of residential properties on Rivington Crescent. At this distance it would not result in any loss of light to those properties. However, the fence does reduce those properties' outlook to an extent – given that Rivington Crescent is a well-established and mature residential street, it is considered that this impact is somewhat harmful.

6.3. The main concern with the fence is its design, and the sense of enclosure it has introduced to the affected gardens. The corrugated metal material chosen is also considered somewhat alien to a residential environment, having a very industrial appearance – this is worsened by its current unpainted metal finish facing into the gardens. The School has indicated a willingness to repaint the fence in a more acceptable brown colour, and a condition could be added to any consent to require this. However, any such painting would only lessen the visual impact and incongruity of the fence – it will not eliminate it entirely.

6.4. It should be noted that plans initially submitted with the application indicated that the entire fence would be of the same height (albeit 2500mm high, despite the section that has been built being 3000mm high). Clearly the visual impact of a 2500mm fence would be less than one at 3000mm, but the School has indicated that the height of the section built cannot be reduced because of the nature of construction. Given that the school is a public organisation, the benefits of any reduction in height ought therefore to be balanced against the wider benefits of public money not having to be spent on completely removing the fence built and re-erecting another at a lower height. Moreover, it is considered that the School's unwillingness to reduce the height of the half of the fence already built by 500mm would not be sufficient to form a reason for refusal of the application.

6.5. Some residents have also cited issues around the thudding noise of balls hitting the metal fence. The sound of this was experienced during the case officer's site visit,

which was undertaken during a break time, and is noticeable. However, it is not necessarily considered that other choices of material for the fence would reduce noise levels by any significant degree. Balls hitting wire mesh fences (the Police's preferred choice – see below) tend to produce a distinct metallic 'rattling' sound, and balls hitting a wooden fence (suggested by residents) would make a similar, if potentially more muffled thudding sound.

- 6.6. The sound of balls hitting the fence will only ever be experienced as part of the general background noise of children playing, which is not unexpected in gardens which adjoin a school. Furthermore, use of the school playground for sports and breaks will only occur in a couple of hours during each day with respite in-between, and also only ever during the daytime. It is therefore not considered likely that any significant nuisance to residents will occur as a result of the choice of fence material.
- 6.7. **Crime prevention** – It is evident that Twickenham Primary School has suffered relatively extensive problems with crime and anti-social behaviour in recent years. The consultation response from West Midlands Police notes that there have been 39 police incident logs relating to the school since 1 January 2016. Of these, 9 relate to unauthorised access to the school grounds. The Police's subsequent investigations of the incidents have suggested that offenders are moving from one rear garden to another in order to access the school, exploiting any 'weak spots' they come across in the boundary.
- 6.8. The applicant begun to erect the fence subject to this application as a last resort in August 2017, in response to the severity and regularity of crime taking place. It is understood from the applicant that crime levels have reduced significantly since that time. Whilst the response from West Midlands Police has identified that another break-in occurred on 13 January 2018, it is the Police's opinion that the offenders on that occasion were exploiting the fact that the fence subject to this application has not yet been completed.
- 6.9. As a result, West Midlands Police's Designing Out Crime Officer fully supports the introduction of a substantial boundary treatment in this location. However, it should be noted that they do not necessarily consider the sheet metal fence design which has been constructed to be the only means of reducing incidences of crime.
- 6.10. The Police have identified that metal weld mesh fencing would generally be the most preferable boundary treatment in cases such as these. However, it is understood that the School also wishes to limit visual interaction between the residential properties and the site, as a result of incidents where individuals have tried to intimidate pupils with inappropriate and threatening gestures. The School has also provided supporting photographs showing extensive build-ups of rubbish – around 1.5m deep – that had accumulated behind part of the fence elsewhere on the school's boundary. It therefore envisages that rubbish accumulated and trapped behind a wire mesh will be detrimental to the environment of the school, and potentially be a danger to pupils. It is considered reasonable to concur with this view.
- 6.11. A wooden fence has been suggested as a more attractive alternative by adjacent residents – this would also have the benefit of still being a 'solid' boundary that would help to keep the school private. However, a wooden fence is not supported by the Police on the basis that it would become a likely target for vandalism and/or fire given the known issues of antisocial behaviour around the site. The fence type which the school has chosen, whilst drastic, does therefore appear to be an appropriate response to the issues experienced in this particular context.

- 6.12. **Balancing the issues** – The fence as constructed clearly causes some harm to the amenity of adjoining residents. It has impacted on the outlook from their rear of their properties, and is of an oppressive design which would generally be inappropriate in a residential environment. The School has agreed to paint the fence to improve its appearance, but this will only mitigate and not eliminate these issues.
- 6.13. It is also important to be mindful of the fact that improving the defensibility of the school boundary in this location will result in another part of the boundary becoming its weakest point. Whilst that weak spot would be less weak than the current one, it is possible that it would become a new means of access to the school grounds for anyone determined to do so illegally. As such, any boundary treatment which is judged to be acceptable now will conceivably become the School's preferred approach elsewhere around the site if further issues arise. Whilst other new sections of fence would require further planning applications and would need to be judged in their individual merits, approval in this case could set a degree of precedent.
- 6.14. However, it is clear that there is a pressing need for the school to undertake measures to protect its site. The fence subject to this application will have a number of benefits; notably reducing financial losses to the school as a result of crime, reducing social issues and other disturbances as a result of anti-social behaviour, reducing the extent to which this particular site is a drain on police resources, and most importantly safeguarding school pupils for whom going to school needs to be a safe and stimulating experience. All of these are very clearly in the public interest.

7. Conclusion

- 7.1. It is considered that the public benefits to the school and its pupils in retaining the fence and completing the remaining section should be given substantial weight in determining this application. Whilst harm to residential amenity will occur, that can be mitigated to an extent by painting the fence in a more acceptable brown colour and has also been lessened by the School proposing a reduced height of 2500mm for the fence on those sections not yet completed. It is therefore considered that the harm to residential amenity should be given moderate to substantial weight in determining this application. On balance, it is therefore considered that the proposal is acceptable.

8. Recommendation

- 8.1. That planning permission is granted, subject to conditions.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the painting of the rear of the fence in brown paint |
| 3 | Implement within 3 years (Full) |
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Case Officer: Robert Webster

Photo(s)

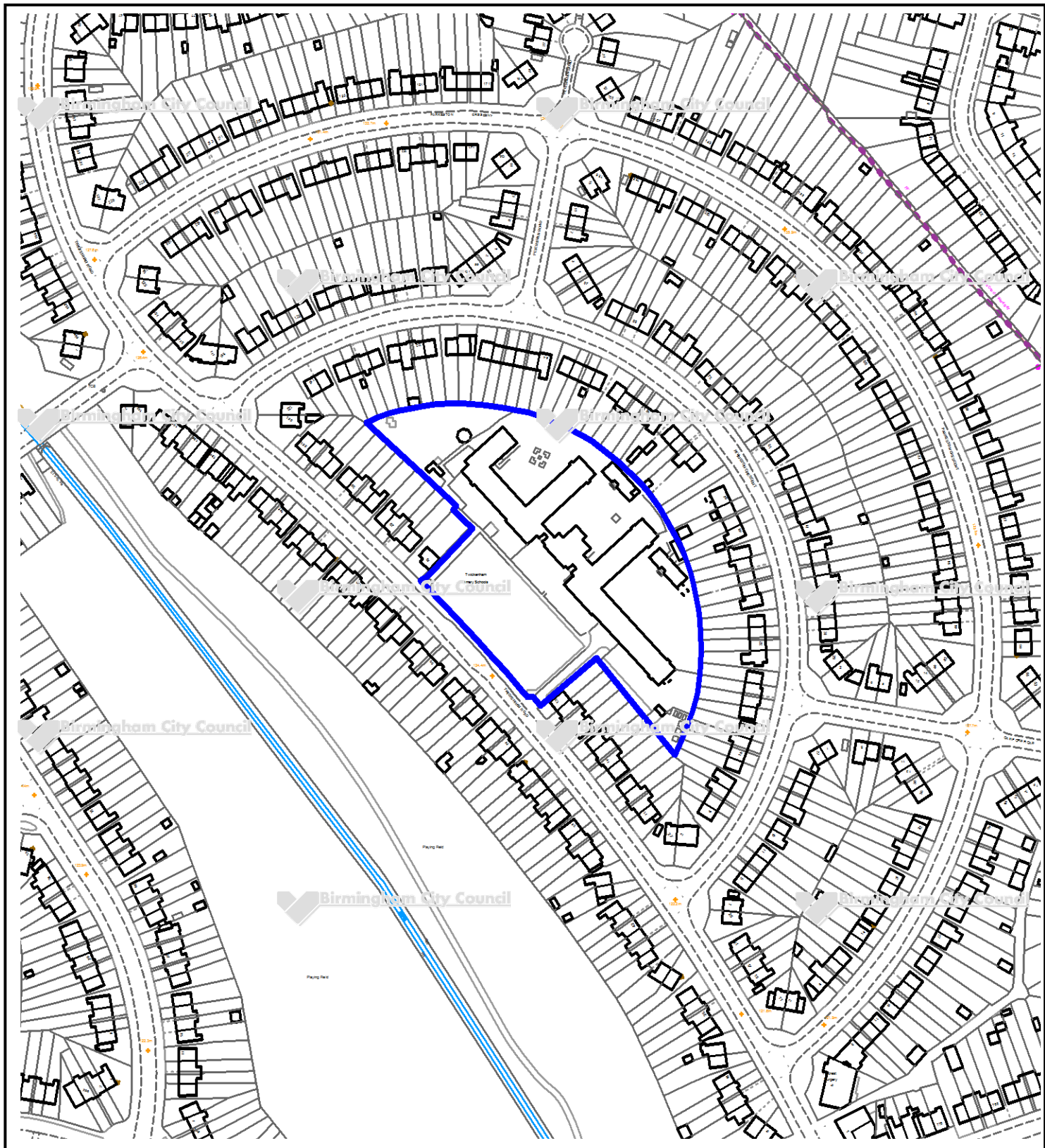


Figure 1 - Extent of fence as built, viewed from school side



Figure 2 - View of fence from gardens on Rivington Crescent

Location Plan



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Committee Date:	15/03/2018	Application Number:	2018/00350/PA
Accepted:	15/01/2018	Application Type:	Full Planning
Target Date:	12/03/2018		
Ward:	Oscott		

432 Kingstanding Road, Kingstanding, Birmingham, B23 5HU

Change of use from doctor's surgery (Class D1) to hot food takeaway (Class A5) and erection of extraction flue to rear

Applicant:	Mr Charles Emesih 37 Buxton Road, Perry Common, Birmingham, B23 5HU
Agent:	Mr Hanif Ghumra 733 Walsall Road, Great Barr, Birmingham, B42 1EN

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the change of use of half of the former Kingstanding Surgery (Use Class D1), which recently merged into Hillcrest Surgery located a short distance from the site on Dyas Lane. It is proposed to create a Class A5 hot food takeaway use in the property. At this stage there is no indication of the future use of the other half of the former surgery (430 Kingstanding Road), and its future use would be subject to a future planning application if required.
- 1.2. The proposed opening hours for the takeaway will be 10:00 to 23:00 daily, and the application form indicates that three full time staff would be employed. At this stage, the potential occupier of the property is not known. The application proposes the erection of an extraction flue to the rear of the property, but will otherwise involve internal alterations only.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is situated towards the north-western end of Hawthorn Road Neighbourhood Centre, within the Centre's Primary Shopping Area. The property is served by a service road to the front, which provides parking for around 15 vehicles. The service road also leads to a small car park adjacent to Dyas Road, with parking space for around 10 more vehicles in addition to some cycle racks. Nearby vehicular parking is restricted to a maximum stay of one hour during the daytime Monday to Saturday, but is unrestricted between 18:30 and 07:30 and all day on Sundays.
- 2.2. The individual parade in which the site is located is on the western side of Kingstanding Road to the north of Hawthorn Road, and comprises 13 units. Of these, 1 is in a *sui generis* use as a betting shop, 1 is a Class C3 restaurant, and 2 (the application property and its neighbour at 430 Kingstanding Road) are vacant with an authorised D1 use. If this application is approved, the resultant takeaway would be the first such use in the parade.

2.3. [Link to site location plan and street view](#)

3. Planning History

3.1. 1994/05133/PA, Continued use as a doctor's surgery – Approved subject to conditions, 08/02/1995.

4. Consultation/PP Responses

4.1. Transportation Development – No objection, subject to a condition requiring the installation of bollards on the front boundary to prevent illegal frontage parking. Trips to the proposed use will be greatest in the evening when parking demand is lower, and in any case will be at a similar level to previous trips to the doctor's surgery. As such, the proposal will not have any greater transport or highway impact.

4.2. Regulatory Services – No objection subject to conditions requiring the submission of odour control and extraction details, the submission of a scheme of noise insulation, the imposition of permitted opening hours, the imposition of permitted delivery hours, and restrictions on home delivery.

4.3. West Midlands Police – No objection, subject to a condition requiring the installation of CCTV equipment.

4.4. Local ward councillors, residents associations and occupiers of neighbouring properties have been consulted. A site notice has also been posted.

4.5. Seven individuals have objected to the proposal. Most of these are on the basis of impacts that a takeaway use would have on the variety of chiropractic, chiropody, reflexology and therapy practices that operate from the first floor unit above the application site. These argue that a takeaway use would create disturbance from odour and noise that would prevent those practices from being able to provide effective treatment, and endanger their businesses.

4.6. Some of the objections received also argue that Kingstanding already has too many takeaways. They consider that the proposal will do nothing to diversify the choice of retail on offer within the Neighbourhood Centre, nor have any other positive impact that would justify its approval.

5. Policy Context

5.1. The following local policies are applicable:

- Places for Living (2001)
- Shopping and Local Centres SPD (2012)
- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan (2005) – Saved policies

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

6. Planning Considerations

6.1. The main issues to consider for this application are the principle of an A5 takeaway use within the Neighbourhood Centre, the impacts on adjoining residents and businesses by way of noise and odour disturbance, and highway/parking impacts.

- 6.2. **Principle of an A5 use** – Because the site is within a neighbourhood centre designated in the *Birmingham Development Plan*, the proposal falls to be assessed against BDP Policy TP24 and the *Shopping and Local Centres SPD*. These set out two main numerical criteria for changes of use within neighbourhood centres – at least 50% of ground floor units in a centre should remain within Class A1, and no more than 10% of ground floor units in a centre or parade should be in Class A5.
- 6.3. The Council's latest (2017) monitoring report for town, district and neighbourhood centres indicates that Hawthorn Road Neighbourhood Centre had 56 units, of which 34 (60.7%) were in Use Class A1 and 3 (5.4%) were in Use Class A5. At the time of the case officer's site visit the proportion of units in an A1 use was still the same, but the number of units in an A5 use had increased to 4 (7.1% of the total). This application would increase that number to 5, equating to 8.9% of total units in the centre. This proportion of A5 is within the limit imposed by Policy TP24. There are no other A5 units within the individual frontage in which the application property is located, and therefore no concerns that an overconcentration or clustering of A5 uses will arise. Whilst the concerns expressed in consultation responses with regard to an oversupply of A5 takeaway uses in the surrounding area are noted, on the basis of the above the proposal is policy-compliant.
- 6.4. The 2017 monitoring report indicated that 2 units (3.6%) within Hawthorn Road Neighbourhood Centre were vacant, suggesting that the Centre was generally in good health. At the time of the case officer's site visit, the level of vacancy had increased notably to 6 units (10.7%); although that does include the application site and the neighbouring unit which both became vacant as a result of the relocation of the Kingstanding Surgery. Although a change of use to A5 would in be compliant with policy in any case, this creates a situation where putting a vacant property back into use is considered to offer some benefits for the wider vitality and viability of the Centre.
- 6.5. **Impacts from noise and odour** – The proposal includes the installation of an extraction system, with an external rear flue which is shown on the plans as discharging at a height of 1.2m above the eaves of the rear of the property and 1.7m above the top of the first floor windows.
- 6.6. The first floor immediately above the application property is used for a variety of therapy and health-related uses. Most of the consultation responses received consider that these uses are fundamentally incompatible with the use of the ground floor of the building as a takeaway. However, Regulatory Services consider that potential impacts from noise and odour on the first floor of the building could be suitably controlled and mitigated against. This would require the imposition of conditions relating to noise insulation, and seeking details of the specification of the system for ventilation and extraction.
- 6.7. Given its non-residential use, the first floor above the application unit is much less sensitive to amenity conflicts and disturbance than residential properties would be. On the basis that any impacts from a ground floor A5 use in this location on residential properties above would be mitigatable, the impacts on non-residential properties would also therefore be acceptable. It is however acknowledged that the particular nature of the businesses of the first floor, in providing therapy and health-related services to clients, necessitates a relatively peaceful business environment. In order to ensure that the operation and viability of those businesses is not unreasonably compromised, it is therefore considered to still be justifiable to impose the conditions recommended by Regulatory Services.

- 6.8. Regulatory Services have also recommended the imposition of a condition to enable control of the applicants proposed opening hours (10:00 to 23:00). Whilst the first floor above the application property is not in a residential use, there are other residential properties nearby and such a condition is therefore considered to be reasonable. Given the limited scale of delivery to the property that would take place, a condition to control delivery hours is not considered to be necessary.
- 6.9. **Highway and parking impacts** – The application site is well served by off-street parking. This is subject to controls on the length of stay during the daytime, ensuring a reasonable turnover of spaces, and Transportation Development has not expressed any concerns about how the highway and parking demand created by the proposal would be accommodated.
- 6.10. Transportation Development has however observed that some illegal frontage parking takes place at the property, and has therefore requested a condition requiring the imposition of bollards at the edge of the highway to prevent this. However, it is considered that such a condition would be ineffective – the frontage of the entire parade is similarly un-bollarded, and any bollards introduced on the frontage of the application property could simply be driven around. It would also not be possible, nor reasonable, for the applicant to have to install bollards at their expense along the whole length of the parade.
7. Conclusion
- 7.1. The proposed change of use complies with policies in the Birmingham Development Plan and the Council's Shopping and Local Centres SPD. Whilst neighbouring commercial uses at first floor level above the application property will be somewhat sensitive to disturbance by virtue of the therapy services that they provide, it is considered that impacts can be acceptably mitigated by the imposition of the type of conditions that would typically be attached to planning permissions in cases where hot food takeaways are proposed in close proximity to residential properties.
8. Recommendation
- 8.1. That planning permission is granted, subject to conditions.

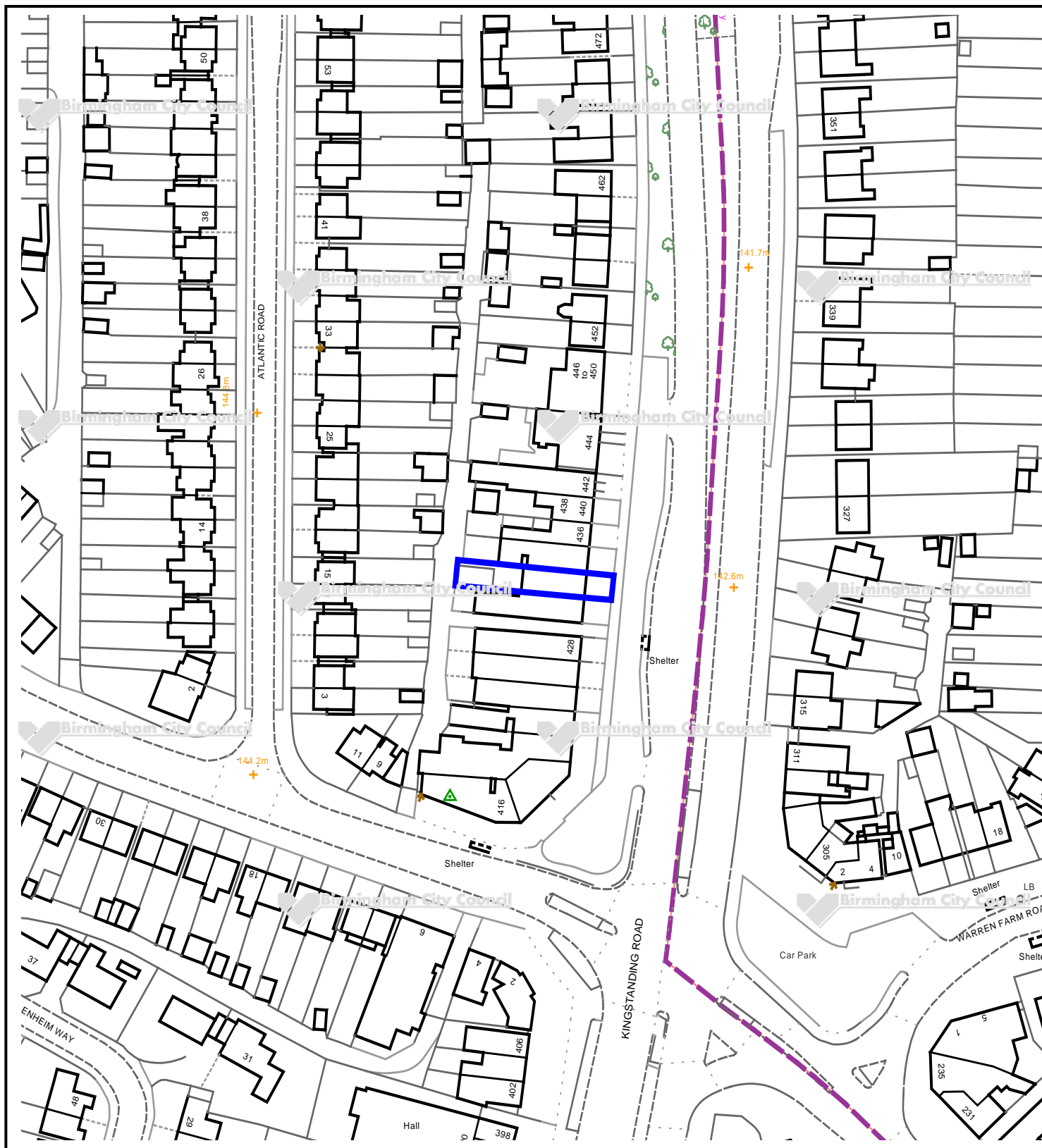
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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the hours of operation (10:00 to 23:00 daily) |
| 3 | Requires the prior submission of extraction and odour control details |
| 4 | Limits the noise levels for Plant and Machinery |
| 5 | Requires the prior submission of noise insulation |
| 6 | Implement within 3 years (Full) |
-

Case Officer: Robert Webster

Photo(s)



Location Plan



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Birmingham City Council

Planning Committee

15 March 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	12	2017/09679/PA Land between 136 Shard End Crescent and 433 Heath Way Shard End Birmingham B34 Erection of 6 new dwellings with associated car parking and landscaping
Approve – Conditions	13	2018/00529/PA 96 Dean Road Erdington Birmingham B23 6QF Erection of two storey rear and single storey side and rear extension.
Approve – Temporary	14	2018/00567/PA R69 -Costco Roundabout Cuckoo Road Birmingham B7 5SA Display of 2 non illuminated freestanding post mounted signs
Approve – Temporary	15	2018/00410/PA R70 - Aston Church Roundabout Heartlands Parkway Birmingham B7 5RX Display of 2 no. non illuminated freestanding post mounted signs

Committee Date:	15/03/2018	Application Number:	2017/09679/PA
Accepted:	13/11/2017	Application Type:	Full Planning
Target Date:	15/03/2018		
Ward:	Shard End		

Land between 136 Shard End Crescent and 433 Heath Way, Shard End, Birmingham, B34

Erection of 6 new dwellings with associated car parking and landscaping

Applicant:	Birmingham City Council BMHT, 1 Lancaster Circus, Queensway, Birmingham, B4 7DJ
Agent:	BM3 Architecture Ltd 28 Pickford Street, Birmingham, B5 5QH

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of six dwellinghouses and associated works on land between 136 Shard End Crescent and 433 Heath Way, Shard End, B34.
- 1.2. This application is made by Birmingham Municipal Housing Trust (BCC) who have identified a number of sites across the city for redevelopment to provide additional social and rented housing.
- 1.3. The proposed dwellings would be a mix of two, three and four bedroom properties, available for affordable rent. The proposed dwellings would be arranged fronting Heath Way to the north east and Shard End Crescent to the east, on a site occupying a prominent corner plot. The proposed dwellings would be constructed of red multi brickwork, grey roof tiles and grey UPVC doors and windows.
- 1.4. The proposed dwelling would consist of:
 - Plot 1 – Fronting Heath Way, a two storey semi-detached dwelling, consisting of living room, kitchen/dining room, W.C and storage area to the ground floor and 3 bedrooms (12.6, 11.5 and 8.2sqm) and bathroom to the first floor. The property would have total floor area of 93.8sqm. Externally, a rear amenity/garden area of 227sqm would be provided, and two off road parking spaces to the front/side;
 - Plots 2 and 5 – Two storey semi-detached dwellings, consisting of kitchen/dining room, W.C, utility room, store and living room to the ground floor and 2 bedrooms (13.7 and 13.4sqm), store and bathroom to the first floor. The properties would have a total floor area of 80.8sqm. Externally, rear amenity/garden areas of 91 and 93sqm would be provided, and one off road parking space;
 - Plots 3 and 4 – Fronting the corner of Heath Way and Shard End Crescent, two storey semi-detached dwellings, consisting of a living room, kitchen/dining room, W.C

and utility room to the ground floor and 2 bedrooms (16.1 and 10.7sqm), storage and bathroom to the first floor. The properties would have total floor areas of 79sqm. Externally, rear amenity/garden areas of 74 and 87sqm would be provided, and one off road parking space to the front;

- Plot 6 - Fronting Shard End Crescent, a two storey semi-detached dwelling, consisting of living room, dining room, kitchen, two storage areas and a W.C to the ground floor and 4 bedrooms (14, 11.9, 11.5 and 7.4sqm) and bathroom to the first floor. The property would have a total floor area of 123sqm. Externally, a rear amenity/garden area of 275sqm would be provided, and two off road parking spaces to the front.

- 1.5. The submitted plans confirm garden depths of at least 18 metres. All rear amenity areas would be enclosed by 1.5 to 1.8m high close board fencing, to the side north western boundary of plot 1 would be a 1.8m high brick wall fronting an existing sub-station, to the front would be a mix of 900 high metal railings and 450mm high powder coated trip rail.
- 1.6. There would be an access drive to the front of plots 4, 5 and 6, allowing access to off-road parking areas, accessed off Shard End Crescent and, two footway crossovers allowing access to parking spaces for plots 1, 2 and 3, accessed off Heath Way. The scheme would provide 100% parking to plots 2, 3, 4 and 5 and 200% parking to plots 1 and 6.
- 1.7. Site area 0.18 hectares, equating to 33.3 dwellings per hectare.
- 1.8. The application has supporting documents in the form of detailed plans, design and access statement, affordable housing statement and a phase 1 and 2 site appraisal.
- 1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located fronting a prominent corner bounded by Shard End Crescent to the east/south-east and Heath Way to the north/north-east. Planning consent was granted for the demolition of a mix of semi-detached dwelling houses, flats and a bungalow under application 2017/08050/PA on the 9th November 2017. The site is bounded by an access drive leading to lock up garages to the southern edge adjacent to 140 Shard End Crescent, a sub-station to the north western edge adjacent to existing properties 435 and 437 Heath Way and a block of lock up garages to the rear west of the site.
- 2.2. Directly opposite to the site lies the Shard End Neighbourhood Centre. The surrounding area is generally residential in character.
- 2.3. [Location Plan](#)

3. Planning History

- 3.1. 09.11.2017. 2017/08050/PA, Application for prior notification of proposed demolition of a mix of semi-detached dwelling houses, flats and a bungalow, approved.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection subject to conditions, requiring details of a noise insulation scheme, contamination remediation scheme, contaminated land verification report and the provision of a vehicle charging point.
- 4.2. Transportation Development – No objection, subject to resolution for the stopping up of the existing highway, measures to prevent mud on highway, means of access construction, residential travel plan, cycle storage details, pedestrian visibility splays, memorandum of understanding S278 agreement and construction method statement/management plan.
- 4.3. Severn Trent Water – No objection subject to condition requiring drainage details.
- 4.4. Wayleaves – No objection.
- 4.5. West Midlands Police – No objections, advocating the principles of ‘Secure by Design’.
- 4.6. Site notice posted, nearby residents, residents associations, local MP and Ward Councillors notified, with the following response received:
 - One comment from a neighbouring occupier who is unhappy that the property they live in has not been regenerated when all around have (and wishes to move away from the area for family reasons).

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan 2005 (Saved Policies); Places for Living (2001); 45-Degree Code SPG; Car Parking Guidelines (2012); Nationally Described Space Standards (2015) and NPPF (2012).

6. Planning Considerations

- 6.1. The main issues in the determination of this application are:
- 6.2. **Policy:** Birmingham Development Plan Policy PG3 states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place, new development should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, create safe environments which design out crime and, make best use of existing buildings and efficient use of land in support of the overall development strategy. Policy TP27 states that new housing is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. Policy TP28 states that new residential development should be adequately serviced by existing or new infrastructure, which should be in place before new housing for which it is required and, be accessible to jobs, shops and services by modes of transport other than the car.
- 6.3. ‘Places for Living’ SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and distance separation standards, with emphasis to assessing context and responding positively to local character.

- 6.4. 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. It also advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.5. DCLG Technical Housing Standards – Nationally Described Space Standards (2015) sets out internal space standards and the requirements for gross internal (floor) areas.
- 6.6. **Principle:** The application site is brownfield land. Consent was granted for the demolition of a mix of semi-detached dwelling houses, flats and a bungalow on the 9th November 2017, under application reference 2017/08050/PA. The site is located within a large residential estate adjacent to a neighbourhood centre. It is considered the development of the plot to provide six properties would constitute sustainable development, constituting an efficient use of land, responding to site conditions and the local area context, within a sustainable location adjacent to the Shard End Neighbourhood Centre, schools and public transport facilities. The proposal therefore complies with the aspirations as laid out within the NPPF and the Birmingham Development Plan. The area is residential in nature/character and a further six residential properties would fit appropriately within this context. Consequently, I consider that the proposal is acceptable in principle subject to the siting, design and layout of the proposed properties being acceptable.
- 6.7. **Layout, design, scale and massing:** The proposed properties would adhere to guidance in terms of internal layout and separation distances in accordance with SPG 'Places for Living' and the Nationally Described Space Standards for two, three and four bedroom properties. Rear amenity areas would be provided of between 74sqm and 275sqm, adhering to guidance contained within 'Places for Living' for family accommodation, being bounded by a mix of 1.5 to 1.8m high close board fencing, and to the side north western boundary of plot 1 would be 1.8m high brick wall adjacent to the existing sub-station. The properties would be of a modern design, which is considered a positive contribution to the visual aesthetics of the site and street scene in general. Consequently, I consider that the proposed properties would provide a scheme of well-designed and appointed two, three and four bedroom dwellings, which I consider would sit comfortably within the context of the existing street scene and character of the site. I therefore consider the proposal acceptable in terms of layout, design, scale and massing subject to the imposition of condition requiring samples of materials. Furthermore, your City Design officer has assessed the proposal and raises no objection, commenting that the proposal successfully utilises the corner plot and would introduce some modern housing.
- 6.8. **Impact on residential amenity:** No breach of the Council's adopted 45 Degree Code would occur and all suggested distance separation guidelines are adhered to. Regulatory Services have assessed the scheme and offer no objections subject to conditions, requiring details of a noise insulation scheme, contamination remediation scheme, contaminated land verification report and the provision of a vehicle charging point. In response, I concur with Regulatory Services view in regards to conditions requiring the submission of noise insulation details, contamination remediation scheme and contaminated land verification report. However, it is understood that electric vehicles can be charged via mains electric with the requisite

power converter, given that the proposed dwellings would have frontage/side parking spaces, I would expect that vehicles can be charged in this manner without the need for a dedicated vehicle charging point.

- 6.9. **Impact on landscape and trees:** Seven trees are located within the site boundary, 4 are to be retained and 3 lost. Four replacement trees would be provided, resulting in 8 trees located on the site. Both the Tree and Landscape officers requested amendments, which were subsequently submitted. On reviewing the requested amendments your Tree officer raises no objection, subject to condition requiring the submission of an arboricultural method statement, commenting that the layout has been revised to avoid incursion into root protection areas on the frontage. Your Landscape Officer raises no objections subject to conditions requiring hard and/or soft landscape details, hard surfacing material details and boundary treatment details. I concur with the above views and accordingly attach the requested conditions.
- 6.10. **Highway/pedestrian safety:** Transportation Development have assessed the proposal and raise no objections, subject to conditions to prevent mud on the highway, construction of the means of access, submission of a residential travel plan, cycle storage details, pedestrian visibility splays, construction method statement/management plan and S278/TRO agreement. I largely concur with this view, but consider that the conditions requiring cycle storage details, the prevention of mud on the highway, submission of a residential travel plan and the submission of a construction method statement/management plan would be unreasonable and unnecessary in this instance.
- 6.11. On assessing the proposal your Transportation Officer comments that discussions have been on-going since October 2017, resulting in the proposed vehicular access sited on Shard End Crescent being relocated further away from the junction of Shard End Crescent/Ownall Rd, in order to minimise conflicting movements with the opposite junction. It is also noted that units 2, 3, 4 and 5 only have 100% parking provision, it is also noted that the dwellings currently being demolished did not have access to any dedicated off-street parking facilities. On this basis, this level of provision is considered acceptable. There is likely to be some potential for informal parking to take place within the proposed private drive fronting units 4 and 5 in the event of additional demand being generated. It is also noted that the footway crossing for the parking spaces for units 2 and 3 is of a tapering design, in order to prevent the wide footway on Heath Way being used as additional 'tandem' parking for these dwellings. In addition, the developer has agreed to fund the provision of raised landscaped verge areas to the junction of Shard End Crescent/Heath Way, partly in order to deter footway parking from taking place within these areas. As part of the delivery of these works, tactile dropped kerbs and bollards are also to be provided on Heath Way at the junction, to improve the facilities for pedestrians crossing Heath Way.
- 6.12. In addition, Transportation comment that no objection be raised to the stopping up of the existing highway (consisting of verge and footway) at the corner of Shard End Crescent and Heathway, Shard End and that the Department for Transport (DfT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990 – appropriate recommendation attached.
- 6.13. **Other issues:** Severn Trent Water have assessed the proposal and raise no objections subject to condition requiring drainage details.

6.14. West Midland Police have been consulted, raising no objection, commenting that the proposal will be a 'Secure by Design New Home Application.

7. Conclusion

7.1. The design, scale and massing of the proposed properties are of a modern design and would not significantly be out of character with the existing context of the street scene, providing a satisfactory internal and external environment for future occupiers. No issues arise in terms of highway safety or the existing residential amenity of neighbouring occupiers.

8. Recommendation

8.1. I. That no objection be raised to the stopping up of the existing highway (consisting of verge and footway) at the corner of Shard End Crescent and Heathway, Shard End and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990

8.2. II. That Planning Permission be granted subject to the following conditions:

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| 1 | Arboricultural Method Statement - Submission Required |
| 2 | Requires the prior submission of hard and/or soft landscape details |
| 3 | Requires the prior submission of hard surfacing materials |
| 4 | Requires the prior submission of boundary treatment details |
| 5 | Requires the prior submission of a sustainable drainage scheme |
| 6 | Requires the prior submission a noise insulation scheme |
| 7 | Requires the prior submission of a contamination remediation scheme |
| 8 | Requires the prior submission of a contaminated land verification report |
| 9 | Requires the prior installation of means of access |
| 10 | Requires pedestrian visibility splays to be provided |
| 11 | Requires the prior submission of level details |
| 12 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 13 | Requires the prior submission of sample materials |
| 14 | Requires the scheme to be in accordance with the listed approved plans |
| 15 | Implement within 3 years (Full) |
-

Case Officer: Keith Mellor

Photo(s)

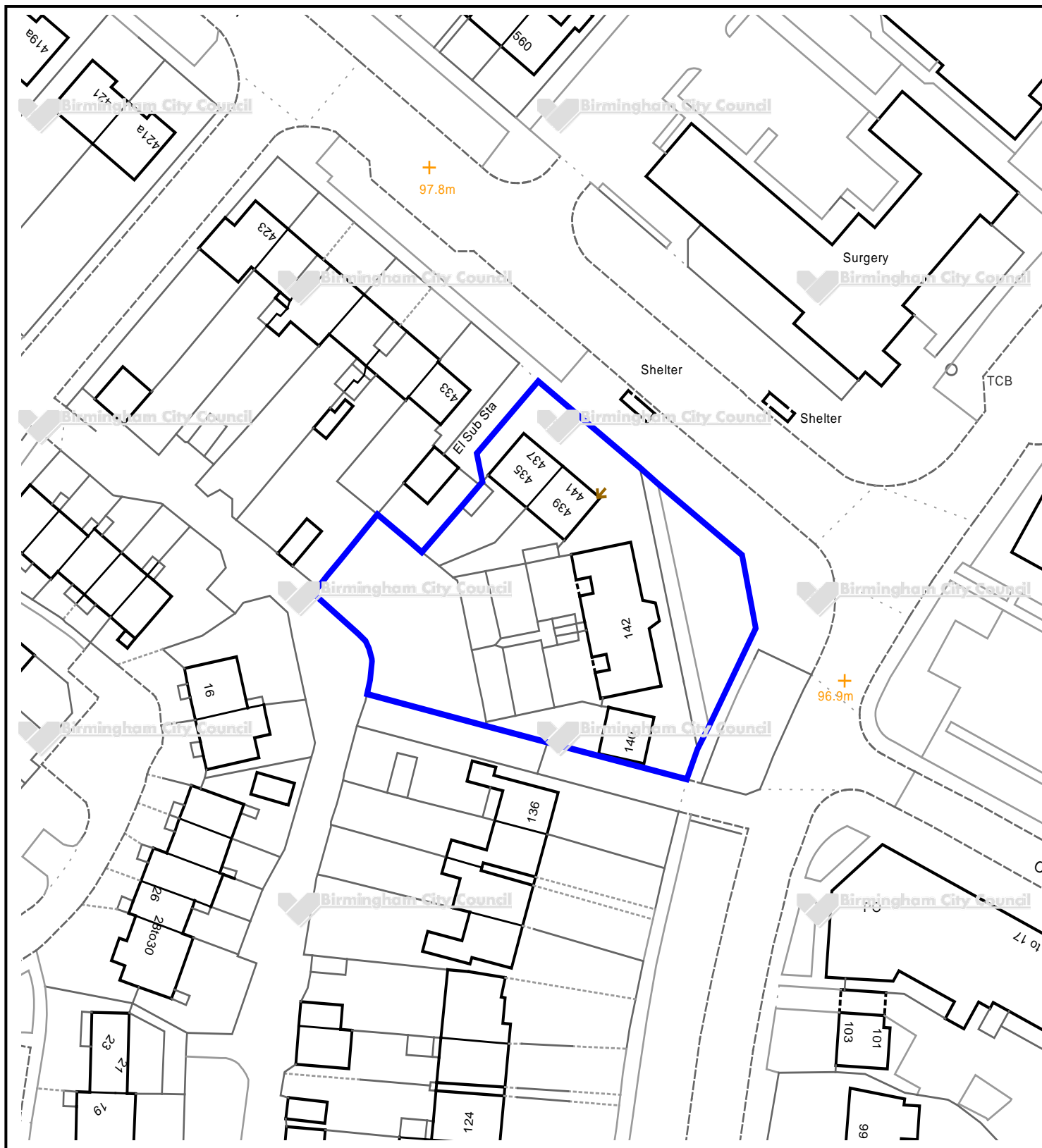


Central/main building 1



Corner view 1

Location Plan



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Committee Date:	15/03/2018	Application Number:	2018/00529/PA
Accepted:	24/01/2018	Application Type:	Householder
Target Date:	21/03/2018		
Ward:	Erdington		

96 Dean Road, Erdington, Birmingham, B23 6QF

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

Applicant:	Northern Developments Ltd 5 Perry Common Road, Erdington, Birmingham, B23 6AB
Agent:	Brophy Riaz and Partners Limited 48a Hylton Street, Jewellery Quarter, Birmingham, B18 6HN

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal comprises a two storey rear extension, single storey rear extension and a single storey side extension.
- 1.2. The proposed extensions would increase floor space of the property by 28sqm at ground floor and 7sqm at first floor. These extensions would accommodate a larger kitchen, a utility room and an extended living room (to be turned into a bedroom) at ground level, and a new bathroom on the first floor.
- 1.3. The height and depth of the rear extensions would not extend beyond the existing dwellinghouse. The side extension would protrude a maximum of 1.5m from the existing side elevation. The proposed extensions would be made of matching materials to the existing property.
- 1.4. Following discussion with the agent, the current application has been amended, with a roof dormer and a single storey detached garage being removed from the proposals.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of an end-terrace dwelling which features a traditional rear wing. There is an existing single storey extension to the rear of the wing. The side and rear garden is approx. 170sqm altogether, and is a mixture of paving and lawn. The northern boundary treatment along Oliver Road is an approx. 1.8m high brick wall, with an approx. 1.8m high wooden fence along the southern boundary.
- 2.2. The property is on a residential street in an area of similar style properties, many of which have been extended on the rear wing. A number of properties on this side of Dean Road have detached garage buildings at the rear of the garden, accessed either from the garden or gully at the rear of the property.

2.3. [Site Location](#)

3. [Planning History](#)

3.1. No planning history.

4. [Consultation/PP Responses](#)

4.1. Neighbouring properties and Ward Councillors consulted. Six objections to the original proposals received from nearby occupiers on the grounds of:

- Increased litter and worsening of parking issue
- Concern regarding the creation of HMO development
- The size of the proposed extension – out of scale for the local area
- Safety issues - large groups gathering on the street
- Privacy and overlooking issues as a result of the extension

5. [Policy Context](#)

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan 2005 (saved policies 3.14-3.14D & Chapter 8).
- Birmingham Development Plan (2017)
- Places for Living (Adopted Supplementary Planning Guidance 2001)
- Extending your Home (Adopted Supplementary Planning Document 2007)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)

The following national policy is applicable:

- NPPF – National Planning Policy Framework (2012)

6. [Planning Considerations](#)

6.1. The application has been assessed against the objectives of the policies as set out above.

6.2. Following objections, the proposed scheme has been amended to only include the two storey rear extension, single storey rear extension and single storey side extension. A proposed roof dormer and a single storey detached garage have been removed from the proposals.

6.3. The principal matters for consideration are the scale, design and siting of the proposed extensions, the impact on the architectural appearance of the property, the general street scene and the amenities of neighbouring occupiers.

6.4. The proposed two and single storey rear extensions would not breach the 45 Degree Code in relation to the nearest habitable window at No. 94 Dean Road, as the extensions would go no further than the existing rear wing and rear extension of No. 94. For this reason, the proposed extension would not have a detrimental impact on the neighbour's light or privacy. Minimum distance separation guidelines contained within 'Places for Living' and 'Extending Your Home' would be met, as there is no residential properties to the immediate rear of the application site. As the rear extensions are to infill the space adjacent to the existing two storey original

wing and single storey extension, there would be no greater loss of light or restriction of view to properties on Oliver Road that face the application site.

- 6.5. There are currently 3 principal windows on the existing side elevation of the application property. As a result of the proposed extension, this would increase to 4, with 3 of them on the ground floor. There is an approx. 1.8m high brick wall along the boundary treatment with Oliver Road, sufficiently screening the side extension and negating any privacy issues to and from the ground floor principal windows. There would remain only one principal window on the first floor, as the bathroom window would be obscurely glazed and the hallway window does not relate to a habitable room. Due to this, any issues regarding overlooking from side elevation windows would not worsen as a result of the proposed extensions.
- 6.6. The scale, mass and design of the proposed extensions are acceptable. The proposed rear and side extension would not detract from the architectural appearance of the property and would be in accordance with the principles contained within 'Extending Your Home' Design Guide. The proposed extensions have no significant impact on the character of the existing dwelling or the visual amenity of the local area. The remaining garden space to the side and rear would also be above the required 70sqm for a family home.
- 6.7. There would be no encroachment of the side boundary with the adjacent properties; all proposed works are shown to be contained within the application site.
- 6.8. The objections raised regarding the use of the application property as a HMO are noted, however this planning application relates to physical extensions and no indication is provided in the submission that suggests a HMO would be operated at the property. Permitted development rights are in place under Use Class C4: Small House in Multiple Occupation from Use Class C3: Residential Dwellinghouse for between 3 & 6 bedroom properties. Notwithstanding this, the proposed extensions are relatively modest and the potential use of the site as a HMO is not a material consideration.

7. Conclusion

- 7.1. This application is recommended for approval as the proposal complies with the objectives of the policies that have been set out above. There are no sustainable grounds upon which to recommend refusal of the proposal.

8. Recommendation

- 8.1. Approve subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires that the materials used match the main building |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Implement within 3 years (Full) |
-

Case Officer: Luke Campbell

Photo(s)

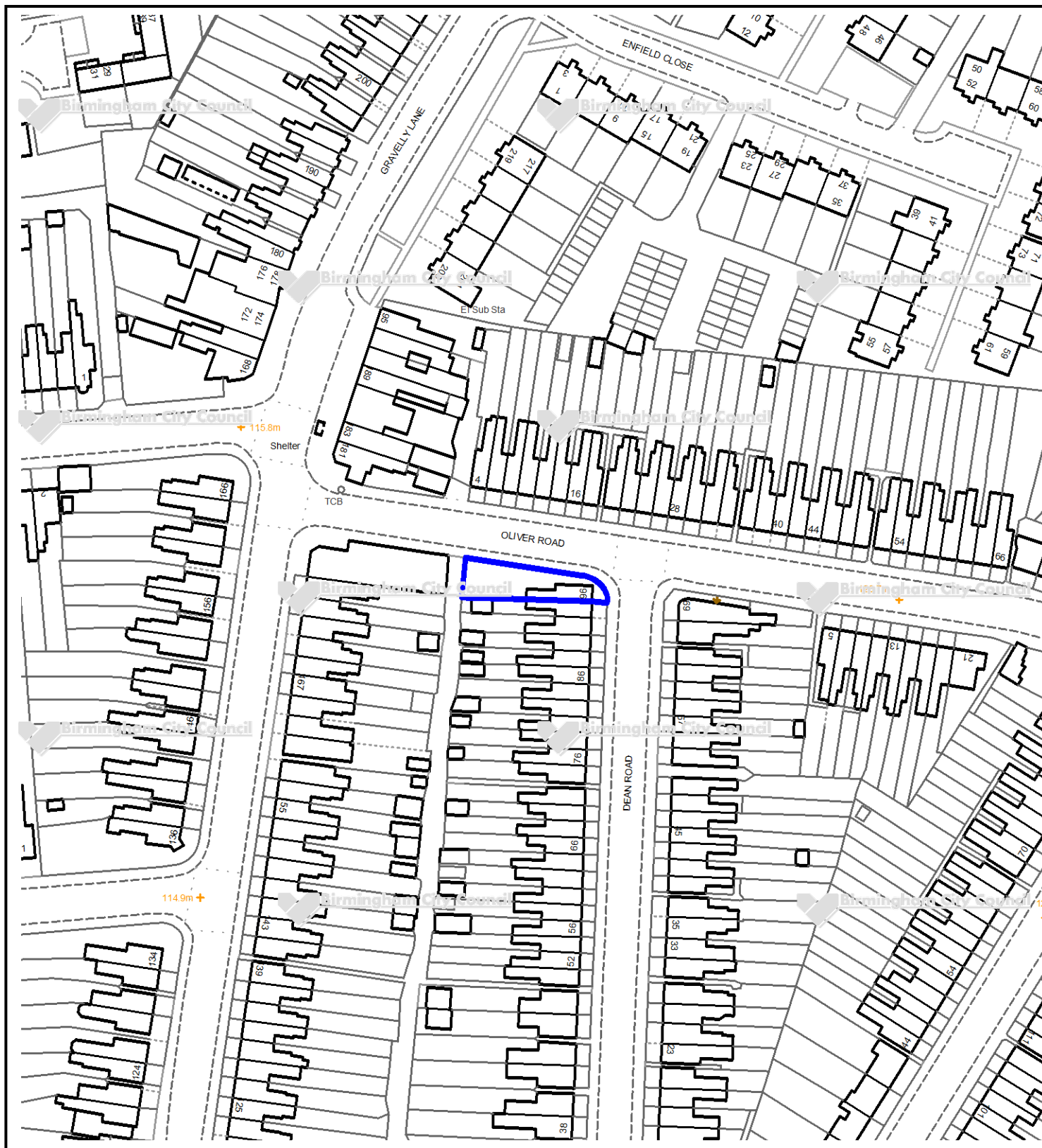


Figure 1: Front side view



Figure 2: Rear side view

Location Plan



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Committee Date:	15/03/2018	Application Number:	2018/00567/PA
Accepted:	30/01/2018	Application Type:	Advertisement
Target Date:	27/03/2018		
Ward:	Nechells		

R69 -Costco Roundabout, Cuckoo Road, Birmingham, B7 5SA

Display of 2 non illuminated freestanding post mounted signs

Applicant:	Birmingham City Council Procurement, 10 Woodcock Street, Aston, Birmingham, B7 4GB
Agent:	Immediate Solutions D221, D Mill, Dean Clough, Halifax, HX3 5AX

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 2 no. non-illuminated post-mounted signs on an existing roundabout at the junction of Heartlands Parkway and Cuckoo Road, Birmingham.
- 1.2. The proposed signs would be set back from the edge of the roundabout by 6m and would face southwards towards the public highway.
- 1.3. The proposed signs would each have a width of 1800mm, a depth of 80mm and a height of 500mm and would be mounted on posts giving an overall height of 650mm above ground level of the roundabout and would be 1050mm above the carriageway level. The signs would be made of aluminium and the posts would be steel.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises the roundabout which lies at the junction of Heartlands Parkway and Cuckoo Road, Birmingham.
- 2.2. The roundabout is grassed with the existing directional highway signage located towards the edges of the roundabout.
- 2.3. The immediate surroundings comprise of commercial properties with a variety of pedestrian crossings, pedestrian railings and street furniture located in close proximity to the roundabout.
- 2.4. [Site Location](#)

3. Planning History

3.1. None relevant.

4. Consultation/PP Responses

4.1. Transportation Development – No objections.

5. Policy Context

5.1. National Planning Policy Framework (2012), Birmingham Unitary Development Plan 2005 (Saved Policies), Birmingham Development Plan 2017.

6. Planning Considerations

6.1. The NPPF restricts Local Planning Authorities to considering only visual amenity and public safety when determining applications for consent to display advertisements (paragraph 67).

6.2. Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or on their surroundings should be subject to a Local Authority's detailed assessment. Finally, it states that the cumulative impact of advertisements should be considered.

Visual Amenity

6.3. The proposed adverts would be situated at appropriate locations on the roundabout and as there are no existing elements of advertising on the roundabout, I consider the proposal would not over-burden the roundabout with advertising. The proposed adverts would be of a modest size, and would not dominate the highway environment.

6.4. The proposed signage is set within the grassed area of the roundabout and is considered an appropriate setting and would not result in the loss of any planting/landscaping. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs would be acceptable.

Public Safety

6.5. The proposed signs would form part of the highway environment and an appropriate level of visibility would be provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such adverts are not an unusual feature on roundabouts and therefore would not cause an unacceptable degree of driver distraction.

6.6. Transportation Development has been consulted on the proposal and has raised no objections to the proposal. Consequently, I consider that the proposal is unlikely to undermine highway safety within the immediate vicinity of the site.

7. Conclusion

7.1. The proposed adverts would not have an adverse impact on amenity or public safety and I therefore recommend consent is granted subject to conditions.

8. Recommendation

8.1. Temporary consent subject to conditions.

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

2 Limits the approval to 5 years (advert)

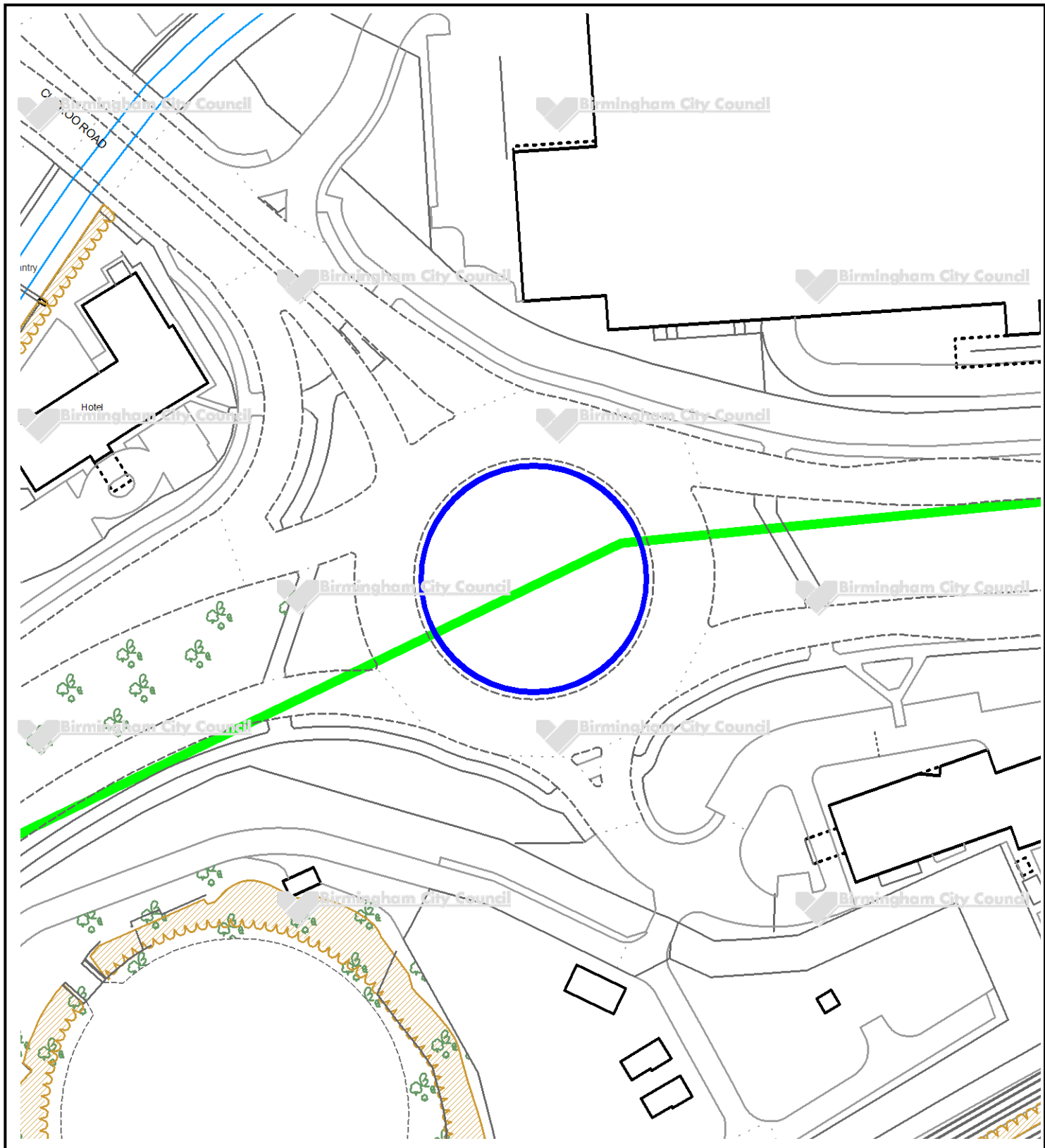
Case Officer: Harjap Rajwanshi

Photo(s)



Existing Roundabout

Location Plan



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Committee Date:	15/03/2018	Application Number:	2018/00410/PA
Accepted:	22/01/2018	Application Type:	Advertisement
Target Date:	19/03/2018		
Ward:	Nechells		

R70 - Aston Church Roundabout, Heartlands Parkway, Birmingham, B7 5RX

Display of 2 no. non illuminated freestanding post mounted signs

Applicant: Birmingham City Council
Procurement, 10 Woodcock Street, Aston, Birmingham, B7 4GB
Agent: Immediate Solutions
D221, D Mill, Dean Clough, Halifax, HX3 5AX

Recommendation

Approve Temporary

1. Proposal

1.1. This application proposes the installation of 2 no. non-illuminated freestanding post-mounted signs on the roundabout at Aston Church Road on A47 Heartlands Parkway. The proposed signs would be located 8m from the edge of the roundabout in the following locations:

- Near the junction with Aston Church Road, towards the north west of the roundabout; and
- Near the junction with Aston Church Road, towards the south west of the roundabout.

1.2. The proposed signs would each have a width of 1.8m and height of 0.5m and would be mounted on posts giving an overall height of 0.65m above ground level. The signs would be made of aluminium and the posts would be steel.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises an existing roundabout which lies between Aston Church Road and Heartlands Parkway. The roundabout is grassed with hedges located at the edge of the roundabout. Other street furniture currently located at the edges of the roundabout includes directional highway signage.

2.2. The immediate surroundings relate predominantly to commercial and industrial use.

2.3. [Site Location](#)

3. Planning History

3.1. None relevant.

4. Consultation/PP Responses

4.1. Transportation Development – no objection.

5. Policy Context

5.1. National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005)

6. Planning Considerations

6.1. The NPPF restricts Local Planning Authorities to considering only amenity and public safety when determining applications for consent to display advertisements (paragraph 67).

6.2. Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or on their surroundings should be subject to a Local Authority's detailed assessment. Finally, it states that the cumulative impact of advertisements should be considered.

Amenity

6.3. The proposed adverts would be situated at appropriate locations on the roundabout and as there are no existing elements of advertising on the roundabout, I consider the proposal would not over-burden the roundabout with advertising. The proposed adverts would be of a modest size, and would not dominate the highway environment.

6.4. The proposed adverts would be sited appropriately and would not result in the loss of any landscaping. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs would be acceptable.

Public Safety

6.5. The proposed signs would form part of the highway environment and an appropriate level of visibility would be provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such adverts are not an unusual feature on roundabouts and therefore would not cause an unacceptable degree of driver distraction.

6.6. Transportation Development raise no objection, stating that the proposed signage conforms to the previously agreed acceptable specifications, with a setback of 6m from the roundabout inner kerb noted to be achieved, and the signage dimensions being acceptable.

7. Conclusion

7.1. The proposed adverts would not have an adverse impact on amenity or public safety and I therefore recommend consent is granted subject to conditions.

8. Recommendation

8.1. Approve temporary.

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

2 Limits the approval to 5 years (advert)

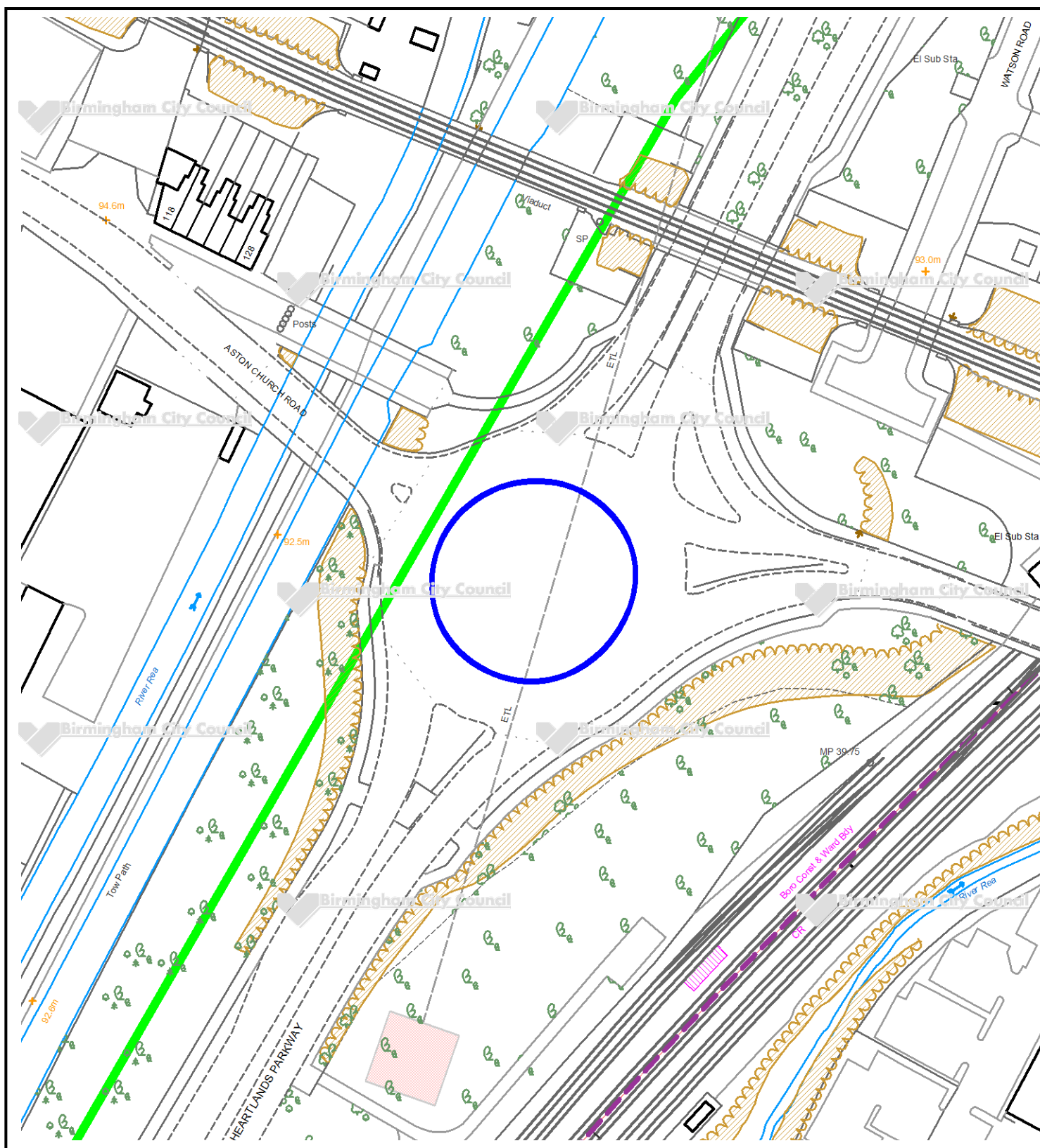
Case Officer: Claudia Clemente

Photo(s)



Figure 1: Application site

Location Plan



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