

Birmingham City Council

Planning Committee

13 August 2020

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 – Subject to 106 Legal Agreement	6	2018/01177/PA 122 Moseley Street Digbeth Birmingham B12 0RY Demolition of existing building and erection of a 5 storey building to provide 29 apartments and associated works

Committee Date:	13/08/2020	Application Number:	2018/01177/PA
Accepted:	28/03/2018	Application Type:	Full Planning
Target Date:	27/06/2018		
Ward:	Bordesley & Highgate		

122 Moseley Street, Digbeth, Birmingham, B12 0RY

Demolition of existing building and erection of a 5 storey building to provide 29 apartments and associated works

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1 The application seeks consent for a five storey residential block comprising of 10 x 1 bed units (34%) and 19 x 2 bed (66%) residential units. The building would fill the depth of the plot from Moseley Street to the front to Highgate Park to the rear.
- 1.2 The proposed apartments would be arranged around a central landscaped courtyard that would be accessed by vehicles and pedestrians independently. The development would be constructed in brick with lighter coloured bricks providing a grid and frame to the front and rear elevations and darker coloured brick recessed panels adjoining the windows. No parking is proposed, although there would be cycle storage.
- 1.3 [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located on the south side of Moseley Street close to the junction with Moseley Road. It has a boundary to the west with Flex Fitness, a two storey gym and Cleary's public house to the east. A large vacant plot lies opposite. Further to the west along this part of Moseley Street is the listed St Anne's Hostel and listed Rowton Hotel (formerly known as the Paragon Hotel). Opposite the Rowton Hotel is a site known as the Westminster Works where permission was granted for its demolition and redevelopment to provide 220 apartments and 150 to 159 Moseley Street where approval has been granted for 67 apartments.
- 2.2. The site currently accommodates a vacant single storey brick built industrial building with a pitched corrugated steel roof and open fronted shelter that has been vacant for two to three years. It was previously used as a vehicle repair workshop.



Proposed Elevation to Moseley Street

3. Planning History

- 3.1 24865000 - Repair shop parking. Approved 28/01/1965
- 3.2 24865001 – Use of Car Parking. Approved 21/08/1975
- 3.3 2017/08666/PA - Former Westminster Works - Demolition of existing buildings and erection of a 6/7 storey building to provide 220 no. apartments, car parking and associated development. Approved 16/05/2018
- 3.4 2017/10701/PA 150 – 159 Moseley Street - Demolition of existing buildings and erection of a 6 storey building providing 67 no. apartments and associated parking and landscaping. Approved 31/05/2018

4. Consultation/PP Responses

- 4.1 Transportation – No objection but advise conditions to require the redundant footway crossing be reinstated and the proposed cycle parking provided prior to building occupied.
- 4.2 LLFA - Having reviewed the latest information, there remains one outstanding point regarding the dimensions of the proposed attenuation tank. Once this has been provided the LLFA would be willing to apply conditions regarding implementation and maintenance.
- 4.3 Fire Service - There should be access for a pumping appliance to within 45 metres of all points within each dwelling. If a fire main is provided in the building there should be access to the riser inlet within 18 metres on the front of the building and this should be clearly visible. Water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK.
- 4.4 BCC Education – No comments or objections.

- 4.5 Severn Trent Water - No objections to the proposals subject to the inclusion of conditions to require the submission and implementation of drainage plans for the disposal of foul and surface water flows.
- 4.6 Police – Recommend the following:
- work regarding the apartments be undertaken to the standards laid out in the Secured by Design 'Homes 2016' guide;
 - a lighting plan for the site be produced following the guidelines and standards as indicated in 'Lighting Against Crime';
 - there should be a planning condition to secure CCTV coverage including to the bike store;
 - video intercom access control systems be installed on all doors into the building;
 - all pedestrian entrances to the building have the potential for two, or more, layers of secured doors;
 - low provision of car parking spaces for a development of this size;
 - clarification as to the operating mechanism of the gated access;
 - all doors to the bin stores be to be to an appropriate security standard;
 - clarification of the refuse collection procedures;
 - recommend that all post is delivered to a central point of contact subject of full CCTV coverage;
 - that internal access control should be installed throughout all parts of the building;
 - Unit 1 would have no defensible space between both the bedroom and lounge areas of the apartment and the adjacent public pavement. Any acts of anti-social behaviour along this public highway could readily adversely impact on the quality of the lives of the residents; and
 - Units 2, 3 and 4 will also be more vulnerable to acts of anti-social behaviour in the adjacent areas of the public park.
- 4.7 Regulatory Services – (original plans) The application should be refused and no further consideration should be given until the noise impact of the adjoining public house has been assessed satisfactorily. Further comment following revised plans that re-orientated the position of the building, visits to adjacent public house, submission of subsequent noise assessments and clarification regarding glazing and ventilation – No objection subject to conditions regarding the following:
- a) Contamination Remediation Scheme
 - b) Contaminated Land Verification Report
 - c) details of glazing to accord with Acoustic Report to be submitted and implemented
 - d) details of an MVHR ventilation scheme
 - e) submission of an internal noise validation report prior to the occupation
 - f) Testing of the internal noise levels prior to the occupation
 - g) Noise Levels for Plant and Machinery
- 4.8 Leisure Services - In accordance with the BDP this development of over 20 dwellings would be subject to an off site contribution towards Public Open Space (POS). As this development is within the City Centre it would not be regarded as family accommodation and therefore no play area contribution would be payable. The POS contribution would be based on the UDP formula of 2 hectares per 1000 of population as follows:
 49 people generated from the 34 residential units divided 1000 x 20000 = 980 sqm of

POS generated. $980 \times £65$ per sq metre (cost of laying out POS) = £63,700
This would be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at Highgate Park (or on an extension of it) or other POS priorities within the area.

(Officer comment – the above calculation has been updated to reflect the reduction in the number of units to the following: $19 \text{ people } 1000 \times 20000 = 380\text{sqm} - 380 \times £65$ per sq metre (cost of laying out POS) = £24,700)

- 4.9 Neighbours have been notified and press and site notices have been posted. Comments were received from two neighbours regarding the original plans raising concerns relating to:
- Windows overlooking the adjacent pub;
 - The occupiers would suffer from noise and disturbance from the adjacent pub. It is a live music venue with a disco and is open until 4:30 to 5am at the weekend including its beer garden, with events held outside. There would also be noise from the comings and goings of customers.
 - The noise report that has been carried out is fundamentally flawed as it claims that the noise levels on a quiet day and night are exactly the same as the noise levels recorded at the busiest and noisiest days and nights of the year, that being the St Patrick's parade weekend.
 - The development would result in restrictions being placed on how the pub is run contrary to Paragraph 123 of the NPPF and compromising its future;
 - Has there been an asbestos report for the proposed project to date?
 - Are there any implications regarding the smells omitted from the pub kitchen?
 - Lack of parking for existing businesses;
 - Noise from adjacent gym in terms of its music and noise of free weights.
- 4.10 Neighbours have been consulted with regards to the amended plans re-positioning the proposed building and supplementary noise surveys and technical information. The same neighbour has submitted three further objections:
- future residents will undoubtedly suffer from noise and disturbance not only from live bands that play every weekend at the adjacent pub but also from comings and goings of customers;
 - there will be noise from people standing waiting for taxis late into the night practically beside the bedroom windows of future residents;
 - The residential apartments would be located directly adjacent to the pub's outdoor seated smoking area/beer garden which has capacity for up to 100 plus;
 - The pub has a license to serve alcohol and play live music up until 3.30am Friday and Saturdays and It can be as late as 4.30am or 5am until the pub is clear from customers. During the week it is licenced until midnight. From 2pm each Sunday there is a live band and disco karaoke or disco karaoke until midnight
 - Hard to comprehend that yet again in this second noise report, this intensity of noise has not been deemed as an issue.
 - The noise report that has been carried out is fundamentally flawed as it claims that the noise levels on a quiet day and night are exactly the same as the noise levels recorded at the busiest and noisiest days and nights of the year, that being at the

time of a local derby football match. The reported activities at the reported times at the pub are incorrect.

- Cleary's Irish Bar does not operate audible breaks as we have back to back DJ'S and Live Music bands.
- Following last year's visit from the City Council, a noise reading was given reflecting an average night at Cleary's Irish Bar. Therefore how can the readings issued by the noise consultant come out so much lower?
- businesses should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;
- The proposed development would not provide a good quality living environment as it would be located between a Live Music Bar with a late night licence contrary to BDP policies GA1 and TP26;
- Noise mitigation measures will no doubt be suggested, however if the application is approved, due to the close proximity of the pub (2-3 metres) it will compromise its future;
- According to the City Council there have been 3 complaints regarding noise disturbance from Cleary's Live Music venue from local residents who live considerably further away than the proposed sight which is 2-3 metres away. This clearly indicates that the noise levels Street would be a grave cause for concern.

5. Policy Context

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Places for Living SPG, Places for All SPG, Car Parking Guidelines SPD, Places for All SPG, Lighting Places SPD, Public Open Space in New Residential Development SPD (2007), Affordable Housing SPG (2001), Rea Valley Urban Quarter Masterplan Draft SPD (2019), Development Management in Birmingham Document DPD Publication Document (2020) and the National Planning Policy Framework.

6. Planning Considerations

Principle of Proposed Residential Use

- 6.1 The application site is located within the City Centre Growth Area defined under Policy GA1.1. This Policy explains that the Council will promote the City Centre as the focus for retail, office, residential and leisure activity where notably, in respect of new residential development, it would provide a well-designed high quality living environment.
- 6.2 Policy GA1.2 identifies this part of the City Centre as the Southern Gateway; an area of wider change where residential development is supported as part of the future mix of uses whilst Policy GA1.3 supports residential development as part of the Southside and Highgate Quarter.
- 6.3 According to Policy TP27 the location of new housing should be located outside flood zones 2 and 3, be adequately serviced by existing or new infrastructure and be accessible to local services.
- 6.4 The emerging Rea Valley Urban Quarter Masterplan SPD, published for public consultation last year, seeks to establish the over-riding development principles to guide future development. It focusses on connectivity and producing high quality

development. Moseley Street is identified as a park link where pedestrians will be given priority in order to assist linking the Smithfield area to the River Rea corridor to Highgate Park and onto the wider green infrastructure of the City.

- 6.5 It is clear that the site has previously been used to accommodate a commercial enterprise, however the car repair business has been closed for two to three years and the buildings left vacant.
- 6.6 Based on development plan policy it is considered that the principle of proposed residential use would be acceptable at this location.

Proposed Design and Layout

- 6.7 Policy PG3 seeks to ensure that the design of development responds to its context and makes an efficient use of land whilst the revised NPPF encourages high design quality and visually attractive development that would function well.
- 6.8 The emerging Rea Valley Urban Quarter Masterplan Draft SPD promotes development that reinforces the scale and pattern of city blocks. The guidance encourages perimeter block development with continuous active frontages that face onto existing streets with architecture, detailing and materials of a high standard.



Rear Elevation to Highgate Park

- 6.9 The location of the proposed apartment block is considered positive. Unlike the existing development that is positioned to the rear of site behind an open courtyard the proposed block would fill the site addressing Moseley Street to the front and Highgate Park to the rear with windows at all levels. The Draft SPD also identifies a new green route linking Moseley Street and Cheapside to Highgate Park and the revised position of the block would address this proposed route.

- 6.10 Whilst the proposed design is simple it is considered that there would be enough articulation through the use of recessed panels to provide interest to the important front and rear elevations. The use of different coloured bricks would also assist in defining the grid pattern to the front and rear and would maintain simple crisp lines.
- 6.11 There was previous concern at the scale of the development with the original plans proposing a six storey development. Acknowledging the site context and the existing street scene it was considered that 6 storeys would be too tall, appearing overly prominent when the adjoining developments are two and three storeys. Therefore the scale was reduced to 5 storeys to adequately resolve this concern. It is also considered that the reduction in scale would be more appropriate to the setting of the listed buildings located further to the west along Moseley Street. The proposed scale would accord with the Rea Valley Urban Quarter: draft Supplementary Planning Document (SPD) that identifies a development of between 5 and 8 stories in height on this plot.
- 6.12 At 29 units the proposed density would equate to 414 dwellings per hectare. This would meet the target set by Policy TP20 of at least 100 dwellings per hectare. It is acknowledged that the proposals would far exceed this guidance however it is considered more important that the development addresses the frontages to both Moseley Street and Highgate Park. Notably the proposed apartments would meet the national space standards and the site has a sustainable location.

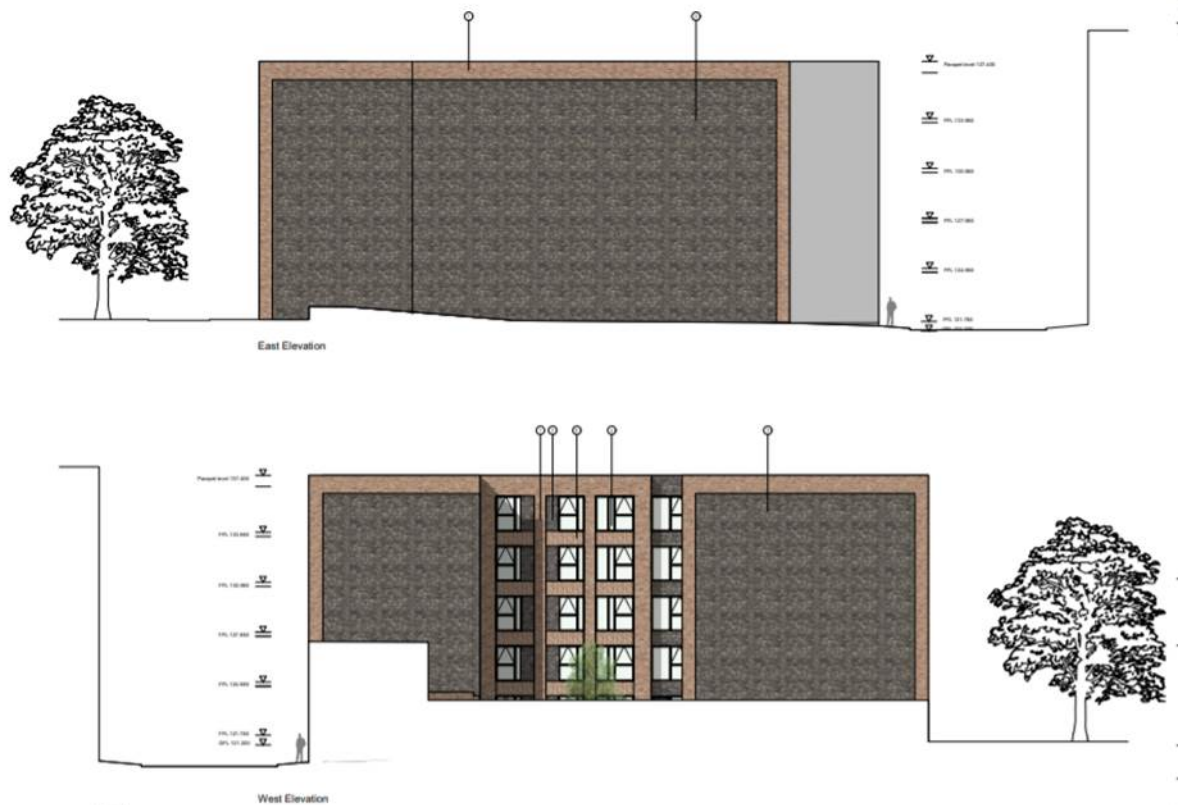
Noise

- 6.13 The site has a common boundary to Cleary's bar to the east which includes beer gardens to the side closest to the application site and to rear. The venue has a licence until 3am, has two external bars and hosts late night sporting and music events that spill out onto these external areas. On the adjoining site to the south is Flex Fitness, a two storey gymnasium
- 6.14 The presence of the adjacent Cleary's Bar has always been acknowledged by the applicants and officers are conscious of Policies GA1 and TP27 of the BDP, draft Policy DM2 of the emerging Development Management in Birmingham DPD and the revised NPPF which seek to create high quality living environments. Paragraph 182 of the latter emphasising that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Furthermore the NPPG acknowledges that Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the noise that may be made by customers in the vicinity.
- 6.15 A noise assessment was submitted within the original layout following data collected over a weekend in March 2018. A subsequent assessment was submitted following the receipt of amended plans in April 2019. The amended plans have essentially re-positioned the apartment block with the current plans providing a blank gable wall facing the common boundary with the pub. This second noise assessment from April 2019 included data collected on St. Patricks Day 2019.

- 6.16 It is acknowledged through the objections raised that there is serious concern that the submitted noise data is flawed and that the potential residential occupiers could jeopardise the future operation of the pub. However the subject of noise and disturbance has been the primary issue that has been discussed over many months. Subsequently following site visits by Regulatory Services officers who have collated spot data, detailed interrogation of the applicant's raw noise data and meetings with the noise consultants three additional reports clarifying the results and the proposed mitigation requirements have been submitted. Regulatory Services are now satisfied that the re-siting of the block to ensure that there are no windows facing the pub together with conditions to secure noise mitigation via specific glazing and mechanical ventilation the performance of which would be tested within the apartments would be adequate.



Proposed Ground Floor Plan



Proposed Side Elevations – Blank Gable Elevation to Cleary’s Bar (top)

Impact upon Heritage Assets

- 6.17 Considering the wider context of this site and the setting of the listed buildings the height of the building was reduced from six to five storeys so that there would be no harm.

Highways

- 6.18 Whilst reducing the height of the block, the amended layout has also removed the previous eight parking spaces serving the development. However noting the sustainable location of the development and the provision of 20 cycle spaces no objections have been raised subject to conditions.

Ecology and Trees

- 6.19 As the site accommodates a vacant dilapidated building the application has been accompanied by a Preliminary Roost Assessment that describes a detailed internal and external inspection of the existing built structures that was carried out. The Assessment concludes that the existing buildings have negligible suitability for roosting bats due to their structural characteristics and there would be no constraints regarding their demolition. The Council’s ecologist has raised no objections but recommends further habitat enhancement be secured via a condition. Furthermore a condition to require an updated Preliminary Roost Assessment is attached due to the time that has elapsed since the previous report.

- 6.20 Acknowledging the presence of mature trees within Highgate Park that adjoins the site to the west the application is also accompanied by an Arboricultural Survey and Constraints Report. BCC Tree officers have raised no objections noting that the direct arboricultural implications of the proposal are minor or possibly non-existent. Some pruning of the canopy of a London Plane may be required for clearance or scaffolding. A condition is attached to require details of an arboricultural method statement should pruning, working or access within the Root Protection Areas (RPAs) be required

Drainage

- 6.21 The LLFA and Severn Trent Water are content with the principle of a sustainable drainage scheme utilising an attenuation tank for surface water drainage and the applicants have confirmed that they can meet the attenuation requirements. Conditions are attached to require the submission of a detailed scheme alongside confirmation of its operations and maintenance.

Planning Obligations & Viability

- 6.22 A development of 29 units is above the threshold for contributions towards, or on site provision of public open space and affordable housing. The current application is not policy compliant in respect of these matters and has been accompanied by a Financial Viability Assessment (FVA). This explains that the developers return would not be sufficient to support the policy compliant provision of 35% affordable housing.
- 6.23 The FVA has been independently assessed resulting in a review of the applicants proposed build costs, professional fees, marketing and financing costs and whilst it has been concluded that the scheme is unviable at a policy compliant 35% affordable housing it could support 4 affordable units on a low cost home ownership basis at 20% discount on market value. However it is acknowledged that the application was submitted well before the publication of the revised NPPF in June 2019 which gave greater emphasis to the provision of affordable housing on site. A commuted sum of £58,000 for the provision of off site affordable housing was agreed in August 2018. In this instance, taking account of the small number of units and the time taken to resolve the noise issues it is considered that the earlier agreement for an off-site contribution should be honoured.
- 6.24 There has also been a request for a contribution of £24,700 towards public open space, more specifically towards the maintenance of Highgate Park. In this case however priority is given to off site affordable housing on the basis that the proposed development would not provide family housing.

7. Conclusion

- 7.1. The proposed development would provide a well considered scheme that utilises a previously developed now vacant site. The proposals would uplift the streetscene presenting an attractive frontage to Moseley Street and Highgate Park. The proposed scale and massing would not harm the setting of the nearby listed St Anne's Hostel and Rowton Hotel.

7.2. The principle of residential development would accord with development plan policy at this location whilst the potential impact upon the future residential occupiers, as a result of the adjacent pub, has been considered in great detail and with the conditions attached would be mitigated to an acceptable level.

7.3. Matters of ecology, highways, drainage and the impact upon trees have been considered and with safeguarding conditions would be adequately addressed. It is therefore considered on balance that the proposed development should be approved subject to conditions and a S106 Agreement to secure the provision of a contribution towards off site affordable housing.

8. Recommendation

8.1 That application 2018/01177/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:-

- a) A financial contribution of £58,000 (index linked from the date of this resolution) toward off site affordable housing to be paid prior to first occupation;
- b) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing sum, subject to a maximum of £10,000.

8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning 11th September 2020 planning permission be refused for the following reason:-

In the absence of a legal agreement to secure a commitment provide a contribution of £58,000 towards off site affordable housing the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the National Planning Policy Framework.

8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 11th September 2020, favourable consideration be given to this application, subject to the conditions listed below

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- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of sample materials |
| 4 | Requires the provision of cycle parking prior to occupation |
| 5 | Requires the submission and completion of works for the S278/TRO Agreement |
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6	Requires the prior submission of a contamination remediation scheme
7	Requires the submission of a contaminated land verification report
8	Requires the prior submission of an additional bat survey
9	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
10	Requires the prior submission of a sustainable drainage scheme
11	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
12	Prior to occupation details of glazing to accord with Acoustic Report to be submitted and implemented
13	Prior to commencement of the development details of an MVHR ventilation scheme
14	Requires the submission of an internal noise validation report prior to the occupation of the first apartment
15	Testing of the internal noise levels prior to the occupation of the first apartment and submission of results for agreement
16	Noise Levels for Plant and Machinery
17	Arboricultural Method Statement - Submission Required
18	Tree pruning

Case Officer: Julia Summerfield

Photo(s)



Existing Building on Site

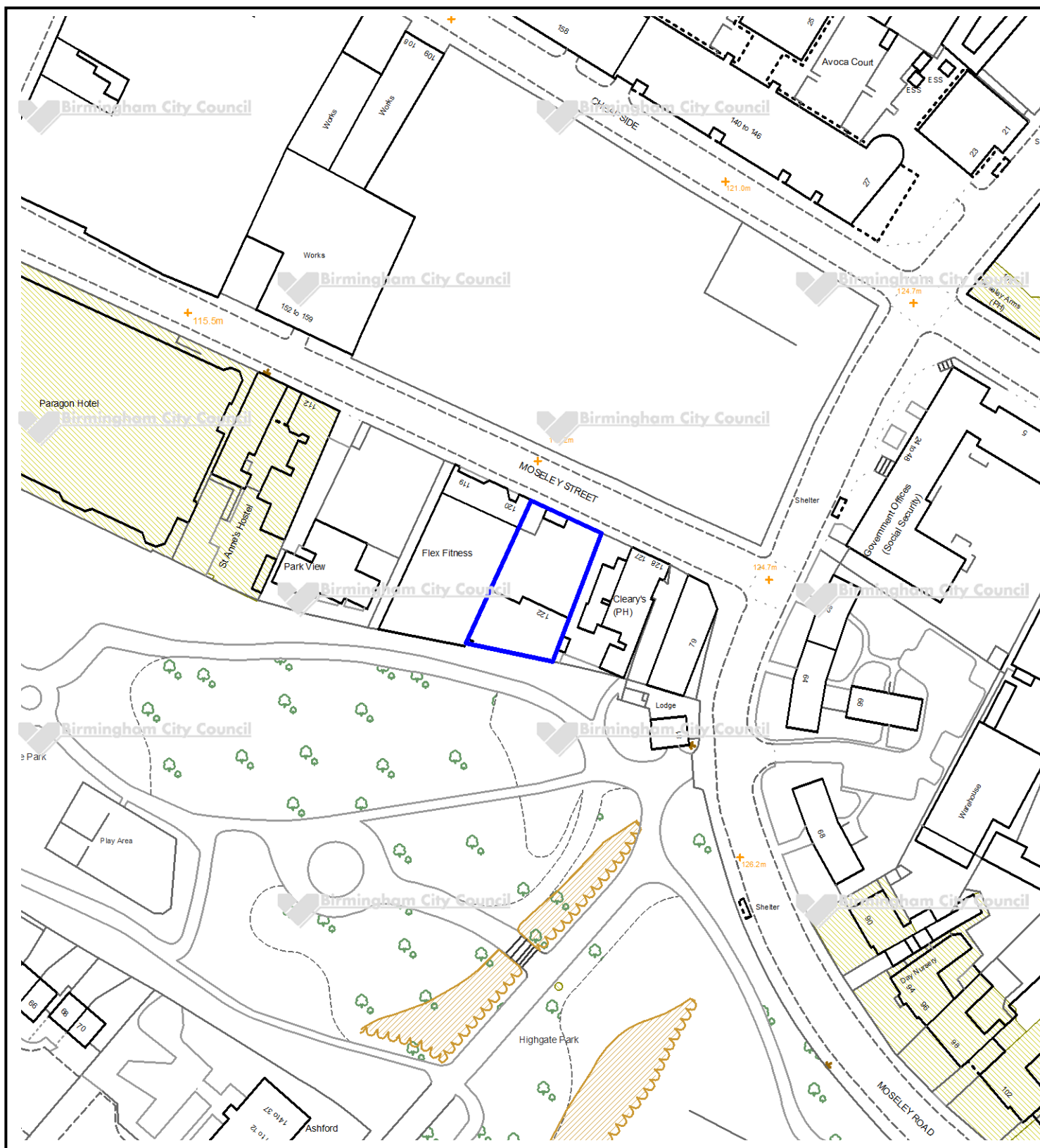


Looking East up Moseley Street - the application site is to the right hand side of Cleary's Bar



Application site viewed from the Highgate Park to the Rear

Location Plan



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Birmingham City Council

Planning Committee

13 August 2020

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	7	<p>2020/03360/PA</p> <p>Phases 2B and C - Land at Icknield Port Loop (IPL) bounded by Ladywood Middleway, Icknield Port Road and Wiggins Street Ladywood Birmingham B16</p> <p>Reserved matters application for Phases 2B and 2C in respect to: appearance, landscaping, layout and scale following outline planning permission 2017/04850/PA; comprising of up to 98 No. dwellings, within 7 residential blocks and associated car parking and landscaping works.</p>
Determine	8	<p>2019/10518/PA</p> <p>70-72 Handsworth Wood Road & land to rear Handsworth Wood Birmingham B20 2DT</p> <p>Erection of two storey rear extension comprising 13-beds to existing care home (Use Class C2) with alterations to existing car parking provision.</p>

Committee Date:	13/08/2020	Application Number:	2020/03360/PA
Accepted:	05/05/2020	Application Type:	Reserved Matters Development
Target Date:	14/08/2020		
Ward:	Ladywood		

Phases 2B and C - Land at Icknield Port Loop (IPL), bounded by Ladywood Middleway, Icknield Port Road and Wiggin Street, Ladywood, Birmingham, B16

Reserved matters application for Phases 2B and 2C in respect to: appearance, landscaping, layout and scale following outline planning permission 2017/04850/PA; comprising of up to 98 No. dwellings, within 7 residential blocks and associated car parking and landscaping works.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This reserved matters application is pursuant of an earlier application for Outline Planning Consent for Land at Icknield Port Loop, bounded by Ladywood Middleway, Icknield Port Road and Wiggin Street, Birmingham.
- 1.2. Consent was granted on the 20th of September, 2013 for: “*Outline planning application for demolition of buildings and a mixed use redevelopment of up to 1,150 dwellings, retail, service and employment, leisure and non-residential institutions uses (Use Class C3, B1, A1, A2, A3, A4, A5, D1 and D2) of up to 6,960 square metres (gross internal area) (including up to 2,500 square metres of retail) (gross internal area) together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings. Change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 and D2)*”.
- 1.3. Following the above consent, a reserved matters application was submitted and granted by the Council on the 22nd of November, 2017. This granted consent for phases 1 and 2 of the approved outline consent; including a number of smaller sub-phases within each of the respective phases.
- 1.4. The current application seeks reserved matters consent for: appearance, landscaping, layout and scale, with reference to Phases 2B and 2C of the development. It is worth noting that these phases have already gained Reserved Matters consent by way of the 2017 consent, listed above. However, the current proposals differs from the earlier reserved matters consent by way of:
 - Alterations to the façade of the 2no. Corner House blocks;
 - Alterations to the design and finish of the 5no. Mansion House blocks;
 - Changes to the proposed building heights of the Mansion House blocks, increasing from 5 storeys, as previously approved, to 6 storeys (still in line with

the Outline consents maximum building height parameters and maximum unit numbers);

- Removal of under-croft car parking to the Mansion House blocks;
- Changes to the landscaping and parking strategy for this phase, resulting in 30 on street car parking spaces and 16 under-croft parking spaces at Corner House, amounting to a 47% parking provision for residents, a decrease from 50% as previously approved; and
- Changes to the location for the communal bin stores for Mansion House, which would now be located to the end of the blocks.



(Image 1: Showcasing Phase 1 and 2 of the development, alongside the sub-phases, of which sub-phases 2B and 2C relate to this current application).

- 1.5. In total 7no. individual residential buildings are proposed, each comprising of 6 storeys; allowing for up to 98no. apartments on site. The proposals propose two different apartment typologies, alongside a new neighbourhood green. Two apartment typologies are proposed along the canal frontage and the Rotton Park Street frontage. These are “Mansion House” designed by ShedKm and Corner House, designed by Glenn Howells Architects. In total, the following number of apartments is proposed:
- 58no. Mansion House Apartments – fronting onto the Birmingham Canal, in the form of 5no. blocks; and
 - Up to 40no. Corner House Apartments – fronting onto the Canal and Rotton Park Street, in the form of 2no. blocks;
 - A central green is also proposed to the rear of the centrally sited Corner house block fronting Rotton Park Street, this green would front onto the Birmingham canal; and
 - A ground floor commercial unit is also proposed, to the lower ground floor of the Corner House block, fronting onto the Birmingham canal, sited to the south-east of the site.
- 1.6. The dwellings would be arranged in 7no. terrace blocks, running parallel to the canal and Rotton Park Street. The Mansion House blocks have been designed as a sister concept to the already erected modular Town Housing on site, these would be located adjacent to the Birmingham Canal and would sit opposite Phase 2A, which consists of sister town houses, which are of a similar design. The 58no. apartments would be set within 5no. individual blocks, at 6 storeys in height. These would be sited fronting onto the canal and would have a staggered formation, in order to break

up their overall design and mass. Each block would house 10no. apartments, within the upper 5 levels of the towers. The ground floors would consist of onsite cycle and refusal storage spaces. On-street car parking provision within the blocks vicinity will also be provided.



Image 2: CGI of Corner House (centre) and Mansion Blocks (right) with approved town houses (left) .

- 1.7. Shed KM have designed the “Mansion House” blocks. The proposed dwellings allow flexibility to future users, through allowing for a variety of configurations, depending on the number of bedrooms, en-suites etc. as well as having changeable internal layouts, the blocks also enjoy dual aspects for outlook and also feature large floor plates and ceiling heights. The apartments would be finished off in a ceramic tile with horizontal banding, to mimic that of the existing town houses on site. The elevations would further feature white finished detailing to their upper levels and mid grey ground floor plinths, to add contrast.



(Image 3: street-scene from Birmingham Canal Old Line showcasing the 5no. Mansion house blocks).

- 1.8. The 2no. Corner House apartments have been designed by Glenn Howells Architects (GHA). One block is proposed to be erected to the west of the site, adjacent to Rotton Park Street and the neighbourhood green. While the second block is proposed to be located adjacent to the Mansion House apartments at the east of the site, situated on the corner of the Birmingham Canal Old Lines. Both blocks will be 6 storeys in height, much like the Mansion House blocks. The ground floor of the blocks will however be used for under croft car parking, for the block adjacent to the communal green, while the second fronting the canal would feature a ground floor commercial unit in order to encourage activity along the canal. Each block would feature up to 20 apartments, as the configurations of these can again be changed much like Mansion House, meaning a potential buyer could have an apartment the size of two standard apartments if they wished. The blocks would be accessible via Rotton Park Street and the site's proposed internal access roads. These would be finished in a light grey concrete etch finish, with natural anodized window frames.



(Image 4: CGI showcasing the size and scale of the Rotton Park Street Corner House block).

- 1.9. In terms of private amenity space, a central green, in the form of a park is proposed, within this phase of the development. This would be accessible by residents and the wider public and would form part of the wider network of internal parks and green spaces, proposed as part of the development. The park would feature a number of hard and soft landscaping features, alongside new trees and other soft landscaping works. It is of worth nothing the central green and general configuration of the apartment blocks remains no different from the former reserved matters consent on site.
- 1.10. A total of 30no. on street and 16no. under-croft car parking spaces are proposed to be allocated for the residents of the 98no. dwellings proposed (47%). The Mansion House apartments would further feature 28no. cycle storage spaces, with Corner House residents also having cycle provision for up to 40no. spaces.
- 1.11. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application site relating to this phase of the development sits to the south-eastern side of Rotton Park Street and has an “H” shape form. This is due to the site including an internal road which runs through phase 2A of the wider IPL development, which has already received reserved matters consent. The site’s north-eastern boundary is formed by the Birmingham Canal Old Line and Rotton Park Street bounds the site to its north-west. To the site’s south lies the Birmingham Canal Old Line. Access to the site would be via Rotton Park Street, from its north-east. Once built out, the current phase would have phase 2A sited centrally, with sub phases 1A, 1B and 1C sited further west towards Icknield Port Road.
- 2.2. The wider IPL site contains a Site of Local Importance for Nature Conservation (SLINC) in the form of the canal loop and adjacent to a Site of Importance for Nature Conservation (SINC) at Edgbaston Reservoir. This wider site also includes 3 statutory listed buildings (canal bridges - all Grade II) and there are 4 Grade II Listed Buildings at the adjoining British Waterways depot at Icknield Port Road.
3. Planning History
- 3.1. 24/10/2019 - 2019/06091/PA – reserved matters application for Phase 2A in respect to: appearance, landscaping, layout and scale following outline planning permission 2017/04850/PA. Approved.
- 3.2. 20/09/13 – 2011/07399/PA. Outline planning application for demolition of buildings and a mixed use redevelopment of up to 1150 dwellings, retail, service, employment, leisure and non-residential institutions uses (Use Class C3, B1, A1, A2, A3, A4, A5, D1 & D2) of up to 6960 square metres (gross internal area) (including up to 2500 square metres of retail) (gross internal area) together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings. Change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 & D2). Approved.
- 3.3. 31/08/17 – 2017/04849/PA. Erection of new leisure centre, including 8 lane, 25 metre main swimming pool and learner pools, fitness and dance studios, car parking with associated new access onto Ladywood Middleway and associated works. Approved.

- 3.4. 22/11-2017 - 2017/04850/PA - Section 73 application to vary conditions 4 (approved plans), 5 (approved access details), 10 (design code), 11 (landscape strategy), 19 (renewable energy statement) and 61 (highway works) of planning approval 2011/07399/PA (which grants outline planning permission for demolition of buildings and a mixed use redevelopment of up to 1150 dwellings, retail, service, employment, leisure, and non-residential institutions uses (Use Classes C3, A1, A2, A3, A4, A5, B1, D1 and D2) of up to 6960 square metres (gross internal area) (including up to 2500 square metres of retail) (gross internal area), together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings, and which grants full planning permission for change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 and D2) including amendments to the indicative masterplan and associated parameter plans in relation to the proposed first phase of the development and the relocation of the proposed swimming pool to the south-east part of the site. Approved.
- 3.5. 22/11/17 – 2017/07024/pa - Reserved matters application for appearance, landscaping, layout and scale following outline planning permission 2017/04850/PA for the erection of 207 dwellings and 300sqm of Use Class A1-A5, B1a and D1 floor space together with associated internal roads, parking, landscaping and open space (Phase 1). Approved.
4. Consultation/PP Responses
- 4.1. Leisure Services – no comments or objections.
- 4.2. Transportation Development – No objection subject to conditions relating to highway works (including a TRO to prohibit waiting on Rotton Park Street to protect vehicular visibility splays), pedestrian visibility splays, cycle storage and a Travel Plan.
- 4.3. Regulatory Services – No objection or conditions.
- 4.4. Canal & River Trust – No objection.
- 4.5. West Midlands Police – No objection and makes observations in relation to ‘Secured by Design’, use of CCTV, appropriate lighting, site management and implementation timing of the park and play equipment to ensure suitable monitoring.
- 4.6. West Midlands Fire Service - No objection.
- 4.7. West Midlands Police – no objection and suggest the use of CCTV and other crime prevention measures on site.
- 4.8. Environment Agency – No objection.
- 4.9. Lead Local Flood Authority – no objection.
- 4.10. Employment access team – recommends the use of planning conditions in order to secure on site employment for local labour.
- 4.11. Nearby residential and commercial premises, residents groups, Ward Councillors and MP consulted with site and press notices posted. 5no. objections were received. These are set out below:

- Objection to height of apartment blocks alongside the canal;
- Density of build too high;
- Affordable housing to be provided on site;
- Require a full copy of plans;
- May impact upon navigation along canal;
- More moorings should be provided on site;
- Parking provision is inadequate; and
- A request for plans was also submitted.

5. Policy Context

- 5.1. Birmingham Development Plan (2017), Birmingham Unitary Development Plan (Saved Policies) 2005, Places for Living SPG, Car Parking Guidelines SPD, Greater Icknield Master Plan and the NPPF (2019).

6. Planning Considerations

- 6.1. Policy GA2 of the Birmingham Development Plan 2017 relating to Greater Icknield supports innovative family housing close to the City Centre. The Greater Icknield Masterplan highlights that it has a unique position close to the City Centre with the canal system and Reservoir providing opportunities for waterside living. It adds that these characteristics provide the opportunity to successfully achieve higher density development.

- 6.2. The principle of a residential-led redevelopment, for this strategically important site, has been established first within the initial outline planning permission (2011/07399/PA), which has been amended (2017/04850/PA) to reflect the design evolution of the scheme. The reserved matters that are for consideration as part of this application relate to scale, appearance, landscape and layout and as such, the development proposals in principle are considered acceptable; subject to the reserved matters being compliant with the wider areas of the development plan.

Scale:

- 6.3. The scale of the no. 98 dwellings proposed as part of this reserved matters application remain within the height parameters, approved under the former outline consent on site, which allowed the apartment blocks to reach a height of 6 storeys. It is noted that the Mansion House blocks would now be a storey taller than formally approved, however these would be in line with the Corner House blocks and together would form an edge to the development, fronting onto the canal; allowing for a feeling of arrival. Phase 1 and its sub phase's 1A-1C have all been erected on site, at scales of 2 -3 storeys, with phase 2A now also beginning construction. As such, it is considered that the location of the proposed blocks within their respective context would be acceptable and would be in keeping with the rhythm and character of development within the surrounding area and as such the development proposals are considered acceptable in this regard.

Appearance:

- 6.4. The applicants have consistently used 2no. distinctive architectural practices within phases 1 and 2 of the proposed development. In doing so, diversity has been created within the development and various individual approaches have been implemented on site, whilst also seeking to provide a cohesive approach between the development as a whole. The current proposals would see 7no. blocks erected within two distinctive styles. Both styles would however use a light pallet of

materials, as set out above. The light finishes of the buildings, alongside the use of varied window shapes and sizes, alongside the use of projecting balconies allows the development to have a varied and interesting visual form, creating a high quality development.

With reference to Mansion House, of which there are 5no. blocks, these would be finished in a ceramic tile with horizontal banding, which would be in keeping with the banding seen on the existing town houses within the development, erected within phases 1 and 2A. The addition of white colour detailing to the upper levels and grey ground floor plinths, further adds interest to the blocks. These have further been situated in a staggered formation, to help break up their overall mass and appearance. To their eastern elevation, given their elevated position, these would all feature outdoor terraces and the two side facing elevations would also feature terraces/balconies. The western internal facing elevations would feature the main entrance doors, with windows above, within the upper sections of the buildings.

- 6.5. The 2no. Corner House blocks meanwhile would feature a light grey concrete acid etch finish, with natural anodized window frames. The window frames would have a haphazard formation, throughout the elevations, with different reveal depth, sizes and angles, allowing diversity within the elevations and this will further allow light to bounce on and off the reveals, creating a high quality finish. The canal fronted block sited to the site's south-east would further feature a commercial unit at ground floor level within its south-eastern elevation. The block would be largely glazed at ground floor and sit on a number of columns, giving the impression of this floating above the ground, while allowing views through the retail unit. This would have a height of around 20.5m and would be finished with a flat roof. The park block, fronting Rotton Park Street would have under-croft car parking to its ground floor level.



(Image 5: CGI Image of Corner House Block fronting the canal).

- 6.6. The two designs thereby remain very different, but through the use of light colours remain very similar and carry a consistent design approach through the development. The scale and number of units would remain largely unchanged to the previous approval on site and given the variations within the two block types, it is considered that the proposals would not harm the character or design of the wider

site to the detriment of visual amenity. City design officers have further reviewed the proposals in great detail and support the applicants desire to further diversify the built form within the site.

- 6.7. It is thereby considered given the size of the site, and the various changes in materials, alongside the diversity in apartment types, alongside the introduction of large swathes of landscaping, that the proposed development would retain a high level of architectural design and as such the proposals are considered acceptable in this regard.

Landscape:

- 6.8. The application includes detailed landscaping proposals for the existing canal towpath and Jetty adjacent to Corner Block, alongside the proposed centrally sited park area, known as the “Green”. The landscape proposals take inspiration from the organic form of the canal, while the landscape strategy seeks to direct people to utilise the canal. Trees will also be used as urban landmarks across Phase 2B and it is proposed that streets will be tree lined to give structure to the streetscape. Access to the Port Loop canal is promoted in this phase with the implementation of new waterside public spaces within the Green and Corner House Quayside, and an upgraded towpath fronting Mansion House apartments.
- 6.9. The green itself will remain as a simple open space, mainly laid out in a lawn, in order to encourage use and activity, alongside the canal, upon which it will front. Meadow and hedgerows will also be added, in order to encourage habitat diversity. The hard landscaping materials include concrete paving, gravel margins, concrete paving and kerbs all of which to be a similar colour (varying between grey, charcoal and traditional buff). This level of landscaping will further allow the apartment blocks to have a softer image from when viewed within the street-scene and will further enhance the visual amenities of the site itself and allow this to tie in with the wider ethos of the IPL development, which seeks to create good quality natural places for residents and the wider public.
- 6.10. A landscape management plan has also been submitted in support of the application. This details regular maintenance programmes for the various forms of landscaping and further offers mitigation measures for any form of landscaping which may need replacing in the future. The Council’s landscape/tree officers have reviewed the scheme and have raised no objections to the development proposals. I concur with this view and as such the development is considered to be acceptable in this regard.



(Image 6 – showing the proposed communal park area and other hard and soft landscaping).

Layout:

- 6.11. The street pattern of the terrace blocks reflects the details submitted with the recent S73 planning application and the former reserved matters approval on site for phases 1 and 2. This would see the creation of a strong perimeter along the Birmingham Canal, with good levels of natural surveillance and security to the public realm, including new areas of public open space, which achieves good urban design principles.
- 6.12. To the west of the site, fronting Rotton Park Street, the first of two Corner House blocks would be erected, this would feature under-croft car parking and would be sited in between town housing, erected within phases 2A and 1 of the development. To the south of this block, a long, linear open space, titled the green would be erected; this would continue down to the Canal Old Line and would form a central green space within phases 1 and 2 of the development. The first Corner House block would be accessed via Rotton Park Street and a further 4no. car parking spaces would be created to its rear, in the form of on-street spaces. The green will be accessed via two internal link roads running to its either side.
- 6.13. To the site's east, to its north-eastern corner 5no. Mansion House blocks would be erected, in a staggered formation, with the blocks fronting onto the Birmingham Canal Old Line to its east and then also Rotton Park Street to its north. The blocks would have landscaped area to their east fronting the canal, with small areas of landscaping to the rear, allowing access. 16no. car parking spaces would be provided to the blocks west and south. To the site's south-eastern corner, a further second Corner House block would be sited, surrounded by soft and hard landscaping. This block would also feature a ground floor commercial space, in order to allow activity within the canal. An internal link road, running through phase 2A of the development would link the two parts of the development together. A clear rhythm of development is thereby proposed, through siting the proposed blocks along the main road and canal frontage and having the open space to their rear, which would further be overlooked by dwellings, to improve safety.

Residential amenity

- 6.14. The application site is sited to the east of the wider IPL site and as such is isolated from any existing residential properties, however dwellings are proposed as part of the IPL development itself. There would be separation distances between windowed elevations across the internal link road between the Mansion House dwellings and the town house dwellings of between 15 and 20m. Separation Distances from windowed elevations of the canal fronting Corner House to the side gables of the proposed town houses to its west would be 11m. Within the context of this new development, these distances are considered acceptable in terms of residential amenity for future occupiers and it is further noted that these remain no different to the previous approvals for reserved matters on site.
- 6.15. The Council's 'Places for Living' contains standards relating to minimum garden sizes and communal amenity space, and whilst it recognised that such standards can provide a useful guideline in the design process, the main focus should be on achieving the objectives behind the standards. The proposed green measures around 1213sqm. This represents an approximate ratio of 13sqm of outdoor amenity space per dwelling. This falls short of the 30sqm required per dwellings within the SPG of shared amenity space. However, it should be noted that further open landscaped spaces are proposed around the canal fronting Corner House, equating to a further 550sqm of open usable amenity space. There are also further green spaces proposed along the canal and within the wider IPL development itself. As such, it is considered that the development would provide an appropriate provision of provision of outdoor amenity space, which would be easily accessible for future residents of the development and as such this approach is considered acceptable.
- 6.16. The internal arrangements of the house types provide an acceptable level of amenity to future residents and comply with the Technical Housing Standards – Nationally Described Space Standard. Furthermore the internal flexibility of the homes, offers greater diversity for the individual needs of the occupiers. All of the proposed dwellings would have a dual outlook aspect, whilst the end terrace units would have a triple outlook aspect. Some of the units would further benefit from a generous balcony to its side elevation and are considered acceptable.

Highway safety/Parking

- 6.17. 47% of parking provision is proposed for the dwellings on site, a slight reduction from the 50% as previously approved. This has been resultant to changes to the apartment blocks ground areas, removing under-croft parking spaces, in order to achieve buildings of a higher design quality. The proposed parking would be in the form of on-street parking provision, alongside 16no. under-croft spaces, within the Rotton Park Street Corner House block. In support of the application, justification for this level of provision has been made by the applicant. In addition to highlighting that the site is highly accessible by bus services and other modes of sustainable transport, census data 2011 for car ownership in the Ladywood shows that 52% of households do not own a car. The supporting information also argues that car ownership is generally falling nationally and driving numbers are down for young millennials and that new vehicles sold to 18-34 year olds has significantly dropped over the past few years.
- 6.18. Transportation Development has considered the application and raises no objection to the levels of parking on offer; although a slight reduction from the former approval, overall this is still considered to be of a sufficient scale for the scale of the

development, alongside its location. They do however recommend a number of conditions. These include, secure and covered cycle storage facilities be provided on site and that Disabled parking spaces and EV charging points be provided in accordance with relevant standards/ they also add that any conditions added to the former reserved matters consent on site be added to the current proposals.

- 6.19. In this regard, appropriate conditions for full details of disabled spaces and cycle storage are already attached to the Outline Consent, on a phased basis and as such, are not required to be added to any subsequent approval. A condition in relation to EV charging points is however not considered appropriate for this phase, as this was not added to the earlier phases of the development and given that an earlier reserved matters consent for an almost identical scheme has already been granted by the council, without such a condition, it is not considered appropriate or necessary to allow approval for the development subject to such a condition. Instead it is considered that future phases of the development, will be required to provide such points and the council will have full control over these, when further consents for these phases are submitted.

Other matters:

- 6.20. West Midlands Police have made comments with reference to the application and have recommended the use of various security measures on site, including CCTV. These matters have already been addressed via the original Outline consent, to which this reserved matters consent relates. The applicant will thereby have to discharge these conditions, prior to the building of this phase if approved, where such details will be secured.
- 6.21. The Lead Local Flood Authority, have not made any comments with respect to the proposals. However, as relevant conditions are again attached to the former outline consent, which will require discharging prior to the erection of this phase of the development if approved, it is considered that the proposals be considered acceptable in this regard.

Conclusion:

- 7.1. The proposal represents IPL's approach to providing family housing at a higher density than traditional suburban housing, which is a clear aspiration of the City Council for this site and the wider location, as identified in the Birmingham Development Plan and the Greater Icknield Masterplan. The scheme continues the offer of a different kind of product to the City's housing market that would appeal to those looking to embrace a different city dweller lifestyle choice. This first phase of the development has already set a benchmark for the wider site in terms of creating a new and distinctive character area, containing buildings, public open spaces and public realms of a high design quality, with high levels of amenity for future occupiers and an appropriate approach towards sustainable forms of transport. The current proposals seek to add to this offer further and reinforce this approach.
- 7.2. This reserved matters application for phase 2B and 2C of IPL is therefore considered to meet the Council's wider objectives for this strategically important site; as well as being in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve with conditions

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the implementation of the approved soft landscape details
 - 3 Removes PD rights for boundary treatments
 - 4 Requires the submission of a residential travel plan
-

Case Officer: Idris Gulfraz

Photo(s)

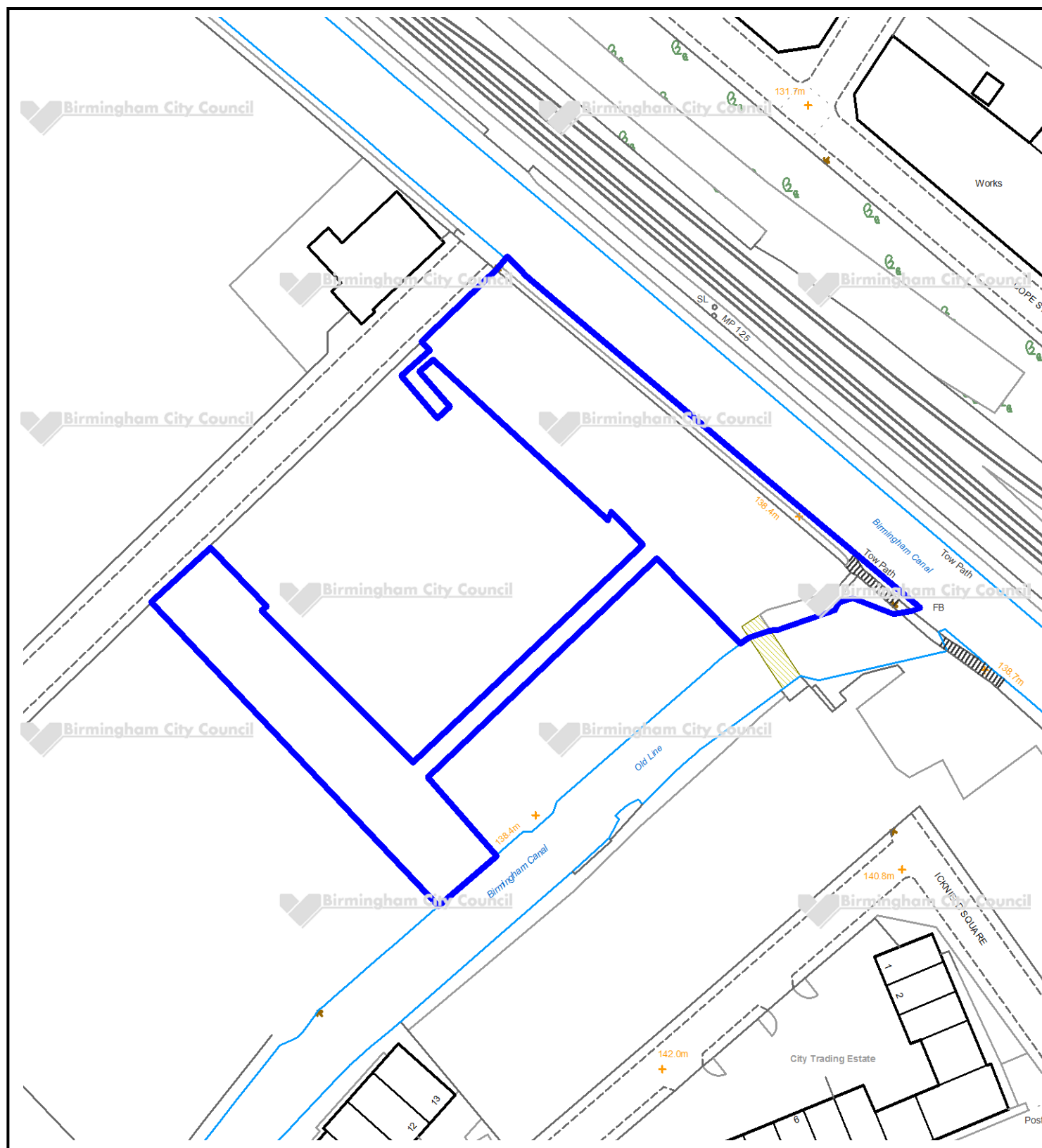


Photo 1 – vacant land looking north to Rotton Park Street from the canal bridge – location of proposed development.



Photo 2 – vacant land looking north to Rotton Park Street – location of proposed park and Corner House Block.

Location Plan



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Committee Date:	13/08/2020	Application Number:	2019/10518/PA
Accepted:	23/12/2019	Application Type:	Full Planning
Target Date:	31/07/2020		
Ward:	Handsworth Wood		

70-72 Handsworth Wood Road & land to rear, Handsworth Wood, Birmingham, B20 2DT

Erection of two storey rear extension comprising 13-beds to existing care home (Use Class C2) with alterations to existing car parking provision.

Recommendation
Determine

Report back

This application was brought back to Planning Committee on the 30th of July 2020 following consultation with Birmingham Children's Trust. At that meeting, Members were minded to refuse the application on the grounds of the size, scale and form of the extension and its impact on the character of the area as well as an increase in the fear of crime and anti-social behaviour. Officers have concerns over the robustness of the fear of crime and anti-social behaviour reason for refusal based on the fact that it is an existing care home, the nature of the concerns are not uncommon for residents with such illnesses, the regulation and management of the care home is a matter for the Care Quality Commission, the security measures proposed as part of the proposal and that the Police are not objecting to the proposal. Officers consider that the second reason for refusal would be difficult to defend at appeal.

Officers have drafted the following reasons for refusal, based upon Members comments and observations:

1. The size, scale and form of the extension would be out of character with the surrounding properties and would be unduly dominant, overdeveloping the site to the detriment of visual amenity. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017 and saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
2. The proposed increase in the number of beds and residents at the existing care facility on site would result in an undue increase in the fear of crime and anti-social behaviour, resulting in a material loss of residential amenity. As such the proposals would be contrary to Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Report back (30/7/20)

Members will recall that this application was presented to Planning Committee on the 18th of June, 2020, with a recommendation to approve subject to conditions. At determination, the application was deferred in order to allow consultation with Birmingham Children's Trust.

Officers have now consulted with Birmingham Children's Trust who have advised that they do not wish to make any comments on this application.

A further letter of objection has been received from Ideal Fostering, setting out the following areas of concern:

- Foster children in the vicinity of the home, spend less time outside due to shouting and swearing from the home;
- High number of emergency service call outs to the area;
- Other negative psychological and physical impacts upon neighbouring children from the proposed extension.

The above raised matters are already addressed within the below report.

Officers maintain their original recommendation.

Original Report

1. Proposal

- 1.1. The application proposes the erection of a two storey rear extension, comprising accommodation for up to 13no. additional residents, to an existing private care facility, catering for adults suffering from illnesses relating to their mental health.
- 1.2. The proposed extension would be sited to the rear of the existing care facility, known as Dartmouth House; which, at present, has a large private rear yard and it is to this area that the current application relates. The proposed extension would be erected centrally within the plot, directly off the rear elevation of the main building, on what currently comprises as a "herb garden" for the existing care facility. The extension would also comprise; a new communal lounge, residents terrace and other ancillary facilities, such as offices, kitchens and bathrooms.
- 1.3. As part of the development, the site's existing informal car park, sited to its rear would also be formalised and 8no. formal car parking spaces will be formed, to the site's, north-western end. An additional 2no. car parking spaces will be retained to the front of the site, within the site's front forecourt area. The application also proposes landscaping works within the rear garden area and along the boundaries of the site. These works would allow a greater and higher quality setting for residents and staff, while simultaneously, allowing for greater security of the site, ensuring the welfare of both residents and neighbouring occupiers.
- 1.4. The proposed extension would be 367sqm in size and would comprise 13no. additional bedrooms, with en-suites. These would measure 15sqm and would be sited at both ground and first floor level; the first floor of the extension is materially smaller in size, when compared to the ground floor as a result of this having been set back and in from the sides of the ground floor extension, in order to safeguard residential amenity of neighbouring occupiers. The building would have a maximum ridge height of 7.6m, with a width of circa 30m at its widest point and a depth of circa 14m at its deepest point. These measurements vary, as the extension has been designed with a staggered foot-point, with numerous forward projecting additions at ground floor level, to all four elevations. The ground floor would comprise:
 - 7no. bedrooms, reception room, lounge for residents, nurse station, ancillary rooms, plants/store and toilets.

The first floor would comprise:

- 6no. bedrooms, ancillary rooms, toilets and store.
- 1.5. All side facing windows are to be obscure glazed, with the main outlook for all of the rooms being focused within the site's existing rear private garden area, alongside an internal courtyard, which will separate the new extension from the existing care facility.
 - 1.6. In terms of staff, an additional 12no. full time members of staff will be required to run the extended care facility. These will consist of 8no. additional day time staff and 4no. additional night time staff. The existing 14no. staff members would also remain on site.
 - 1.7. In terms of car parking provision, the site at present has an informal car park to its rear, consisting of some 18no. spaces. This will be removed and a new formal car park for 10no. spaces will be created.



(Image 1 - care facility in its context on Handsworth Wood Road).

- 1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application relates to Dartmouth House, an existing residential care facility, sited to the north-eastern side of Handsworth Wood Road, Handsworth Wood, Birmingham. Situated within a largely residential area, the application site is bound by residential dwellings fronting onto Handsworth Wood Road to its immediate east, west and south. To the site's north, lie residential dwellings fronting onto Butlers Road. Within the site's wider vicinity, a school and a number of other uses can also be found; however, the overarching character of the area is derived as a leafy, residential suburb, with large residential plots, set well back from the road, with large rear garden areas.

- 2.2. The application site itself comprises numbers 70-72 Handsworth Wood Road. The site has a small forecourt area, with access directly from Handsworth Wood Road to its south-west. The care facility comprises 2no. three storey buildings, which previously would have formed as two separate Victorian Villas, now converted to form one large care facility. The property has been heavily extended to the rear at both single and two storey level and also comprises accommodation within its basement and roof level. There lies an undercroft access to the rear car park area sited to the site's north-west, with a large private amenity area also sited to the site's rear.
- 2.3. The site acts as a private care facility for adults with mental health concerns and at present the site houses some 15no. residents. The Use of the site falls under Use Class C2, as a Residential Institution. This Use would be retained.



(Image 2 – proposed site plan (ground and first floors) showing existing building and proposed rear extension).

- 2.4. [Site Location Link](#)
3. Planning History
- 3.1. 2000/01028/PA - Erection of single-storey rear extension to existing nursing home – Approved with conditions – 14/12/2000.
- 3.2. 2019/03646/PA - Erection of a 15-bed care home (Use Class C2), parking and landscaping to rear of existing care home – withdrawn – 28/10/2019.

4. Consultation/PP Responses

- 4.1. Transportation Development – raise no objections to the development proposals, subject to suitable conditions, in relation to; cycle storage, parking spaces being formally marked out adequate parking & vehicle circulation areas being maintained.
- 4.2. Severn Trent Water – raise no objections to the development proposals, subject to suitable conditions, in relation to foul water.
- 4.3. Regulatory Services – raise no objections to the development proposals, subject to the addition of suitable conditions, in relation to; Noise Levels for Plant and Machinery, Extraction and Odour Control Details, the submission of a Construction Method Statement/Management Plan, Contamination Remediation Scheme , Contaminated Land Verification Report and the erection of a low emission vehicle parking space.
- 4.4. Access Birmingham – raise concerns that the en-suite bathrooms are small in size and may not be suitable for wheelchair users.
- 4.5. West Midlands Police – raise no objections to the development proposals, subject to the use of a CCTV scheme on site and make a number of other security related recommendations.
- 4.6. 24no. representations and objections were received in reference to this application; raising the following areas of concern:
- Increase in noise and nuisance;
 - Increase of residents with mental health issues which could impact upon neighbouring amenity;
 - Loss of light/outlook and amenity as a result of the proposals;
 - Numerous applications made to extend the site in the past;
 - Increase in call outs to the Police for the site;
 - Sets a dangerous precedent to develop rear garden spaces;
 - Impact upon house prices;
 - Increase in parking and congestions issues;
 - Overdevelopment of site;
 - Air pollution increase;
 - Development breaches 45 degree code for adjoining residences;
 - Effect on tree roots for adjoining gardens;
 - Existing car park to rear of site will be made busier;
 - Design of extension not in keeping with that of main home;
 - Development doesn't accord with BDP adopted policy guidance, alongside supporting SPG documents;
 - Rats within the garden;
 - Increased flooding and ground water run off concerns;
 - Increased lighting within the home will impact upon residential amenity;
 - Impact upon foster children being cared for within the area;
 - Increase in health risks for members of the public neighbours, from being attacked by residents.
- 4.7. 2no. petitions with 10no. and 65no. signatures respectively were also received, raising their objection to the development proposals, on the grounds, as set out above.

- 4.8. The Handsworth Wood Residents Association also has objected to the proposals on the following grounds:
- The proposed development would in-fill the application site;
 - Result in an increase in noise and nuisance for adjoining land users;
 - Some residents have special needs and as such these residents could have public health risks for neighbours and members of the public, should the home be increased in size;
 - Increase in Police call-outs, as the home would increase in size;
 - Parking and traffic concerns;
 - Concerned if the home can cater to an increase in residents; and
 - Concerns about ratio between non-residential uses and family dwellings within the wider area.
- 4.9. Councillor Kooner has also objected to the application proposals and called-in the application on the grounds that the proposed development would:
- Add to back garden development within the area;
 - Breach the 45 degree code, resulting in residential amenity impacts;
 - Increase the existing high police call out rate to the site;
 - Increase in noise and nuisance;
 - Impact upon Foster Children within the vicinity of the site;
 - Raise concerns around the wellbeing of the residents;
 - Increase highway related concerns; and
 - Result in an intensification of the application site.
- 4.10. A further 2no. letters of objection were received from the West and Central Fostering Support Team. These letters set out that there are children being cared for by foster parents within the vicinity of the application site and that the proposed development will exacerbate existing noise and nuisance from the site which will impact upon these children's mental and physical well-being.

5. Policy Context

5.1. Relevant Local planning policy:

- Birmingham Development Plan (BDP) 2017;
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies);
- Places For Living SPG (2001);
- Specific Needs Residential Uses SPG; and
- Car Parking Guidelines - Supplementary Planning Document 2012;

5.2. Relevant National planning policy:

- National Planning Policy Framework (NPPF) (2019)
- National Planning Policy Guidance (NPPG)

6. Planning Considerations

Background and development proposal context

- 6.1. The current application proposes the erection of a two storey rear extension, to the existing care facility on site, alongside proposing changes to the site's existing car park and landscaping provision. The proposed extension is to be erected in order to

meet existing and proposed demand for care provision at the existing private care facility on site, in a more efficient layout and through the rationalisation of the site area.

- 6.2. The proposed development of the two storey rear extension follows a former application, made in 2019, under application reference: 2019/03646/PA; which was subsequently withdrawn in October, 2019. This sought to erect a separate detached care facility within the site's grounds, a plan which has now been superseded, allowing for these current proposals to come forward for wider site wide enhancement.
- 6.3. The current proposals would now extend the current facilities on site, with a contemporary, rationalised two storey addition, which would cater for an increase of up to 13no. residents; alongside increased internal and external amenity provision. The proposed works would also allow for wider site wide enhancement works within the site to create a formal car parking area, alongside improved landscaping and boundary treatment works across the site.

Principle

- 6.4. The proposal is for the construction of a two storey rear extension on an existing landscaped area, within the existing Dartmouth House site. The extension would be ancillary to the existing use of the site, as a Residential Institution, Use Class C2 and would not be used for purposes other than those directly relating to the wider site. The proposed extension would simply increase the level of care provision at the site, in order to allow the site to increase its care capacity by an additional 13no. residents.
- 6.5. The application site itself is not identified in the 2018 SHLAA, as well as within the 2017 brownfield register and remains unallocated within the BDP. The development would however increase the provision of such care facilities within the city, meeting the aims of policy TP27 from within the BDP, which seeks to cater to the housing needs of a variety of individuals, making the city much more resilient and able to meet the needs of its population who require such care provision, within an existing well established site.
- 6.6. It is therefore considered that the proposed development would increase the care provision of an existing, well-established, mental health care facility for adults, allowing the facility to increase provision and meet the demand for such care within the city for the longer term. The proposals would therefore comply with a number of policies from within the BPD and the NPPF and as such are supported in this regard. These will however have to be considered in light of the wider development plan policies.

Design

- 6.7. The proposed rear extension would be set over two levels and would comprise 376sqm of additional floor space. The proposals are set out in the form of a large rectangular building, situated centrally within the rear garden area of the application site. The proposed extension would be erected off the rear elevation of the existing care facility and the two buildings would have an open core in their centre, providing a small area of amenity space, alongside outlook and light for the internal bedrooms. Landscaping would then bound the site to its north, with a small car park proposed to the site's north-western most corner; consisting of 8no. spaces. This would be a reduction from the existing rear car park which has some 18no. parking spaces.

- 6.8. The proposed extension would have a staggered foot-print to all its four elevations, with the first floor being materially smaller than the ground floor, being set both back and in from the ground floor element. The main bulk of the extension would have a depth of 11.4m; however this would increase to 14m, at the furthest point of the ground floor rear elevation. The extension would have a total maximum width of 29m, however this would again be at the furthest point of the extensions staggered foot print. The first floor would be substantially less in its projection at 8m in its forward rear facing projection. The building would support a total height of circa 7.6m, as a result of the low internal floor to ceiling heights, flat roof and sloping garden.
- 6.9. At ground floor level, to the building's northern end would be a reception area, day room for residents, which would open out onto an external patio area, nurse station, office, 1no. resident bedroom and lobby area. To the rear of the extension would like bathrooms, storage rooms, alongside 6no. bedrooms for residents. At first floor an additional 6no. bedrooms would be erected, with 3no. ancillary rooms for storage created. To the front northern end of the extension would be a large glazed corridor allowing for access and circulation. This would lead out onto an external terrace, acting as a fire escape, with stairs below.
- 6.10. Immediately to the front of the extension, an area of soft landscaping is proposed. This would run to the site's northern and eastern boundaries and would consist of a number of new trees, shrubs and hedgerows, allowing the building to have a softer impression upon the rear garden area. A timber post and rail fence, details of which are to be secured by way of condition, is proposed to bound the private garden area to all sides, thereby also allowing for security of the site and its residents.



(Image 3 – proposed rear elevation of proposed extension).

- 6.11. In terms of finish, the building would be finished off in red brickwork to match that of the existing building on site. In order to break up the large swathes of brickwork however render and cladded elements are also proposed throughout the four elevations, to allow the extension with diversity and relief. The proposed openings would be erected from aluminium and would also feature aluminium erected frames, finished in a dark finish. The small pitched roof elements of the projecting elements at ground floor will use blue slate to match the existing building on site.

- 6.12. It is noted that proposed extension would be large in its scale. However, the development must be viewed in its wider context, which is characteristic of large buildings set within large and deep, spacious plots; with some encroaching into the rear garden spaces. The application site in particular has a very wide and both deep plot and an extension of this scale is considered to retain the wider areas character of space and openness. The extension further uses a very low ridge height and appropriate materials and would not be viewed from the public realm. Irrespective of this, when viewed from adjoining garden areas, this will take on the form of a secondary and subservient addition and would not be dominant within the site's rear elevation. The Council's City design officer further supports the high quality design and finish of the extension and recommends conditions requiring full details of the proposed landscaping, boundary treatments, material samples and architectural detailing. These conditions are appropriately included.
- 6.13. As such, it is considered that the proposed development is acceptable in its overall design, siting, scale and form and is seen to rationalise the site area for its betterment; creating a well-designed addition to the application site, which still allows the site to fit in within its wider context. The proposals are therefore considered to be supportive of policies from within the BDP and the relevant sections of the NPPF.

Residential amenity

- 6.14. A number of objections have been raised with reference to noise and nuisance arising from the existing site. Representations also make reference to health and safety concerns for the well-being of neighbouring land users, alongside that of the site's residents. I will therefore address these matters separately below:

Wellbeing of residents

- 6.15. The City's planning department must consider if the proposed development would provide suitable and adequate amenity provision for future residents at the site. In this effect, it is considered that the proposed development would create a high quality and spacious setting for residents. The proposed bedrooms are all considered to be of sufficient size and would benefit from a good source of light and outlook. The development would further create a large communal residents lounge, alongside a large external patio area and private rear grounds for residents to make full use of. The Council's locally adopted Specific Needs SPG seeks 16sqm, of outdoor amenity space provision per resident, which would equate to 448sqm, for a total of 28no. residents at the extended site. The application details a private amenity area of some 790sqm, well in excess of this figure.
- 6.16. In terms of the level of care and safety of residents, this is a matter for the Care Quality Commission and not a planning matter. However, for the purposes of this application, a condition which will require details of the site wide boundary treatment provision will be attached to any subsequent planning consent. This will ensure that the site is safe and secure; while also benefiting neighbouring occupiers. All other matters relating to instances of residents running out onto the road or creating noise and nuisance, are matters which are not unique to this site and have to be treated with caution, as these matters are specific to the needs of the individuals residing in the care facility and cannot be controlled by the planning department. However, measures can be taken to limit any such harm and these are outlined below.
- 6.17. The site is and should be viewed as an existing residential institution and has a license to operate in this manner. An increase in the number of residents will be

monitored by the CQC and all matters relating to residents safety and welfare will be treated by the appropriate authorities. The CQC are also able to impose restrictions, withdraw a license and also impose stricter measures upon the site, if they feel that the care of residents is not up to standard. This however, cannot be considered at this stage and is not a planning consideration. For the purposes of this application, it is considered that an appropriate level of amenity would be on offer for future and existing residents at the site, as a result of this development. It is further considered that appropriate conditions for safeguarding such as those relating to boundary treatments etc. would ultimately benefit residents and neighbouring occupiers in the longer term. Instances where residents have escaped, or when the Police etc. have been called to the site, cannot be used to make a judgment on the current application, as these instances are not unique to this site and are associated within its use and the nature of the residents that the site would care for. For the purposes of this application, the Planning Department is able to make a balanced judgement on the level of accommodation being applied for and its likely impacts upon the wider area.

Amenity of neighbouring land users

- 6.18. The proposed extension will be set away from No. 68 Handsworth Wood Road, sited to its south-east by some 1.5m, at its closest point and would be set some 4m away from No. 74 Handsworth Wood Road, sited to the site's north-west, at its closest point. The existing care facility already breaches the 45 degree code with both of these neighbouring dwellings. These breaches are both as a result of the existing main building and the existing boundary treatment, which runs along the common boundaries, which presently consists of a 3m high brick walls. With reference to No. 74, this dwelling has ground floor rear facing window openings, which are breached by the 45 degree code, as a result of the 3m high existing boundary wall, at a distance of some 5.1m. In terms of the dwelling's first floor rear facing openings, these would also be breached by the 45 degree code by the side elevation of the proposed extension at first floor level, but due to this being set well away from the common boundary, this breach would occur at some 19.9m and as such this relationship is considered acceptable.
- 6.19. With reference to No. 68 this dwelling has an existing 3.4m breach with the existing building, at both ground and first floor level for its existing rear facing openings; however this dwelling is 3 storeys and also has windows at second floor level. These openings would however remain unaffected, as the proposed extension at the application site would be erected at two storey level and as this maintains a low ridge height, the proposals would not breach the 45 degree code at this point. As such, it is considered, as a result of the proposed extension, there would be no undue increased overbearing or overshadowing concerns for the site's existing neighbouring occupiers, over and above the existing situation on site, which would warrant the refusal of the current application.
- 6.20. All proposed window openings, sited within the side elevations of the proposed extension will be fitted with obscure glazing. These would be sited between 2.5m and 4.5m away from the site's respective side boundaries (south-east and north-west) and an appropriate condition has further been recommended in this regard. All first floor window openings will further be conditioned to be non-opening for 1.7m above internal floor level, in order to maintain the privacy of neighbouring adjoining occupiers. The proposed extension would further retain well in excess of 30m to the site's rear facing boundary, where trees and landscaping cover will also be increased materially, ensuring minimal overlooking concerns for neighbouring land users.



Image 4 – showing the impact of the proposal on the 45 degree code (green lines) from No. 68 Handsworth Wood Road.



Image 5 – showing the impact of the proposal on the 45 degree code (green lines) from No. 74 Handsworth Wood Road

- 6.21. With reference to noise and nuisance from the site, these matters are firstly not uncommon for a use of this nature. As stated above, this is an existing use, already well-established on site, however as the provision is being increased, a number of measures are being proposed in order to ensure minimal additional harm to neighbouring land users. The first floor terrace area has also now been removed and a landscaping and boundary treatment condition will also be attached to any subsequent planning consent, in order to safeguard the amenity of neighbouring land users. In addition to this a noise prevention plan will also be conditioned as part of any subsequent approval, this will list a range of measures which the extended facility will use in order to minimise noise and disturbance to neighbouring land users. Measures will include; limiting the use of external areas to during daytime hours, restricting visiting hours and ensuring that all gates and fencing is secure at all times, amongst others. These measures will be submitted to and agreed by officers and then implemented on site accordingly.

- 6.22. A lighting scheme condition will also be attached to any subsequent planning consent. This will ensure that any new lighting will be fitted in such a manner which will ensure minimal impact upon neighbouring land users.
- 6.23. The Council's Regulatory Services Department has also reviewed the application and has raised no concerns in this regard, subject to the use of appropriate conditions, some of which have already been discussed above. These further include; a maximum noise levels condition for plant and machinery, the submission of extraction and odour control details and the submission of a construction method statement/management plan. These conditions are considered both appropriate and acceptable and are recommended accordingly.
- 6.24. It is therefore considered, subject to the use of the above planning conditions, that the development would have an acceptable impact upon neighbouring land users and would not result in the detriment of residential amenity, above and beyond the existing situation on site. The proposals are therefore considered acceptable and in compliance with the relevant sections of the BPD and those within the NPPF.

Contaminated Land

- 6.25. The application is supported by a ground investigation report from Spilman Associates, reference: J18037/01, dated June 2018. This report identifies contamination that requires remediation and suggests a clean cover, for future development. The Council's Regulatory Services is content with the submitted report and has recommended that a condition be attached to secure a ground remediation scheme, alongside a contaminated land verification report. Subject to these conditions, officers raise no objection to the development proposals in this regard. These conditions are thereby appropriately recommended.

Transport and Parking

- 6.26. The proposal would see the erection of two storey rear extension, comprising 13-beds to an existing care facility (Use Class C2). The application also includes alterations to the site's existing car parking provision. As per the submitted details, the existing care facility caters for 15no. residents, while the proposed rear extension would provide an additional 13no. beds, making total capacity of the site to 28no. beds.
- 6.27. While officers acknowledge that the additional bedrooms are likely to increase traffic to/from the site. It is considered that the increase in traffic would unlikely have adverse impacts upon the surrounding highways network. The residents themselves are unlikely to own or make use of a car and thereby any trips to and from the site would be largely resultant of staff and visitors. This trip generation level is thereby not considered to be substantial in number and is further not considered to result any new undue concerns for the wider highway network. The Council's Highway Officers are further content with the proposals and raise no objections in this regard.
- 6.28. BCC current parking guidelines specify a maximum parking provision of 1no. space per 3no. bed spaces for C2 Uses. As such, the specified maximum parking provision for a total number of 28no. bed spaces would be between 9no. and 10no. spaces. The application form refers to the existing 18no. spaces on site being reduced to 10no. spaces. The retained provision would however be in line with the maximum specified within BCC current guidelines and as the new layout would be formalised, this level of parking provision is considered to be acceptable for a facility of this size.

It is also noted that the site benefits from a good level of accessibility to public transport.

- 6.29. Transport Officers however recommend that sufficient and appropriate provision for secure cycle storage is made on site, for the benefit of staff and visitors. These details are thereby to be secured by way of condition. A further condition will also be attached seeking full details of the electric vehicle charging point, which is to be implemented on site. Subject to the addition of such conditions, alongside a condition to ensure that the new car parking layout is both implemented and retained on site, the development proposals are considered acceptable in this regard and would be in line with relevant policies from the BPD and the relevant sections of the NPPF.

Trees

- 6.30. The application proposals have been submitted alongside a Tree Report and associated plans. This confirms that as part of the development, no trees on site would need to be removed, as these sit on the site's periphery and the proposed extension would be sited centrally within the site, leading off from the existing facility. The report however identifies a Lime Tree sited to the front of the site, to its main entrance, which it highlights as being in poor condition, as category U and advises that this be removed for health and safety purposes.
- 6.31. The remaining 15no. trees sited within the rear of the site are all detailed as being category B and C and are advised to be retained. The City's Tree Officer has reviewed the proposals and has raised no objections, given that none of the trees are detailed to be removed. The officer however recommends the use appropriate tree protection conditions requiring the submission of
- An Arboricultural Method Statement for tree protection zones;
 - The submission of details for no digging to take place for the erection of the proposed new car parking bays; and
 - A further condition relating to any tree pruning being carried out to National standards.
- 6.32. These conditions are appropriately attached. It is also noted that the site will see significant new planting throughout and in order to secure details of these, a landscaping condition is also recommended. Subject to these conditions, the development is considered acceptable in this regard.

Flooding and Sustainable Urban Drainage

- 6.33. The application is supported by a Drainage strategy and Drainage layout plan. The submitted drainage strategy sets out the proposed use of soakaways was not appropriate at this site and as such the application has made an in principle agreement with Severn Trent Water, in order to allow for both foul and storm water into the existing Severn Trent drainage system. The applicant has further indicated that on site storage for rainwater would also be created, through the creation of a rainwater garden, within the proposed rear amenity space. Rain water from the roof of the extension and the proposed car parking areas would then be diverted into the proposed rainwater garden, using design techniques, allowing for full infiltration. An operation and maintenance plan for the proposed drainage has also been submitted. These details were reviewed by STW and they have raised no objections. STW have however requested a condition be attached to any subsequent planning

consent, securing details of the site's foul water drainage be submitted to STW for approval; this condition has been appropriately attached.

West Midlands Police

- 6.34. West Midlands Police were consulted on the application and confirm that there has been a high Police call out rate to the address within the past 12 months, however, not every call has resulted in necessary Police intervention; this number may also not be uncommon for a site of this nature. WMP had therefore requested that the applicant provide further information on the site's security measures and to this effect the applicant has confirmed the below:
- 6.35. The applicant has confirmed that the site will see an increase in staff numbers, to manage the increased number of residents, meeting relevant guidance. The applicant has also confirmed that all external front doors to the extended facility would meet the PAS24 safety criteria and all internal bedroom doors would also be anti-barricade, improving both the safety measures for residents and staff.
- 6.36. The applicant has further confirmed that the current 9am-5pm manned reception retains a locked front door with video monitoring. A new reception area (to the rear) would become the main entrance and reception area for all staff, service users and visitors for the site and this would retain a locked door with improved visibility and video monitoring. All staff, visitors and service users are also required to sign in an out of all buildings on site and are further required to read a health brief and safety statement, upon arrival, which is attached to the visitor's book. Staff members also have use of electronic ID cards and clock in and out to of the building in order confirm attendance at work. The mental state of service users is assessed and recorded prior to leaving the building on every occasion. Clothing, destination and expected return times are also noted. These measures will be enhanced and retained as part of the wider site's redevelopment.
- 6.37. In terms of CCTV, the site has CCTV in place externally and within internal communal areas for the protection of service users, staff and visitors. The site's care policy which covers its use conforms to the CCTV Data Protection Codes of Practice (ICO) and CQC guidance.
- 6.38. WMP have therefore raised no objection to the application proposals, however have noted, that the expansion of the site would likely result to an increased number of calls from the site. To this effect they have requested a number of recommendations be operated within the extended facility, most of which are already detailed above. These would include:
- That the communal front door and individual bedroom doors should be to PAS 24 or an equivalent standard;
 - That an access control system with video monitoring and remote access control be operated on site;
 - That there is a method of recording when residents and any visitors enter and exit the site (either electronically or manually);
 - That each of the residents rooms be fitted with anti-barricade door hinges for the protection of the residents;
 - That CCTV be installed at the entrance/egress and any communal areas and images are produced to meet the standards; and that
 - This proposal is developed to enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design'.

- 6.39. The application site is a care facility for individuals with a range of mental health issues, naturally, given the conditions of such individuals, calls to the Police Service will be high for assistance. This is considered to be the case wherever such facilities exist throughout the city and these facilities are genuinely required in order to provide care for such individuals. These are monitored and assessed by the Care Quality Commission, who are able to impose sanctions and restrictions on sites to which they have concerns for residents or staff, with the strongest action being the closing down of the site.
- 6.40. The current facility already cares for some 15no. residents and seeks to increase this by 13no. however, this increase would also come with site wide improvements, mainly by boundary treatment enhancements or other security provisions, which should make the site more secure and safe for residents, staff and adjoining land users. Taking on board the Police's comments, a condition requiring the applicants to implement site wide CCTV and a further condition requiring the applicant to submit a security method statement will be attached to any subsequent planning consent. The Method statement will set out how the site meets the recommendations made by the Police and will specify the measures taken for the safety of residents. This will also make reference to the enhanced security fencing around the external communal areas and car park. Subject to the addition of these conditions, the application proposals are considered to be acceptable in this regard.

Other matters

- 6.41. A number of representations have raised concerns about the level of care on offer to residents at the site, alongside the fact that some residents have occasionally ran out of the facility etc. The Council's Planning Department is however unable to make a decision based upon how the existing facility is run and managed. The application site is registered with the Care Quality Commission (CQC) and are also regulated by CQC Regulations (2009) and the Health and Social Care Act 2008 (Regulated Activities). Any concerns or breaches by the providers, in terms of care provision for residents are considered for enforcement action by the CQC. This includes breaches to care standards which are regulated activities in the Health and Social Care Act. As such, these matters fall outside of the planning considerations remit of the current scheme. As set out above, the level of amenity on offer to residents is considered acceptable. The site is legally able to operate as a Mental Health support facility and there is no reasonable planning grounds which would result in this current application being refused, based on a number of instances, which may well be common for such site. Instead, a number of recommendations and conditions are attached to assist the management of the home, in order to ensure the safety and welfare of both residents and staff alike.
- 6.42. A number of representations detail that a foster carer is located within the vicinity of the application site. It is however considered that the impact of the development, upon all residents, including the rights of children, have been fully considered and form part of this applications planning balance. This concludes that the rights of residents, including children, would not be unduly impacted by the proposed development. The approach undertaken is proportionate for children's rights and human rights in general. It is also worth noting that the planning system by its very nature respects the rights of the individual, whilst acting in the interest of the wider community.
- 6.43. Concerns have also been raised stating that the residents would not be able to use the sites external areas and wouldn't be able to have visitors. The application however proposes an extensive private amenity area for the sole use of residents

and their visitors, during certain hours of the day. These hours will be agreed with the Council by way of condition, as part of the post consent phase of the development. A fine balance will be taken between allowing residents to enjoy the external areas of the site, whilst also safeguarding the amenity of neighbouring residents, as part of a noise management plan. This approach is not uncommon for sites of this nature and will prevent the sites external spaces being used into late hours, where these would potentially harm the amenity of neighbouring residents. There are no conditions proposed to prevent visitors to the site and these will be managed by the site operators, in co-ordination with the noise management plan.

- 6.44. Concerns have also been raised about the ratio between dwellings within the area and non-residential uses. It is confirmed that the development would not result in the loss of any residential units within the vicinity of the application site.
- 6.45. Concerns have also been raised in relation to rats and other such public health concerns. These are not material planning considerations and as such are not considered as part of this application's assessment.
- 6.46. Matters relating to impacts upon house prices are not a planning consideration.

7. Conclusion

- 7.1. The development proposals would deliver much needed improvement works to an existing Residential Institution within the city, allowing it to care for a large number of residents within the longer term, with underlying mental health conditions. The development would utilise an existing brownfield site, rationalising the site area and ensuring that wider site wide enhancement also take place. The development proposals are further considered to be of good design and are not considered to raise any new undue parking or residential amenity concerns, above and beyond the existing situation on site. Subject to appropriate safeguarding conditions, the development proposals are considered to be acceptable and in compliance with relevant sections of the NPPF and BDP, as set out above.

8. Recommendation

- 8.1. Approve with conditions:

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| 1 | Implement within 3 years (Full) |
| 2 | Requires the submission of sample materials |
| 3 | Requires the submission of architectural details |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Requires obscure glazing for specific areas of the approved building |
| 6 | Limits the number of Residents at the Care Facility (C2) |
| 7 | Requires that the approved scheme is incidental to the main use |
| 8 | Requires the submission of extraction and odour control details |
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| 9 | Limits the noise levels for Plant and Machinery |
| 10 | Requires the prior submission of a Noise prevention plan |
| 11 | Requires the submission of a lighting scheme |
| 12 | Requires the prior submission of a contamination remediation scheme |
| 13 | Requires the submission of a contaminated land verification report |
| 14 | Requires the prior submission of a Security method statement |
| 15 | Requires the submission of a CCTV scheme |
| 16 | Requires the prior submission of a construction method statement/management plan |
| 17 | Requires the parking area to be laid out prior to use |
| 18 | Requires the provision of a vehicle charging point |
| 19 | Requires the submission of hard and/or soft landscape details |
| 20 | Requires the submission of boundary treatment details |
| 21 | Arboricultural Method Statement and Tree Protection Plan - submission required |
| 22 | Requires tree pruning protection |
| 23 | Requirements within pre-defined tree protection areas |
| 24 | No-Dig Specification required |
| 25 | Requires the prior submission of details relating to foul water disposal |
| 26 | Requires the submission of cycle storage details |
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Case Officer: Idris Gulfraz

Photo(s)

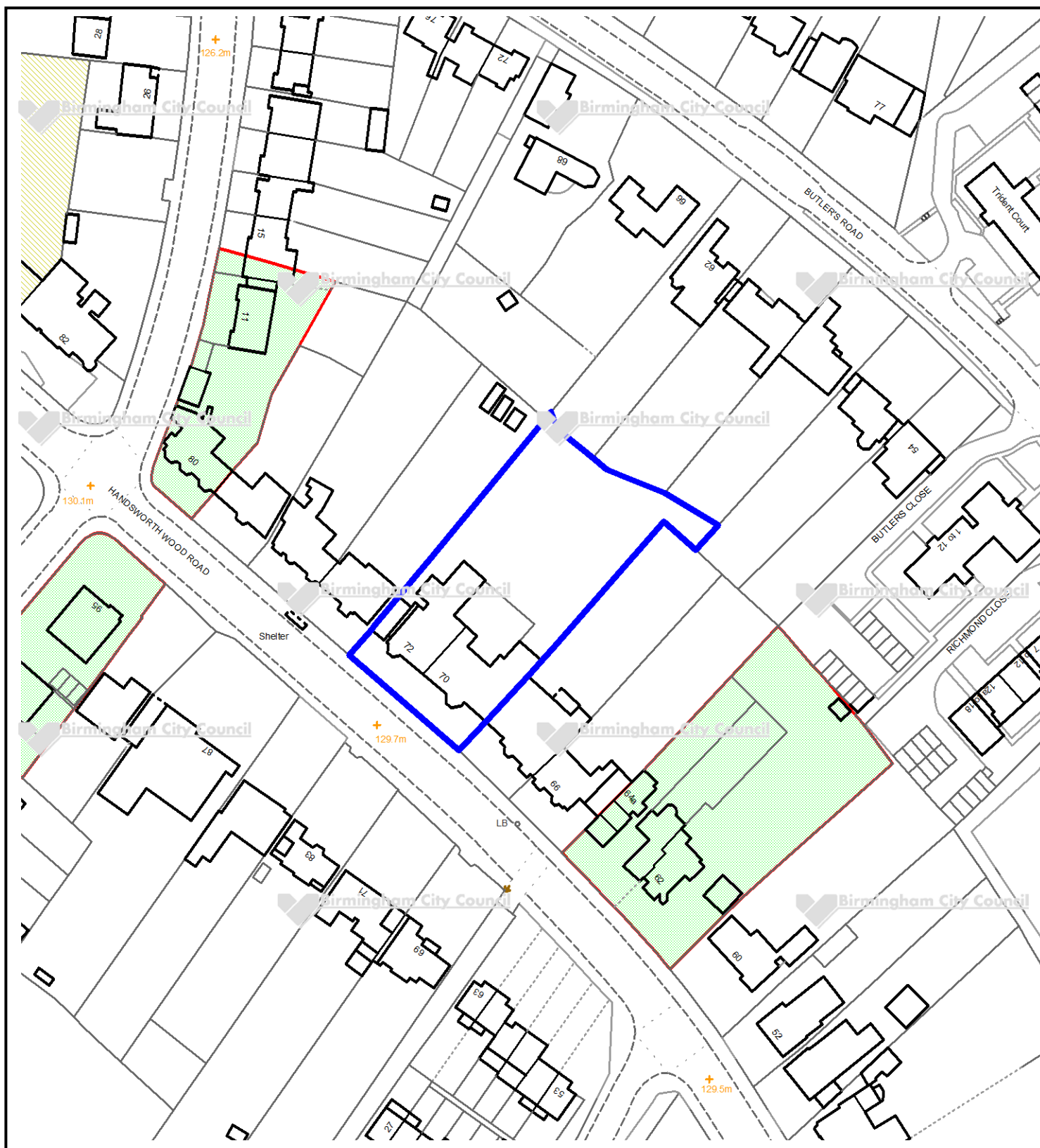


Image 1 – Front of private care facility.



Image 2 – rear of existing site – showing area of proposed extension.

Location Plan



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