

# **Birmingham City Council**

## **Planning Committee**

**21 November 2019**

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	9	2018/09223/PA  31 Station Road Sutton Coldfield Birmingham B73 5JZ  Erection of first floor side and single storey rear extension.
Approve - Conditions	10	2019/04482/PA  602 Chester Road Sutton Coldfield Birmingham B73 5HJ  Change of use from HMO (House in Multiple Occupation) (Sui Generis) to children's home (Use Class C2), retention of single-storey rear extension and retention of lean-to roof over existing single-storey rear extension (in lieu of approved flat roof).
Approve - Conditions	11	2019/05071/PA  37 Sandwell Road Handsworth Birmingham B21 8NH  Change of use from 6 bed HMO (House in Multiple Occupation) (Use Class C4) to 8 bedroom HMO (Sui Generis).
Approve – Temporary 2 years	12	2018/09376/PA  67-71 Aston Road North Aston Birmingham B6 4EA  Retention of use of premises as a banqueting venue (Use Class D2) and external alterations adding a canopy over the entrance doors and altering one window into a set of double doors

Prior Approval Required -  
Approve - Conditions

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2019/07556/PA

116-118 Aldridge Road  
Perry Barr  
Birmingham  
B42 2TP

Application for Prior Notification for the proposed demolition of the former Midlands Chromium Building (No.116) and the associated units to the north which include the former Puma Build Building (No.118), the former Mango Lounge (No.118), Old School Minis (No.1 Holford Drive), the redeemed Christian Church of God (Unit 3, No.1 Holford Drive) and the former 1Stop Motor Help (No.4 Holford Drive)

Committee Date:	21/11/2019	Application Number:	2018/09223/PA
Accepted:	07/01/2019	Application Type:	Householder
Target Date:	04/03/2019		
Ward:	Sutton Wylde Green		

31 Station Road, Sutton Coldfield, Birmingham, B73 5JZ

Erection of first floor side and single storey rear extension.

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Planning permission is sought for the erection of first floor side extension and a single storey side/rear extension.
- 1.2. The proposed first floor side extension would serve an extended bedroom and the proposed single storey side/rear extension would serve a store room and conservatory.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a large two storey detached dwelling with a hipped roof design. The dwelling has a double bay window, integral porch and two dormer style windows to the front. There is a single storey attached garage to the side of the dwelling. The front curtilage is open in nature with a paved driveway and there is a low level boundary wall to the front and side.
- 2.2. The dwelling has an existing single storey rear extension and the rear garden consists of a patio area and grass lawn. There are several trees and mature planting within the rear curtilage of the application site.
- 2.3. The neighbouring dwelling No.29 Station Road is of a similar building style and design to the application site.
- 2.4. The neighbouring site No.33 is known as Sunningdale Court which is a three storey block of flats. There are two windows on the side elevation of each floor, which serve a bathroom (non-habitable) and a kitchen (habitable). The windows closest to the rear elevation serve the kitchens.
- 2.5. The application site is situated within an area which is residential in nature and the street scene is comprised of two storey dwellings and blocks of flats. The street scene is varied in nature and the dwellings within the street scene have different architectural characteristics. There is evidence of extensions similar in nature on dwellings within the wider vicinity.

2.6. The boundary treatment on the west elevation consists of fencing approximately 1.8 metres high.

2.7. [Site location](#)

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

3.1. 2012/06409/PA – Erection of two storey side and rear extension, single storey rear extension and installation of a bay window to ground floor front. Refused on the grounds that the proposal does not provide adequate separation distance to existing residential units and would lead to a loss of privacy/loss of light.

3.2. 2012/08229/PA – Erection of two storey side extension, single storey rear extension and installation of bay window to ground floor front. Refused on the grounds that the proposal does not provide adequate separation distance to existing residential units and would lead to a loss of privacy/loss of light. This application was appealed and dismissed on the grounds that the proposed extensions would create an unacceptably enclosing effect for the occupiers of the affected flats and would significantly impinge into the outlook and daylighting available to the kitchen windows. They also stated that the two storey development right up to the boundary would appear overbearing and overshadow the garden space which is situated between the application site and the neighbouring property. They stated that the proposal would conflict with the objectives of the UDP and associated SPD.

3.3. 2012/08308/PA – Application for Lawful Development Certificate for a proposed single storey rear extension. Section 191 / 192 Permission not required.

3.4. 2018/09076/PA – Erection of 8.0 metre deep single storey rear extension. Maximum height 3.6 metres, eaves height 2.6 metres. No Prior Approval Required.

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

4.1. Neighbouring properties and Local Ward Councillors have been consulted and a site notice was displayed for 21 days. Multiple letters of objections from 12 local residents were received raising the following concerns:

- Out of character & not in keeping with the street scene/area – considered to be inappropriate development.
- Scale and size of the proposed development – proposal would be closer to boundary, the height, width and depth of the proposed development.
- Loss and invasion of privacy and overlooking.
- Overshadowing and sense of enclosure.
- Loss of light to habitable and non-habitable rooms.
- Right to light access
- Loss of trees (mature tree) and loss of and damage to shrubbery, planting and wildlife.
- Loss of quiet area and enjoyment of private amenity space.
- Reduction in the value of properties nearby.
- Loss of view and view of a brick wall.
- The amended plans still result in loss of light.
- Proposal would breach building regulations in reference to the boundary wall.
- The ownership of the boundary treatment and removal of existing boundary treatment.

- The planning history of the site and whether the proposal is significantly different to the planning history.
  - The amendments are not satisfactory and are unacceptable.
  - Construction and maintenance for the proposed development would result in trespassing outside of the application site boundary and will not be permitted including no footings or foundations on or underneath outside of the site boundary.
  - If the development is built internally then this would result in materials which are not in keeping with the street scene.
  - The proposed roof would extend outside of the site boundary.
- 4.2. An objection was received from Planning & Highways Committee at Royal Town Council of Sutton Coldfield raising concerns for overshadowing, loss of privacy and risk to a mature tree.
- 4.3. Letters of objection were received from Councillor Alex Yip, raising the following issues:
- The scale and size of the property
  - Overlooking
  - Right to light access
  - The history of the site indicates that the proposal is not in keeping with the local area and is inappropriate.
- 4.4. An objection was received from Andrew Mitchell MP on behalf of a local resident raising the following concerns:
- Loss of light
  - Numerical guidelines outlined in Places for Living and Extending Your Home in particular the 12.5m separation distance and 1 metre per ground floor level different.
  - Original objections submitted still apply to the amended plans received.

## 5. Policy Context

- 5.1. The following local planning policies are applicable:
- Birmingham Development Plan (2017)
  - Unitary Development Plan Saved Policies (2005)
  - Places for Living SPG (2001)
  - Extending Your Home SPD (2007)
  - 45 Degree Code SPG (2006)
- 5.2. The following national planning policies are applicable:
- National Planning Policy Framework (2019).

## 6. Planning Considerations

- 6.1. The main issues for consideration in the determination of this application are the scale, mass and design of the proposed development and the impact upon neighbour amenity, the visual amenity of the street scene and the character of the application site dwelling.
- 6.2. There are multiple entries of planning history which are relevant to this planning application. Firstly, a planning application under reference 2012/06409/PA which was for the erection of two storey side and rear extension, single storey rear

extension and installation of bay window to front was refused on the grounds that the proposal does not provide an adequate separation distance to existing residential units and would lead to loss privacy/loss of light. A further planning application under reference 2012/08229/PA was submitted for the erection of a two storey side extension, single storey rear extension and installation of bay window to ground floor front. This application was refused on the grounds of the proposed development would not provide adequate separation distance to existing residential units and would lead to a loss of privacy and loss of light. The refusal was appealed under reference (APP/P4605/D/13/2196717) which was dismissed. The planning inspectorate stated that the proposed extensions would create an unacceptable closing effect for the neighbouring occupiers of the affect flats, significantly impinging into the outlook and daylight available at the kitchen windows and that by bringing the two storey extension right up to the site boundary, the extensions would appear overbearing and have an overshadowing impact upon the narrow area of the garden space which is situated between the application site and neighbouring flats. The main difference between the previous two refusals and the current proposal relates to the removal of part of the first floor extension. Therefore, the scale and mass of the proposal has been reduced and would not be located in front of the kitchen windows at the first and second floor level but rather only visible from an oblique angle from the kitchen. It is noted the 12.5m separation distance is not applicable to non-habitable rooms which in this case is the bathroom.

- 6.3. This application is for the erection of a first floor side extension and a single storey side/rear extension. The proposed first floor side extension would be approximately 6.3m deep and 2.8m wide. The proposed single storey side/rear extension would be approximately 9m deep, approximately 3.m wide and 2.5m in height. The proposed side/rear extension would have glazing above 1.8m from the ground floor level, glazing to the roof and glazing to the rear in order to allow a degree of transparency to this unusual situation.
- 6.4. Amended plans have been received as part of the assessment of this planning application. Firstly, the depth of the proposed first floor side extension has been reduced from approximately 9.4m to approximately 6.3m. The proposed single storey side/ rear extension has been amended and the depth has been reduced from approximately 10.8m to 9m. The amendments also include glazing to the side above the existing boundary treatment, glazing to the roof and rear of the proposed single storey side and rear extension.

#### *Scale, Mass and Design*

- 6.5. The scale, mass and design of the proposed development are considered to be acceptable. I consider that the proposed development would not result in overdevelopment at the site as it is situated on a large plot of land that could accommodate the proposed development and with the amendments sought, I do not consider that the proposed development would be unduly dominate in terms of scale and design. The width of the proposed first floor side extension is considered to be of a modest size and the proposed single storey side/rear extension would be subservient in nature. Whilst, it is noted that the proposed extension would not be set down from the main roof ridge or setback from the main façade, it is considered that the proposed development would not result in the creation of a terracing effect and it would be consistent with the design of the existing dwelling. I consider that the proposed development would not detract from the architectural appearance of the application site dwelling. The numerous concerns raised by local residents in respect to the scale, size and design of the proposed development have been taken into consideration and addressed above.

- 6.6. I consider that the proposed development would not have an adverse impact upon the character or visual amenity of the street scene. The street scene is varied in nature with a mixture of two storey dwellings and blocks of flats and there is evidence of similar extensions within the wider vicinity. It is noted that the neighbouring property No.29 Station Road is of a similar design to the application site, however there is no set building style or design within the area. In addition, the proposed single storey side/rear extension would be situated towards the rear of the dwelling and would not be highly visible from the forward street scene. Notwithstanding the concerns raised, I do not consider that the proposed development would be out of keeping within the street scene nor would it set or create a precedent within the immediate street scene or wider surrounding area.

#### Neighbouring amenity

- 6.7. Places for Living SPG and Extending your Home SPD numerical guidelines state that there should be a 5m per storey setback for windows overlooking existing private space. The proposed single storey side/rear extension would have windows along the side elevation facing Sunningdale Court which would be visible above the existing boundary treatment. The existing boundary treatment is approximately 1.8m high. The windows along the side elevation would fail to meet the required 5m per storey setback required as the proposed development would be situated right up to the boundary. In order to mitigate any privacy or overlooking issues, a condition will be attached which requires the proposed windows along the side elevation to be non-opening and to be obscurely glazed in order to protect the privacy of the neighbouring occupiers at Sunningdale Court. The remaining windows on the proposed single storey side/rear extension facing the application site garden and neighbouring property No.29 Station Road would meet the required 5m per storey setback.
- 6.8. In addition, in order to ensure the proposed development would not result in any future impact upon the privacy of the neighbouring occupier, a condition will be attached which removes permitted development rights for any additional windows in the proposed development. Notwithstanding the concerns raised by local residents regarding loss of privacy and issues of overlooking, I do not consider that the proposed development would have an adverse impact upon neighbour amenity by way of loss privacy or overlooking.
- 6.9. Places for Living SPG and Extending your Home SPD numerical guidelines states that there should a minimum of distance of 12.5m between windowed elevations and opposing 1 and 2 storey flank walls and where a flank wall will be situated at a higher level than the windowed elevation, the separation distance should be increased by 1 metre for every 1 metre change in ground level. It is noted that objections have received in reference to the numerical standards in Places for Living and Extending Your Home and the distance separation outlined in the two policy documents. I do not consider that there are any significant differences in ground floor levels between the application site and neighbouring property Sunningdale Court.
- 6.10. Firstly, the proposed first floor side extension would result in a 1 and 2 storey flank wall partially opposite the bathroom windows on Sunningdale Court at a distance of approximately 3m. The proposed development would therefore result in part of the 2 storey flank wall being located opposite part of the bathroom window of the neighbouring flats at less than the required 12.5m separation distance. However, given that the existing property currently does not comply with the required 12.5m

distance separation and the affected window on the side elevation serves a non-habitable room (bathrooms), I do not consider that the proposed development would have an adverse impact upon neighbour amenity by way of loss of light and outlook. In addition, the depth of the proposed first floor side extension has been reduced in order to ensure that the proposed first floor extension would not be opposite the habitable kitchen windows. Therefore no element of the built form at the first floor level would be built any closer to the existing kitchen windows.

- 6.11. Secondly, the proposed single storey side/rear extension would also fail to meet the required 12.5m separation distance between a windowed elevation and a single storey flank wall to the kitchen windows of the neighbouring flats at Sunningdale Court. The single storey side/rear extension would be at a distance of approximately 3m. However, the existing dwelling does not currently meet the required 12.5m separation distance and the proposed single storey side/rear extension would have windows along the side elevation above the existing boundary treatment (approximately 1.8m high), windows to the rear and glazing to the roof. Therefore, as the proposed single storey side/rear extension would be predominantly a glazed structure, I consider that this would enable light to travel through the structure into the existing ground floor kitchen window at Sunningdale Court. As such, the proposed glazing mitigates any shortfall in the separation distance and I do not consider that the proposed development would have an adverse impact upon neighbour amenity by way of loss of light or outlook.
- 6.12. Concerns have been raised regarding loss of light, outlook and overshadowing in reference to the 45 degree code. The 45 degree code states that the code is not applied to side windows and that it is applied from the nearest front and rear windows of the properties that may be affected by the proposed development. The proposed development complies with the 45 degree code to the nearest front and rear habitable windows of both neighbouring property No.29 Station Road and Sunningdale Court. As such, I do not consider that the proposed development would have adverse impact upon neighbour amenity by virtue of loss of light or outlook.
- 6.13. In regards, to the concerns raised regarding the right of light access, in this instance the assessment of the impact upon the proposed development in reference to loss of light has been assessed in reference to the adopted 45 degree code policy and the numerical guidelines outlined in Places For Living and Extending Your Home. The right for light act falls separate to the planning system and would form a civil matter between the applicant and local residents.
- 6.14. Concerns were raised regarding the impact upon a tree within the curtilage of the application site. As part of the assessment of this application, Birmingham City Councils internal trees team were consulted and the tree officer raises no objections to the proposal. The tree officer stated the proposal would entail the loss of a garden ornamental cherry tree to the rear. However they have no objections to the loss of this tree and they stated that there is no tree protection at or nearby to the site. I concur with this viewpoint and I do not consider that the proposed development would result in an adverse impact upon any trees within a tree protection order and as the tree does not fall within a TPO, it is at the applicant's discretion for the removal of any trees.
- 6.15. In reference to the concerns raised regarding the proposed single storey side/rear extension and the impact in terms of light pollution and glare from lights being left on. I do not consider that the proposed development would have an adverse impact in terms of light pollution as the proposed development is for a residential property and it is considered that the provision of internal lights within the proposed extension



would be of a level which would be expected for a residential dwelling. As such, I consider that the proposed development would not have an adverse impact in terms of light pollution or glare from lighting.

#### *Other matters*

- 6.16. Concerns have been raised that the proposed development would have an impact upon the garden and plants of the neighbouring properties. This concern is not a material planning consideration and would be a civil matter that would need to be discussed between the applicant and local residents.
- 6.17. In reference to the concerns raised regarding the loss of wildlife to the gardens of neighbouring occupiers, the application site is not situated within a Local Nature Reserve nor is it identified as a Site of Local Importance for Nature Conservation. As such, I do not consider that the proposed development would result in a detrimental impact upon the biodiversity or wildlife in the immediate or wider vicinity.
- 6.18. Multiple concerns have been raised regarding the proposed development and the impact upon the existing boundary treatment. In addition, concerns have been raised that the roof of the proposed development would overhang the application site boundary. It has been identified from the plans provided as part of the application file that the proposed development including the roof would be contained within the site boundary. Certificate A has also been submitted as part of the application which confirms that the development would be contained within the site boundary. In addition, the concerns relating to the existing boundary treatment and that the boundary treatment could be removed due to the proposed development would be a separate matter which falls under the Party Wall Act 1996 and would not form part of the assessment of this proposal.
- 6.19. Concerns were raised that previous development at the application site has been poorly constructed and that the proposed development would not meet the requirements under building regulations. In reference to the construction of the proposed development, a condition will be attached which requires the materials to match the existing dwelling to ensure that the proposed development is in keeping with the characteristics of the dwelling. In regards, to concerns about the construction in terms of building regulations and the requirements under this, forms separate legislation outside of the planning system. The requirement for the proposed development to meet building regulations would be the applicant's responsibility.
- 6.20. The concerns raised in regards to the impact of the proposed development on the valuation of properties within the surrounding area are not a material planning consideration in the determination of this planning application.
- 6.21. A concern has been raised regarding the loss of view of gardens for local residents and the loss of a private view is not a material consideration in the determination of this planning application and the impact on loss of light and outlook has been assessed in reference to the 45 degree code and numerical guidelines in Places For Living and Extending Your Home.

#### 7. Conclusion

- 7.1. This application has been recommended for approval subject to conditions as it is considered that the proposed development would not have an adverse impact upon neighbour amenity subject to the required conditions. It is also considered that the

proposed extension would not have a detrimental impact upon the visual appearance of the application site nor the visual amenity of the wider street scene.

8. Recommendation

8.1. Approve, subject to conditions.

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|---|--|
| 1 | Implement within 3 years (Full)  |
| 2 | Requires obscure glazing for specific areas of the approved building   |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Requires that the materials used match the main building               |
| 5 | Removes PD rights for new windows                                      |
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Case Officer: Leah Harris

## **Photo(s)**



Figure 1: Front of the application site property.



Figure 2: The front relationship between application site and neighbouring property.



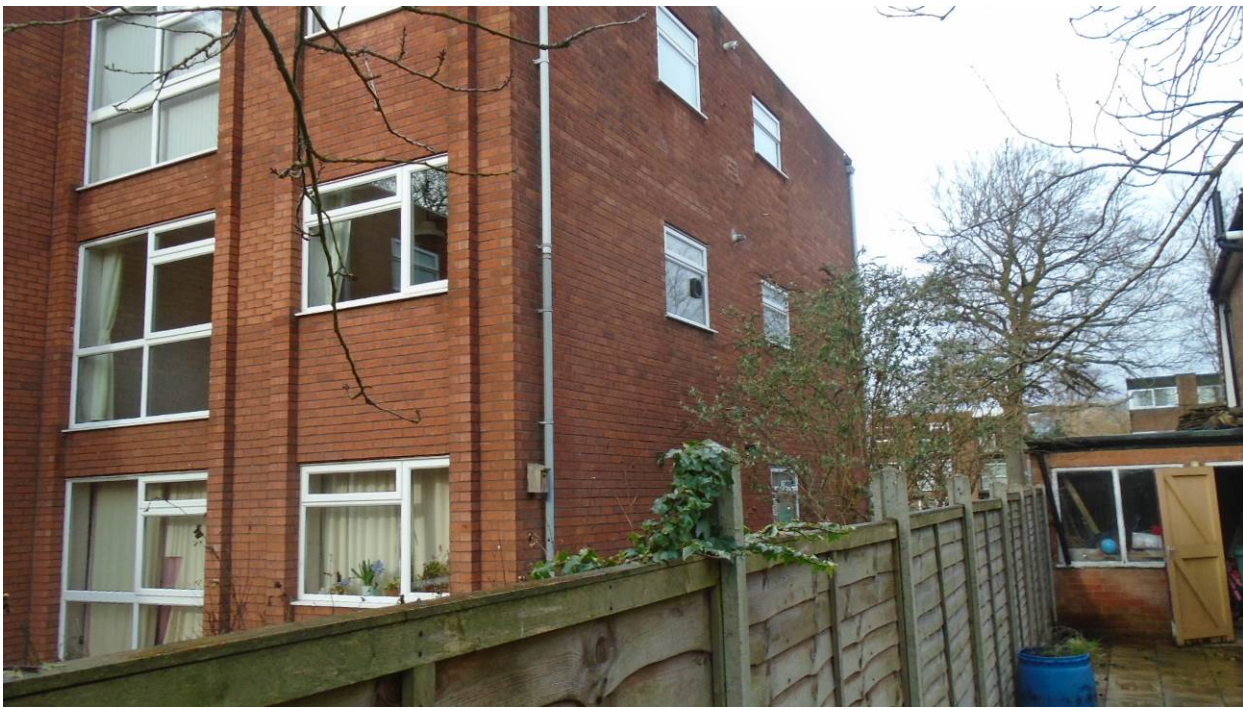
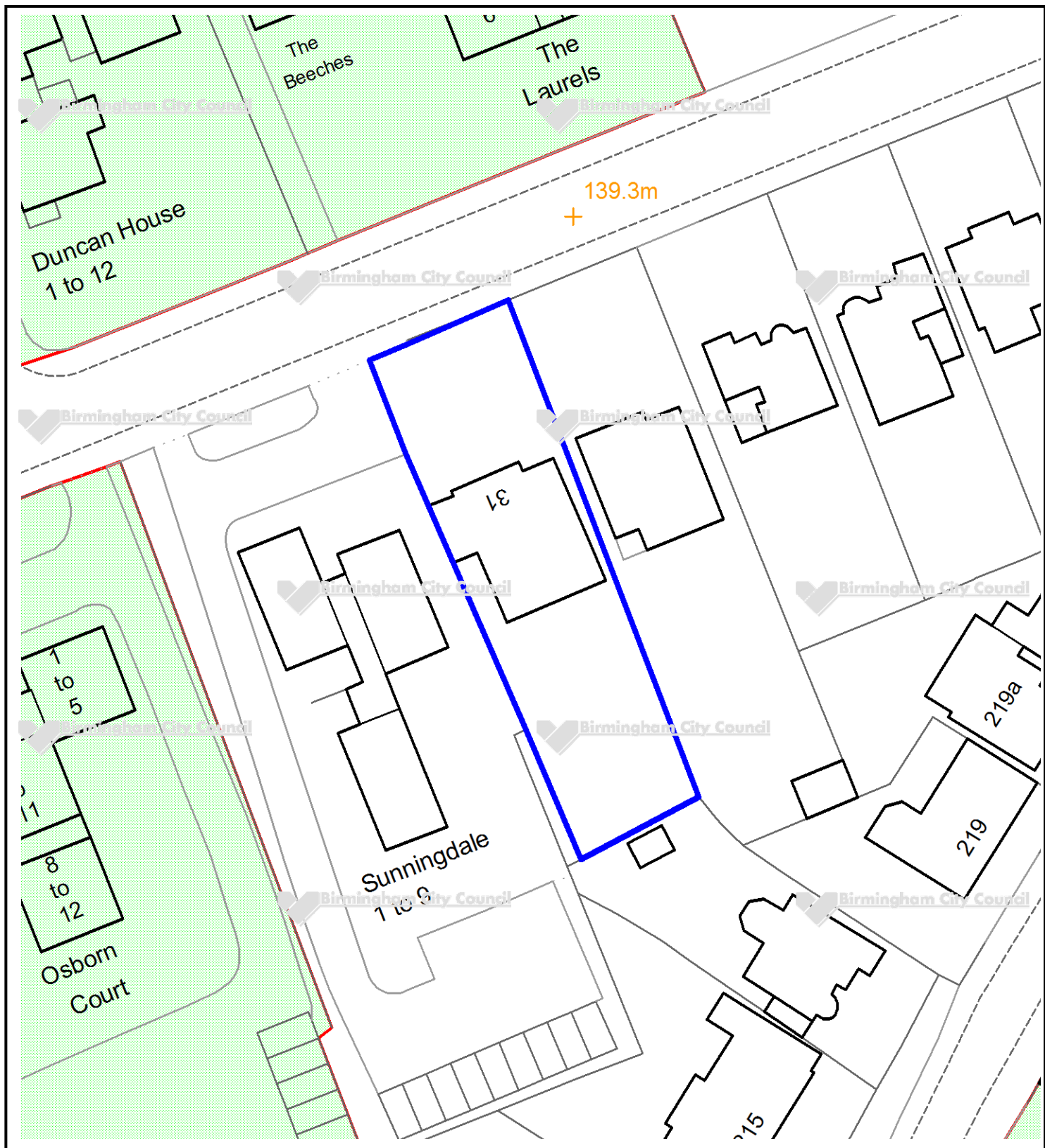


Figure 3: Rear of neighbouring property.



Figure 4: Rear of the application site property.

## Location Plan



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Committee Date:	21/11/2019	Application Number:	2019/04482/PA
Accepted:	21/06/2019	Application Type:	Full Planning
Target Date:	16/08/2019		
Ward:	Sutton Vesey		

602 Chester Road, Sutton Coldfield, Birmingham, B73 5HJ

Change of use from HMO (House in Multiple Occupation) (Sui Generis) to children's home (Use Class C2), retention of single-storey rear extension and retention of lean-to roof over existing single-storey rear extension (in lieu of approved flat roof).

#### Recommendation

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

##### 1. Proposed Development

- 1.1. This is an application to convert an 8 bedroom house in multiple occupation (HMO – Sui Generis Use) to a care home for up to 5 children (C2 Use). No internal alterations are proposed. The existing lounge and kitchen at ground floor level are to be retained in their existing use, with one of the ground floor bedrooms used as a second lounge / meeting room. The other two ground floor bedrooms are to be used as a staff office and staff bedroom, with the 5 en-suite bedrooms at first floor level to be used as bedrooms for the residents.
- 1.2. The facility is to be operated by Sanctuary Care Family Services Ltd and is designed to cater for female young people aged from 14 to 18. As the young people progress and mature, facilities are available to enhance independence. In this respect, three of the bedrooms contain kitchenettes that can be activated / deactivated by staff, to enable the older residents to transition towards independent living.
- 1.3. The applicant has advised that 2-3 staff will be present on site during the day, with 2 staff present overnight and that parents / guardians etc are able to visit on a pre-planned basis.
- 1.4. The proposal includes the provision of 3 no. parking spaces within the forecourt of the site and the erection of a low (0.45 metre) red brick wall along the road frontage, to the east of the vehicular access.
- 1.5. The application also includes retention of the ground floor extension on the west side of the rear elevation of the property, which was erected without the benefit of planning permission.

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

##### 2. Site & Surroundings

- 2.1. The site comprises a large two storey detached dwelling situated on the south side of Chester Road, to the west of the railway and to the east of the junction with

Boldmere Road. As stated above, the dwelling has recently been extended and converted for use as an 8 bedroom HMO.

- 2.2. 602 Chester Road has front and rear gardens, both measuring 11 metres in width and approximately 140 and 185 sq.m. in area, respectively. The front garden comprises a large paved parking area with a footpath crossing at its western end. The front boundary of the site appears to have been removed at some point in the recent past.
- 2.3. The immediate area is in mixed residential use, comprising primarily single dwellings with some HMO use and non-residential institutional (D1) uses. To the east of the site are other two-storey detached dwellings and to the west are three-storey semi-detached dwellings, all with substantial rear gardens. To the rear (south) of the site is Fairlie House and opposite the site, on the north side of Chester Road, is Anstey Court, both Housing Association developments.
- 2.4. The site is situated approximately 200 metres from the Chester Road railway station.

2.5. [Site location](#)

3. [Planning History](#)

- 3.1. 2013/01791/PA – Change of use from residential dwelling (C3) to 8 no. bedsits (Sui Generis), erection of two storey side and single storey rear extensions following demolition of existing garage. Approved subject to conditions 30.05.2013.
- 3.2. 2017/00036/PA – Change of use from dwelling house (Class C3) to house in multiple occupation (Sui Generis), erection of two storey side and single storey rear extensions to allow for the creation of 8 bedsits and communal kitchen and living room. Approved subject to conditions 22.05.2017.
- 3.3. 2017/0868/ENF – Alleged works not in accordance with approved plans attached to 2017/00036/PA (04.08.2017). Planning application requested.
- 3.4. 2017/09647/PA – Change of use from dwelling house (Class C3) to house in multiple occupation (Sui Generis) and erection of two-storey side and two and single-storey rear extensions to allow for the creation of 8 bedsits and communal kitchen and living rooms. Approved subject to conditions 02.02.2018.

4. [Consultation / PP Responses](#)

- 4.1. Ward Councillors and local residents were notified of the application and a site notice displayed on the site. Following a change of description of the development, to include retention of the rear extension and lean-to roof, a second site notice was erected and a full re-consultation carried out.
- 4.2. 8 letters of objection have been received from local residents who raise the following concerns:
  - The proposed use would be out of character with the area and unsuitable for a family home in a residential area (in particular taking into account the presence of a children's nursery and pensioner's housing development opposite the site).

- There are other properties in the vicinity which have been converted into apartments and one that is a home for adults with learning difficulties.
  - Traffic and parking – the site is an unsuitable location – on a very busy main road with limited parking – the proposal will result in additional traffic and need for parking.
  - Concerns regarding the impact on residential amenities:
    - The age and gender of the proposed residents and associated unwanted attention from individuals / predators, creating a threatening and intimidating environment.
    - The high likelihood of alcohol, drugs, noise and disorderly behaviour occurring as a result of the use.
    - The potential anti-social behaviour of the residents will restrict young children from playing in the gardens of other dwellings in the vicinity.
    - Loss of privacy.
    - General increase in noise and disturbance and, in particular, from staff arriving / leaving the property at the start / end of their shifts – i.e. before 8am and after 11pm.
    - Concerns regarding safety, security and criminal damage to nearby property.
    - No safeguards to prevent the operators changing the criteria of admission to include disruptive and troubled children, which would increase concerns regarding safety and security.
  - Due to the high turn-over of residents and associated workers there will be a high volume of unknown people visiting the property.
  - Potential neglect of the property and negative impact of the use on the value of other property in the vicinity.
  - Planning by stealth – permission was previously granted to convert the dwelling into an HMO but that use has not yet commenced, as such, the application is for change of use of a dwelling not an HMO.
  - Discrepancies in submitted information – the site plan shows 5 bedrooms whereas the Statement of Purpose says it will provide 6 single bedrooms.
  - Noise, disturbance and parking associated with the recent construction / conversion works at the property.
- 4.3. Transportation Development – No objection, subject to conditions: to (1) restrict the number of children and staff to be accommodated within the site at any one time; (2) ensure the provision of a low level boundary treatment adjacent to Chester Road prior to occupation; and (3) ensure the provision of secure and covered bicycle parking.
- 4.4. Environmental Pollution Control – No objection.
- 4.5. West Midlands Police – No objection.
- 4.6. Birmingham Children's Trust – Support: Excellent location – the city needs more homes in the North.
5. Policy Context



- 5.1. Birmingham Development Plan 2017; Birmingham UDP 2005 (saved policies); Specific Needs Residential Uses SPG 1992; Places for Living SPG 2001; 45 Degree Code; and National Planning Policy Framework 2019.

6. Planning Considerations

- 6.1. The main issues to consider are the principle of development; the impact of the proposed use on the residential amenities of other property in the vicinity; and its impact on the highway network.

*Principle of development*

- 6.2. Saved paragraph 8.29 of the 2005 Birmingham UDP applies to hostels and to residential care homes that fall within Use Class C2 (Residential Institutions). That policy and the Specific Needs Residential Uses SPG (2012) are key considerations in the assessment of this application.

- 6.3. Paragraph 8.29 of the UDP sets out guidelines that will apply when assessing planning applications for such uses. Each of these will be assessed in turn below.

*Harm to the occupiers of nearby properties*

- 6.4. Paragraph 8.29 states that “*proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance*”, that “*residential care homes are normally most appropriately located in large detached properties set in their own grounds*” and that “*the development of such uses in smaller detached or large semi-detached or terraced houses will not be acceptable, unless adjoining occupiers can be safeguarded against loss of amenity due to, for example, undue noise or disturbance*”.

- 6.5. The dwelling on the site is a substantial 5 bedroom detached dwelling, measuring around 290 sq.m. internally. The property also has substantial areas to the front and rear of the property that are appropriate to its internal scale.

- 6.6. The proposed plans indicate the provision of 5 children's bedrooms within the property, each designed for individual occupancy. The Statement of Purpose submitted with the application, however, refers to the provision of 6 bedrooms and states that subject to particular criteria, siblings may share a room. The applicant has been contact on this issue and has confirmed that only 5 bedrooms will be available to residents and that a maximum of 5 children will be resident at the facility at any one time. A condition restricting occupancy of the facility to 5 residents is proposed.

- 6.7. The number of residents proposed is considered appropriate to the scale of the property. In addition, it is not considered that the scale of the proposed use would be so intensive as to result in significantly greater noise and disturbance compared with a dwelling of this size occupied as a large family home or the approved 8-bed HMO.

- 6.8. The site lies on a busy main road. Noise from activities associated with the proposed use, including the comings and goings of visitors and staff, would therefore, to a certain degree, be screened by the existing background noise levels in the area. The number of staff proposed at the facility is 3 during the day and 2 at night. Taking into account the levels of staff involved, it is not considered that the comings and goings of those staff would result in a significantly higher level of noise

and disturbance than would be potentially generated by use of the property as a large family home or the approved 8-bed HMO, in which case, residents could easily also be engaging in similar shift work.

- 6.9. Regulatory Services have raised no objection and have not asked for any conditions to be imposed.
- 6.10. With regard to the rear extension, for which retention permission is sought, it is noted that it breaches the 45 degree line in respect of the centre of the closest ground floor window on the rear elevation of the adjacent property to the west (number 600). As that window serves a non-habitable room however (a utility room), the proposals would not result in a breach of the 45 Degree Code (which only seeks to protect light to and outlook from windows that serve habitable rooms). With regard to the lean-to roof on the other side, adjacent to number 604, it is not considered that its retention would significantly adversely affect the amenities of the adjacent dwelling, in terms of loss of light or outlook and is therefore considered acceptable.
- 6.11. The only physical changes to the building that are included in the application are those set out in the paragraph above. It is not considered that those works, or use of the building as a children's home, would result in any more loss of privacy to neighbouring properties than its use as a large family dwelling or the approved 8-bed HMO.

#### *Impact on the character of the area*

- 6.12. Paragraph 8.29 of the UDP states that “*where a proposal relates to a site in an area which already contains premises in similar use, and / or houses in multiple paying occupation and / or properties converted into self-contained flats, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area*”. Reference to Areas of Restraint are also referred to in the paragraph, however, the application site does not lie within such an area.
- 6.13. The property was last in use as a dwelling but has planning permission to be used as an 8 bedroom HMO and has, internally, already been converted to enable commencement of that use. In this respect, the use of the building as a single family home has already been lost and the current proposal would not result in a net loss of family dwellings in the area. In addition, the appearance of the building will not be altered as a result of the development.
- 6.14. In terms of the character of the area, the prevailing residential nature will be maintained by the proposal, which constitutes a small-scale care home accommodating up to 5 children living as a single residential unit with shared communal facilities.

#### *Highway safety*

- 6.15. Transportation Development consider that the proposed change of use from an HMO to a children's home would be unlikely to increase traffic to / from the site, or increase parking demand significantly. They have therefore raised no objection to the proposals on highway grounds, subject to conditions to (1) restrict the number of children and staff accommodated within the site at any one time; (2) ensure the provision of the low level boundary treatment adjacent to Chester Road prior to occupation; and (3) ensure the provision of secure and covered bicycle parking. These conditions are considered reasonable and necessary and are therefore

proposed. The condition relating to occupancy however, is proposed to relate only to the number of residents at the facility and not to restrict the number of staff on site.

- 6.16. With regard to parking, the Car Parking Guidelines SPD requires a maximum provision of 1 space per 3 bedspaces for specialist care homes (Use Class C2). The front of the site is already hardsurfaced. The proposals include the provision of 3 no. off street parking spaces which would be in excess of the requirements of the adopted SPD. It is also noted that the site is well served by public transport and that secure covered bicycle parking is to be provided within a shelter to the rear of the site.
- 6.17. Further to all of the above, it is considered that the highway and parking impacts of the proposals are acceptable.

#### *Amenity space*

- 6.18. The garden to the rear of the building is generally flat, well related to the building and accessed via three sets of patio doors – one serving the kitchen / dining room, one serving the lounge and one serving the proposed staff bedroom. Excluding the proposed bicycle store, the proposed rear garden measures approximately 170 sq.m., which is an appropriate level of outdoor amenity area.

#### *Other issues*

- 6.19. Many of the representation letters refer to the gender, age, psychological and social status of the proposed occupants as being undesirable and having a detrimental impact on the residential amenities of other property in the area, by reason of anti-social behaviour (by residents) and the potential attraction of undesirable third party individuals, resulting in safety and security issues and an increase in criminal damage to nearby properties.
- 6.20. It is not considered that the personal circumstances of the potential residents are a planning matter; however, it is noted that the facility is to be operated by a registered provider and that the submitted Statement of Purpose sets out how the behaviour of residents is to be managed.
- 6.21. No change to the building, or its boundaries are proposed, that would adversely affect the security of other properties in the area. In addition, it is noted that West Midlands Police have reviewed the proposals and have raised no objection and not requested any alterations or conditions to be imposed.
- 6.22. The comments regarding potential neglect of the property and the negative impact of the use on the value of other property in the vicinity are not planning matters.
- 6.23. The comments regarding recent noise, disturbance and parking issues associated with the recent construction / conversion works at the property are not related to the current application.

## **7. Conclusion**

- 7.1. Paragraph 59 of the NPPF stresses the importance of addressing the needs of groups with specific housing requirements. This proposal meets that aim and does not contravene the specific criteria for assessment set out in the saved policies of the 2005 UDP and the Specific Needs Residential Uses SPG.

8. Recommendation

8.1. Approve subject to conditions.

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans     |
| 2 | Restricts residents to 5 and prevents a change of use within the use class |
| 3 | Requires the parking area to be laid out prior to use                      |
| 4 | Requires the provision of cycle parking prior to occupation                |
| 5 | Requires the submission of sample materials                                |
| 6 | Implement within 3 years (Full)  |
- 

Case Officer: Lydia Hall

**Photo(s)**



Photo 1 - Front elevation



Photo 2 - Rear elevation.



## Location Plan



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Committee Date:	21/11/2019	Application Number:	2019/05071/PA
Accepted:	03/07/2019	Application Type:	Full Planning
Target Date:	28/08/2019		
Ward:	Holyhead		

37 Sandwell Road, Handsworth, Birmingham, B21 8NH

Change of use from 6 bed HMO (House in Multiple Occupation) (Use Class C4) to 8 bedroom HMO (Sui Generis).

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Planning permission is sought for the change of use of the application property from 6-bed HMO (Use Class C4) to form an 8 bedroom HMO (Sui Generis). This will allow for the creation of 2 new bedrooms to the ground floor.
- 1.2. The proposal would consist of 8 bedrooms over 2 floors, ranging in sizes 8.84m<sup>2</sup> - 14.81m.<sup>2</sup> There would also be a communal lounge (18.96m<sup>2</sup>) and kitchen (10.42m<sup>2</sup>) to the ground floor as well as a communal bathroom and W/C to the first floor. There is also a CCTV room to the first floor.
- 1.3. Private amenity space would be provided to the rear garden measuring approximately 130m<sup>2</sup> with a gate off Nijon Close. The front garden is block-paved.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application property is a two storey end-of-terrace property with a gable roof, single storey front extension (consisting of a porch), two storey side extension, two storey rear extension and single storey rear extension. The front of the property has a block-paved driveway and raised platform with a slabbed patio area. The rear of the property comprises a garden which is predominantly slabbed and concreted with an approximately 1.8 meter brick wall around the outer perimeter. There is a gated entrance off Nijon Close.
- 2.2. The surrounding area is characterised by other dwelling-houses of a similar post war style as well as more traditional Victorian terracing to the opposite side of Sandwell Road.

3. Planning History

- 3.1. 01/03/2005– 2004/08278/PA - Erection of a two storey side extension & two storey rear extension – Approve subject to conditions
- 3.2. 27/09/2005– 2005/05075/PA- Erection of part two storey, part single storey side extension and part two storey, part single storey rear extension – Refuse

- 3.3. 18/09/2002 - 2002/04019/PA - Installation of footway crossing - Approve subject to conditions
- 3.4. 15/07/2011 - 2011/02550/PA - Erection of detached garage to rear. - Approve subject to conditions
- 3.5. 24/10/2018 - 2018/06740/PA - Change of use 6 bed HMO (House in Multiple Occupation) (Use Class C4) to 8 bedroom HMO (Sui Generis).- Withdrawn

#### Enforcement History

- 3.6. 04/08/2003 – 2003/1608/ENF - Erection of extension to rear of property
- 3.7. 02/08/2006 - 2006/1520/ENF - Extension not built in accordance with approved plans and installation of gate to rear opening onto Nigon Close (N/08278/04/FUL)
- 3.8. 13/05/2011 - 2011/0662/ENF - Installation of footway crossing at property in Nijon Close.

#### 4. Consultation/PP Responses

- 4.1. Regulatory Services – No objections to the proposed development subject to an appropriate condition in relation to noise insulation.
- 4.2. Transportation Development – No objections.
- 4.3. West Midlands Police – Objection to the proposed development. The police have highlighted that there are a high volume of police callouts in the area. Concern has been raised about the provision of cycle storage and whether the application site has been registered as a HMO previously. Question whether the landlord has had the appropriate accreditation training, who the intended clientele base is and will any of the intended residents pose a threat to themselves or other residents and how will the intended residents be vetted?
- 4.4. Letters of notification have been sent to surrounding occupiers, local residents associations and local Ward Councillors. A site notice has also been posted.
- 4.5. Two written representations received alongside a written petition with 28 signatures objecting to the proposal on the following grounds.
  - Constant comings and goings to and from the property by different people.
  - Devaluation of properties in the surrounding areas
  - When the property was first sold, none of the residents were informed about its change of use
  - Noise and disturbance
  - Increased vehicular traffic/parking issues
  - Exacerbate existing issues of crime and anti-social behaviour.
  - Occupiers of the HMO have been found sleeping in the gardens of adjoining properties
  - No awareness of who is living at the HMO

#### 5. Policy Context

- 5.1. The following national policy is relevant



- The National Planning Policy Framework (2019)
- 5.2. The following local policy is relevant.
- Birmingham Development Plan (BDP) 2017.
  - The Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
  - Specific Needs Residential Uses SPG
6. Planning Considerations
- 6.1. Policy context:
- 6.2. The NPPF has the golden thread of the presumption in favour of sustainable development. It has a clear need to significantly boost housing supply and offer a wide choice of quality homes.
- 6.3. The Birmingham Development Plan builds upon the principles of the National Planning Policy Framework and is clear that Birmingham is a growth point and will need new employment and housing opportunities to support these aspirations. Whilst the plan contains no policies directly relating to HMO uses, policy TP27 relates to sustainable neighbourhoods. It requires development to have a wide choice of housing sizes, types and tenures to ensure a balanced community for all age groups.
- 6.4. The Birmingham UDP plan has guidance relating specifically to HMOs in 'saved' policies 8.23 to 8.25. These set out the criteria to assess proposals including the effect on amenities, size and character of the property. Account will be taken of the cumulative effect of such uses on the residential character and appearance of the area.
- 6.5. The Specific Needs Residential Uses SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration, and that HMO accommodation has a role to play in providing housing for certain groups in society. The SPG guidelines for internal standards for people having a bedroom and shared living rooms and kitchen are 6.5sqm for a single bedroom and 12.5sqm for a double bedroom.
- 6.6. Cumulative impact on the character of the area:
- 6.7. The impact an overconcentration of HMOs within a locality is a key consideration in the determination of this application. Nijon Close consists predominantly of post-war housing whereas Sandwell road also contains Victorian terrace housing.
- 6.8. The public register of HMOs identifies no HMO's (licence granted or application pending) that are within a 100 metre radius the application property. Furthermore, the existing dwelling is currently being used as a 6 bed HMO and the current proposal involves the creation of two additional rooms. The current proposal therefore does not create a negative cumulative impact upon the residential character and appearance of the area
- 6.9. Residential Amenity:
- 6.10. The property would provide 8 bedrooms that range between 8.67sqm & 14.81sqm. All bedrooms will therefore exceed our standard minimum of 6.5sqm for a single bedroom. A suitably sized communal room would be provided as would a shared

kitchen. As such, I consider suitable internal amenity would be provided. Furthermore, the internal layout as proposed would allow easy conversion back to a family dwelling, should the need arise in the future. An extensive rear private amenity space would also be provided/retained.

- 6.11. Regulatory Services have assessed the proposal and raise no objections to the proposed development subject to a condition relating to noise insulation to windows. However, as the proposal is for 2 additional bedrooms within an existing HMO, the condition is considered unreasonable.
- 6.12. Highway safety:
- 6.13. My Transportation Development Officer has raised no objections to the proposed development. The proposal seeks to house 8 people and has off-street parking provision. It is considered that the 2 additional bedrooms would have a limited impact on highway safety compared to that of the current use as a 6 bed HMO.
- 6.14. The site is also noted to be in an accessible location, close to established public transport links. It is therefore considered that there would not be any detrimental impact to highway safety as a result of the 2 additional bedrooms.
- 6.15. Crime and anti-social behavior:
- 6.16. Objections are noted in relation to on-going anti-social and criminal activities. West Midlands Police note that the application property has not been licensed as a HMO previously despite evidence of the application property being used as a 6 bed HMO. The Police highlight that HMOs have provided accommodation for a transient local population that has undermined community stability and cohesion adding that residents tend to stay in the ward for approximately 6 months, leading to a lack of engagement, pride and ownership.
- 6.17. Crime and the fear of crime is a planning consideration. At the same time, 'Specific Needs Residential Uses' SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration and that HMO accommodation has a role to play in providing housing for certain groups in society. It is also important to stress that the behavior of HMO tenants are not a matter for planning authorities but it is recognized that over concentrations can impact upon residential amenity, community cohesion and housing mix as well as residential character. Furthermore it is important to stress that there is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behavior. In light of this and the above assessment in terms of an over concentration of HMOs in the locality, it is felt that a robust reason for refusal on the grounds of crime and fear of crime could not be sustained.

## 7. Conclusion

- 7.1. The objections raised in relation to this application are recognised but within the context of adopted policy for this part of the City it is felt that, using data available to the Local Planning Authority, there is not an unacceptable concentration of HMOs in the locality that would have an adverse impact its residential character that could sustain a reason for refusal. Furthermore, there is evidence of a high crime rate in the locality and the Police's comments in relation to transient local population are noted. However, the behaviour of HMO tenants is not a matter for the Local Planning Authority and there is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behaviour. In light of this and the

assessment on the concentration of HMOs in the locality it is felt that this also could not support a reason for refusal. As such a recommendation to approve is made.

8. Recommendation

8.1. Approve subject to the following conditions

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | No more than 8 residents to occupy the application property.           |
| 3 | Implement within 3 years (Full)  |
- 

Case Officer: Sarfaraz Khan

## Photo(s)



Photo 1: Front elevation

## Location Plan



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Committee Date:	21/11/2019	Application Number:	2018/09376/PA
Accepted:	13/05/2019	Application Type:	Full Planning
Target Date:	12/08/2019		
Ward:	Nechells		

67-71 Aston Road North, Aston, Birmingham, B6 4EA

Retention of use of premises as a banqueting venue (Use Class D2) and external alterations adding a canopy over the entrance doors and altering one window into a set of double doors

Recommendation

**Approve Temporary**

1. Proposal

- 1.1. This application seeks retrospective consent for the change of use of the building from a place of worship (D1 use) to assembly rooms (D2 use) to be used as banqueting venue. The submitted information advises that the change of use commenced 15<sup>th</sup> June 2018 and work to the building was completed on the 15<sup>th</sup> October 2018. The applicant advises that the premises have only been used for family events since that time.
- 1.2. 28 parking spaces are proposed, including 2 disabled spaces. The submitted information advises that there will be 5 part time employees. No hours of operation are recorded on the application form, however the revised Transport Statement (TS) includes suggested hours for events of 12pm to 5pm and 5pm to midnight. The submitted design and access statement advises that the premises will hold social functions such as weddings for a maximum of 330 people, however the revised TS is based on a maximum of 350 people. This latter figure has been used in the consideration of the application.
- 1.3. The floor plans show one large function room on the ground floor with a maximum capacity of 330 people and two function rooms on the first floor with maximum capacities of 220 and 110 respectively. The ground floor also has a reception area, 3 storage rooms, a boiler room, stairwell, male, female and disabled toilets. The first floor, in addition to the two function rooms, has the stairwell, 3 storage rooms, kitchen, male and female toilets.
- 1.4. Externally a new entrance canopy has been erected, two windows have been altered to provide glass double doors with glazed surround and a large advertising sign has been placed on the car park facing elevation of the canopy. The current application has been amended during consideration to include the external alterations.
- 1.5. The application was submitted with a Design and Access Statement and Transport Statement. A Sequential Assessment was also submitted during the consideration of the application due to the proposal being a town centre use located outside of a designated local centre and a revised Transport Statement has been submitted following initial comments from BCC Transportation Officer.

1.6. [Link to Documents](#)

2. [Site & Surroundings](#)

2.1. The application premises have a floor area of 1,463sqm. It is a two-storey building which was previously used as a place of worship (D1) and prior to that as a Job Centre office (A2). Part of the building, which is outside the application site, operates as an education centre for up to year 11 and GCSE pupils. The building is part brick, part render and part clad with large ground floor windows on Aston Road North and Holland Road West.

2.2. The site lies at the junction of Aston Road North and Holland Road West. Within the curtilage of the site, there is an existing car park accessible via Holland Road West which also serves as access to the education establishment in the other part of the building. Holland Road West is a cul-de-sac with a turning head at the end, the majority of the road has un-restricted parking on both sides. The surrounding area comprises a mixture of commercial and industrial premises. There are no residential properties close to the site.

2.3. [Site Location](#)

3. [Planning History](#)

3.1. 2008/05456/PA – Change of use from offices (use class A2) to church (use class D1), including provision of ancillary office accommodation and community activities – Approved 08/01/2009

4. [Consultation/PP Responses](#)

4.1. MP, Councillors, Residents Associations and nearby occupiers notified. Site and press notices posted. 1 letter has been received on behalf of 10 businesses (9 within one building), making the following comments;

- Insufficient parking, existing on-street parking is well used
- Impact of noise on existing businesses in area
- Guests smoking outside would affect neighbouring businesses
- Risk to guests in an emergency due to the property being on the main road
- Drunk people have less co-ordination and could cause accidents
- Will impact nearby businesses

4.2. Transportation Development – Recommends a temporary consent to monitor the impact of the proposal and conditions limiting the hours of use, the maximum number of people, requiring a car park/ traffic management plan, cycle parking and to require the gates to open into the site.

On-street parking demand is high on both Holland Road West and Avenue Road and the proposed use would increase on-street parking demand; however the Local Engineer has also confirmed he has not received complaints with regards to traffic and parking issues caused by this use.

4.3. Regulatory Services - No objections subject to conditions regarding the hours of operation and requiring the applicant to submit a noise risk assessment and noise management plan prior to any event taking place.

- 4.4. West Midlands Police – Raises concerns regarding the lack of clarity around the opening hours and the days it will operate, the capacity of the site in relation to parking provision and the potential to adversely impact on crime, anti-social behaviour, traffic congestion and road traffic collisions around the site.
- 4.5. West Midlands Fire Service – No adverse comments.
- 4.6. Access Birmingham – Have concerns about internal provision. Function facility of this size should provide more toilet facilities very few cubicles and toilets for user numbers indicated, a first floor disabled toilet should be provided. AB has concerns about access to at least one first floor function rooms which has steps only. Also suggest they provide baby change facility and cycle storage facility.

## 5. Policy Context

- 5.1. The following policies are applicable:
- Birmingham Development Plan 2017
  - Birmingham Unitary Development Plan (saved policies)
  - Car Parking Guidelines SPD
  - Aston, Newtown & Lozells Area Action Plan
  - National Planning Policy Framework 2019.

## 6. Planning Considerations

- 6.1. The main considerations in the determination of this planning application are the principle of the proposal in this location, the design of the external alterations, the highway implications and the environmental impact.

### *Policy and principle of development*

- 6.2. The site is within the Aston, Newtown and Lozells Area Action Plan (AAP) area and is known as Windsor Industrial Area Core Employment Area in the BDP. The area has been classed as “good” employment land within the Policy TP19 assessment. The AAP seeks to secure comprehensive regeneration of the area.
- 6.3. Policy T19 of the BDP protects Core Employment Areas and applications for uses other than industrial will not be supported unless an exceptional justification exists. In addition, the Aston, Newtown and Lozells Area Action Plan supports the retention of employment uses within Core Employment Areas and supports applications that would improve the quality and attractiveness of these areas to investment in new employment.
- 6.4. As noted in the Planning History section above consent was granted in 2009 for the change of use from offices (A2 use) to church (D1 use), including ancillary offices and community activities. The consent was for a change of use with no external alterations to the building. The floor plans showed a large open plan area for church meetings, the foyer area, 3 ministry rooms, creche area and 2 prayer rooms. At first floor the plans show the main section of the building as an area for tea/ coffee with tables and chairs and a kitchen, storage rooms, 2 children’s ministry rooms and 4 offices.
- 6.5. The use approved was predominately a place of worship with congregations twice a week but with other community uses such as community groups, advice centre, counselling, training, bible studies, dance classes, drama groups and holiday clubs. Events such as concerts, pantomimes, conferences and drama performances were



also proposed. Opening hours were 0900 to 1700 Monday to Friday with the addition of 1900 to 2100 on Tuesday and Sunday.

- 6.6. The consent was granted under Policy 8.33 of the UDP 2005 which allowed the change of use of commercial premises to places of worship and acknowledged that the scale of the use would not have found other premises except within an employment area. The previous consent, which would be the extant use of the premises before this application, has proven that the building has not been in employment use for approximately 10 years. The extant consent has already resulted in the loss of the premises from employment use. The use currently proposed is similar to the extant use.
- 6.7. The current application is for a banqueting suite which is a D2 use under the Town and Country Planning (Use Class) Order. The NPPF includes D2 as a “main town centre use”. Paragraph 86 sets out that ‘main town centre uses’ should be located in town centres, then in edge of centre locations. Only if suitable sites are not available (or expected to become available within a reasonable period) should edge of centre or out of centre sites be considered.
- 6.8. Paragraph 89 sets out the sequential assessment required to prove whether suitable sites are available in sequentially preferable locations. As the site is not within a local centre or main town centre a sequential assessment is required to justify its location. One was received during the consideration of the application and two addendums sought and received following advice from my Strategic Policy Officer. The assessments note that, in the agent’s opinion, due to the size of the proposed use, the impact of the use of these premises as a banqueting suite on local centres is minor. They have considered potential alternative sites within the City Centre and also within Newtown and Lozells local centres.
- 6.9. The Sequential Assessment comments that much of Newtown and Lozells are shops, restaurants and hot food takeaways and concluded that there are no properties with sufficient footprint to provide for a banqueting suite. Accordingly the applicant’s statement concludes that there are no sequentially preferable sites available, suitable or viable and they therefore consider that the scheme as submitted complies with policy in this regard.
- 6.10. Following receipt of the last addendum to the Sequential Assessment my Strategic Policy Officer advises that the reports submitted now provide sufficient detail. Furthermore, the parameters of the search appear to be appropriate and it is evident that this has resulted in no sequentially preferable properties within or closer to Lozells. The properties that were identified as being marketed and available were evidently too small to accommodate the proposed development. The advice is that the requirement for a sequential assessment set out in Policy TP21 and in the NPPF has now been met and I concur with this view.

*Design of external alterations*

- 6.11. One window on the elevation facing the car park has been altered to provide a glazed double door. In addition a canopy has been erected over the entrances. The canopy is 9.2m wide, 3.5m tall and just under 4m deep. The canopy is supported on three pillars. The whole canopy and pillar structure has been clad in black metal and the car park elevation has an advertisement consisting of two small yellow logos and individual white lettering spelling out “Roshon”.
- 6.12. The canopy is clearly a recent addition to the building; however the scale is considered to be appropriate to the scale of the existing building and provides a covered, clear,

entrance point and a means of advertising the premises. The materials chosen do not appear anywhere else on the building. However, as noted above, the existing building is not a consistent design or material. The new canopy structure is subservient in scale and adds to the clean lines of the car park facing elevation. As such this addition, and the new doorway, are both considered to be acceptable in terms of scale and design and comply with the relevant parts of the adopted policies.

#### *Highways*

- 6.13. The application has also been submitted with a Transport Statement (TS) and a later revised TS to consider the traffic and transport implications of the proposal based on a maximum of 350 guests at any one time. The revised TS comments that the applicant is happy to accept a planning condition specifying a maximum of 350 guests.
- 6.14. The TS provides predicted traffic flows based on the consultant's experience of similar banqueting venues. The information predicts the highest traffic on Saturdays and Sundays with events normally starting at either 1pm or 7pm and finish between 11pm and midnight. Weekday events are normally evenings. The peak is during July and August but the information does show that events are held all year. The traffic flow is likely to be outside of main business hours of the majority of the uses in the immediate area. Accordingly the TS concludes that the traffic impact of the proposal would not be detrimental to highway safety.
- 6.15. Within the TS the consultant also advises that these uses normally generate high levels of car sharing, taxi and private hire minibus use as guests arrive in small groups. The TS predicts 109 vehicles for 350 guests (and staff). BCC Car Parking Guidelines SPG recommends a maximum 1 parking space per 5 seats for conference facilities which would equate to 70 parking spaces. The TS notes that there are 26 parking spaces within the site, approximately 30 on Holland Road West and approximately 25 on Avenue Road (total of 81).
- 6.16. The on-site parking provided would be sufficient for an event in the smaller of the first floor rooms. A maximum capacity event (350 guests) would require the use of off-site parking. Both Holland Road West and Avenue Road have unrestricted parking which is busy during office hours with employee parking but the TS provides photographic evidence showing the roads clear of parked cars in the evenings. No evidence to the contrary has been submitted by any party. The TS also advises that staff could be employed to manage parking and guests would be advised of suitable parking locations in the area before arrival. Servicing would take place during the daytime, before an event. 2 disabled parking spaces are available which complies with the policy requirement. 2 cycle spaces are proposed, which would provide for staff cycling as guests are unlikely to cycle to an event. Bus travel is also considered to be available with sufficient local services during the evenings and late at weekends. As with parking, guests can be advised of the bus services available.
- 6.17. Transportation Development have raised some concerns about granting a permanent consent for the development without further clarity over the parking need for this size of banqueting facility and have therefore recommended a temporary consent. Granting the application a 2 year permission would enable them to monitor the level of parking demand over a variety of sized events. However, I also accept that there should be conditions limiting the events to evenings and weekends only and restricting the maximum number of guests to 350. Both of these conditions could be imposed and enforced through a requirement for the applicant to maintain a register of events and numbers of attendees.

- 6.18. As such I concur with Transportation Development and recommend that a temporary consent is granted. The agent has confirmed the applicant's agreement to a temporary consent and understands that this will enable them to monitor parking demand in advance of a further full planning application. This would also respond to the concerns of West Midlands Police in regard to the opening hours/ days, the capacity of the site in relation to parking, traffic congestion and road traffic collisions around the site.

*Noise*

- 6.19. Regulatory Services, within their consultation response, requested a noise risk assessment and noise management plan prior to any event taking place. As the premises has been used my Planning Officer considered that this should be provided before a decision is made on the planning application.
- 6.20. In response the agent has advised that the premises will not be using amplified music during its functions. Only background music will be played. The agent discussed the matter directly with Regulatory Services and has also submitted information to confirm that music will be played through ceiling mounted speakers and one amplifier on each floor. There are no external speakers.
- 6.21. My Regulatory Services advisor has confirmed that the information is acceptable and that a noise survey and noise measurements are not required at this time. A condition is recommended to ensure that only background music is played, no live music and that noise (from the speakers) is inaudible outside the building. I consider that such a condition is both reasonable and appropriate to ensure that the noise from the premises does not cause any disturbance beyond the site.

*Other matters*

- 6.22. The TS advises that the proposed site would not have an alcohol licence. This is standard for Asian community events and there is also no reason why the applicant could not apply for one-off licences if required. The lack of an alcohol licence will reduce the risk of drunk and disorderly behaviour in the area raised by nearby businesses; however this is also not a planning matter. The need for a licence for the general operation of the business and events is also not a planning matter and the applicant has been advised that they may need to apply for a licence.
- 6.23. The other issue raised by the nearby businesses is the impact from guests smoking. The impact from smoking is not considered to be significant as the application site is on the opposite side of Holland Road West. However, to further reduce the impact a condition is proposed to require the submission of a plan showing a smoking area and signage to encourage its use.
- 6.24. As noted above the revised TS has been based on a maximum of 350 guests and notes that the applicant is willing to accept a condition to restrict the numbers. The revised TS also suggests hours of 12 noon to 23:00 to allow for afternoon events and evening events or to allow for setting up. In most cases only one floor would be in use by guests at any one time, the other floor may be being set up by staff. Occasionally both floors may be in use for a maximum numbers event or for events when guests require both floors for personal reasons. The revised TS also comments that the premises will only hold events in the evenings and at weekends and Bank Holidays. There would be no events during the weekday peak business hours and no conferences will be held at the venue. As noted above these restrictions could be enforced through an appropriately worded condition to limit the impact on the nearby businesses and the on-street car parking availability.

- 6.25. The agent has also responded to the concerns of West Midlands Police confirming that the property already has an intruder alarm and CCTV; that the traffic will be managed by on site staff and a security company will be appointed for each event to ensure the management and security of the premises and guests. The concerns of the Police regarding the potential for on-street parking to adversely impact on crime and anti-social behaviour is acknowledged. I accept that the proposed use will increase demand for on-street parking, however, there are no restrictions on the minor roads around the site and these areas are already in use for on-street parking during the daytime hours.
- 6.26. In response to the comments of Access Birmingham the agent has advised that the existing WC provision is in accordance with standards and caters for disabled guests at ground floor (and with lift access to the first floor). As such the agent considers the venue has catered for disabled guests. The comments of Access Birmingham go beyond the jurisdiction of the Local Planning Authority.
- 6.27. Community Infrastructure Levy (CIL) – The proposal is not liable for CIL due to the use.

## 7. Conclusion

- 7.1. The use of the premises as a banqueting venue is considered to be acceptable, subject to a temporary consent to monitor the impact on highway safety and on-street parking demand. The previous use has already lost the premises from employment use and the banqueting venue use is similar in scale. The submitted sequential assessment has shown that there are no suitable alternative sequentially preferable sites. Subject to restrictive conditions controlling the hours of events at the premises, suitable management of the premises and car parking and noise the change of use is considered to be acceptable.

## 8. Recommendation

- 8.1. Temporary approve subject to conditions.

- 
- |   |  |
|---|--|
| 1 | Temporary consent to 21.11.2021  |
| 2 | Limits the hours of events to 19:00-24:00 Mon to Fri and 13:00-24:00 Sat, Sun and Bank Holiday |
| 3 | No more than 350 customers shall be allowed on the premises at any one time                    |
| 4 | Premises and car park management   |
| 5 | Smoking area to be shown on a plan   |
| 6 | Only background music and no live music  |
| 7 | Requires the submission of cycle storage details   |
| 8 | Gates position   |
| 9 | Requires the scheme to be in accordance with the listed approved plans                         |
-

Case Officer: Karen Townend

## Photo(s)



Corner of building onto Holland Road West



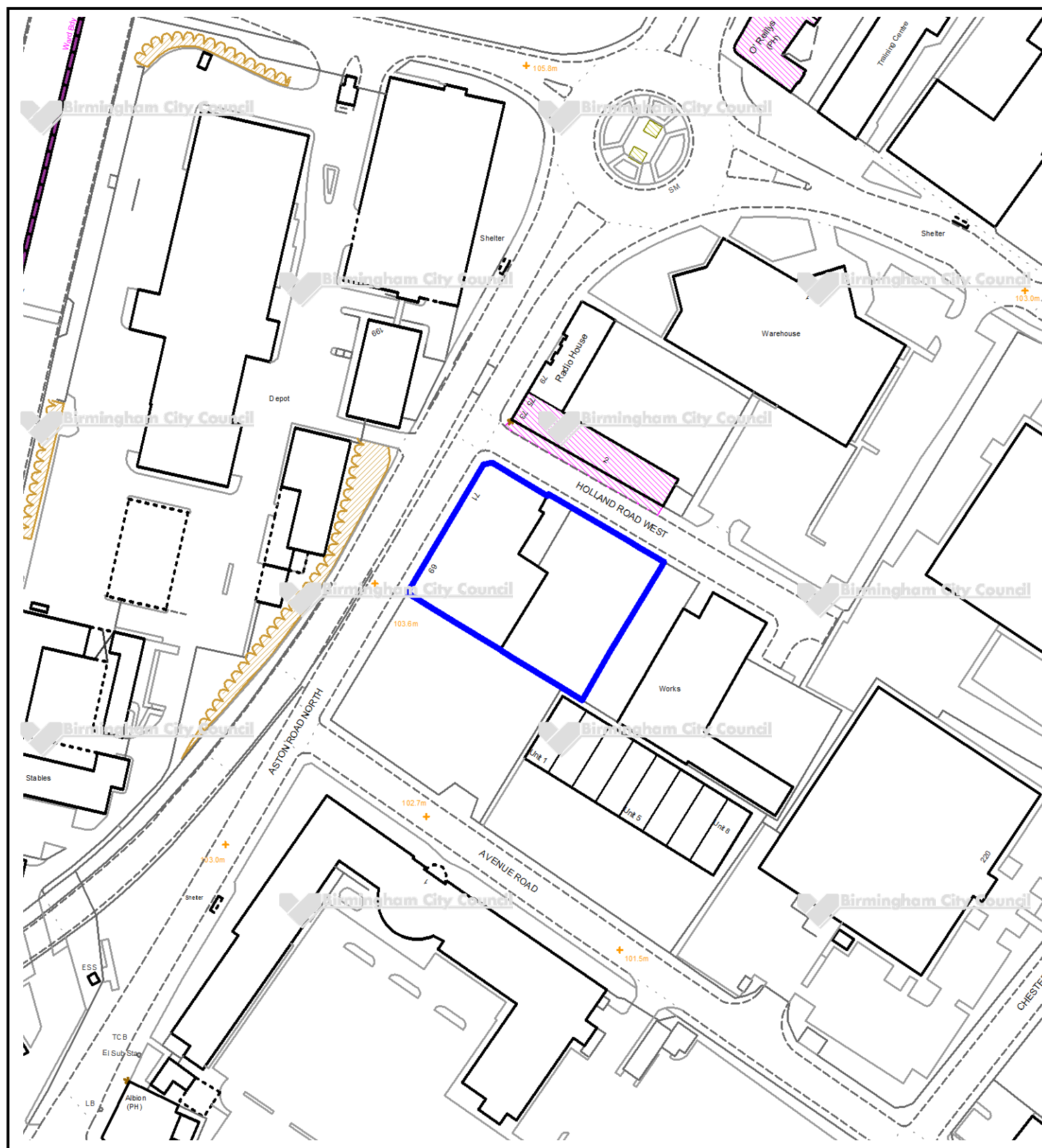
Aston Road North Elevation





Canopy on front elevation

## Location Plan



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Committee Date:	21/11/2019	Application Number:	2019/07556/PA
Accepted:	17/09/2019	Application Type:	Demolition Determination
Target Date:	22/11/2019		
Ward:	Perry Barr		

116-118 Aldridge Road, Perry Barr, Birmingham, B42 2TP

Application for Prior Notification for the proposed demolition of the former Midlands Chromium Building (No.116) and the associated units to the north which include the former Puma Build Building (No.118), the former Mango Lounge (No.118), Old School Minis (No.1 Holford Drive), the redeemed Christian Church of God (Unit 3, No.1 Holford Drive) and the former 1Stop Motor Help (No.4 Holford Drive)

Recommendation

**Prior Approval Required and to Approve with Conditions**

1. Proposal

- 1.1. This application is made under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015, in order to determine whether the City Council requires the prior approval of the method of demolition and proposed restoration for the application site.
- 1.2. No locally listed buildings or other historically designated buildings are proposed to be demolished as part of this application.
- 1.3. The application is supported by an Outline Construction Method Statement - Demolition Works. The applicant states that the method of demolition would be traditional and piecemeal (i.e. by machine) with no explosive demolition involved.
- 1.4. Following the completion of the demotion works, the site would be fully warranted development platform for the City Council.
- 1.5. The demolition works are anticipated to begin in March 2020. It is proposed that the demotion working hours will be:
  - Monday to Friday 0800 to 1800
  - Saturday 0800 to 1300
  - No working on Sundays and Public Holidays
- 1.6. The use of hydraulic/pneumatic breakers on site would be restricted to between the hours of 0900 to 1700 on Monday to Friday.
- 1.7. The following information has been submitted in support of this application:
  - Bat Survey Report dated October 2019
  - Ecological Appraisal dated 27 March 2019

- Outline Construction Method Statement – Demolition Works dated October 2019
- 1.8. The applicant has displayed a site notice that publicised the demolition. This expired on the 30<sup>th</sup> September 2019.
  - 1.9. [Link to Documents](#)
  2. Site & Surroundings
    - 2.1. The application site is the former Midlands Chromium Factory, situated off Aldridge Road. The overall site area is approximately 0.94ha in size.
    - 2.2. The site comprises a large complex of industrial buildings and small areas of hardstanding. The site is bound by Aldridge Road to the west and Holford Drive to the north with urban development including former 11 no. students accommodation and residential dwellings to the south and a sports centre with associated playing fields immediately adjacent to the eastern site boundary. Beyond Holford Drive are allotments and beyond Aldridge Road are further residential and industrial buildings.
    - 2.3. The Council's records indicate that the adjoining site was in part crossed by Ryknild Street Roman Road.
    - 2.4. [Site Location](#)
  3. Relevant Planning History
    - 3.1. 2019/03020/PA - Outline application for residential dwellings and a new secondary school with sixth form with all matters reserved- approved on 1 August 2019
    - 3.2. 2019/03140/PA – Application for Prior Notification relevant to the adjacent site to south for the proposed demolition of 11 no. student accommodation blocks and former WDM Cars Ltd building – approved on 9 May 2019
  4. Consultation/PP Responses
    - 4.1. Transportation Development – no objection
    - 4.2. Regulatory Services – no objection, subject to a condition to secure a Demolition Method Statement
    - 4.3. Local residents associations and Councillors have been notified. Site notice has been displayed by the applicant. No comments received to date.
  5. Policy Context
    - 5.1. General Permitted Development Order 2015 (the GPDO)
  6. Planning Considerations
    - 6.1. Schedule 2, Part 11 of the GPDO 2015 states that any building operation consisting of the demolition of a building is permitted development, subject to a number of criteria, including the submission of a prior notification application in order to give local planning authorities the opportunity to assess the details of demolition and site restoration only.

- 6.2. The buildings on the application site are to be demolished in readiness of the site being redeveloped, for which outline planning permission was granted (planning re. No. 2019/03020/PA). The existing buildings are not locally or statutorily listed and are of little architectural merit. Therefore the principle of demolition for these buildings is acceptable.
- 6.3. The Council's Conservation Officer noted that remains of a Roman Road and some Bronze Age / Iron Age archaeological remains were found recently immediately to the east of the site. A condition for an archaeological programme of works is therefore recommended to ensure the development does not impact directly on any potential heritage assets.
- 6.4. With respect to the potential for contamination of the environment and risks to human health, associated with the proposed works, Regulatory Services note that the information provided only covers the Midlands Chromium site and not all other buildings to be demolished. It has also been stated that the applicant's intent is to provide a clean platform for redevelopment which would require complete removal of ground structures and floor slabs. However, no information has been provided on possible site contamination and whilst (subject to site above-ground asbestos and hazardous substance assessments prior to demolition) Regulatory Services have no issue with removing above-ground structures, any groundworks would make site assessment very difficult and may exacerbate any contamination on site.
- 6.5. Regulatory Services have also requested a preliminary UXO (Unexploded Ordnance) assessment prior to commencement of any ground work taking place on site and expressed their concern regarding noise. A set of conditions have been recommended which could be added in order to minimise adverse environmental impacts.
- 6.6. Transportation Development have responded by stating no objection to the proposals and noted that, subject to compliance with details provided in the supporting information the demolition works would not raise unacceptable adverse impact on the local highway.
- 6.7. The submitted bat survey confirmed that one of the buildings to be demolished is used by common bats. The recommendations included within the survey make a provision for a temporary roost space nearby and destruction of the roost under a low impact bat mitigation licence is suggested. Subject to a pre-commencement condition to ensure suitable temporary mitigation, the Ecologist raised no objection to the demolition of the buildings on this site.
- 6.8. Overall, the method of demolition and proposed site restoration is considered to be acceptable, subject to the aforementioned condition requested by Regulatory Services, Ecologist and Archaeologist.

## 7. Conclusion

- 7.1. The proposal would result in the demolition the former Midlands Chromium Factory, which is presently comprises a large complex of industrial buildings. Whilst the principle of demolition is acceptable, given the need to secure additional information to minimise the impact of the demolition upon the environment and human health a set of safeguarding conditions requiring further details to help determine the impact on such is recommended to be applied. As such prior approval is required and granted.

8. Recommendation

8.1. That prior approval is required and granted in accordance with the condition below.

- 
- |   |  |
|---|--|
| 1 | Requires Demolition method statement   |
| 2 | Requires the prior submission of a programme of archaeological work                      |
| 3 | Requires the prior submission of a legally protected species and habitat protection plan |
- 

Case Officer:        Alfia Cox

## Photo(s)

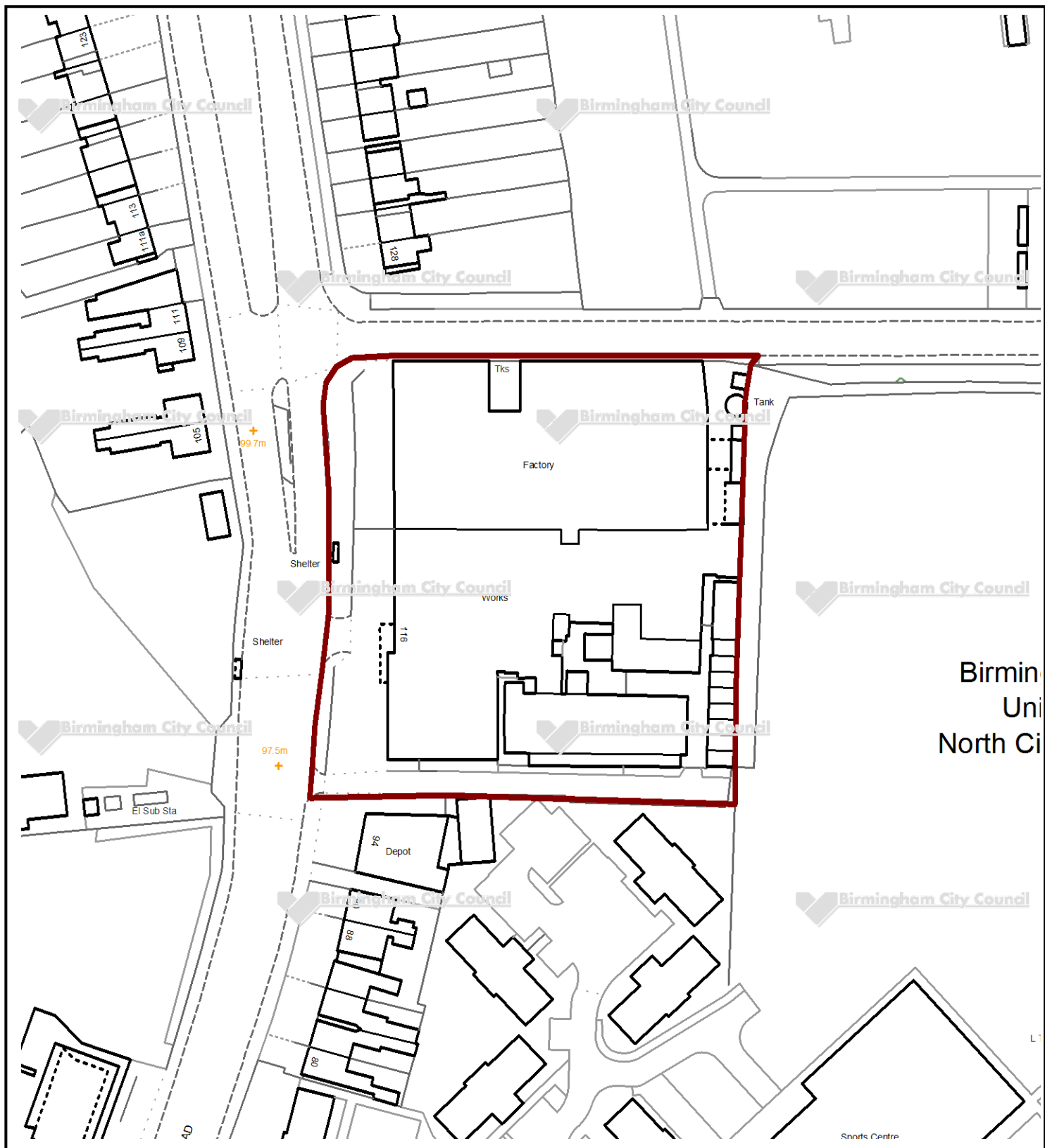


**Photo 1: Industrial units on Aldridge Road**



**Photo 2: Units on corner of Aldridge Road and Holford Drive**

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**21 November 2019**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	14	2019/04480/PA  Lyndon Place 2096 Coventry Road Sheldon Birmingham B26 3YU  Erection of one 5-7 storey and one 4-6 storey building comprising 85 apartments (45 x 1-bed, 36 x 2-bed and 4 x 3-bed) plus parking and landscaping - Phase 2 of wider scheme
Approve – Conditions	15	2019/05915/PA  122 Sutton Road Erdington Birmingham B23 5TJ  Erection of a three storey residential block comprising 6 no. self-contained apartments with associated parking and amenity facilities

Delegated Date:	08/11/2019	Application Number:	2019/04480/pa
Accepted:	29/05/2019	Application Type:	Full Planning
Target Date:	28/08/2019		
Ward:	Sheldon		

Lyndon Place, 2096 Coventry Road, Sheldon, Birmingham, B26 3YU

Erection of one 5-7 storey and one 4-6 storey building comprising 85 apartments (45 x 1-bed, 36 x 2-bed and 4 x 3-bed) plus parking and landscaping - Phase 2 of wider scheme

Recommendation

**Approve Subject to a Section 106 Legal Agreement**

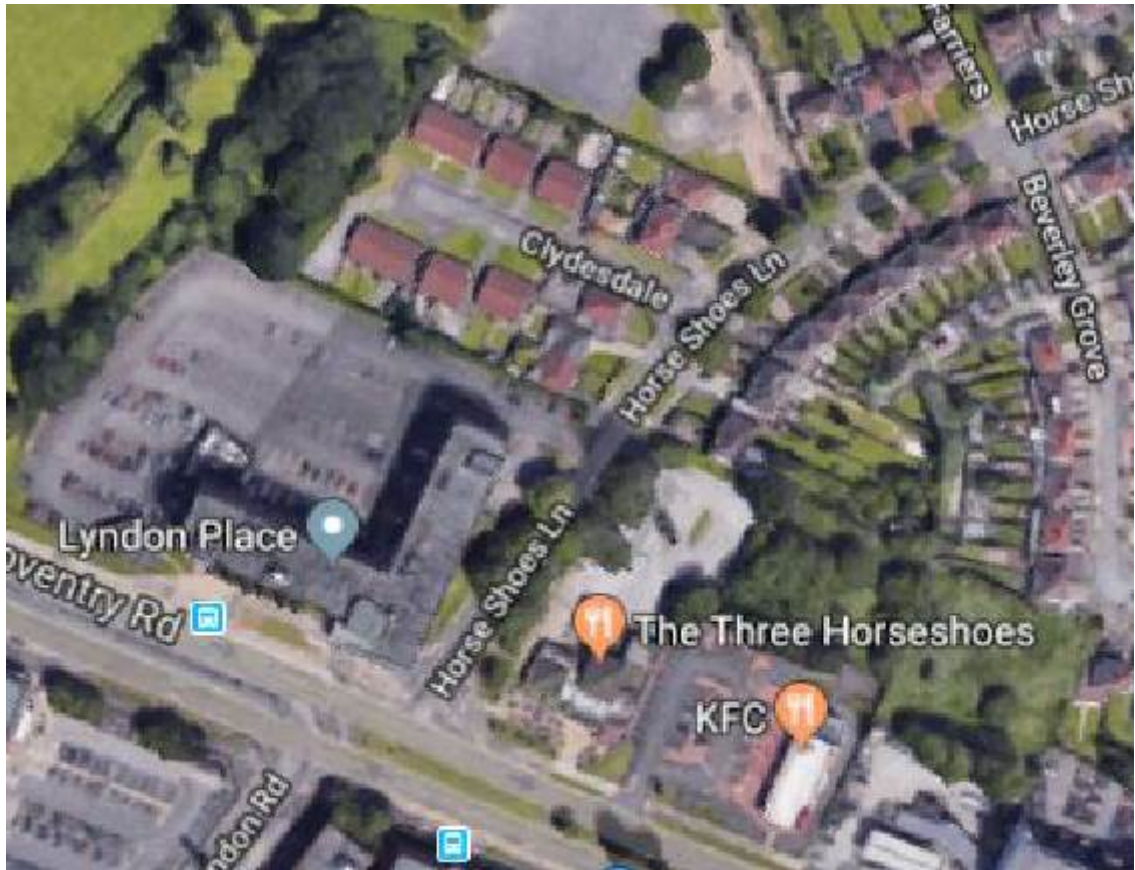
1. Proposal

- 1.1. This application is for the construction of one x 5-7 storey and one x 4-6 storey high building comprising 85 apartments.
- 1.2. There will be 85 flats in total comprising 45 x 1 bed units, 36 x 2 bed units and 4 x 3 bed units, along with associated parking and landscaping which represents Phase II of the wider scheme at Lyndon place.
- 1.3. Details with respect to the parking layout, access and servicing arrangements have been accompanied by a Transportation Statement that shows no. 156 Parking spaces (including disabled/ electric vehicle charging parking spaces).
- 1.4. The application has been accompanied with a Planning statement, Design and Access Statement/Masterplan, Transport Statement and Residential Travel Plan, Air Quality Assessment, Noise Assessment, Flood Risk Assessment/Suds report and Ecology report have also been submitted as part of supporting documents with this application.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site presently comprises the existing office block 'Lyndon Place' which consists of a large five storey office block in an L Shaped configuration and associated car parking which occupies a prominent location on the corner of Coventry Road and Horseshoes Lane, Sheldon.
- 2.2. The Westley Brook Green Wedge (part of Sheldon Country Park, which is designated Green Belt and SLINC), immediately adjoins the site to the west and north. The Coventry Road frontage is essentially office/ commercial. The area is generally residential beyond the road frontages, with bungalow properties situated immediately to the north of the application site. The following is an extract from Google Maps showing an aerial view.





- 2.3. The pedestrian subway which was once located outside of the site has been filled in but the bus stop and shelter directly outside the site remains. The main Coventry Road is a main bus route and the road is a red route with limited parking opportunities. The application site falls within the airport safety zone.

2.5. [Site Location](#)

3. [Planning History](#)

- 3.1. 27.08.2019 Alterations to building including balcony roof gym and amenity space on roof. Approved, subject to Conditions.
- 3.2. 16.10.2018 2018/06953/PA Prior Approval for the change of use of offices to 126 residential apartments. Approved.
- 3.3. 02.02.2007 2006/07356/PA New cladding, curtain walling, re-cladding of canopies and decoration to glazing and new disabled access to office block. Approved subject to conditions.
- 3.4. 03.04.2006 2006/0522/06/FUL Retention of car park. Approved subject to conditions.
- 3.5. 09.03.1972 03639011 Erection of five storey office block. Approved, subject to Conditions.

- 3.6. 04.11.1971 03639009 Erection of five storey office block. Approved, subject to Conditions.

4. Consultation/PP Responses

- 4.1. **Transportation** – No objections – the previous office use and the associated car parking, which were approved for conversion to residential, is noted. Other changes include roof top amenity space, gym and balconies.
- 4.2. It is also noted that the access will be maintained as the primary access to the site for the new residents and for servicing the development. Parking provision is provided for 156 spaces and will equate to 74% along with 1 cycle space per dwelling. The submission provides evidence of the accessibility of the site by non-car travel modes and as such raise no objections, subject to conditions.
- 4.3. **Regulatory Services** – No objections, subject to conditions relating to contamination, provision of charging points for electric vehicles and development to be in accordance with the noise assessment undertaken.
- 4.4. **Environment Agency** – no objections.
- 4.5. **Local Lead Flood Authority (LLFA)** – Re-consulted with Flood Risk Assessment/drainage details.
- 4.6. **West Midlands Police** – No objections – recommend ‘Secure by Design’ principles.
- 4.7. **Severn Trent** – No objections.
- 4.8. Ward Members, MP, Residents Groups and neighbouring properties notified – Two individual representations received:
- 4.9. Concerned that the proposed extension to this site will have an increase in traffic on Horseshoes Lane whilst residents access the property. With the increase of cars, there is also a risk of traffic congestion down Horseshoes Lane whilst cars try to gain access onto Coventry Road which will make access into and out of my property more difficult. Currently the windows of the office block are blacked out which has provided some privacy in the front bedroom. Concern is further expressed that once the apartments are habited, no privacy will be provided as apartment windows will look directly into front bedroom.
- 4.10. This development will block out the light and cast shadows, particularly in winter, on bungalows. Medical conditions will lead to feelings of being hemmed. Potential for wildlife and badgers in the vicinity which could extend under the building.
- 4.11. Site notice posted and press notice advertised.

5. Policy Context

- Birmingham Plan 2017
- Saved policies of the Birmingham UDP 2005
- Places for All SPG
- Places for Living SPG

- Car parking Standards SPG
- National Planning Policy Framework 2019

## 6. Planning Considerations

### 6.1. **Principle**

The National Planning Policy Framework 2019 and Birmingham Development Plan (2017) stress the importance of the re-use of previously developed land and its accessibility to public transport to secure well placed, sustainable residential development.

6.2. Policies PG3, TP27 and TP30 contained within the current development plan, saved policies 3.14-3.14D contained within the saved Birmingham UDP and guidance within adopted Supplementary Planning Guidance Places for All and Places for Living requires consideration to be given to the design and layout.

6.3. Moreover, it is the 'golden thread' that runs through the NPPF 2019 and the adopted Birmingham Plan that new development should also provide good quality residential accommodation that builds upon local character, whilst not detrimentally impacting upon the character and quality of the residential environment to existing residents in the area.

6.4. Members will appreciate from the planning history that there is a previous consent on the site for prior notification for the conversion of the offices to provide 126 residential units. This is a brownfield site, which is considered suitable in principle for redeveloping an element of the remaining part of the wider site for residential purposes to provide a further 85 additional units in two new purpose built blocks.

### 6.5. **Design and Appearance/Character of the Location**

The former 'Lyndon Place' building is a large high rise office block which is a distinctive and significant feature building on the corner of Coventry Road and Horseshoes Lane Sheldon. The building is visible from a number of vantage points and is considered a local landmark.

6.6. The proposed new building proposed is located to the west of the existing block and forms two distinct wedge features, one set parallel and one set at right angles to the existing Lyndon place. Each block would be accessed from one central atrium at ground level, with stairs and services running through the centre of the buildings providing access to the six floors on the frontage and five floors facing towards the rear of the site. As you progress up the building, there are larger units with external open spaces/green spaces to provide welcome amenity areas for the residents to enjoy.

6.7. A palette of materials has been proposed and the building would be a mixture of brickwork to visually 'ground' the building and a light-weight material on the upper floors, with associated detailing and large scale windows and oriel windows to provide views across the site; making use of its locations across the park and beyond over the city.

6.8. Your City Design Team have considered the scheme and provided feedback in terms of improvements to this phase which have been incorporated into the final design and therefore have raised no objections in principle to the development in this stepped format, subject to conditions relating to detailing and materials.

- 6.9. In this instance, it is considered that the design of the proposed block would be positive in terms of appearance in the context of the main block and the wider locality. It is considered that these two buildings would provide positive well designed features and would have a positive impact in terms the character of the location and its associated frontages and to the local environs which would ensure the development complies with policy PG3 of the Birmingham Plan and the guidance in Places for All and places for Living SPG.
- 6.10. **Transport and Highway impacts**  
The application site is located within the Sheldon District Centre, just outside the main shopping area which has excellent access to public transport with bus routes serving the site between Birmingham City Centre and Solihull. The main A45 is proposed a future tram extension route and upgraded bus route.
- 6.11. The proposals would result in the provision of 156 no. car parking spaces (74% car parking provision across the site), with access from Horseshoes Lane. This would include disabled parking spaces, EV parking and an area of cycle secure storage for 1 cycle per unit.
- 6.12. A Transport Statement and Residential Travel plan have been submitted in support of the application. The Transport Statement includes projected existing/proposed trip generation for the site using data from industry standard database TRIC's based on projections the new development
- 6.13. The analysis prepared by the applicants suggests the relatively high previous B1 use trip rate and a relatively low comparison C3 use trip rate and therefore concludes that the development would be favourable in terms of likely reduced peak hour movements and this is supported by the highly sustainable location and the associated Residential Travel Plan. Members will be aware of the advice and guidance in the NPPF which suggests that development should only be turned down should the cumulative impacts of the development be severe.
- 6.14. Transportation Development have considered the evidence in detail and it is not considered that the variance of the previous use would be so significant that objections on the basis of the applicants adopted methodology could be upheld. The prospective impact of additional trips from the proposed residential use on network performance would consequently be unlikely to result in a demonstrably severe impact upon the surrounding highway network.
- 6.15. Concerns have been raised in terms of traffic impacts of the development and notwithstanding the acceptability of the proposal in terms of its likely impact on the highway network, given the additional 85 units, a number of conditions are recommended to achieve the best possible outcome with regards to highway safety for the scheme. Given the scale of the proposals and the level of parking provision proposed here, I consider that such conditions would be reasonable and necessary to ensure the safe management and operation of the application site and car park arrangements which ensures the development complies with policy TP44 of the Birmingham Plan.
- Landscaping**
- 6.16. There are limited opportunities for landscaping of the site as there is an existing building and large car park/service area. The applicant has sought to define the new block with areas shown for feature planting on the boundary with the Coventry Road, which continues across the site in front of phase 1 (the conversion) and to define areas adjacent to the park and Horseshoes lane.

- 6.17. Further space is proposed as part of the larger units on floor 4 and 5 of the development. The landscape officer has considered the scheme and has recommended that conditions be applied to detail these planted areas to ensure robust and suitable species are proposed for these sensitive boundaries especially as the prior approval for the majority of the units did not require any formal landscaping of the site.

### **Ecology**

- 6.18. The application has been supported with a detailed ecological survey in accordance with Policy TP8 of the Birmingham Plan. Members will note that the site already consists of an existing building and car park. In this instance the report finds no evidence of any protected species or suitable nesting sites for birds, etc.
- 6.19. Your ecologists have considered the site and the report. It is noted that there were comments from a local resident in regard to Badgers using the adjacent site. In response to this, the applicant undertook a further survey of the site and especially around the boundary with the park. However, no evidence of foraging or any sett was discovered. There are also limited opportunities for birds on the present site.
- 6.20. As with all sites, this does not mean the site cannot be ecologically enhanced to provide biodiversity improvements. In this instance, the applicant has provided landscaping plans which show areas for planting especially along the boundaries and the new secure cycle store is shown to have a green roof.
- 6.21. The ecologist has indicated that this along with other provisions, (i.e. bird boxes) would help improve the biodiversity of the site and may be effectively controlled by the imposition of suitably worded conditions linked through the landscape and associated management plan.

### **Flooding risks**

- 6.22. The site falls within Flood Zone 1 and has a low probability of flooding and is not shown to be at risk from main river or surface water flooding. Consequently, there are no significant risks from flooding from the proposed new building.
- 6.23. Whilst this is the case, the applicant has provided a detailed FRA and SuD's assessment. Given the unsuitability of the site to provide a full SuD's scheme given the hard surfacing and use, the applicant has demonstrated surface water can be adequately mitigated via storage and a specialist Vortex Flow Guard to ensure the site and the local area is not subject to surface water flooding. The Environment Agency and Severn Trent Water have expressed no objections and whilst final comments from the LLFA are awaited, a condition relating to foul/surface drainage of the site has been attached in accordance with TP6 the Birmingham Plan.

### **Amenity**

- 6.24. Each of the new 85 flats would have adequate bedroom sizes and overall space which meet and exceed the standards as required by the DCLG Technical Standards, which will provide a satisfactory living environment for all new occupiers.
- 6.25. It is accepted that the new residents would be aware of the proximity of commercial properties in the surrounding area and the main strategic Coventry Road (A45) running alongside which has implications for both air quality and noise.
- 6.26. An air quality report and a copy of the full noise report that was produced as part of the supporting documentation for the prior approval application specifies that the existing windows would be upgraded to achieve the necessary sound reduction

levels to protect the amenity of any prospective residents. The purpose built office block which was proposed to be converted as a result of this prior approval is of robust construction and achieves appropriate levels of thermal and sound insulation.

- 6.27. Regulatory Services have further required that the additional apartments be restricted by the same noise assessment undertaken under the prior notification and have raised no objection subject to this being imposed. Therefore, subject to the condition requiring the same noise insulation standards as the conversion scheme and recommendations of the noise report being undertaken I concur with this approach which will ensure adequate amenity levels are maintained.
- 6.28. Concerns have been raised in regard to the loss of amenity in terms of overlooking however Members will acknowledge that the existing block has already been approved under a separate Prior Notification.
- 6.29. The nearest properties to the new development are located to the North East of the proposed blocks in a cul de sac called Clydesdale. The nearest proposed block will stepped away from these particular bungalows and will meet and exceed the distance separation standards as required by places for Living SPD. Whilst it is acknowledged that these properties will have different outlook than a car park they currently overlook and the original office. Also they do not have any straight line relationships to the proposal as defined in the guidance as the block is offset to the nearest property (Number 18). Light will continue to move around the front of the current office and this situation will remain unchanged. These aspects will ensure that amenity levels are maintained in accordance with PG3 of the Birmingham Plan.

#### **Other matters**

- 6.30. The land is formally part of the existing car park. In this instance, the site is considered a brownfield site and contamination surveys have been provided for the proposed new buildings. Regulatory services are satisfied that subject to a raft of suitably worded conditions, the site can be adequately migrated to ensure public health is maintained.
- 6.31. An air quality report has been provided in accordance with the policies of the Birmingham Plan. In this instance adequate mitigation measures especially during construction can imposed to ensure that air quality can be adequately ensured during construction and beyond which including the green roof on the secure cycle store as required by policy TP3 of the Birmingham Plan.

#### **Affordable Housing and Planning Obligations**

- 6.32. The development site falls within a Low Value Area Residential Zone and will therefore be subject to a nil CIL charge. However, given the scale of the proposed development, seeking to deliver more than 15 no. dwellings, the aim is to deliver 35% affordable housing as part of the scheme, in accordance with Policy TP31 of the Birmingham Development Plan. In accordance with Policy TP9 of the BDP, residential schemes of 20 or more dwellings should provide on-site public open space and / or children's play provision. Developer contributions would be used to address the demand from new residents if not provided onsite.
- 6.33. The application proposals seek to provide 85 new units of 45 x 1 bed and 36 x 2 bed units and 4 x 3 bed units. Given the above and in this instance the developer has provided a financial viability report based on the new development as proposed.
- 6.34. Since the provision of affordable housing has been agreed in principle with the applicant. It is acknowledged the need for the provision of affordable units (ie 9

units), however after consultation and careful consideration it is clear that registered social providers are unlikely to want to take up the offer given the size of the proposed units and the ability to maintain/access their location in the wider development however a low cost sale approach may be considered acceptable.

- 6.35. As noted, the developer, in this instance, has provided a viability report with regard to the development. This has been thoroughly assessed by the Councils' independent advisors and in this instance, given the low land values. The provision of 9 units equating to 10% delivered on an 'affordable low cost basis' and at 20% discount to market value in perpetuity can be sustained.
- 6.36. Leisure Services have requested an off-site contribution to be secured to offset for the lack of on-site provision. The assessment has further concluded that a payment for Public Open Space cannot be sustained is considered. However, the location of the site to the adjacent park, and the provision of affordable homes is an acceptable approach and may be adequately secured through the S106 agreement.

### **Community Infrastructure Levy**

- 6.37. The proposed development would not attract a CIL contribution.

## **7. Conclusion**

- 7.1. This is previously developed land and the main principle of residential use is considered acceptable in this predominately residential location where a residential use has been established through the Prior Notification scheme.
- 7.2. The proposed development is in a highly sustainable location and can be adequately accessed and serviced. The design of the new elements will continue to complement the existing building and the wider area. Subject to conditions I consider the development provides a good level of amenity for the existing and proposed new residents. The site can be improved in terms of its biodiversity which would both benefit the site and adjacent SLINC and is considered acceptable.

## **8. Recommendation**

- 8.1. Approve subject to conditions and 106 legal agreement  
That consideration of application number 2019/04480/PA is deferred pending the completion of a Section 106 Legal Agreement to secure the following:
- i) To secure 9 units in total (6 x 1 bed units and 3 x 2 bed units) equating to 10% 'affordable units' delivered on site as 'affordable low cost sale units at 20% discount of market value in perpetuity
  - ii) Payment of a monitoring and administration fee associated with the legal agreement of £3010.00
- 8.2. In the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 20<sup>th</sup> December 2019, planning permission be REFUSED for the following reason;
- i) The proposal represents an unacceptable form of development as it would not achieve Section 106 Planning Obligations in the form of appropriate affordable housing. This is contrary to Policies TP9 and TP47 of the Birmingham Development Plan 2031, Affordable Housing SPG, and the National Planning Policy Framework (2018).



- 8.3. That the City Solicitor be authorised to prepare, complete and seal the appropriate planning obligation via an 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 20<sup>th</sup> December, 2019, favourable consideration be given to this application, subject to the conditions listed below. That subject to the signing of a S106 agreement that planning permission be granted subject to conditions. In the event of this agreement not being signed by then permission be refused.

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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 submission of window frame details
5	Requires the prior submission of a contamination remediation scheme
6	Requires the submission of a contaminated land verification report
7	Requires the prior submission of level details
8	Requires the submission of hard and/or soft landscape details
9	Requires the submission of boundary treatment details
10	Requires the submission of a landscape management plan
11	Requires the submission of details of green/brown roofs
12	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
13	Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
14	Requires the prior submission of a construction method statement/management plan
15	Requires the submission of details to prevent mud on the highway
16	Requires the prior installation of means of access
17	Prevents occupation until the turning and parking area has been constructed
18	Requires the submission of an amended car park layout
19	Requires the submission of vehicle parking and turning details

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|----|--|
| 20 | Requires the submission of details of pavement boundary                    |
| 21 | Requires the submission of a parking management strategy                   |
| 22 | Requires the delivery and service area prior to occupation                 |
| 23 | Requires the submission of details of parking                              |
| 24 | Requires the submission of a residential travel plan                       |
| 25 | Requires the parking area to be laid out prior to use                      |
| 26 | Requires the submission of details of turning, loading and parking         |
| 27 | Requires the submission of cycle storage details                           |
| 28 | Requires the submission of details of a delivery vehicle management scheme |
| 29 | Requires the submission of a car park management plan for disabled spaces  |
| 30 | Requires the submission and completion of works for the S278/TRO Agreement |
| 31 | Requires the provision of a vehicle charging point                         |
| 32 | Requires the implementation of the Flood Risk Assessment                   |
| 33 | Requires the prior submission of a drainage scheme                         |
- 

Case Officer: Sarah Willetts

## Photo(s)



Fig. 1 - View from Coventry Road into the site where the new Blocks are proposed



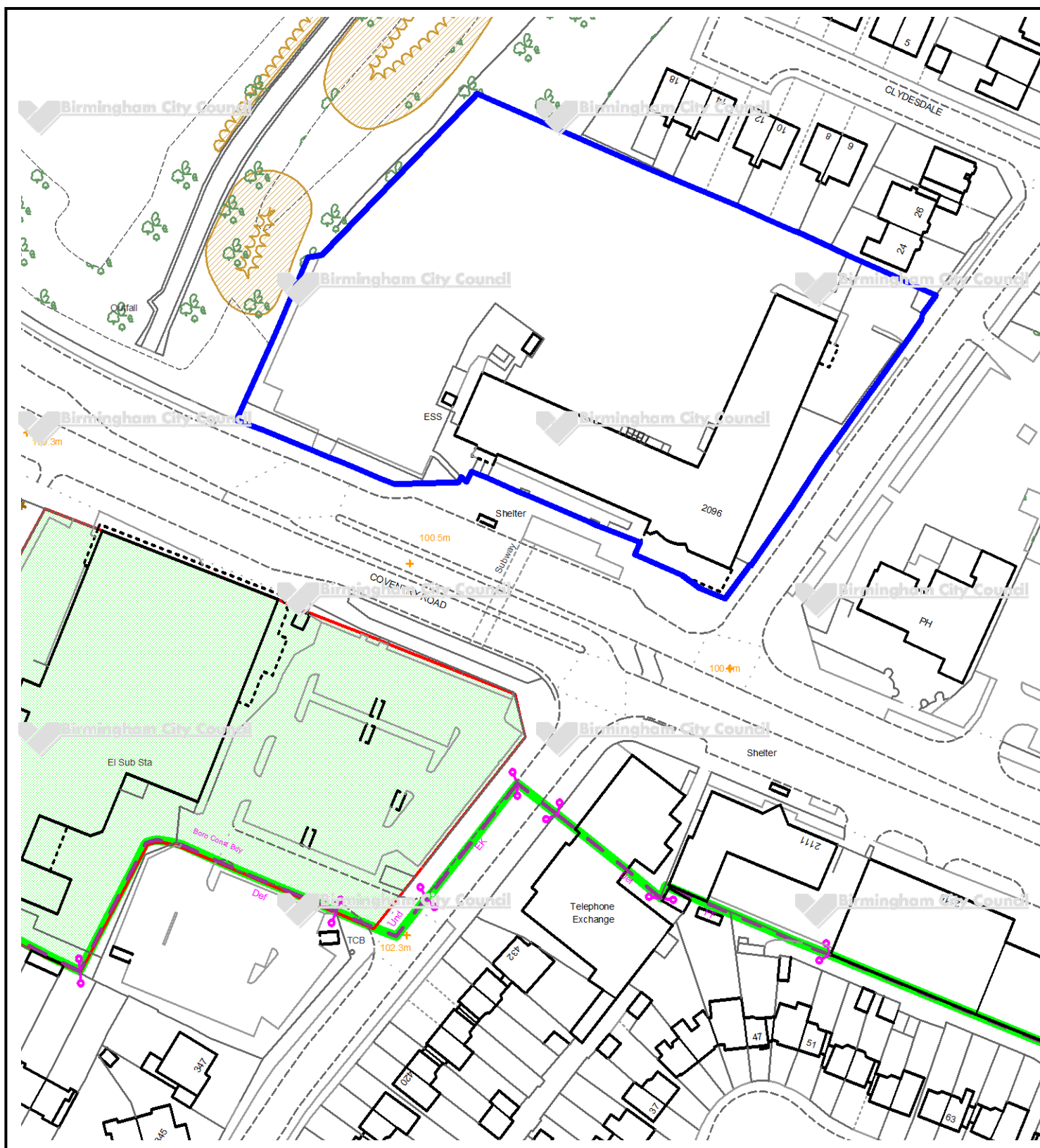
Fig. 2 - View of site Looking Towards Lyndon Place which is being converted



Fig. 3 - View of Application site looking out Towards Coventry road (superstore in Distance)



## Location Plan



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Committee Date:	21/11/2019	Application Number:	2019/05915/PA
Accepted:	25/07/2019	Application Type:	Full Planning
Target Date:	21/11/2019		
Ward:	Erdington		

122 Sutton Road, Erdington, Birmingham, B23 5TJ

Erection of a three storey residential block comprising 6 no. self-contained apartments with associated parking and amenity facilities

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Full Planning Permission is sought for the erection of a 3 storey residential block containing 6 self-contained apartments with associated parking and amenity facilities at 122 Sutton Road, Erdington.
- 1.2. The proposals would result in a 3-storey, in height building, with symmetrical façade adjacent to the existing 6 dwelling terrace situated to the west. The façade of the building will appear 2.5 storeys in nature with a mid-dormer level above.
- 1.3. The proposals would create an area of amenity space to the front of the building behind a boundary of brick wall and railings. The proposed parking area (6 spaces) would be positioned to the east of the building, with amenity space positioned to the rear of the building (approx. 71sq.m).
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The existing site is rectangular in nature. The site is situated to the east of the existing, 2.5 storey high Victorian terrace of residential properties. The north of the site is bound by the gardens of the existing nursing home situated at 124 Sutton Road. The west of the site is bound by the car park situated to the rear of the existing doctor's surgery at 122 Sutton Road. Chester Road bounds the site to the south, with retail premises and informal car parking on the opposite side of Chester Road. The site measures approximately 550square metres.
- 2.2. Wylde Green Local Centre is situated approximately 150 metres to the east, with the primary shopping area situated approximately 200 metres to the north east. Lyndhurst housing regeneration site is situated due south, behind the premises/ dwellings fronting Chester road.
- 2.3. The area is generally predominantly residential in nature, with elements of class A1 (Shops), C2 (Residential Institutions) and D1 (Non-residential institutions) in the immediate locale.

[Site Location](#)

### 3. Planning History

- 3.1. 2018/07958/PA: Erection of a two storey residential block comprising 6 no. self-contained apartments with associated parking – Application withdrawn.

### 4. Consultation/PP Responses

- 4.1. Neighbouring residents and Local Ward Councillors have been consulted on this Planning Application and a site notice erected. 1 letter of representation has been received in relation to this Planning Application. The main points of objection are detailed below;
- The proposals will have a detrimental impact on the visual amenity of the area and will have a detrimental impact on the residential amenity of the properties in the immediate locale.
- 4.2. BCC Transportation: No objection, subject to the imposition of conditions.
- 4.3. Regulatory Services: No objection, subject to the imposition of conditions.
- 4.4. West Midlands Police: No Objection.
- 4.5. Severn Trent: No objection.

### 5. Policy Context

- 5.1. Relevant Local Planning Policy:
- Birmingham Development Plan (BDP) 2017
  - Birmingham Unitary Development Plan (UDP) Saved Policies 2005
  - Places for Living SPG 2001
  - 45 Degree Code
- 5.2. Relevant National Planning Policy:
- National Planning Policy Framework (NPPF) 2019

### 6. Planning Considerations

- 6.1. There is a presumption in favour of sustainable development. The NPPF requires planning applications to be considered in accordance with the development plan unless material considerations indicate otherwise.
- 6.2. Policy PG3, TP27 and TP28 require residential schemes to be sustainable and provide a range of housing types and sizes to ensure a balanced community to meet criteria. This site is located within a well-established mixed tenure larger area of housing. In the immediate locale, the predominant house types are 2 storey semi-detached or short terraces of 2.5 storey accommodation. The proposal is for a



residential block of 6 dwellings, 3 x 1 no. bedroom properties and 3 x 2 no. bedroom properties which is considered acceptable in principle. The area is well connected by public transport links.

- 6.3. The proposed development would be located fronting onto Chester Road. It would have a very similar design and visual impact to the adjoin Victorian dwellings to the west. The apartment block would not breach the ridge of the adjoining dwellings or breach the principle elevation building line. In addition, it would visually relate to the adjoining dwellings in terms of materials. The proposed development would have a symmetrical fenestration which again relates to the existing terrace to the west.
- 6.4. The mass of the proposed development, in terms of built form to plot ratio is considered appropriate. The proposed ridge line is consistent with the adjacent terrace as is the eave line, ensuring the existing properties are not detrimentally impacted upon or competed with.
- 6.5. The building would be accessible for both pedestrian and vehicular traffic from Chester Road. The previous scheme detailed a pedestrian access to the building which wasn't visible from the public realm, which did not conform to Places for Living Supplementary Planning Guidance. The previous scheme also proposed undercroft access, with a parking layout which was not considered appropriate. These elements have been amended/ removed on the advice from the BCC Transportation Department. No objection has been received from the Transportation Department regarding the revised proposals. The number, size and position of the parking area and the access point are now considered appropriate, with 100% parking provision provided (1 space per unit).
- 6.6. The Birmingham Local Development Plan indicates that a development should make a positive contribution to an area. In this context, it is considered that the development does positively respond to local site conditions and therefore continues to demonstrate the principles of good design and layout. The proposal is deemed to comply with Policy PG3 and TP27 of the Birmingham Plan 2030 and the guidance contained within Places for All and Places for Living supplementary Planning Guidance and the advice and guidance in the National Planning Policy Framework and the National Planning Policy Guidance.
- 6.7. The Birmingham Local Development Plan Policy PG3 requires development to be of a high quality design and to respond positively to the context and character of the site. The development is considered to positively relate to the existing 2.5 storey high terraced dwellings which bounds the site to the west.
- 6.8. The proposed apartments demonstrate a similar fenestration to the dwellings to the west, creating a symmetrical appearance, akin to the existing terrace to the west. The apartment block would be finished in roof tiles and bricks to match the adjoining dwellings and other buildings in the immediate locale. The proposals are therefore considered acceptable, respecting the traditional format, scale and layout of the locale.
- 6.9. The proposed landscaping and boundary treatment can be addressed through the imposition of conditions. No objections were received from the Landscape team in relation to the proposals on the basis that conditions relating to boundary treatment, surfacing and planting are imposed.
- 6.10. The proposed apartments are a mixture of one and two bedroom properties. The one bedroom apartments will create a floor area of approximately 50.2 square metres with the 2 bedroom properties creating approximately 71 square metres. The

one bedroom properties will create bedrooms measuring 12.7 square metres with the two bedroom units bedrooms measuring approximately 12.8 square metres and 11.9 square metres and are therefore considered to comply with the “Technical Housing Standards” and Appendix A of the “Places for Living “ supplementary planning guidelines and would ensure adequate living accommodation for future occupiers.

- 6.11. The plot would provide in excess of 71 square metres of rear amenity space. “Places for Living” SPG aims to provide 30 square metres of amenity space per apartment. The proposed garden area, although smaller than the guidance suggests, is considered appropriate. The site is rectangular in shape and the amenity area would be useable and easily accessed. Further, the proposals would create a number of much needed varied dwellings, of appropriate style, design with acceptable access and parking within the urban area. Within the immediate locale there are areas of Public Open Space at Pye Hayes Park, Short Heath Park, Holly Lane Sports Club, Boldmere Sports Club, Penns Lane Sports Club, playing fields off Woodway and Whitton Lakes Park. The provision of Public Open Space is therefore a material consideration and it is deemed that there is sufficient areas of amenity spaces, within a reasonable distance of the site. In considering the proposals as a whole, the proposed on-site amenity space provision as well as the areas of POS in the immediate locale, as well as producing an otherwise appropriate scheme, it is considered that the proposals are appropriate.
- 6.12. The proposals are considered to not create any adverse impact in terms of detrimental impact on the amenity of the surrounding properties. The proposals are not considered to lead to loss of sunlight, daylight, loss of privacy or overshadowing on the residential properties situated to the west. The rear elevation of the existing and proposed dwellings/ flats are north facing and receive limited sunlight. The rear elevation of the proposals will not impact on the rear elevation of the terrace given that the existing rear elevation protrudes further north than the proposals and will therefore have no detrimental impact. There will be no impact in terms of overlooking on the properties to the west. The rear elevations of the properties on Sutton Road are positioned approximately 34 metres away (St Anthonys Care Home), with residential properties located further away. The proposed windows on the rear elevation of the development are not considered to have a detrimental impact on the residential amenity of the immediate locale. The upper floor windows of the proposals have been removed and replaced with roof lights to ensure any privacy or overlooking issues are further reduced. The first floor windows will be opaque also. The proposals are considered to accord with Places for Living Supplementary Planning Guidance spatial standards as the upper floor rear elevation windows comply with the separation distances.

## 7. Conclusion

- 7.1. The proposals are considered to accord with the relevant Local Development Plan Policies and Supplementary Planning Guidance. The development is not considered to have a detrimental impact on the residential amenity of the surrounding area or the visual amenity. The proposals are considered to have a neutral impact whilst creating 6 residential units of good quality.

## 8. Recommendation

- 8.1. Approve subject to the conditions detailed below.

- 
- 1 Implement within 3 years (Full)
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Requires the prior submission of a construction method statement/management plan
  - 4 Requires the submission of details to prevent mud on the highway
  - 5 Requires the prior installation of means of access
  - 6 Prevents occupation until the turning and parking area has been constructed
  - 7 Requires the submission of details of pavement boundary
  - 8 Requires the parking area to be laid out prior to use
  - 9 Requires the submission of cycle storage details
  - 10 Requires the submission of a car park management plan for disabled spaces
  - 11 Requires the submission and completion of works for the S278/TRO Agreement
  - 12 Surface Water Run-off
  - 13 Requires the submission of hard and/or soft landscape details
  - 14 Requires the submission of hard surfacing materials
  - 15 Requires the submission of boundary treatment details
  - 16 Requires the submission of a landscape management plan
  - 17 Requires the prior submission of level details
  - 18 Requires the prior submission of a contamination remediation scheme
  - 19 Requires the prior submission of contamination remediation scheme on a phased basis
  - 20 Road Traffic Noise and Air Quality assessmnet
  - 21 Requires the submission of sample materials
  - 22 Requires the provision of a vehicle charging point
  - 23 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 24 Requires obscure glazing for specific areas of the approved building
- 

Case Officer: Gavin Forrest

## Photo(s)



Fig 1: End of adjacent terrace, site and rear of doctors surgery



Fig 2: View of site looking north from Chester Road



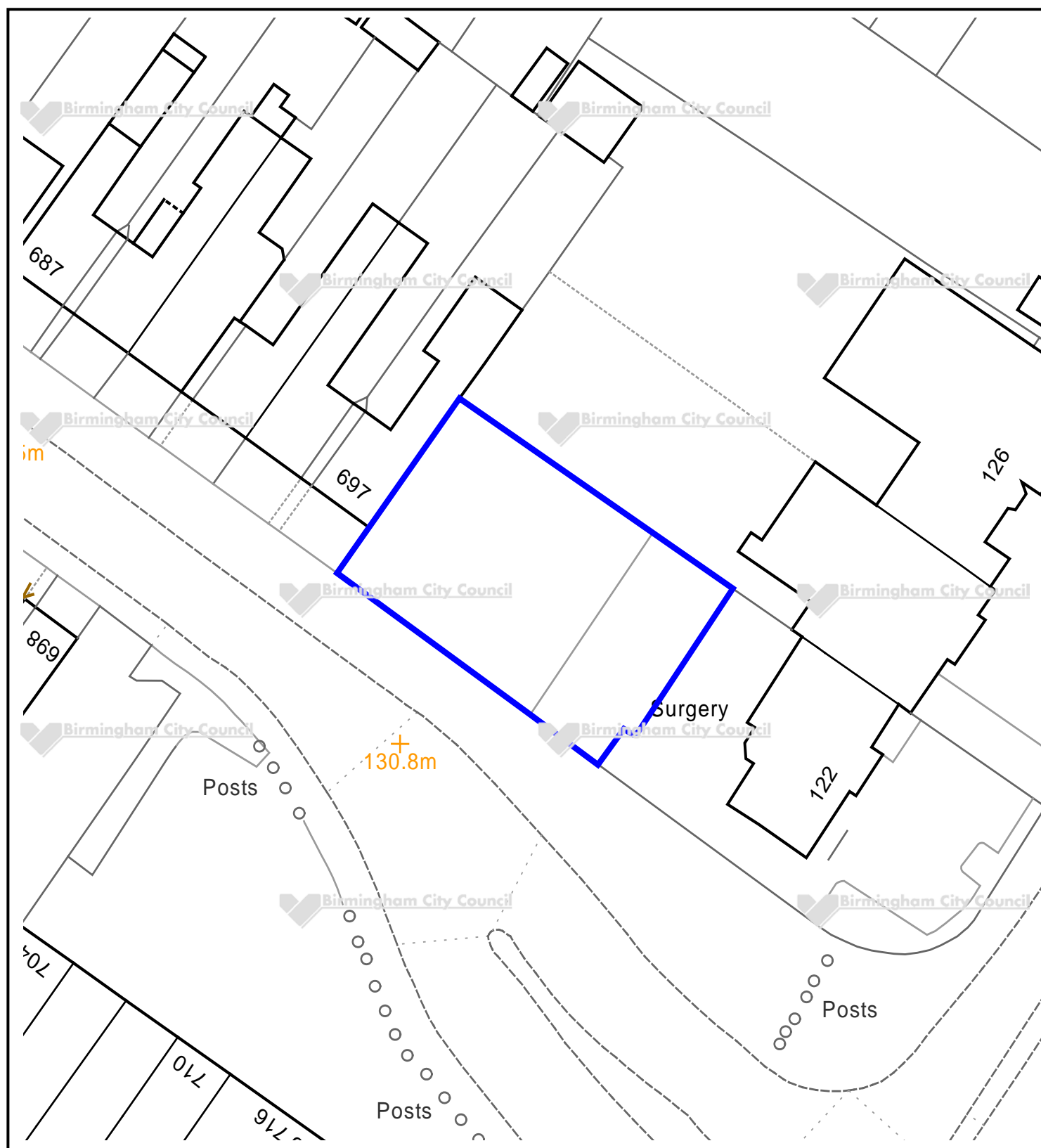


Fig 3: Rear of doctors surgery and Care home situated to the east



Fig 4: View of the site looking westwards towards end of terrace to which it relates

## Location Plan



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# **Birmingham City Council**

**Planning Committee**

**21 November 2019**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	16	2019/02975/PA  Land Fronting Bristol Street, Belgrave Middleway, St Luke's Road, Sherlock Street, Hope Street, Vere Street, Mowbray Street, Spooner Croft And Gooch Street Birmingham B5 7AY  Minor material amendment to approval 2017/10448/PA to allow changes to approved plans for apartment blocks A1-A6 to include change in unit sizes and reduction in height to blocks A3, A4 & A5 by one storey each. Associated amendments to the external elevations and layout including provision of additional communal amenity space and reduction in building footprints

Committee Date:	21/11/2019	Application Number:	2019/02975/PA
Accepted:	26/04/2019	Application Type:	Minor Material Amendment
Target Date:	26/07/2019		
Ward:	Bordesley & Highgate		

Land Fronting Bristol Street, Belgrave Middleway, St Luke's Road, Sherlock Street, Hope Street, Vere Street, Mowbray Street, Spooner Croft and Gooch Street Birmingham B5 7AY.

Minor material amendment to approval 2017/10448/PA to allow changes to approved plans for apartment blocks A1-A6 to include change in unit sizes and reduction in height to blocks A3, A4 & A5 by one storey each. Associated amendments to the external elevations and layout including provision of additional communal amenity space and reduction in building footprints

Recommendation  
**Determine**

**1. Report Back**

- 1.1 This application was deferred at the planning committee meeting on 15 August 2019 to request further information on the unit sizes and design as well a revised viability report to enable an assessment to be made as to whether the amendments proposed to the development would result in an enhanced return for the developers.
- 1.2 In respect of the unit sizes the applicants do not wish to make any further revisions. They point out that the unit sizes are comparable to other Private Rental Sector (PRS) developments that have been approved in the city (see table in para 6.9) and all meet the Nationally Described Space Standards. The percentage of 1 bed units they propose at 28% is also lower than most other approved schemes which vary between 34% - 60 %. They have already made amendments to their proposals in respect of the 2 bed units to include 9 larger apartments. In addition they comment that the application proposals form part of a larger redevelopment scheme which includes a range of apartment sizes and family sized accommodation including 30 x 2 bed houses and 149 x 3 bed houses. As part of the overall redevelopment they are also providing 10% on site affordable dwellings including properties for rent, shared ownership and low cost market dwellings at a 30% discount.
- 1.3 The residents of the six PRS apartment blocks would also have access to a significant range of communal facilities including 4 residents' lounges, gym, storage area and roof gardens which would equate to about 11.2 square metres per dwelling. The wider development is also to provide a further 2.6 ha of public open space including a new landscaped square immediately adjacent to blocks A4-A6 as well as a retail unit and community room. Officers consider the unit sizes are comparable with other PRS developments and the additional shared communal space and other facilities proposed are generous in comparison to other similar developments. No objection is therefore raised to this amendment.

- 1.4 The applicants are also not proposing to make any further changes to the design of the apartment blocks as they made a number of changes to upgrade the design prior to the current application being submitted. Most of the previously approved design features for blocks A1 – A6 have been retained including the communal roof gardens. The private balconies have however been replaced but in order to maintain interest and modelling to the facades projecting brick features and deep reveals are proposed. It is considered that the revised proposals would still deliver a suitable high quality scheme for this important corner plot.



**Figure 1: Current design**



**Figure 2: Previously approved design**

- 1.5 A further viability appraisal of the development has been provided and assessed by the Council's consultants. They comment that they have analysed the level of return for both the PRS element and the traditional build for sale element, both of which are considered reasonable in the context of the current market for developer expectations for a scheme of this size and complexity. The blended rate of return is

slightly lower than what would normally be considered an appropriate for this type of development but the viability assessment has shown a very marginal improvement of about 0.2%. The applicant has therefore agreed to provide a further two affordable homes for low cost home ownership at 70% of market value in the form of a one bedroom and a two bedroom apartment. This would result in the overall the on-site affordable housing provision being 80 (10.3%) dwellings comprising 23 apartments for low cost discounted sale, 31 apartments for affordable rent and 26 apartments and houses for affordable shared ownership sale. The consultants consider this is the most that can be sustained by the development without impacting on viability.

## 2.0 Conclusion

- 2.1 The amendments proposed to the apartments proposed on Blocks A1-A6 would still ensure that the buildings to be developed on this important corner plot are of a suitable design and layout. Although the amendments would result in smaller sized apartments being delivered they would still meet the Nationally Described Space Standards and are comparable with those approved on other PRS developments in the City. A variety of dwelling sizes would still be delivered across the wider site, including family sized properties and on site affordable housing. It is considered that the application is therefore acceptable subject to the Deed of Variation to ensure the 80 on site affordable dwellings are provided and the conditions previously agreed

## 3.0 Recommendation

- 3.1 Following the amendment to increase the number of affordable dwellings on site the previous recommendation is revised as follows:-
- 3.2 That consideration of application 2019/02975/PA be deferred pending the completion of a Deed of Variation to the existing Section 106 Legal agreement to ensure the following is secured:
- a) The 80 on site affordable housing comprising 11 x 1 bed apartments for rent, 20 x 2 bed apartments for rent, 12 x 1 bed apartments for shared ownership, 8 x 2 bed apartments for shared ownership, 6 x 3 bed houses for shared ownership and a further 23 low cost dwellings across the site at a 30% discount of open market values.
  - b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- 3.3 In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 31 December 2019, planning permission be refused for the following reason:
- In the absence of a legal agreement to secure a financial contribution towards affordable housing, the proposal conflicts with Policy TP31 Affordable Housing of the Birmingham Development Plan 2017, the Affordable Housing SPG and the NPPF.
- 3.4 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 3.5 That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority on or before the 31 December 2019, favourable consideration be given to this application, subject to the conditions listed at the end of the original report below:-

## **Previous Report**

### **1. Proposal**

1.1 This application seeks amendments to a group of 6 apartment buildings that were approved as part of a wider redevelopment scheme of an 8.7ha site fronting Bristol Street and Belgrave Middleway under reference 2017/10448/PA. The approved plans provide a mix of 778 apartments and houses, including 78 affordable homes, ranging in height from 2 – 15 storeys. The development also provides a ground floor commercial unit fronting Bristol Street, associated car parking and areas of public open space including a new neighbourhood park and landscaped square. Construction work has commenced on the eastern half of the site but the applicants wish to re-plan the corner plot at the junction of Belgrave Middleway and Bristol Street where planning permission has been granted for a group of apartment buildings (Blocks A1 – A6), with heights between 4 and 15 storeys. As approved these provide 278 one and two bed apartments, a retail unit, resident's gym, communal lounge, basement areas for car and cycle parking, plant and storage with a landscaped deck above. No changes are proposed to the remainder of the scheme which would remain as approved.

1.2 The changes it is proposed to make to Blocks A1-A6 are to enable them to meet the requirements for a private rented sector (PRS) scheme rather than private sale as originally designed. Although the number of apartments would remain the same at 278 units comprising 79 x 1 bed and 199 x 2 bed apartments the sizes would be reduced which has an impact on the mix, layout, height and design of the development as follows:-

### **1.3 Dwelling Mix/Sizes**

- New proposal – 57 x 1 bed one person units with floor areas of 39-44 sq.m, 22 x 1 bed two person units with floor areas of 50-51.4 sq.m and 190 x 2 bed three person units with floor areas of 61.2 – 65.7 sq.m and 9 x 4 person units with floor areas of 71-72 sq.m.
- Approved plans - 79 x 1 Bed two person units with minimum floor areas of 50 sq.m, 82 x 2 Bed three person units with minimum floor area of 61sq.m and 117 x 2 bed four person units with minimum floor area of 70 sq.m.

The number of persons are based on the Nationally Described Spaces Standards 2016, which set out minimum areas for 1bed 1person of 39 sq.m, 1 bed 2 person of 50 sq.m, 2 bed 3 person of 61sq.m and 2 bed 4 person of 70 sq.m.

### **1.4 Layout**

- Reduction in the footprint of the buildings by between 0.5 – 2 metres
- Redesign of the ground floor layout to provide two further communal lounges, reduction in number of entrance lobbies from 4 to 3, provision of a resident's storage area, increase in the number of cycle spaces but removal of the cycle workshop area and provision of 1 further parking space.
- Re-design of the upper floors to remove resident's private terraces and balconies (apart from floors 13 and 14 on the tower), provision of a further resident's lounge and increased in size of shared roof gardens.
- Provision of 3,115 sq.m of internal and external amenity space compared to the approved plans which provided 3,910 sq.m

## 1.5 Heights

- Removal of a floor of accommodation from each of the two approved 7 storey blocks (A3 and A4) and removal of a further floor of accommodation from the approved 6 storey block (A 5). Storey heights would be 150mm higher than approved due to method of construction. The building heights would now range 4-6 storeys for the lower wings with the tower remaining at 15 storeys

## 1.6 Design

- The approved balconies and terraces would be replaced with additional reveal depths of 450mm (2 bricks) back from external brick face on living room windows and 325mm (1.5 bricks) back from external brick face to bedrooms on all road facing facades.
- On other windows, where reveals were approved, they would be increased in depth to 450mm (2 bricks)
- Other elements of the approved design, such as the projecting metal window reveals, would be retained including the consented materials pallet.

1.7 The other 500 houses and apartments are proposed to be developed in accordance with the original approval which provides a mix of apartments and houses, as well as significant amount of public open space. 78 of the approved dwellings are to provide affordable homes across the wider site and have been secured via a Section 106 Agreement. These would be retained in this new application.

## 1.8 [Link to Documents](#)

## 2. Site & Surroundings

2.1 The wider application site of 8.7 ha is bordered by Bristol Street (A38) to the west and Belgrave Middleway (A45400) to the south and also encompasses parts of Vere Street, Hope Street, Spooner Croft, Lawford Grove, Berrington Walk and Sherlock Street which crosses through the centre of the site. Most of the western half of the site was the former home of Matthew Boulton College and St Luke's Church and the eastern half of the site was occupied by a number of tower blocks, maisonettes, a children's nursery and The Highgate Centre which formed part of the St Luke's Estate. All the buildings that previously occupied the site have been demolished and removed but the original estate roads have been retained along with some of the original 2 and 3 storey houses. Running through the centre of the site from east to west was a substantial area of public open space, now fenced off and largely cleared apart from a number of well-established trees.

2.2 Construction work has commenced with new houses and apartments being developed on the eastern half of the site between Sherlock Street and St Luke's Road. The western half of the site is being largely used as the site compound and delivery area.

2.3 The part of the site where amendments to the scheme are proposed lies at the junction of Bristol Street and Belgrave Middleway and was partly occupied by St Luke's Church. The site frontages have recently been upgraded to provide a new cycle lane and signalised at grade crossing of Bristol Street replacing the previous subway.

2.4 Opposite this part of the site and fronting Bristol Street lies the Park Central development where a group of 10 and 11 storey high apartment blocks with two



ground floor retail units have recently been completed. On the opposite side of Belgrave Middleway/Bristol Street junction is an 18 storey high student accommodation block known as Belgrave View.

## 2.5 Site Location

## 3 Planning History

- 3.1 14/3/18 – 2017/10448/PA – Planning permission granted for the demolition of existing buildings (St Luke's Church & The Highgate Centre) and redevelopment of site to provide 778 one, two and three bedroom houses and apartments with ground floor retail unit for A1/A2/A3/A4 use, with associated internal access roads, parking, open space, infrastructure and alterations to footpaths subject to a Section 106 Agreement to secure 78 affordable dwellings.
- 3.2 2017/01721/PA - Demolition of existing buildings (St Luke's Church and the Highgate Centre) and redevelopment of site to provide 772, one, two and three bed houses and apartments with associated internal access roads, parking, open space, associated infrastructure services and alterations to footpath. Application withdrawn November 2017

## 4 Consultation/PP Responses

- 4.1 Transportation - No objection. Comment that the alterations are minor in nature with no significant transportation impacts.
- 4.2 Regulatory Services – No objection provided that the conditions attached to 2017/10448/PA will also apply to this development.
- 4.3 Environment Agency – No objection
- 4.4 West Midlands Police – Refer to their previous comments in respect of application 2017/10448/PA which were that the dwellings should be built to Secured by Design standards, gates should be provided to communal alleyways, rear garden areas and communal parking areas, requests a lighting plan for the site, secure boundary treatments are required, recommends CCTV to cover parking areas and within apartment blocks and request management arrangements for the refuse areas.
- 4.5 West Midlands Fire Service – Comments that the apartments within the tower should have a sprinkler system, firefighting shafts, access for fire appliances provided within 45m of each dwelling and within 18m of each fire main inlet connection point.
- 4.6 Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed. No comments received.

## 5 Policy Context

- 5.1 Birmingham Development Plan 2017, Birmingham Unitary Development Plan 2005 saved policies, Bristol Street and St Luke's Development Framework 2013; Places for Living SPG; Car Parking Guidelines SPD; Public Open Space in new Residential Development SPD; Affordable Housing SPG, Nationally Described Spaces Standards 2016 and the National Planning Policy Framework 2019.

## 6 Planning Considerations

- 6.1 The redevelopment of the Bristol Street/St Luke's site has commenced on site and as is proposed to be delivered in phases over a number of years. The amendments proposed in this application only affect part of the approved scheme and most of the layout and unit numbers, as agreed under application 2017/10448/PA, would still be delivered as currently approved.
- 6.2 In support of the amendments to apartment Blocks A1 – A6 the agent has advised that the changes are necessary to meet the requirements of the private rented sector (PRS) rather than private sale. The current developer is working in partnership with an experienced PRS developer to ensure this important part of the site can be delivered. He points out that the amendments to the consented scheme are limited and would maintain the key important features of the current scheme. The number of units is the same and although the scale of the proposed buildings is reduced, they fall entirely within the envelope of the approval. The specific requirements of the PRS 'model' meant that there is an increase in shared internal and external shared amenity space which aims to encourage social interaction and community development. The unit mix has however been adjusted to reflect the different demand for PRS rather than private residential market.
- 6.3 There has been no major change in policy affecting the site since planning permission was previously granted. There have been a number of recent changes to the NPPF which give more emphasis to housing delivery and design and seek to ensure new houses are of a consistent and high quality standard. These changes however are not considered to have a significant impact on these proposed amendments. The main issues are considered to be whether the changes to Blocks A1 – A6 are acceptable in terms of the unit sizes, layout, heights and design as amendments to the approved plans.
- 6.4 **Unit Sizes**
- 6.5 Although the number of dwellings on the part of the site, the subject of the amendments, is the same at 278 units as is the proportion of one and two bed units, the size of the individual apartments now proposed is significantly smaller. As currently approved there is a range of apartment sizes suitable for occupation by 2 – 4 persons using the Nationally Described Space Standards. None of the approved apartments are below 50 sq.m and therefore all the one bed units would be suitable for 2 people. Of the 199 x 2 bed units currently approved 82 have a minimum floor area of at least 61 sq.m suitable for 3 person occupation and 117 are suitable for occupation by 4 persons with minimum floor areas of at least 70 sq.m.
- 6.6 The size of the amended units would meet the nationally described space standards but are at or just above the minimum size. As proposed there would now be 57 x 1 bed one person apartments with floor areas of 39-44 sq.m, 22 x 1 bed 2 person apartments of 50-51.4 sq.m and 190 x 2 bed 3 person units of 61.2 – 65.7 sq.m and 9 x 2 bed 4 person apartments of 71-72 sq.m. Previously many of the apartments also had private balconies or terraces which have now been removed.
- 6.7 Concerns about the apartment sizes for this development were previously raised by the planning committee when an issues report was considered in respect of application 2017/01721/PA at the meeting on 27 April 2017. To address criticism regarding the small size of the original dwelling sizes, changes were made and included within application 2017/10448/PA which provided less small one and two bed apartments. 70% of the 1 bed apartments which were originally between 44 –

47.4 sq.m in size were increased to at least 50 sq.m and 117 larger 2 bed units at least 70 sq.m in size, were included as the result of extensive negotiations.

- 6.8 In support of the changes to the unit's sizes the agent has advised scheme is now to serve a different market to the previous design of the block and critically, this change reflects the fact that the developer cannot make the original design for the scheme viable. He advises that there are strict size criteria for PRS developments which are driven by a specific need for rental properties and all units meet the national prescribed space standards and therefore of a suitable size. He also comments that the Council have accepted this approach on other PRS schemes approved in the City.
- 6.9 The table below sets out details of the application proposals compared to other PRS developments that have been approved.

Site	Total no. apartments	No. studios and sizes	No. 1 beds and sizes	No. 2 beds and sizes	No 3 beds and sizes.
<b>Application Proposals</b>	278		79 (28%) 39-51.4 sq.m	199 (72%) 61.2 – 72 sq.m	
<b>2016/01063/PA Exchange Square, Eastside.</b>	603	46 (7.6%) 37-39.2 sq.m	279 (46.3%) 42– 52 sq.m	262 (43.4%) 52 – 83 sq.m	16 (2.7%) 72.6 sq.m
<b>2017/08357/PA Moda Living , Broad Street.</b>	481	30 (6%) 33.3 sq.m	163 (34%) 41.4 - 53sqm	260 (54%) 64.8 – 67.3 sq.m	28 (6%) 86.2 sq.m
<b>2017/09434/PA Former Kent Street Baths.</b>	504 (includes 98 sale units)		250 (49.6%) 38-55.7 sq.m	240 (47.6%) 61-101.6 sq.m	14 (2.8%) 77.9 sq.m
<b>2017/10551/PA Monaco House, Bristol Street</b>	1009 (includes town houses)		352 (35%) 45-70 sq.m	521 (52%) 59-91 sq.m	136 (13%) 91-121 sq.m
<b>2017/10934/PA 33 Pittsford St Jewellery Quarter</b>	395		215 (54%) 43-66 sq.m	144 (36%) 69-89 sq.m	36 (10%) 76-122 sq.m
<b>2018/01601/PA Lionel House, Jewellery Quarter</b>	295		156 (60%) 45-51 sq.m	90 (35%) 65.6 -74.1 sq.m	13 (5%) 88.2 sq.m
<b>2018/05638/PA Former Warwickshire Cricket Ground</b>	375	94 (25.1%) 37.7 sq.m	95 (25.3%) 53.7 sq.m	169 (45.1%) 68.5 sq.m	17 (4.5%) 85.6 sq.m

- 6.10 When compared with other PRS that have been approved in the city it will be seen that the proposed one bed apartments, although small, are similar to the sizes approved on other developments. Several other schemes have also included studios which are at or below minimum the Nationally Described Space Standards. It is therefore considered that the size of the one bed units which includes 22 larger one bed units is acceptable and comparable with other developments particularly as the percentage of 1 bed units at 28% is lower than most other approved schemes.

- 6.11 The other difference in comparison with other approved PRS schemes is that most of the 199 x 2 bed units proposed are on the small size at 61.2 – 65.7 sq.m and there are only 9 larger four person 2 bed apartments. Most of the other approved PRS schemes have a wider range of dwelling sizes and include a number of 3 bed units. The 9 larger 2 bed apartments now proposed are the result of negotiations whereby the applicant was asked to include some bigger units to provide a better mix. In their response they advise that the 72% 2 bed units proposed is a greater percentage than on other PRS schemes and the application proposals also form part of the larger scheme which includes 30 x 2 (4%) bed houses and 149 x 3 (19%) bed houses so there is a wider mix across the site as a whole. This also includes 78 on site affordable dwellings.
- 6.12 Unit sizes on PRS schemes also tend to be smaller than for market sale developments as they also provide a range of communal facilities for residents. In this case there would be 4 residents' lounges, gym, storage area and roof gardens. The amended layout would provide a total of 3,115 sq.m of internal and external amenity space and although this is a reduction compared to the approved plans due to the loss of private terraces and balconies it would still equate to about 11.2 square metres per dwellings. The wider development is also delivering approximately 2.6 ha of public open space on site including a central east – west green link, the new landscaped square to the east of blocks A4-A6 open and a new neighbourhood park. Therefore although the reduction in unit size is regretted it is considered that the amendments to the apartment layouts can be supported.
- 6.13 **Layout**
- 6.14 The changes to the other aspects of the layout such as the slight reduction in the footprint of the building, provision of two further communal lounges, reduction in number of entrances and inclusion of a resident's storage area are small adjustments which are considered to be acceptable. The loss of the private individual balconies/terraces has a greater impact on the design which is discussed further below but the provision of additional internal and external shared amenity areas would partly compensate for the loss of these spaces and new areas of public open space also adjoin the buildings.
- 6.15 **Heights**
- 6.16 The proposed removal of a floor of accommodation from the three of the lower blocks (A3, A4 and A5) is considered to be acceptable as the element tower remains at 15 storeys. This change would accentuate the height of the taller tower element of the building creating more of a focal point at the Bristol Street/Belgrave Middleway junction.
- 6.17 **Design**
- 6.18 Most of the previously approved design features for blocks A1 – A6 have retained in that they would still have active ground floor uses with the car parking rearranged to avoid ventilation grills at street level. A framed or grid language is still proposed to create an elegant façade to the city blocks including the use of projecting brick and deep reveals. However the balconies which were approved to add interest would be replaced with additional reveal depths of 2 bricks back from external brick face on living room windows and 1.5 bricks back from external brick face to bedrooms on all road facing facades. Projecting metal window reveals are also retained which stand proud of the external brick face by 100mm as in the consented scheme. This modelled of the facades would still ensure that the development results in a high

quality schemes appropriate for this important corner plot. The consented materials pallet would also be retained.

**6.19 Other Matters**

6.20 The previous planning permission was subject to a Section 106 Agreement to secure the 10% on site affordable housing comprising 11 x 1 bed apartments for rent, 20 x 2 bed apartments for rent, 12 x 1 bed apartments for shared ownership, 8 x 2 bed apartments for shared ownership, 6 x 3 bed houses for shared ownership and a further 21 low cost dwellings across the site together with a monitoring and administration fee. Although none of these would be provided within Blocks A1 – A6 this application relates to the entire site and a Deed of Variation will therefore be required to tie in this new application to the existing agreement.

6.21 The matters raised by consultees are covered by the original planning conditions which are recommended again.

**7 Conclusion**

7.1 The proposed amendments to Blocks A1 – A6 are designed to ensure that a viable housing scheme can be delivered on this part of the redevelopment site which is to provide a high quality, sustainable, mixed-use development and new residential neighbourhood over the next few years. The changes proposed would still ensure that the buildings proposed on this important corner plot are of a suitable design and layout. Although the changes to the mix to provide more smaller apartments is regretted there would still be a suitable mix of accommodation across the wider site and the including family sized dwellings and the unit sizes are comparable with those approved on other PRS developments. It is considered that the application is acceptable subject to the Deed of Variation to ensure the 78 on site affordable dwellings are provided and the conditions previously agreed.

**8 Recommendation**

8.1 That consideration of application 2019/02975/PA be deferred pending the completion of a Deed of Variation to the existing Section 106 Legal agreement to ensure the following is secured:

- a) The 10% on site affordable housing comprising 11 x 1 bed apartments for rent, 20 x 2 bed apartments for rent, 12 x 1 bed apartments for shared ownership, 8 x 2 bed apartments for shared ownership, 6 x 3 bed houses for shared ownership and a further 21 low cost dwellings across the site.
- b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.

8.2 In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 30 September 2019, planning permission be refused for the following reason:

1. In the absence of a legal agreement to secure a financial contribution towards affordable housing, the proposal conflicts with Policy TP31 Affordable Housing of the Birmingham Development Plan 2017, the Affordable Housing SPG and the NPPF.

- 8.3 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 8.4 That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority on or before the 30 September 2019, favourable consideration be given to this application, subject to the conditions listed below:-

- 
- 1 Requires the prior submission of a phasing plan
  - 2 Requires the prior submission of a construction method statement and management plan on a phased basis
  - 3 Requires the prior submission of contamination remediation scheme on a phased basis
  - 4 Requires the prior submission of a contaminated land verification report in a phases manner
  - 5
  - 6 Requires the implementation of tree protection measures
  - 7 Requires the prior submission of investigation for archaeological observation and recording
  - 8 Requires the prior submission of a method statement for the removal of invasive weeds
  - 9 Requires the prior submission of a sustainable drainage scheme on a phases basis.
  - 10 Requires the submission prior to occupation of each phase of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
  - 11 Requires the prior submission of sample brickwork on a phased basis
  - 12 Requires the prior submission of window frame details on a phased basis
  - 13 Requires the prior submission of roof materials on a phased basis
  - 14 Requires the submission of details of balconies on a phased basis
  - 15 Requires the prior submission of details of external gates, louvres, metal panels and any roof top plant and machinery on a phased basis.
  - 16 Requires the prior submission of hard and/or soft landscape details on a phased basis
  - 17 Requires the prior submission of hard surfacing materials on a phased basis
  - 18 Requires the prior submission of boundary treatment details in a phased manner
  - 19 Requires the prior submission of a landscape management plan on a phased basis
-



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- 20 Requires the prior submission of a scheme for ecological and biodiversity enhancement measures on a phased basis
  - 21 Requires the prior submission of a lighting scheme in a phased manner
  - 22 Requires the prior submission and completion of works for the S278/TRO Agreement on a phased basis
  - 23 Requires the parking areas for each phase to be laid out prior to occupation
  - 24
  - 25 Requires pedestrian visibility splays to be provided
  - 26 Requires the prior submission of a residential travel plan on a phased basis
  - 27 Requires the prior submission of noise insulation (variable)
  - 28 Requires the implementation of the noise protection and ventilation measures on a phased basis
  - 29 Shop Front Design
  - 30 Limits the hours of use of the commercial unit to 7am -11pm Monday - Saturday and 8am - 11pm Sundays.
  - 31 Limits delivery time of goods to or from the commercial unit to 7am -11pm Monday - Saturday and 8am - 11pm Sundays.
  - 32 Requires the prior submission of extraction and odour control details
  - 33 Removes PD rights for extensions
  - 34 Requires the ground floor glazing to the commercial use and communal facilities to be clear and not obstructed.
  - 35 Requires the prior submission of a construction employment plan on a phased basis.
  - 36 Limits the noise levels for Plant and Machinery
  - 37 Secures noise and vibration levels for habitable rooms for each phase of development
  - 38 Limits the entertainment noise level
  - 39 Requires an air quality assessment and monitoring on a phased basis
  - 40 Requires the scheme to be in accordance with the listed approved plans
- 

Case Officer: Lesley Sheldrake

## Photo(s)

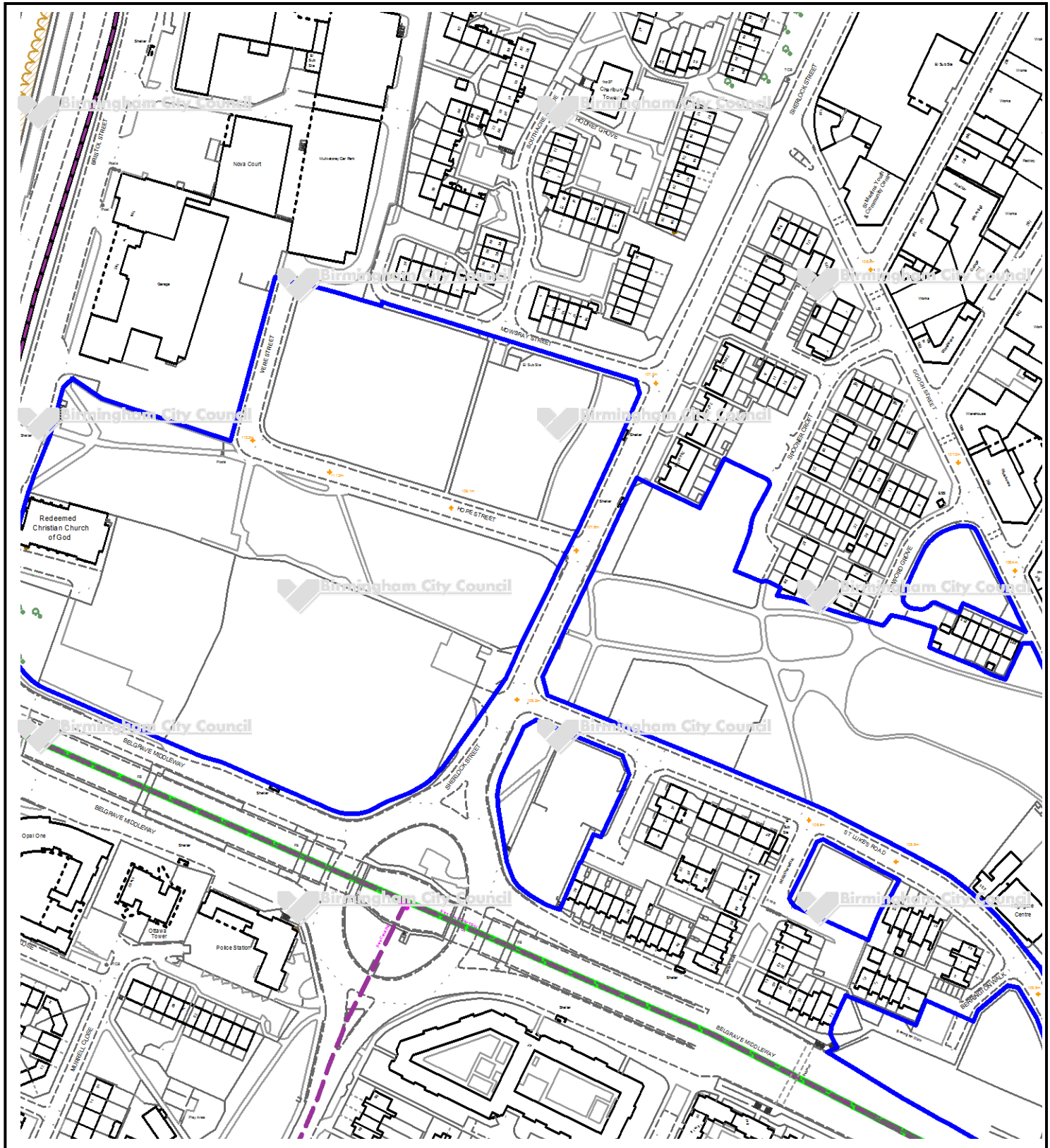


**Figure 3: View of area where blocks A1 – A6 are proposed to be developed**



**Figure 4: Wider view of development site looking towards Bristol Street/Belgrave Middleway**

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**21 November 2019**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	17	2019/05422/PA  Former Police Station 1170 Bristol Road South Northfield Birmingham B31 2TJ  Change of use from police station (Sui Generis) to a 10-bed HMO (Sui Generis)
Approve – Conditions	18	2019/06938/PA  Ashley House 1143 Stratford Road Hall Green Birmingham B28 8AU  Change of use from office (Use Class B1) to a 10 bedroom House in Multiple Occupation (HMO) (Sui Generis) with associated car parking to rear
Approve – Conditions	19	2019/06034/PA  Land off Hollybank Road with access between Nos. 38 & 40 Kings Heath Birmingham B13 0RJ  Erection of 5 no. residential dwellings
Determine	20	2019/06846/PA  70 Ribblesdale Road Selly Oak Birmingham B29 7SQ  Retention of change of use to 5-bed HMO (Use Class C4)

Determine	21	<p>2019/05758/PA</p> <p>94 Bournbrook Road Selly Oak Birmingham B29 7BU</p> <p>Change of use from residential dwelling (Use Class C3) to 7-bed HMO (Sui Generis) and retention of single storey rear extension.</p>
Determine	22	<p>2019/05816/PA</p> <p>96 Bournbrook Road Birmingham B29 7BU</p> <p>Change of use from residential dwelling (Use Class C3) to 7 bedroom HMO (Sui Generis) and retention of single storey rear extension.</p>



Committee Date:	21/11/2019	Application Number:	2019/05422/PA
Accepted:	28/06/2019	Application Type:	Full Planning
Target Date:	26/09/2019		
Ward:	Northfield		

Former Police Station, 1170 Bristol Road South, Northfield, Birmingham, B31 2TJ

Change of use from police station (Sui Generis) to a 10-bed HMO (Sui Generis)

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Planning permission is sought for the change of use of No. 1170 Bristol Road from the former Longbridge Police Station (Sui Generis) to a 10 bedroom House of Multiple Occupation (HMO) (Sui Generis).
- 1.2. The proposed layout would be as follows:
  - Basement:
    - Utility Area
    - Electrics
  - Ground Floor:
    - Bedroom 1 – 11.1sqm
    - Bedroom 2 – 10.2sqm
    - Bedroom 3 – 10.9sqm
    - Open plan kitchen/lounge/dining room – 48.8sqm
    - Bin store to rear
    - New back door to provide access to rear
    - New internal hallway created so ground floor bedrooms not directly accessed from communal space
  - First Floor:
    - Bedroom 4 – 9.7sqm, including 2no. proposed rooflights to rear
    - Bedroom 5 – 10.9sqm
    - Bedroom 6 – 11.5sqm
    - Bedroom 7 – 9.7sqm
    - Bedroom 8 – 10sqm
  - Second Floor:
    - Bedroom 9 – 14sqm
    - Bedroom 10 – 15.9sqm
- 1.3. Each bedroom is shown to have a single bed and an en-suite. There are no communal bathroom facilities proposed.
- 1.4. To the rear of the site, there would be 150sqm of amenity space and 10no. car parking spaces adjacent to the large outbuilding. The area of the outbuilding closest to the property would contain cycle storage. Access to the site would be via Bristol



Road South only, with the access from Hawkesley Mill Lane gated off. The only external alterations to the building would be the installation of a door on the rear elevation and the 2no. rooflights to bedroom 4.

- 1.5. This application is reported to Planning Committee at the request of Councillor Moore. Since this request substantial objections have also been received.

- 1.6. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site relates to a 3 storey detached building on Bristol Road South, formerly used as the Longbridge police station. The property is set back from the highway by a paved area to the front; there is a driveway to the side with a gated access to the rear. At the rear there is a small grassed area and large paved area that would have provided parking for the former police station. A large single storey outbuilding is located adjacent to the boundary with No. 1168 which was used as a locker room associated with the police station. There is an additional access to the rear which runs along the side boundary of No. 6 Hawkesley Mill Lane.
- 2.2. The site lies on the eastern side of Bristol Road South in a row of residential properties, some of which have been converted into flats, with dwellings also located to the rear on Hawkesley Mill Lane. To the south is an office site, with the building set back from the highway by a large grassed forecourt. Immediately opposite the site there is a parade of commercial uses, separated from No. 1170 by 4 lanes of traffic and a grassed central reservation.
- 2.3. Tree Preservation Order 679 covers a large area to the south of the site, part of which falls within the boundary of the application site.
- 2.4. [Site Location](#)

## 3. Planning History

- 3.1. 28/04/2004 - 2004/01384/PA - Erection of extension to locker room block - Approved subject to conditions - Relates to large outbuilding to the rear.
- 3.2. 25/04/2018 - 2018/00468/PA - Conversion and extension to former Longbridge Police Station to provide commercial office floor space to ground floor and 4 apartments to first and second floors with associated parking and works - Refused.
- 3.3. 25/04/2018 - 2018/01632/PA - Retrospective and temporary change of use from former police station to car dealership with associated offices - Refused - Appeal dismissed.
- 3.4. 25/04/2018 - 2018/01664/PA - Display of 1 internally illuminated fascia sign, 1 non-illuminated PVC sign and 4 flags - Refused - Appeal dismissed.
- 3.5. 2018/0009/ENF - Enforcement case - Without planning permission, the unauthorised change of use to car dealership and associated offices at ground floor level - Under investigation.

4. Consultation/PP Responses

- 4.1. Regulatory Services - No objection subject to conditions for vehicle charging point and noise insulation.
- 4.2. Transportation Development - No objection.
- 4.3. West Midlands Police - Objection - belief that a 10 bedroom HMO will increase calls to emergency services, increase crime and the fear of crime and have a detrimental effect on the neighbourhood. Should consent be granted, recommend conditions for security standards for front door and bedroom doors (PAS 24) to prevent burglary and unauthorised access, access control system with video monitoring and CCTV recording. West Midlands Police have made the following comments:
- Service calls for this area are high: December 2018-May 2019 there were, amongst others, 202 incidents of anti-social behaviour, 105 burglaries and 22 offenses involving weapons or drugs.
  - In the 12 months prior to July 2019 there were 86 calls made to the emergency services from the small row of premises 150m away.
  - There are 3 premises described in police incident logs as 'supported living', 'semi-independent living', 'children's home' or 'care home'.
  - 10 potential strangers living in close proximity and sharing amenities could create discord and offer opportunity for crime and disorder, could attract 10 separate 'households' with a multitude of visitors.
  - HMOs provide accommodation for a 'transient local population' that can undermine community stability and cohesion, with residents staying for approximately 6 months, leading to lack of engagement, pride and ownership.
  - Queries about landlord accreditation, HMO licencing and the intended residents
  - The Meadows Primary School is located on the opposite site of the road 150m away.
- 4.4. Neighbouring residents, local Ward Councillors and Residents Associations have been consulted and a site notice displayed.
- 4.5. Richard Burden MP and Councillor Olly Armstrong - Objections
- Planning and licencing issues - no licence application has been submitted.
  - The landlord needs to ensure the building is suitable for the number of people living there, has fire precautions in place and has the appropriate amenities, including the number, type and quality of bathrooms, toilets and cooking facilities.
  - Planning Committee would wish to consider the suitability of the building - it would be premature to grant the change of use until further discussions between planning and licencing have been had.
  - Impact on existing parking and traffic issues at Hawkesley Mill Lane and the Meadows Primary School.
- 4.6. Two letters of objection have been received from residents on the following grounds:
- The adjacent flats are always advertised to let but never occupied.
  - Anti-social behaviour; noise and disturbance; future residents.
  - Concerns about the access on Hawkesley Mill Lane; size and number of vehicles that are parked in the area.

- Concerns about current use of the site.
  - Concerns of how affordable rent would be guaranteed.
  - Concerns relating to the plans; fire safety and waste, rubbish and recycling.
- 4.7. A petition containing the names of 69 residents headed by the Northfield Conservatives has been submitted raising the following objections:
- Over-intensive use for the area and property.
  - Proposal is out of character with the Northfield community.
  - Proposal is contrary to the mature suburbs policy objective of protecting suburbs.
  - Intrusive to neighbours, would cause excessive noise and damage public amenity.
  - Increased risk of crime and anti-social behaviour.

## 5. Policy Context

- 5.1. Relevant Local Planning Policy:
- Birmingham Development Plan (BDP)
  - Birmingham Unitary Development Plan (UDP) Saved Policies
  - Specific Needs Residential Uses SPG
- 5.2. Relevant National Planning Policy:
- National Planning Policy Framework (NPPF)

## 6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies set out above.
- 6.2. The main issues for consideration in the determination of this application are the principle of the development, the impact on the character of the area, on residential amenity and on highway safety and parking.

### *Policy, principle of development and impact on the character of the area*

- 6.3. The NPPF contains a presumption in favour of sustainable development. Chapter 5 relates to delivering a sufficient supply of homes, the need to boost housing supply and offer a wide choice of quality homes. It notes that small sites can make an important contribution to the housing requirements of an area.
- 6.4. The BDP builds upon the principles of the NPPF, emphasising the housing need within the city. Whilst there is not a specific policy relating to HMOs, Policy TP27 'sustainable neighbourhoods' requires new housing in Birmingham to contribute to making sustainable places, by offering a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages. Housing should be within easy access of facilities including shops, schools, leisure and work, conveniently located to travel by foot, bicycle or public transport and create a strong sense of place.
- 6.5. Saved policies 8.23 to 8.25 of the UDP relate specifically to houses in multiple paying occupation. Policy 8.24 states that in determining planning applications for HMOs, the following criteria are relevant; the effect on the amenities of the

surrounding area and adjoining properties; the size and character of the property; the standard of accommodation; car parking facilities and local provisions. Policy 8.25 states that generally small terraced or small semi-detached properties used as HMOs will cause disturbance to the adjoining house and will be resisted. The impact of such a use would depend of the existing use of the adjoining properties and the ambient noise level in the immediate area.

- 6.6. The Specific Needs Residential Uses SPG states that the nature of occupants of a property is not a material planning consideration; the key issue in planning terms is the manner in which the property is occupied. It recognises that HMOs have a role to play in meeting the housing needs of certain groups in society. The SPG contains guidelines for internal standards for bedrooms where there is a kitchen/living room and a separate bedroom which are 6.5sqm for a single bedroom and 12.5sqm for a double bedroom.
- 6.7. The impact on the character of the area and neighbouring occupiers are key considerations in the determination of HMO applications. This part of Bristol Road South contains a mixture of commercial and residential uses, and the site is in a row of other residential properties, some of which have been converted into flats (Nos. 1162, 1164 and 1166), with residential properties to the rear. The HMO Licence register has been reviewed and the closest property with a licence is at No. 1117 Bristol Road South, on the opposite side of the road, approximately 180m from the application site. An application for a HMO licence has also been submitted at No. 1115.
- 6.8. I consider that the change of use of No. 1170 Bristol Road South to a HMO would be fully in accordance with the objectives of the policies outlined above. The application site is a detached property which benefits from a large area to the rear providing parking and amenity space. This would avoid disturbance to neighbours, as there are no adjoining occupiers, whilst the parking area would be self-contained and offer ample off-street parking. I do not consider that this change of use would impact on the character of the local area, be an over-intensive use of the site nor fail to protect the mature suburbs. The site is located close to bus routes, schools and Northfield and Longbridge District Centres. The proposed development is residential, in keeping with existing neighbouring uses and the nature of the wider Northfield area. As such, I consider that the principle of development in this location would be acceptable and would not have a detrimental impact on the character of the area. It should be noted that the previous use as a police station would have generated a level of comings and goings and general disturbance.

#### *Residential amenity*

- 6.9. The property would provide 10 bedrooms, measuring between 9.7sqm and 15.9sqm each with an en-suite bathroom, which exceed the minimum standard of 6.5sqm for a single bedroom. There would be a large open plan kitchen/living/dining room on the ground floor measuring 48sqm, which exceeds what is required by BCC HMO Licencing for a 10 bedroom property, at 24.5sqm. To the rear 150sqm of amenity space would be provided in addition to a bin store, and the basement would contain the electrical items and a utility area.
- 6.10. Amendments were made to the proposed plans to improve the standard of accommodation. At ground floor, there were previously a series of small rooms, used as a WC, boiler room and for electrics. The proposal would remove these internal walls to create a larger communal area. Originally, bedrooms 1, 2 and 3 were proposed to be accessed directly from the living area. A new hallway is

proposed to provide access to these rooms which is independent of the communal area, to improve privacy.

- 6.11. At first floor, the original plans showed bedroom 4 to be a very small room with only side windows, facing No. 1168. Concerns were raised about the amenity of the future occupier of this room in terms of space, outlook, and potential overlooking into No. 1168. Amended plans re-arranged the room and incorporated more of the roof space of this element of the property into the room. Two rooflights are proposed on the rear elevation and the side facing windows are shown to be obscurely glazed.
- 6.12. Regulatory Services have recommended that conditions are attached for noise insulation schemes for all windows. Given the bedroom windows already have double glazing, I consider this would be sufficient and the conditions would not be necessary.
- 6.13. With the amendment that have been made, and the conditions recommended by regulatory services, I consider that the proposal would provide adequate residential amenity to future occupiers, whilst not compromising that of neighbouring residents.

#### *Crime*

- 6.14. I note the objection that has been received from West Midlands Police, on the grounds that a 10 bedroom HMO will increase calls to emergency services, increase crime and the fear of crime and have a detrimental effect on the neighbourhood. Whilst crime and fear of crime are planning considerations, the 'Specific Needs Residential Uses' SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration and that HMO accommodation has a role to play in providing housing for certain groups in society. It is acknowledged that the overconcentration of HMOs can impact upon residential amenity and community cohesion, however it is important to emphasise that the behavior of HMO tenants is not a matter for planning authorities. It should also be noted that this area is not characterized by HMOs, so there is no issue with over concentration. Furthermore it is also important to stress that there is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behavior. In light of this and the above assessment in terms of an over concentration of HMOs in the locality, it is considered that a refusal on the grounds of crime and fear of crime could not be sustained. To enhance security and safety, I recommend that a condition is attached for CCTV.

#### *Highway safety and parking*

- 6.15. In order to prevent noise and disturbance to residents on Hawkesley Mill Lane, namely the closest property No. 6, entry and exit shall be from Bristol Road South only, despite there being an access onto Hawkesley Mill Lane adjacent to No. 6. Transportation Development have raised no concerns with this arrangement, noting that the Bristol Road South access is adequate for 2-way passage. This has been labelled on the amended site plan, with the existing Hawkesley Mill Lane access to be gated off. A condition is also recommended to secure this. This is an improvement on the existing, lawful use of the site as a police station.
- 6.16. Transportation Development have raised no objection to the proposal, noting that there is sufficient parking to the rear, at 1 space per bedroom. They consider that traffic and parking demand would be reduced from that generated by the previous use of the site as a police station. Although there is adequate car parking available, Transportation Development require secure and sheltered cycle storage to be

provided. This was originally shown to be within the large outbuilding, however at the point furthest from the property. This has been amended to be shown within the outbuilding at the edge closest to the property. Nonetheless, a condition is still recommended for this facility to be useable prior to the first occupation of the property. With the amendments that have been made to the parking, cycle storage and access arrangement, I concur with the views of Transportation and do not consider that the proposal would have a detrimental impact upon highway safety, parking, or the freeflow of traffic.

- 6.17. Regulatory Services recommend that a condition is attached for the provision of a vehicle charging point. As 10 car parking spaces provided, I consider that it would be acceptable for at least one of these units (at least 10%) to be provided with electric vehicle charging facilities.

#### *Other matters*

- 6.18. The large outbuilding to the rear of the property is only proposed to contain the secure and sheltered cycle storage. The agent was asked about for more details and stated that it is left over from the previous use of the site as a police station. Historic planning applications show that this area was used as a locker room. Due to the large size of the building, I recommend that a condition is attached preventing any use of the building other than for cycle storage, as any other development would have to be assessed in terms of its appropriateness and potential impact upon amenity. To further secure and define the proposed use, I also recommend that a condition is attached limiting the number of residents to 10 people only.
- 6.19. As TPO 679 covers a small area of the site to the south, therefore the City's Arboriculturist has been consulted. They consider that if the works required are undertaken sensitively there should be no impact upon the existing trees. A tree protection condition is recommended to secure this.
- 6.20. The proposal would not attract a CIL contribution.
- 6.21. Due to the comments made about licencing, the BCC HMO licencing team have been contact. They have confirmed that as of 30<sup>th</sup> September 2019, an application had not been made for a HMO licence. Planning applications and licences are separate entities, therefore the recommendations of this application are not affected by whether the applicant has a licence or not.

## 7. Conclusion

- 7.1. The proposed change of use would be fully in accordance with the objectives of the policies outlined above. The objections raised are recognised and acknowledged, however the principle of development would be acceptable in this location. The application would not cause an over-concentration of HMOs within this vicinity, and with the amendments made, would have an acceptable impact upon residential amenity, highway safety and parking. The objection from West Midlands Police on the grounds of crime and fear of crime is noted, however the nature of the type of people to occupy the premises is not a material planning consideration and HMO accommodation has a role to play in providing housing for certain groups in society.
- 7.2. The accommodation would be of a good size, with 100% parking provision in a detached property. This sets this site aside from the more recent HMOs that have



been reported to Planning Committee, and it is considered that this application should be fully supported.

7.3. I therefore recommend that planning permission is approved, subject to conditions.

8. Recommendation

8.1. Approve subject to the following conditions.

- 
- |    |  |
|----|--|
| 1  | Requires the scheme to be in accordance with the listed approved plans |
| 2  | Requires the implementation of tree protection                         |
| 3  | Requires the parking area to be laid out prior to use                  |
| 4  | Requires secure and sheltered cycle storage                            |
| 5  | Prevents access to/from Hawkesley Mill Lane                            |
| 6  | Requires the provision of a vehicle charging point                     |
| 7  | Requires the submission of a CCTV scheme                               |
| 8  | Limits the use of the outbuilding for cycle storage only               |
| 9  | Limits the number of residents to 10 people                            |
| 10 | Implement within 3 years (Full)  |
- 

Case Officer: Caroline Featherston

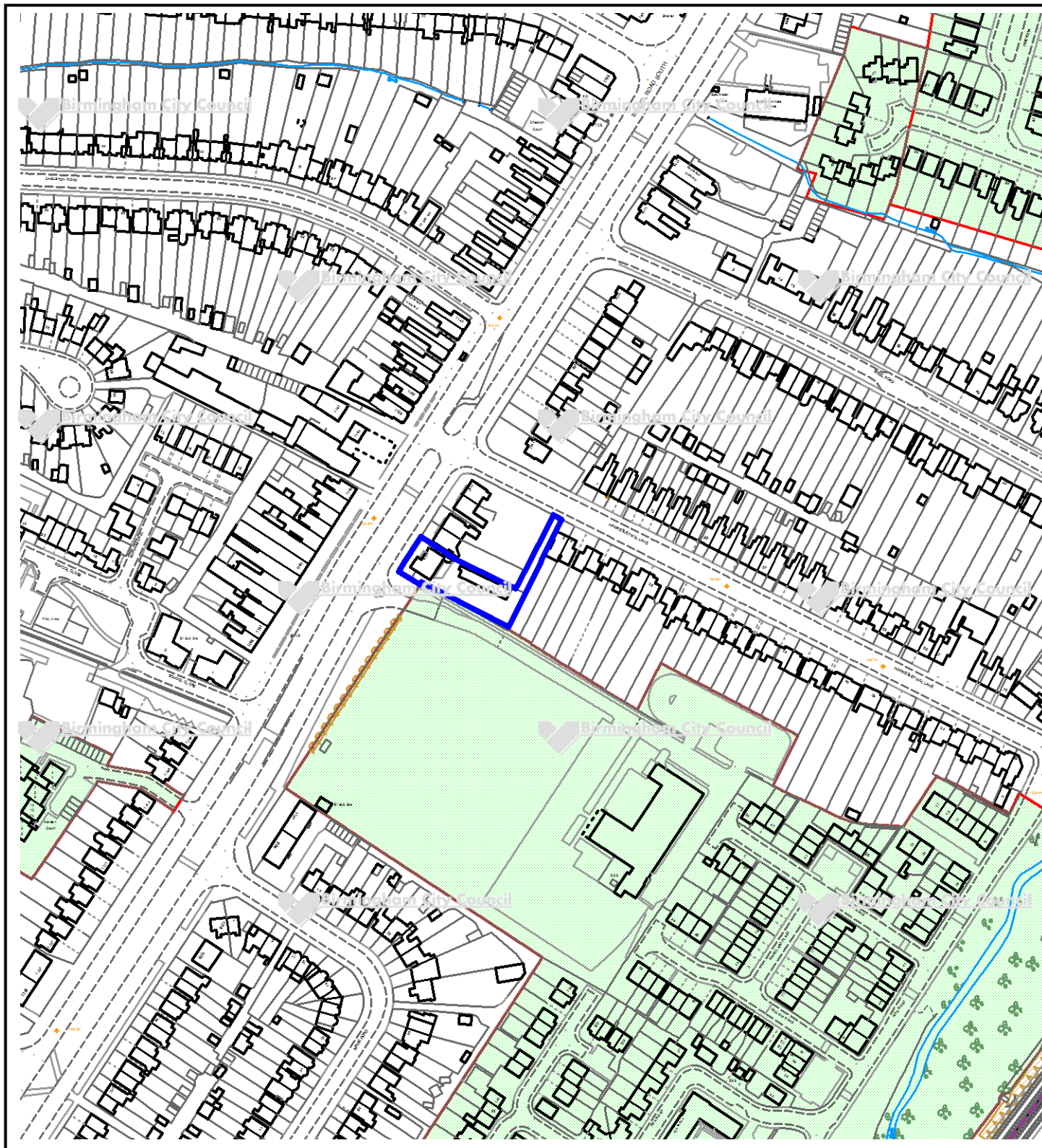
## Photo(s)



Photo 1: Front Elevation



## Location Plan



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Committee Date:	21/11/2019	Application Number:	2019/06938/PA
Accepted:	02/09/2019	Application Type:	Full Planning
Target Date:	28/10/2019		
Ward:	Hall Green North		

Ashley House, 1143 Stratford Road, Hall Green, Birmingham, B28 8AU

Change of use from office (Use Class B1) to a 10 bedroom House in Multiple Occupation (HMO) (Sui Generis) with associated car parking to rear

Recommendation

**Approve subject to Conditions**

1. Proposal

1.1. Planning permission is sought for the change of use of Ashley House, 1143 Stratford Road from to a 10 bedroom House of Multiple Occupation (HMO) (Sui Generis) with associated car parking to rear.

1.2. The application was originally submitted for a proposed change of use from dwellinghouse (Use Class C3) to 10 bedroom HMO (Use Class Sui Generis). A previous application was approved on the site for a change of use from office (Use Class B1) to dwellinghouse (Use Class C3) under application ref: 2018/02432/PA. It would appear that this planning consent is yet to be implemented, and the existing use of the property is not a dwellinghouse (Use Class C3). As such, the proposal has been amended to reflect the last known use of the site (office – Use Class B1).

1.3. The proposed layout would be as follows:

- Ground Floor:
  - Bedroom 1 – 14.3 sqm
  - Bedroom 2 – 11.6 sqm
  - Bedroom 3 – 15.8 sqm
  - Bedroom 4 – 15.0 sqm
  - Bedroom 5 – 8.6 sqm
  - Kitchen/Lounge – 28.4 sqm
  - Utility/Store
- First Floor:
  - Bedroom 6 – 11.5 sqm
  - Bedroom 7 – 15.8 sqm
  - Bedroom 8 – 14.7 sqm
  - Kitchen/Lounge 20.0 sqm
- Second Floor:
  - Bedroom 9 – 12.9 sqm
  - Bedroom 10 – 16.6 sqm

- 1.4. Each bedroom is shown to have a single bed, desk, store and an en-suite. There are no communal bathroom facilities proposed.
- 1.5. To the side, there would be 45.9 sqm of private amenity space and 8 parking spaces to the rear/side accessed off Green Road. Part of the site is bound by wooden panel fencing.
- 1.6. There would be two new windows inserted to the ground floor side elevation (facing Green Road), a new window inserted into the side elevation (facing 1081 – 1083 Stratford Road) a new window inserted into the rear elevation. These alterations were previously approved under planning ref: 2018/02432/PA.
- 1.7. This application is reported to Planning Committee at the request of Councillor Robson. Since this request substantial objections have also been received.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The site relates to a large two storey, detached property located on Stratford Road. The building is currently vacant and its previous use was an office (Use Class B1). The property is bound by residential properties to the west of the site along Green Road, and a car park and Wickes store to the south of the site. To the north of the site, there is a two storey semi-detached commercial property with a barbers and Asian sweet shop on the ground floor; details of the upper floor are unknown. Located beyond this, there is a three storey apartment block.
  - 2.2. The site is located within the Primary Shopping Area of Hall Green Neighbourhood Centre. The surrounding area is commercial and residential in character.
  - 2.3. [Site Location](#)
3. Planning History
  - 3.1. 29/05/2018 – 2018/02432/PA – Change of use office (Use Class B1) to dwellinghouse (Use Class C3), erection of single storey rear and roof lights to rear – Approved.
4. Consultation/PP Responses
  - 4.1. Transportation Development – No objection, recommendation for cycle storage provision to be included.
  - 4.2. Regulatory Services – No objection.
  - 4.3. West Midlands Police – Object to the application regarding the level of information submitted with the application; further details of site ownership, applicant details, HMO management plan, landlord training accreditation and support from Council departments expected. If minded to approve, to prevent 10 potential burglaries and further incidents/repeat victimisation and demand on the Police, conditions for security standards for internal and external doors and laminated glazing for all doors and windows (PAS 24).

4.4. Neighbouring residents, local Ward Councillors and Residents Associations have been consulted and a site notice displayed. 9 objections received from local residents raising concerns regarding:

- Further increase in traffic and parking problems on Stratford Road, Green Road and Southam Road
- Increase in road rage
- Lack of parking
- Lack of garden space
- Increase in crime and litter
- Increase in noise
- Increase in air pollution and impact on health
- Decrease in property value
- Safety of children/increased anxiety and stress for parents
- Impact on character of the area

## 5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP)
- Birmingham Unitary Development Plan (UDP) Saved Policies
- Specific Needs Residential Uses SPG

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF)

## 6. Planning Considerations

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

6.2. The main issues for consideration in the determination of this application are the principle of the development, the impact on the character of the area, on residential amenity and on highway safety and parking.

*Policy, principle of development and impact on the character of the area*

6.3. The NPPF contains a presumption in favour of sustainable development. Chapter 5 relates to delivering a sufficient supply of homes, the need to boost housing supply and offer a wide choice of quality homes. It notes that small sites can make an important contribution to the housing requirements of an area.

6.4. The BDP builds upon the principles of the NPPF, emphasising the housing need within the city. Whilst there is not a specific policy relating to HMOs, Policy TP27 'sustainable neighbourhoods' requires new housing in Birmingham to contribute to making sustainable places, by offering a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages. Housing should be within easy access of facilities including shops, schools, leisure and work, conveniently located to travel by foot, bicycle or public transport and create a strong sense of place.



- 6.5. Saved policies 8.23 to 8.25 of the UDP relate specifically to houses in multiple paying occupation. Policy 8.24 states that in determining planning applications for HMOs, the following criteria are relevant; the effect on the amenities of the surrounding area and adjoining properties; the size and character of the property; the standard of accommodation; car parking facilities and local provisions. Policy 8.25 states that generally small terraced or small semi-detached properties used as HMOs will cause disturbance to the adjoining house and will be resisted. The impact of such a use would depend of the existing use of the adjoining properties and the ambient noise level in the immediate area.
- 6.6. The Specific Needs Residential Uses SPG states that the nature of occupants of a property is not a material planning consideration; the key issue in planning terms is the manner in which the property is occupied. It recognises that HMOs have a role to play in meeting the housing needs of certain groups in society. The SPG contains guidelines for internal standards for bedrooms where there is a kitchen/living room and a separate bedroom which are 6.5sqm for a single bedroom and 12.5sqm for a double bedroom.
- 6.7. The impact on the character of the area and neighbouring occupiers are key considerations in the determination of HMO applications. This part of Stratford Road contains a mixture of commercial and residential uses. The HMO Licence register has been reviewed and the closest property with a licence is at 641 Stratford Road approximately 1931.2m from the application site. There are also no pending licence applications within close proximity to the site. There would therefore be no cumulative impact of HMOs or an adverse impact on the character of the area.
- 6.8. The proposal would bring back this currently vacant commercial property unit into active use and would provide additional housing in the area. The site is within Hall Green Neighbourhood Centre with services, facilities and good public transport links available. I acknowledge the loss of a commercial property from the local centre, but it is not an empty retail use and consent was granted last year for a change of use to C3 residential.
- 6.9. The application site is a detached property which benefits from a large area to the rear providing parking and amenity space. This would avoid disturbance to neighbours, as there are no adjoining occupiers, whilst the parking area would be self-contained and offer ample off-street parking. I do not consider that this change of use would impact on the character of the local area. It should be noted that the previous use of the site as offices would have generated a level of comings and goings. It should be noted that as consent has been given for a C3 residential use, up to 6 people could occupy the property without any further planning consent required.

#### *Residential amenity*

- 6.10. The property would provide 10 bedrooms, measuring between 8.6 sqm and 15.8 sqm each with an en-suite bathroom, which exceed the minimum standard of 6.5sqm for a single bedroom. There would be two kitchen/lounge areas; one on the ground floor measuring 28.4 sqm and one on the first floor measuring 20 sqm. Both exceed what is required by BCC HMO Licencing for a 10 bedroom property, at 24.5sqm. The adopted SPG 'Specific Needs Residential Uses' advocates that 16 sqm of amenity space should be provided per resident, equating to 160 sqm. The property would have 45.9 sqm of private amenity space which is below the guidance however I do not consider that this would be sufficiently detrimental to warrant refusal of the application.

- 6.11. In view of the detached nature of the building I do not consider that there would be any direct noise disturbance to neighbouring occupiers. The proposal complies with the distance separation guidelines contained in 'Places for Living' and there would be no adverse impact on the amenities of the occupiers of the adjacent properties by virtue of loss of privacy or overlooking. The proposal would provide adequate residential amenity to future occupiers, whilst not compromising that of neighbouring residents.

#### *Crime*

- 6.12. I note an objection has been received from West Midlands Police, particularly relating to the level of information that has been submitted with the application. Examples of information requested by WMP include: management plan for the HMO, support from other departments within the Council and details of Landlord Accreditation Training. This level of information would not be required for the assessment of the application as it is outside the scope of Planning and would be unreasonable to request. WMP have also raised concerns about incomplete building works which could be the subject of an enforcement case. I can confirm there is no enforcement case on file; the works which are being carried out at the property were previously agreed under planning ref: 2018/02432/PA.
- 6.13. Whilst crime and fear of crime are planning considerations, the 'Specific Needs Residential Uses' SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration and that HMO accommodation has a role to play in providing housing for certain groups in society. It is acknowledged that the overconcentration of HMOs can impact upon residential amenity and community cohesion, however it is important to emphasise that the behavior of HMO tenants is not a matter for planning authorities. It should also be noted that this area is not characterized by HMOs, so there is no issue with over concentration. Furthermore it is also important to stress that there is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behavior. In light of this and the above assessment in terms of an over concentration of HMOs in the locality, it is considered that a refusal on the grounds of crime and fear of crime could not be sustained. To enhance security and safety, I recommend that a condition is attached for CCTV.

#### *Highway safety and parking*

- 6.14. Local residents have raised concerns about the on-going traffic and parking issues which affect the surrounding rounds to the application site. Transportation Development have been consulted on the proposal and have raised no objection, as the site would benefit from 8 off-street parking spaces and there are on-street parking options available with additional good public transport links nearby. I recommend attaching a condition requiring the 8 spaces to be laid to be out in the car park prior to occupation of property to ensure that these spaces are provided. Transportation Development consider that it is unlikely that the proposed change of use would lead to an increase in traffic and parking demand notably greater than the previous use as a commercial office. Secure and sheltered cycle storage has been requested to encourage residents to consider this an alternative mode of travel. I consider that the site frontage has sufficient space to accommodate cycle storage and recommend attaching this condition.

#### *Other matters*

6.15. Local residents have raised concerns about how the proposal could impact property values in the area. This is a non-planning matter and therefore cannot be taken into consideration.

6.16. In response to concerns raised about a potential increase in air pollution and impact on health. Regulatory Services have raised no objection the application.

7. Conclusion

7.1. The proposed change of use would be fully in accordance with the objectives of the policies outlined above. The objections raised are recognised and acknowledged, however the principle of development would be acceptable in this location. The application would not cause an over-concentration of HMOs within this vicinity, and with the amendments made, would have an acceptable impact upon residential amenity, highway safety and parking. The objection from West Midlands Police is noted, however the nature of the objection is not a material planning consideration and HMO accommodation has a role to play in providing housing for certain groups in society.

8. Recommendation

8.1. Approve subject to conditions:

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the number of residents to 10 people                            |
| 3 | Requires the submission of cycle storage details                       |
| 4 | Requires the submission of a CCTV scheme                               |
| 5 | Requires the parking area to be laid out prior to use                  |
| 6 | Implement within 3 years (Full)  |
- 

Case Officer: Laura Reid

## Photo(s)



Front Elevation – Stratford Road



Side Elevation – Green Road





Area to the rear

## Location Plan



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Committee Date:	21/11/2019	Application Number:	2019/06034/PA
Accepted:	26/07/2019	Application Type:	Full Planning
Target Date:	22/11/2019		
Ward:	Billesley		

Land off Hollybank Road with access between Nos. 38 & 40, Kings Heath, Birmingham, B13 0RJ

Erection of 5 no. residential dwellings

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Planning permission is sought for the erection of 5no. residential dwellings on land off Hollybank Road. The application site would be accessed between no/s. 38 & 40 Hollybank Road. This application has been submitted by Birmingham Municipal Housing Trust (BMHT) and all dwellings are proposed for affordable rent.
- 1.2. Plots 1 and 3 consists of two semi-detached, two storey properties ('The Harborne') consisting of a kitchen/dining room (14.4sqm), living room (15sqm) and w.c at ground floor and three bedrooms (12.6sqm, 11.5sqm and 8.2sqm) and bathroom at first floor. Plots 1 & 3 would have a rear amenity space of 75sqm and 66sqm respectively.
- 1.3. Plot 2 consists of a mid-terrace, two storey property ('The Walmley G') consisting of a kitchen/dining room (12.6sqm), living room (14.8sqm), utility and w.c at ground floor and two bedrooms (17.5sqm and 13.7sqm) and bathroom at first floor. The property would have a rear amenity space of 66sqm.
- 1.4. Plots 4 and 5 consists of two semi-detached dormer bungalows ('The Brandwood') consisting of a kitchen/dining/living room (23.6sqm) bedroom (12.3sqm) and shower room at ground floor and a bedroom (16.9sqm) and bathroom within the roofspace. Plots 4 & 5 would have a rear amenity space of 158sqm and 92sqm respectively.
- 1.5. All properties would have a gable-end roof design with chimney light. The external materials would consist of red multi brick, grey roof tiles grey upvc window frames, and black doors.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a currently vacant parcel of land that was previously used as a temporary depot by Fortem. The application site is located within a residential area and the immediate area comprises of bungalows adjoining the site to the east and two storey dwellings adjoining the site to the west and north. Planning permission was granted in November 2017 for the demolition of existing buildings and erection of 14 no. dwelling houses on land adjoining the application site to the west. The 14

dwellings have since been erected. The topography of the application site is relatively flat.

2.2. [Site Location](#)

3. [Planning History](#)

3.1. None relevant

4. [Consultation/PP Responses](#)

4.1. Ward Councillors, MP, Local Residents and Neighbourhood Forums notified of the application and site notice displayed. One letter of objection received from a neighbouring resident in relation to the following:

- Overlooking caused to neighbouring properties

4.2. Transportation Development – No objection subject to a condition requiring the access off Hollybank Road to be carried out to City specification at the applicants expense.

4.3. Regulatory Services – No objection subject to conditions requiring a Contamination Remediation Scheme, a Contaminated Land Verification Report and the provision of a vehicle charging point at each residential unit.

4.4. Severn Trent Water – No objection subject to a condition requiring the submission of drainage plans for the disposal of foul and surface water flows.

4.5. West Midlands Police – No objection

5. [Policy Context](#)

5.1. Birmingham Development Plan 2017, Birmingham Unitary Development Plan (saved polices), Car Parking Guidelines SPD, Affordable Housing, Places for Living, Mature Suburbs and the National Planning Policy Framework (The Framework) 2019.

6. [Planning Considerations](#)

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

6.2. The planning considerations important in the determination of this application are the principle of development and the potential impact of the proposal on the residential amenity of existing and future residents, visual amenity, highway safety and parking trees, ecology and drainage.

Policy and Principle of Development:

6.3. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. It supports strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided by fostering a well-designed and safe built environment. Paragraph 68 states that small and medium sized sites can make an important contribution to meeting local housing requirements.

- 6.4. Policy PG3 of the BDP states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design. Policy 3.14 of the saved UDP policies echoes this, stating that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit.
- 6.5. Policy TP27 of the BDP explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.6. With respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.7. The application site is classed as brownfield land and the plot represents a windfall plot, which is advocated within policy TP28 of the Birmingham Development Plan and paragraph 68 of the NPPF. While it is considered that the siting of the proposed backland development away from any defined streetscene would not be particularly in-keeping with the existing layout of the locality, given the application site is served by an existing access road, Officers do not consider that the proposed development would result in a discordant feature which would be detrimental to the visual amenities of the locality in this instance. The surrounding area is residential in nature/character and five residential dwellings would fit appropriately within this context. It is therefore considered the development would constitute sustainable development, constituting an efficient use of land, responding to site conditions and the local area context, within a sustainable location that is close to schools, shops and public transport facilities. The proposal complies with the aspirations as laid out within the NPPF, the Birmingham Development Plan and the Mature Suburbs SPD. Consequently, it is considered that the proposal is acceptable in principle subject to the siting, design and layout of the proposed dwelling being acceptable.

Layout, design, scale and massing:

- 6.8. The application site is surrounded by bungalows to the east and by 2-storey dwellings to the north, west and south. All the proposed plot types would be of a modern design, which would not be at odds with the visual aesthetics of the site and surrounding properties in general. The proposed size, scale and massing of the proposed dwellings is appropriately proportionate to the size of the site and the proposed gable roof designs would not be at odds with the character of the properties in the surrounding area.

- 6.9. All plot types would adhere to guidance in terms of bedroom sizes and gross internal floor area in accordance with Nationally Described Space Standards. The proposed rear amenity space for each plot would adhere to guidance contained within the 'Places for Living' SPG with the exception of plot 3 which is 4sqm less than the recommended 70sqm for family dwellings contained within the 'Places for Living' SPG. Given the rear amenity space provision to Plot 3 is close to the requirement contained within the 'Places for Living' SPG, Officers consider the proposal is acceptable in terms of its layout, design, scale and massing in this instance. A condition shall be attached requiring the submission of samples materials.

Impact on residential amenity:

- 6.10. Following concerns raised by Officers over the positioning of plot 5 in relation to the rear elevations of no.40 and no.42 Hollybank Road, amended plans were submitted to ensure that plot 5 is situated further away from the rear elevations of no/s 40 & 42. Following these amendments, the development would comply with the 12.5 metre separation distance within the 'Places for Living' SPG between windowed elevations and opposing 1 and 2 storey flank walls in respect to the rear elevation of no.40. The development would be sited 10.6 metres from nearest on the rear elevation of no.42 and therefore would fail to comply with the 12.5 metre separation distance. However, given that plot 5 is a dormer bungalow and therefore relatively low in height and given the property would be positioned at a splayed angle in relation to the rear elevation of no.42 which would reduce its overbearingness to the occupants of no.42, the revised siting of plot 5 is considered acceptable in this instance. Officers wish to include a condition which removes permitted development rights for the insertion of additional dormer windows on the rear elevation of plots 1 and 2 in order to prevent any possible future overlooking issues to the private rear amenity space of no.28 Hollybank Road.
- 6.11. Plots 1 - 4 would comply with all suggested separation distance guidelines contained within the 'Places for Living' SPG. Plot 3 would breach the Council's 45 Degree Code in respect to the nearest rear facing window of no.30 Hollybank Road. Given the section of plot 3 which breaches the code would be situated approximately 8.5 metres from the nearest window of no.30, Officers do not consider the development would result in an unacceptable loss of light/outlook to the occupants of no.30 Hollybank Road in this instance.
- 6.12. The applicant submitted a ground investigation report which reported that elevated levels of soil contamination were found and that remedial measures are required in the proposed gardens. Given these findings, Regulatory Services have requested conditions requiring the submission of a Contamination Remediation Scheme and a Contaminated Land Verification Report. Officers consider the requested contamination conditions by Regulatory Services to be reasonably necessary in order to secure the satisfactory development of the application site.

Highway safety and parking:

- 6.13. The application site proposes nine on-site parking spaces which equates to 1.8 spaces per dwelling. Beyond the site, parking on-street is unrestricted and regular buses run along Hollybank Road throughout the day. Transportation Development have raised no objections to the proposed development as it is not anticipated that traffic and parking demand would differ notably to that when the garages were in place here, with the impact at this location negligible. It is considered that adequate parking is provided within the site, with any need for overspill onto Hollybank Road expected to be minimal. The application form states there will be new/altered access

to/from the public highway. A condition shall be attached to ensure these works are carried out to City specification at the applicants expense. It is acknowledged that each dwelling has cycle storage potential, with the provision of a shed within the rear garden areas and frequent buses are available within short walking distance of the site. The proposal is therefore considered acceptable in terms of highway safety and parking.

Other matters:

- 6.14. The Council's Landscape Officer considers that the submitted landscape and boundary treatment details are not detailed enough. It is therefore necessary to attach conditions requiring the submission of hard and/or soft landscape details, hard surfacing materials and boundary treatment details.
- 6.15. The Council's Principal Arboriculturist has identified several third party trees within close proximity of the site which will need arboricultural consideration and methods although these should be easily addressed. It is therefore necessary to attach a condition requiring the submission of an arboricultural method statement.
- 6.16. Severn Trent Water has raised no objection subject to the inclusion of a condition requiring the submission drainage plans for the disposal of foul and surface water flows which shall be attached accordingly.

## 7. Conclusion

- 7.1. The proposed dwellings are of an appropriate size, scale, massing and design which would not be significantly out of character with the existing context of the surrounding area, providing a satisfactory internal and external environment for future occupiers. The proposal is also considered acceptable in terms of its impacts upon residential amenity, highway safety/parking, ecology/trees and foul/surface water drainage.

## 8. Recommendation

- 8.1. Approve subject to conditions

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires the prior submission of a contamination remediation scheme
  - 3 Requires the submission of a contaminated land verification report
  - 4 Requires the prior submission of a drainage scheme
  - 5 Requires the submission of sample materials
  - 6 Requires the submission of hard and/or soft landscape details
  - 7 Requires the submission of hard surfacing materials
  - 8 Requires the submission of boundary treatment details
  - 9 Arboricultural Method Statement - Submission Required
-

- 
- 10 Alterations to access to city specification
  - 11 Requires obscure glazing for specific areas of the approved dwellings
  - 12 Removes PD rights for new dormer windows for plots 1 and 2
  - 13 Implement within 3 years (Full)
- 

Case Officer: James Herd



## Photo(s)



Figure 1 – View of site access between no.40 (right) and no.38 (left) Hollybank Road



Figure 2 – View of application site looking south-west with the rear of residential properties no/s 30, 32, 34, 36 & 38 Hollybank Road (left).



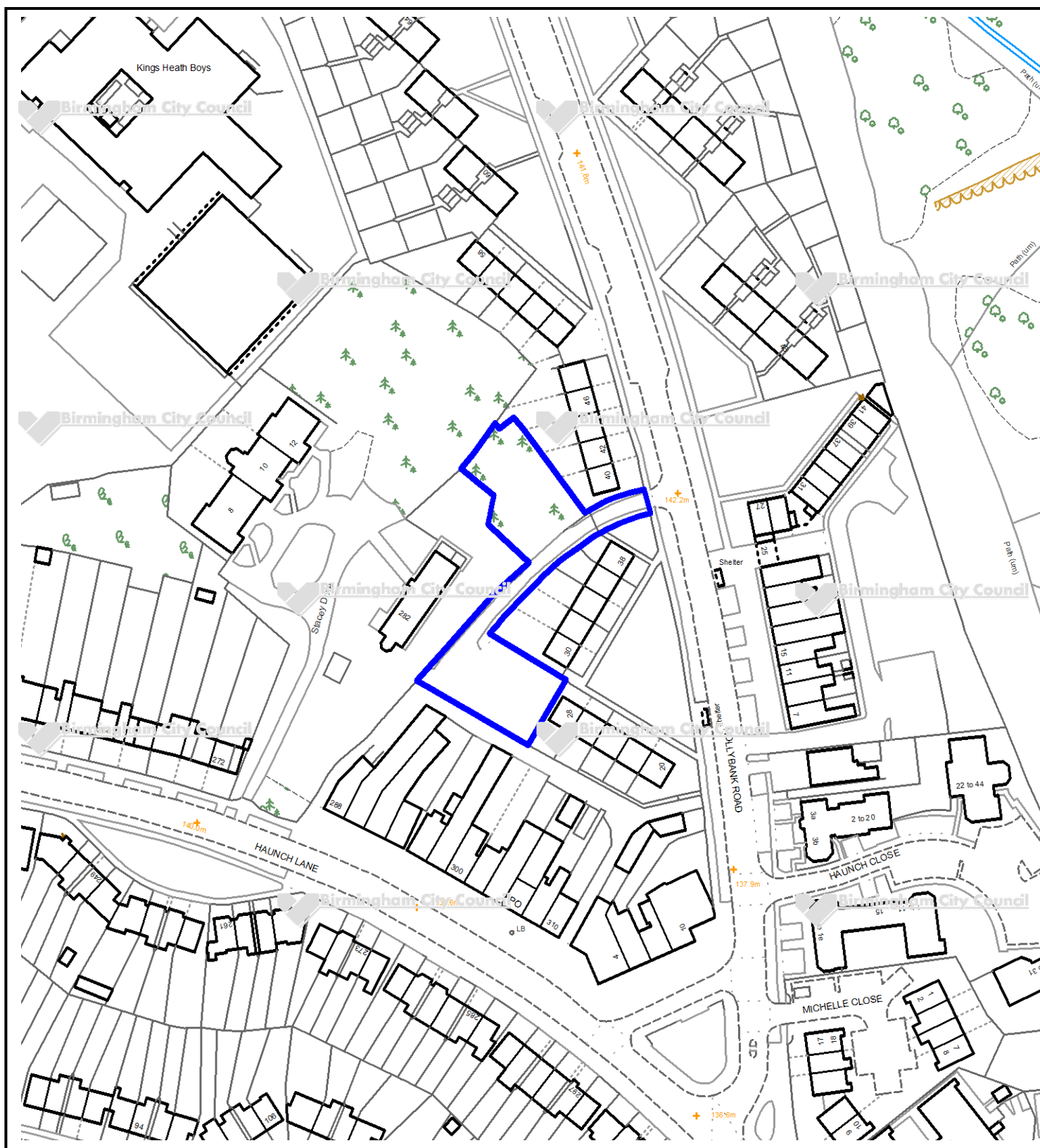


Figure 3 – View of application site looking north



Figure 4 – View of south section of application site with views to the rear of no/s 288, 290, 292, 294 & 296 in the background

## Location Plan



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Committee Date:	21/11/2019	Application Number:	2019/06846/PA
Accepted:	20/08/2019	Application Type:	Full Planning
Target Date:	15/10/2019		
Ward:	Bournbrook & Selly Park		

70 Ribblesdale Road, Selly Oak, Birmingham, B29 7SQ

Retention of change of use to 5-bed HMO (Use Class C4)

Recommendation  
**Determine**

1. Report Back

1.1. Members will recall that this application was presented to Planning Committee on 7<sup>th</sup> November 2019 and deferred, minded to refuse, on the grounds of an over-concentration of HMOs in the locality and being contrary to the Wider Selly Oak Supplementary Planning Document. Officers consider that the recommendation to approve in accordance with the original report remains appropriate. If members remain minded to refuse the application, the following reason for refusal is suggested:

1.2. *The conversion of this property to a 5 bed HMO (Use Class C4) would occur in an area which already contains a high number of HMO premises and the cumulative effect would have an adverse impact on the residential character an appearance of the area as well not contribute to a balanced community and sustainable neighbourhood. This would be contrary to Policy PG3 and TP27 of the Birmingham Development Plan (2017) saved policies 8.23 - 8.25 of the Birmingham Unitary Development Plan (2005); Policy HMO1 of the 'Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards, Planning Policy Document, The Wider Selly Oak Supplementary Planning Document (2015) and the National Planning Policy Framework.*

**1.1 Original Report**

1.2 Proposal

1.1. Consent is sought for the retention of a change of use to 5 bed HMO (Use Class C4) from a residential dwelling (Use Class C3).

1.2. The requirement for this application has arisen due to an Article 4(1) Direction, within a defined area within which the application site is situated, which states development consisting of a change of use of a building to a use falling within Class C4 (house in multiple occupation) from a use falling within Class C3 (dwellinghouse) would require planning permission.

1.3. No external alterations re proposed. Internally, the ground floor would provide a bedroom with en-suite, lounge, kitchen and WC. The first floor would provide 3

bedrooms all with en-suites. The second floor would provide 1 bedroom with en-suite.

1.4. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application site related to this property is 70 Ribblesdale Road. This is a two storey detached property situated to the end of a row of semi-detached properties, to the corner of Ribblesdale Road and Umberslade Road. The property has a two storey rear wing, and has been previously extended with a single storey rear extension and a rear dormer window.

2.2. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. 11/05/2017 - 2017/03536/PA - Non Material Amendment to planning application 2015/08882/PA for an amended site layout plan – Approve
- 3.2. 11/05/2017 - 2017/01467/PA - Application to determine the details for conditions numbers 2 (drainage scheme) 3 (landscaping details) 4 (levels) 5 (boundary treatment) 6 (sample materials) 8 (visibility splay) 10 (window details) 13 (amended side elevation) and 14 (means of access) attached to planning approval 2015/08882/PA – Approve
- 3.3. 17/03/2016 - 2015/00882/PA - Erection of dwelling house – Approved with conditions. Condition attached to permission removing permitted development rights to change the use to any other use within Use Class C.
- 3.4. 22/07/2015 - 2015/04775/PA - Erection of 1 no. dwellinghouse – Withdrawn
- 3.5. [Enforcement History](#)
- 3.6. 2019/1311/ENF - Alleged check compliance in relation to Flood Risk Assessment attached to 2015/08882/PA – under investigation.
- 3.7. 2016/0898/ENF – Alleged unauthorised not in accordance with the approved plans 2016/00882/PA – constructed large single storey extension to No. 237 Umberslade Road – under investigation:

Enforcement officer working with owner to reinstate the original hedge to front and other boundary treatments, reinstate grassed areas and resurfacing driveway. Work to commence imminently

4. [Consultation/PP Responses](#)

- 4.1. Letter of notification have been sent to surrounding occupiers, local residents associations and local Ward Councillors. A site notice has also been posted.

11 letters of objection have been received from surrounding occupiers, objecting to the proposal on the following grounds:

- Does not comply with original planning permission
  - Always intended to be used as a HMO
  - Inadequate parking provision and increase in traffic
  - Loss of wildlife from removal of hedges
  - Criminal activity and drug use
  - Anti-social behaviour caused by residents
  - Poor quality construction
  - Property in a prominent position on a corner plot
  - Impact on surrounding neighbours and character of area
  - Impact on visual appearance and amenity of area
  - A permission would set a precedent for further development
  - Impact on local services
- 4.2. Muntz Park Neighbourhood Forum have objected to the application on the grounds of loss of hedge, not complying with conditions of previous approval, erosion of character, strain on local amenities, noise and disturbance, parking issues.
- 4.3. Transportation Development – No objection subject to secure cycle storage
- 4.4. Regulatory Services – No objections subject to noise insulation scheme
- 4.5. West Midlands Police – There have been 54 calls to the police in relation to incidents on Ribblesdale Road in the last 12 months. Of these logs, 19 relate to the two addresses that are currently operating as HMO's. The fact that 5 potential strangers are going to live in such close proximity and share basic amenities can be recipe for discord and can offer opportunity for crime and disorder.
- 4.6. Environment Agency – No objections

## 5. Policy Context

- 5.1. The following national policy is relevant
- The National Planning Policy Framework (2018)
- 5.2. The following local policy is relevant.
- Birmingham Development Plan (BDP) 2017.
  - The Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
  - Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards (2014).
  - Specific Needs Residential Uses SPG

## 6. Planning Considerations

### 6.1. **Policy and Principle of Development**

- 6.2. In normal circumstances, the conversion from a C3 use to a C4 use is permitted development and owners of properties would normally have no need to inform the Local Planning Authority that a dwellinghouse is changing to a small (C4) HMO. However, in November 2014, an Article 4 Direction was brought into effect that



removes these permitted development rights within a designated area of Selly Oak, Edgbaston and Harborne wards. The application site falls within this area.

- 6.3. The decision to introduce an Article 4 Direction in this area resulted from an analysis of city wide concentrations of HMOs revealing the particularly high levels found in Bournbrook and the spread to surrounding areas of Selly Oak, Harborne and Edgbaston wards.
- 6.4. The policy accompanying the Article 4 direction 'Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards' which was adopted by the Local Planning Authority in September 2014 aims to manage the growth of HMOs by dispersing the locations of future HMOs and avoiding over-concentrations occurring, thus being able to maintain balanced communities. It notes that the neighbourhoods included in the confirmed Article 4 area have capacity to accommodate further HMOs in the right locations.
- 6.5. Policy HMO1 states the conversion of C3 family housing to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use). The city council will resist those schemes that breach this on the basis that it would lead to an overconcentration of such uses. Should the application not cause an over concentration, or the exacerbation of an existing over concentration, the city council will then apply the existing policies that apply to HMOs city wide in determining planning applications for C4 HMOs, as well as large HMOs in the Article 4 Direction area. The proposal would also need to satisfy these criteria in order to be granted planning consent.
- 6.6. Using the most robust data available to the Local Planning Authority, including Council Tax records, Planning Consents and HMO Licensing information it is revealed that within 100m of 70 Ribblesdale Road there are 75 residential properties. Of these properties and including the application site as a proposed HMO, 7 are identified as being HMO's, equating to 9.3% of houses within the 100m of the application site. As such it is considered that there would not be an overconcentration of HMO's in this particular area.
- 6.7. Saved policy 8.24 of the adopted UDP 2005 advises that when determining applications for houses in multiple paying occupation the effect of the proposal on the amenities of the surrounding area, and on adjoining premises; the size and character of the property; the floor space standards of the accommodation; and the facilities available for car parking should be assessed.
- 6.8. The specific needs residential uses SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration, and that HMO accommodation has a role to play in providing housing for certain groups in society. The SPG guidelines for internal standards for people having a bedroom and shared living rooms and kitchen are:
  - Single bedroom 6.5 sq.m,
  - Double bedroom 12.5 sq.m.
- 6.9 The overall housing objective of the Wider Selly Oak SPD is "to maintain a balance of housing provision, a sustainable and cohesive housing market, and secure a high level of management of the residential environment". This is in order to ensure that

Selly Oak “remains a desirable residential area for existing residents, as well as attracting and retaining employees to the university and hospitals - including graduates”. The policy requires that “all proposals must secure a significant uplift in the area's residential offer”.

#### **6.10 Character and appearance**

- 6.11 The application site is located within a predominantly residential area. Whilst there appear to be other HMO type uses on Umberslade Road to the northwest, the road primarily consists of family dwellings and has a typically residential character. The application premise is a detached property that was originally constructed as a 5 bedroom dwelling, with a lounge, living room and kitchen at ground floor, three bedrooms at first floor and 2 bedrooms within the roof space. The proposal would convert a lounge at ground floor into a bedroom, with a larger single bedroom within the roof space. As there would be no additional bedrooms added, I therefore consider that the proposal would have a minimal impact upon character.

#### **6.12 Layout and Residential Amenity**

- 6.13 The existing building contains three floors with individual bedrooms and shared kitchen and living room space. The property would provide five bedrooms of 10.5sqm, 9sqm, 8.2sqm, 10.2sqm and 12.7sqm. All of the bedrooms would exceed the standards set out in the Specific Needs Residential Uses SPG guidance for single bedrooms.
- 6.14 The communal kitchen and living room is of a good size and considered acceptable for 5 residents. There are en-suite bathrooms provided for each bedroom. In light of the above it is considered that the internal residential environment for occupiers would be acceptable.
- 6.15 In terms of the residential amenity of future occupiers of the premises, adopted SPG 'Specific Needs Residential Uses' advocates that 16sqm of amenity space should be provided per resident, equating to 80sq.m. The property would have approximately 141sqm of private amenity space which would comply with the above requirements.
- 6.16 The proposed HMO would not have an adverse impact on the amenities of adjoining residents given that few internal alterations are taking place and the property would most likely be lived in, in a similar manner to a family.

#### **6.17 Highway Safety and Parking**

- 6.18 The guidance in Specific Needs Residential Uses SPG advises that car parking provision for HMO applications should be treated on its own merits.
- 6.19 My Transportation Development Officer raises no objection to the proposal. It is not considered this change from a 5 bed dwelling to HMO with the same number of beds will have a notable impact upon traffic & parking demand at this location. While parking demand is typically fairly heavy within the vicinity it must be acknowledged there are good public transport links. It is suggested secure and sheltered cycle storage is installed in order to encourage this alternative mode of travel. A condition to secure this is recommended.
- 6.20 The site is also noted to be in an accessible location, close to Selly Oak Centre. It is therefore considered that there would not be any detrimental impact to highway safety as a result of this change of use.

## 6.21 Other matters

- 6.22 Concern has been raised over the unauthorized use of the property as a HMO and a potential precedent being set. The application has been submitted to regularize this unauthorized use and as such a full assessment has been made against the Council's relevant planning policy. In terms of a precedent being set, all planning applications are assessed on their own merits, and given the Article 4 Direction in place, any further change of use applications to HMO's in this area would be assessed against the 10% threshold contained within Policy HMO1.
- 6.23 Concerns have also been raised regarding loss of wildlife from the removal of hedges, poor quality construction and criminal activity and drug use. In respect to the loss of hedgerow, this is being investigated as part of an enforcement complaint. This application is for the change of use only and the property has already been built; as such the quality of construction is not a planning consideration within this application.
- 6.24 Crime and the fear of crime is a planning consideration, however the Specific Needs residential Uses SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration and that HMO accommodation has a role to play in providing housing for certain groups in society. It is important to stress that the behavior of HMO tenants are not a matter for planning authorities but it is recognized that over concentrations can impact upon residential amenity community cohesion and housing mix as well as residential character. There is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behavior. In light of this and the above in terms of an over concentration of HMOs in the locality, it is felt that a robust reason for refusal on the grounds of crime and fear of crime could not be sustained.
- 6.25 The proposed development does not attract a CIL contribution.

## 7. Conclusion

- 7.1. I consider that the proposed use of the property as a C4 small house in multiple occupation would be acceptable in principle and would help to meet a need for this type of housing in a sustainable location. There would not be an overconcentration of such uses in the area and the proposal would therefore accord with the Article 4 direction policy. In addition, the proposed scheme would not have a detrimental impact on the character of the area, or upon the amenities of adjoining residents and highway safety.

## 8. Recommendation

- 8.1. Approve subject to the following conditions

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of cycle storage details                       |
| 3 | Limits the number of residents to 5 people                             |
-

Case Officer: Leah Russell

## Photo(s)



Photo 1: Front elevation



Photo 2: Rear elevation



## Location Plan



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Committee Date:	21/11/2019	Application Number:	2019/05758/PA
Accepted:	19/07/2019	Application Type:	Full Planning
Target Date:	13/09/2019		
Ward:	Bournbrook & Selly Park		

94 Bournbrook Road, Selly Oak, Birmingham, B29 7BU

Change of use from residential dwelling (Use Class C3) to 7-bed HMO (Sui Generis) and retention of single storey rear extension.

Recommendation  
**Determine**

1. Report Back

- 1.1. Members will recall that this application was presented to Planning Committee on 7<sup>th</sup> November 2019 and deferred, minded to refuse, on the grounds of an over-concentration of HMOs in the locality and being contrary to the Wider Selly Oak Supplementary Planning Document. Officers consider that the recommendation to approve in accordance with the original report remains appropriate. If members remain minded to refuse the application, the following reason for refusal is suggested:
- 1.2. *The conversion of this property to a 7 bed HMO (Sui Generis) would occur in an area which already contains a high number of HMO premises and the cumulative effect would have an adverse impact on the residential character and appearance of the area as well as not contribute to a balanced community and sustainable neighbourhood. This would be contrary to Policy PG3 and TP27 of the Birmingham Development Plan (2017), saved Policies 8.23-8.25 of the Birmingham Unitary Development Plan 2005, Planning Policy Document, The Wider Selly Oak Supplementary Planning Document (2015) and the National Planning Policy Framework.*

**Original Report**

1. Proposal

- 1.1. Consent is sought for the change of use from a residential dwelling (Use Class C3) to a large House in Multiple Occupation (Sui Generis) and the erection of a single storey side and rear extension.
- 1.2. In total the development would comprise of 7 bedrooms over three floors; 2 at ground floor, 3 at first floor and 2 at second floor, with footprints of between 10sqm to 14sqm, each with en-suite bathrooms. There would be a communal kitchen and lounge (55.4sqm) at ground floor.
- 1.3. A rear outdoor amenity space of 191.1sqm is provided, with off street parking to the front.

1.4. A 6m prior approval application has been approved to the end of the existing two storey wing, under reference 2018/07841PA, and is complete along with the single storey rear infill extension which forms part of this application.

1.5. A hip to gable roof extension and rear dormer window has also been constructed under the property's permitted development rights.

1.6. [Link to Documents](#)

## 2. Site & Surroundings

2.1. The application site comprises a semi-detached property originally with a hipped roof design located within a residential street comprising a mixture of detached and semi-detached properties. The property is set back from the road, with a garden area within the frontage. The site is located within an area predominately used as student accommodation.

2.2. Work has commenced on site in the construction of two single storey rear extensions, each with a depth of 6m. The property has also been extended with a hip to gable roof extension and rear dormer window.

2.3. [Site Location Plan](#)

## 3. Planning History

3.1. 24/10/2018 - 2018/07941/PA - Erection of 6 metre single storey rear extension. Maximum height 4 metres. Eaves height 3 metres – No prior approval required

### 3.2. Enforcement History

3.3. 2019/0488/ENF - Alleged check works are in accordance with non-prior approval application 2018/07841/PA - Complete

## 4. Consultation/PP Responses

4.1. Letters of notification have been sent to surrounding occupiers, local residents associations and local Ward Councillors. A site notice has also been posted.

4.2. 4 letters of objection have been received from surrounding occupiers, objecting to the proposal on the following grounds:

- Property has not been a small HMO (C4) prior to the application
- Strain on densely populated area
- Out of character within area
- Impact on local services
- Lack of parking provision
- Noise and disturbance/anti-social behaviour
- Work has already commenced on site
- Health and safety issues during construction
- Poor quality construction

- 4.3. Councillor Brigid Jones has objected to the proposal on the grounds of over-intensive development, loss of amenity caused by over saturation of HMO's, adverse impacts on parking and local services, impact on local businesses, incorrect information on application form, unsafe practices on site.
- 4.4. The Community Partnership for Selly Oak (CP4SO) have objected to the proposal on the grounds of insufficient information to assess space standards, impact on the character of the area, further densification of area, impact on parking and traffic, pressure on local services.
- 4.5. Transportation Development – No objections subject to secure cycle storage
- 4.6. West Midlands Police – On Bournbrook Road alone in the past 12 months there have been 70 calls to the emergency services. Of these calls were 23 recorded crimes including 6 burglaries. It has become evident that HMO's have provided accommodation for a transient local population that has undermined community stability and cohesion. No objections, requests all communal doors to be PAS 24 or equivalent.
- 4.7. Regulatory Services – No objections

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (Saved Policies)
  - Birmingham Development Plan (2017)
  - Places for Living SPG
  - Specific Needs Residential Use SPD

The following national policy is applicable:

- NPPF – National Planning Policy Framework

6. Planning Considerations

**6.1. Policy:**

- 6.2. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.3. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places. All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.

- 6.4. Applications for change of use to Houses in Multiple Occupation also need to be assessed against criteria in saved policies 8.23-8.25 of UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality. Policy 8.25 also states that “where a proposal relates to a site in an area which already contains premises in a similar use, and/or properties converted into self-contained flats, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area”.
- 6.5. The specific needs residential uses SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration, and that HMO accommodation has a role to play in providing housing for certain groups in society. The SPG guidelines for internal standards for people having a bedroom and shared living rooms and kitchen are:
- Single bedroom 6.5 sq.m,
  - Double bedroom 12.5 sq.m.
- 6.6. The overall housing objective of the Wider Selly Oak SPD is “to maintain a balance of housing provision, a sustainable and cohesive housing market, and secure a high level of management of the residential environment”. This is in order to ensure that Selly Oak “remains a desirable residential area for existing residents, as well as attracting and retaining employees to the university and hospitals - including graduates”. The policy requires that “all proposals must secure a significant uplift in the area’s residential offer”.
- 6.7. Principle of development:**
- 6.8. Due to the proximity of the site to the University of Birmingham and the Queen Elizabeth Hospital, the properties in Bournbrook Road and those in many of the surrounding streets have proved popular with students and key workers, with a significant number of houses having been converted to flats, bedsits and HMOs. Over the years, the proportion of properties in Selly Oak occupied as HMOs has grown to the extent that, in some areas, they far outnumber the proportion of family homes. The high concentration of such uses has prompted concerns about a potentially unbalanced community, with associated implications in terms of effects on character and amenity, and pressure on local services.
- 6.9. The application site is located within a predominately residential area within a sustainable location. Within this area planning permission is not required to change the use of the property from a residential dwelling (Use class C3) to a small scale HMO (Use Class C4) therefore the current permitted fall back use of the property is for 6 bedrooms. This needs to be taken into account.
- 6.10. There have been a number of recent appeal decisions in the Bournbrook area regarding the change of use to 8 and 9 bedroom HMOs including decisions at 269 Dawlish Road (APP/P4605/W/19/3220857), 74 Heeley Road (APP/P4605/W/19/3220861) and 68 Harrow Road (APP/P4605/W/18/3207412 and APP/P4605/W/18/3207414). These decisions have overturned previous refusals by the Council highlighting several key issues. Namely, that the Council intentionally left Bournbrook out of the article 4 area and the fact that vast majority of properties are already in use as HMOs. In this context it is considered that the addition of 1

further occupier above the fall-back position would not impact on the character of the Bournbrook area or impact on residential amenity.

- 6.11. It is important to emphasise that there is a strong fall-position of the property being utilised as a small HMO with 6 occupiers. In an area with a high student population it is considered that the change of use of the application property to a large HMO with 7 bedrooms would not noticeably impact on the character of the area or amenities of local residents. It is therefore considered that the development is in accordance with policy PG3 and TP27 of the Birmingham Development Plan; saved policies 8.24 and 8.25 set out in the Birmingham Unitary Development Plan; guidance set out within the Wider Selly Oak Supplementary Planning Document and National Planning Policy Framework.

**6.12. Layout and size**

- 6.13. The existing building contains three floors with individual bedrooms and shared living room and kitchen facilities. All of the bedrooms would exceed the standards set out in the Specific Needs Residential Uses SPG guidance. The proposed scheme includes a shared kitchen and living room (55.4sqm) on the ground floor. It is therefore considered that the internal residential environment for future occupiers would be acceptable.

- 6.14. In terms of the residential amenity of future occupiers of the premises, adopted SPG 'Specific Needs Residential Uses' advocates that 16sqm of amenity space should be provided per resident, equating to 112sq.m. The property would have 191 1sqm of private amenity space which would comply with the below the guidance.

**6.15. Proposed single storey rear extension**

- 6.16. The proposal incorporates a single storey rear infill extension to the side and rear of the existing rear wing, projecting a depth of 6m. A single storey extension to the end of the rear wing has been approved and implemented. The extension incorporates a pitched roof design to match the main house. The design and scale of the proposal is considered acceptable and would not be considered an overdevelopment of the site.

- 6.17. The proposal complies with the objectives of the 45 Degree Code and with distance separation guidelines contained within 'Places for Living' and 'Extending Your Home'. Whilst technically the proposal would breach the Code from a rear facing kitchen window to No. 96, a single storey rear extension has been constructed at No. 96 under a previous prior approval, removing the resultant breach. As such I do not consider the proposed extension would be sufficiently detrimental to warrant refusal of the application on this aspect alone.

**6.18. Highway Safety and Parking:**

- 6.19. The guidance in Specific Needs Residential Uses SPG advises that car parking provision for HMO applications should be treated on its own merits.
- 6.20. The property is a semi-detached property with no off-street parking provided. Transportation Development have not raised any objections to the proposal. It is not considered this change will have an impact upon traffic and parking demand at this location. Whilst no off parking is provided it is noted that parking on street within the vicinity is largely unrestricted and regular buses run within reasonable walking distance of this site throughout the day, along both Bristol Road and Coronation

Road. It has been suggested that secure cycle storage should be provided, which could be secured by condition.

**6.21. Other matters**

6.22. Concern was raised that the application form included incorrect information in that the property has not been previously used as a smallscale HMO (Use Class C4) prior to the submission of this application. Following conversations with the agent, for clarity, the description has been subsequently amended.

6.23. Concern has been raised regarding the health and safety of builders on site and poor quality construction methods however these are not material planning considerations and would be considered under separate legislation or through Building Regulations.

6.24. The proposed development does not attract a CIL contribution.

**7. Conclusion**

7.1. The development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The scheme would be acceptable in terms of amenity and highways considerations. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

**8. Recommendation**

8.1. Approve subject to the following conditions

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of cycle storage details                       |
| 3 | Limits the number of residents to 7 people                             |
| 4 | Implement within 3 years (Full)  |
- 

Case Officer: Leah Russell



## Photo(s)



Photo 1: Front elevation

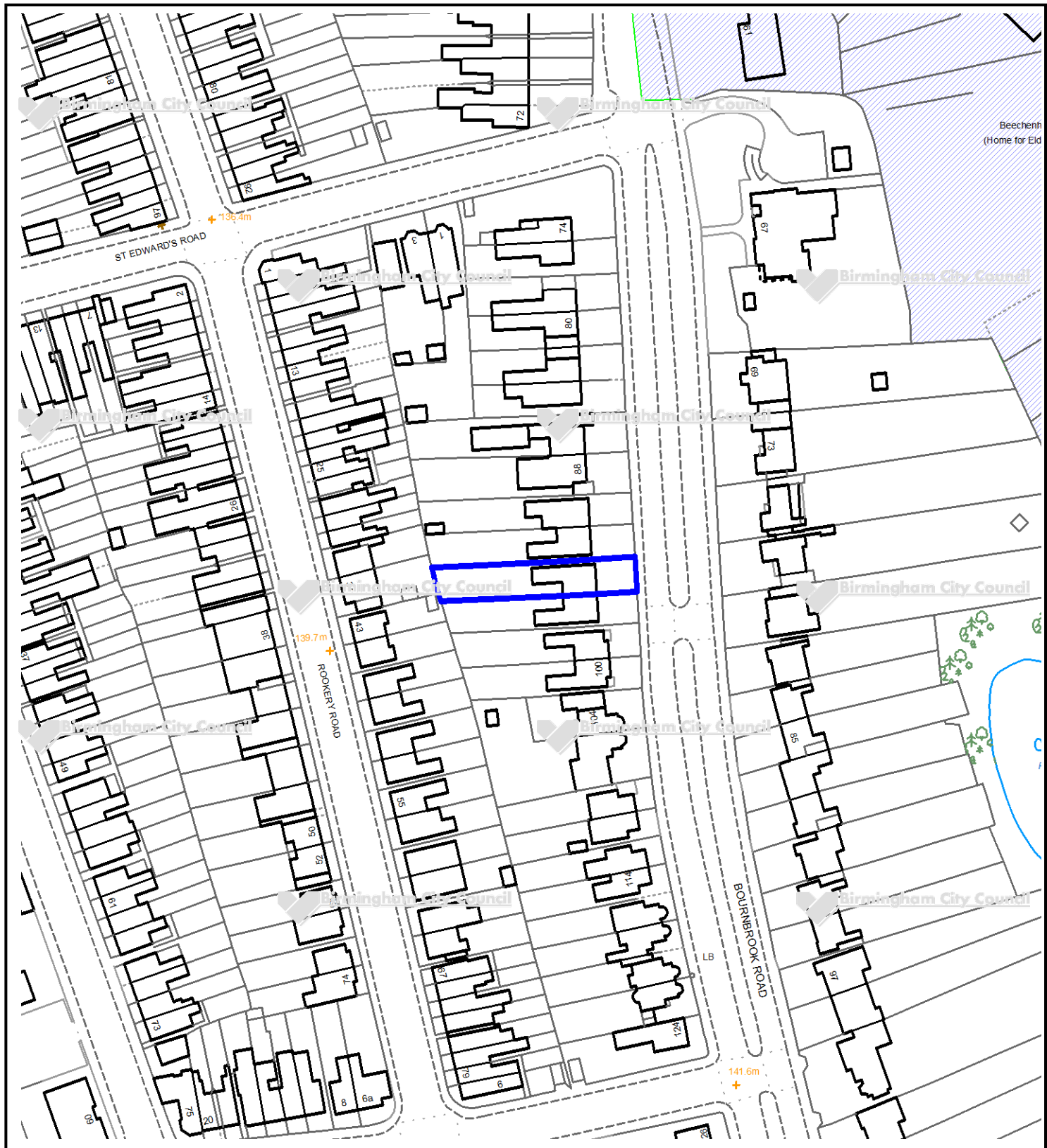


Photo 2: Rear elevation



Photo 3: Proposed single storey rear extension

## Location Plan



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Committee Date:	21/11/2019	Application Number:	2019/05816/PA
Accepted:	12/07/2019	Application Type:	Full Planning
Target Date:	06/09/2019		
Ward:	Bournbrook & Selly Park		

96 Bournbrook Road, Birmingham, B29 7BU

Change of use from residential dwelling (Use Class C3) to 7 bedroom HMO (Sui Generis) and retention of single storey rear extension.

Recommendation  
**Determine**

1. Report Back

- 1.1. Members will recall that this application was presented to Planning Committee on 7<sup>th</sup> November 2019 and deferred, minded to refuse, on the grounds of an over-concentration of HMOs in the locality and being contrary to the Wider Selly Oak Supplementary Planning Document. Officers consider that the recommendation to approve in accordance with the original report remains appropriate. If members remain minded to refuse the application, the following reason for refusal is suggested:
- 1.2. *The conversion of this property to a 7 bed HMO (Sui Generis) would occur in an area which already contains a high number of HMO premises and the cumulative effect would have an adverse impact on the residential character and appearance of the area as well as not contribute to a balanced community and sustainable neighbourhood. This would be contrary to Policy PG3 and TP27 of the Birmingham Development Plan (2017), saved Policies 8.23-8.25 of the Birmingham Unitary Development Plan 2005, Planning Policy Document, The Wider Selly Oak Supplementary Planning Document (2015) and the National Planning Policy Framework.*

1 Proposal

- 1.1. Consent is sought for the change of use from a residential dwelling (Use Class C3) to a large House in Multiple Occupation (Sui Generis) and the erection of a single storey rear extension.
- 1.2. In total the development would comprise of 7 bedrooms over three floors; 2 at ground floor, 3 at first floor and 2 at second floor, with footprints of between 10sqm to 14sqm, each with en-suite bathrooms. There would be a communal kitchen and lounge (55.4sqm) at ground floor.
- 1.3. A rear outdoor amenity space of 163sqm is provided, with off street parking to the front.
- 1.4. A 6m prior approval application has been approved to the rear and side of the existing two storey wing, under reference 2018/07450/PA, and is under construction along with the single storey rear extension which forms part of this application.

- 1.5. A hip to gable roof extension and rear dormer window has also been constructed under the property's permitted development rights.
- 1.6. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The application site comprises a semi-detached property originally with a hipped roof design located within a residential street comprising a mixture of detached and semi-detached properties. The property is set back from the road, with a garden area within the frontage. The site is located within an area predominately used as student accommodation.
  - 2.2. Work has commenced on site in the construction of two single storey rear extensions, with a depth of 6m. The property has also been extended with a hip to gable roof extension and rear dormer window.
  - 2.3. [Site Location Plan](#)
3. Planning History
  - 3.1. 11/10/2018 - 2018/07450/PA - Erection of 6 metre single storey rear extension. Maximum height 4 metres. Eaves height 3 metres – No prior approval required.
  - 3.2. Enforcement History
  - 3.3. 2019/0489/ENF - Alleged check works are in accordance with non-prior approval application 2018/07450/PA - Complete
4. Consultation/PP Responses
  - 4.1. Letters of notification have been sent to surrounding occupiers, local residents associations and local Ward Councillors. A site notice has also been posted.
  - 4.2. 4 letters of objection have been received from surrounding occupiers, objecting to the proposal on the following grounds:
    - Property has not been a small HMO (C4) prior to the application
    - Strain on densely populated area
    - Out of character within area
    - Impact on local services
    - Lack of parking provision
    - Noise and disturbance/anti-social behaviour
    - Work has already commenced on site
    - Health and safety issues during construction
    - Poor quality construction
  - 4.3. Councillor Brigid Jones has objected to the proposal on the grounds of over-intensive development, loss of amenity caused by over saturation of HMO's,

adverse impacts on parking and local services, impact on local businesses, incorrect information on application form, unsafe practices on site.

- 4.4. The Community Partnership for Selly Oak (CP4SO) have objected to the proposal on the grounds of insufficient information to assess space standards, impact on the character of the area, further densification of area, impact on parking and traffic, pressure on local services.
- 4.5. Transportation Development – No objections subject to secure cycle storage
- 4.6. West Midlands Police – On Bournbrook Road alone in the past 12 months there have been 70 calls to the emergency services. Of these calls were 23 recorded crimes including 6 burglaries. It has become evident that HMO's have provided accommodation for a transient local population that has undermined community stability and cohesion. No objections, requests all communal doors to be PAS 24 or equivalent.
- 4.7. Regulatory Services – No objections

## 5. Policy Context

- 5.1. The following local policies are applicable:
  - Birmingham Unitary Development Plan 2005 (Saved Policies)
  - Birmingham Development Plan (2017)
  - Places for Living SPG
  - Specific Needs Residential Use SPD

The following national policy is applicable:

- NPPF – National Planning Policy Framework

## 6. Planning Considerations

### 6.1. **Policy:**

- 6.2. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.3. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places. All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.
- 6.4. Applications for change of use to Houses in Multiple Occupation also need to be assessed against criteria in saved policies 8.23-8.25 of UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities



of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality. Policy 8.25 also states that “where a proposal relates to a site in an area which already contains premises in a similar use, and/or properties converted into self-contained flats, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area”.

- 6.5. The specific needs residential uses SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration, and that HMO accommodation has a role to play in providing housing for certain groups in society. The SPG guidelines for internal standards for people having a bedroom and shared living rooms and kitchen are:

- Single bedroom 6.5 sq.m,
- Double bedroom 12.5 sq.m.

- 6.6. The overall housing objective of the Wider Selly Oak SPD is “to maintain a balance of housing provision, a sustainable and cohesive housing market, and secure a high level of management of the residential environment”. This is in order to ensure that Selly Oak “remains a desirable residential area for existing residents, as well as attracting and retaining employees to the university and hospitals - including graduates”. The policy requires that “all proposals must secure a significant uplift in the area’s residential offer”.

**6.7. Principle of development:**

- 6.8. Due to the proximity of the site to the University of Birmingham and the Queen Elizabeth Hospital, the properties in Bournbrook Road and those in many of the surrounding streets have proved popular with students and key workers, with a significant number of houses having been converted to flats, bedsits and HMOs. Over the years, the proportion of properties in Selly Oak occupied as HMOs has grown to the extent that, in some areas, they far outnumber the proportion of family homes. The high concentration of such uses has prompted concerns about a potentially unbalanced community, with associated implications in terms of effects on character and amenity, and pressure on local services.

- 6.9. The application site is located within a predominately residential area within a sustainable location. Within this area planning permission is not required to change the use of the property from a residential dwelling (Use class C3) to a small scale HMO (Use Class C4) therefore the current permitted fall back use of the property is for 6 bedrooms. This needs to be taken into account.

- 6.10. There have been a number of recent appeal decisions in the Bournbrook area regarding the change of use to 8 and 9 bedroom HMOs including decisions at 269 Dawlish Road (APP/P4605/W/19/3220857), 74 Heeley Road (APP/P4605/W/19/3220861) and 68 Harrow Road (APP/P4605/W/18/3207412 and APP/P4605/W/18/3207414). These decisions have overturned previous refusals by the Council highlighting several key issues. Namely, that the Council intentionally left Bournbrook out of the article 4 area and the fact that vast majority of properties are already in use as HMOs. In this context it is considered that the addition of 1 further occupier above the fall-back position would not impact on the character of the Bournbrook area or impact on residential amenity.

6.11. It is important to emphasise that there is a strong fall-position of the property being utilised as a small HMO with 6 occupiers. In an area with a high student population it is considered that the change of use of the application property to a large HMO with 7 bedrooms would not noticeably impact on the character of the area or amenities of local residents. It is therefore considered that the development is in accordance with policy PG3 and TP27 of the Birmingham Development Plan; saved policies 8.24 and 8.25 set out in the Birmingham Unitary Development Plan; guidance set out within the Wider Selly Oak Supplementary Planning Document and National Planning Policy Framework.

**6.12. Layout and size**

6.13. The existing building contains two floors with individual bedrooms and shared living room and kitchen facilities. All of the bedrooms would exceed the standards set out in the Specific Needs Residential Uses SPG guidance. The proposed scheme includes a shared kitchen and living room (55.4sqm) on the ground floor. It is therefore considered that the internal residential environment for future occupiers would be acceptable.

6.14. In terms of the residential amenity of future occupiers of the premises, adopted SPG 'Specific Needs Residential Uses' advocates that 16sqm of amenity space should be provided per resident, equating to 112sq.m. The property would have 163sqm of private amenity space which would comply with the below the guidance.

**6.15. Proposed single storey rear extension**

6.16. The proposal incorporates a single storey rear extension to the end of the existing rear wing, projecting a depth of 6m. A single storey infill extension has been approved and implemented to the side of the existing wing. The extension incorporates a pitched roof design to match the main house. The design and scale of the proposal is considered acceptable and would not be considered an overdevelopment of the site.

6.17. The proposal complies with the objectives of the 45 Degree Code and with distance separation guidelines contained within 'Places for Living' and 'Extending Your Home'. Whilst technically the proposal would breach the Code from a rear facing kitchen window to No. 98, the property has an additional larger window serving the same room and providing an additional source of light that would be unaffected by the proposal. As such I do not consider the proposed extension would be sufficiently detrimental to warrant refusal of the application on this aspect alone.

**6.18. Highway Safety and Parking:**

6.19. The guidance in Specific Needs Residential Uses SPG advises that car parking provision for HMO applications should be treated on its own merits.

6.20. The property is a semi-detached property with no off-street parking provided. Transportation Development have not raised any objections to the proposal. It is not considered this change will have an impact upon traffic and parking demand at this location. Whilst no off parking is provided it is noted that parking on street within the vicinity is largely unrestricted and regular buses run within reasonable walking distance of this site throughout the day, along both Bristol Road and Coronation Road. It has been suggested that secure cycle storage should be provided, which could be secured by condition.

## **6.21. Other matters**

- 6.22. Concern was raised that the application form included incorrect information in that the property has not been previously used as a smallscale HMO (Use Class C4) prior to the submission of this application. Following conversations with the agent, for clarity, the description has been subsequently amended.
- 6.23. Concern has been raised regarding the health and safety of builders on site and poor quality construction methods however these are not material planning considerations and would be considered under separate legislation or through Building Regulations.
- 6.24. The proposed development does not attract a CIL contribution.

## **7. Conclusion**

- 7.1. The development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The scheme would be acceptable in terms of amenity and highways considerations. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

## **8. Recommendation**

- 8.1. Approve subject to the following conditions

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of cycle storage details                       |
| 3 | Limits the number of residents to 7 people                             |
| 4 | Implement within 3 years (Full)  |
- 

Case Officer: Leah Russell

## Photo(s)



Photo 1: Front Elevation



Photo 2: Rear elevation



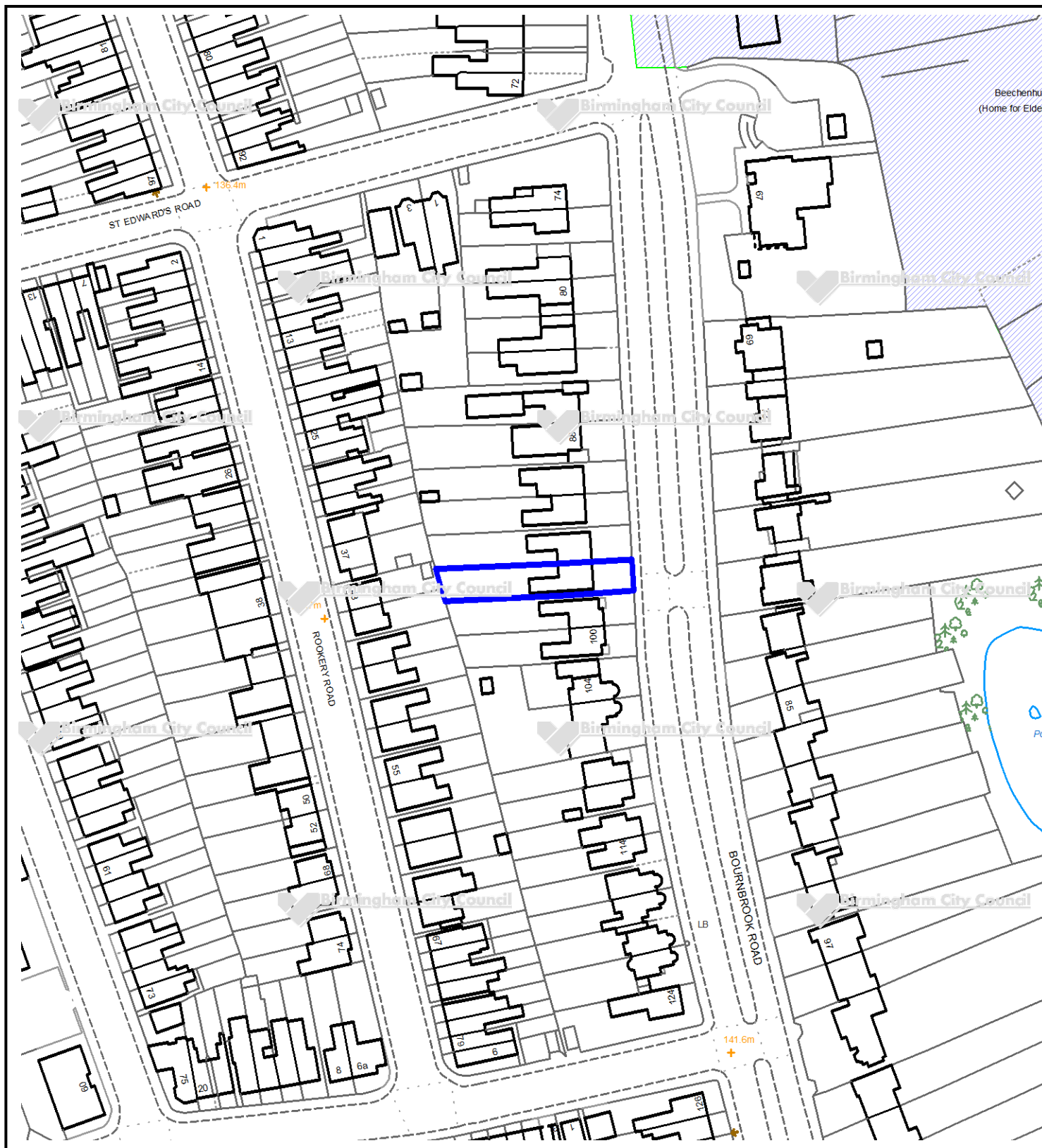


Photo 3: Proposed single storey rear extension



Photo 4: Rear elevation of No. 98 Bournbrook Road

## Location Plan



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**Birmingham City Council**  
**Planning Committee 21 November 2019**

**Appeal Decisions Received from the Planning Inspectorate in October 2019**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Householder</b>	60 Richmond Hill Road, Edgbaston	Installation of perimeter fences and gates. 2019/01936/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	3 Hernall Croft, Sheldon	Erection of two storey side extension. 2019/01971/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	2 Birch Drive, Sutton Coldfield	Erection of two storey extension to side. 2019/04193/PA	Allowed (see note 1 attached)	Delegated	Written Representations
<b>Advertisement</b>	Bulls Head, 77 The Green, Kings Norton	Display of 1 no. externally illuminated double-sided projecting sign, 2 no. externally illuminated fascia signs, 1 no. internally illuminated fascia sign and 3 no. non illuminated signs. 2019/03232/PA	Dismissed	Delegated	Written Representations
<b>A3/A5 Uses</b>	The Vale (Former Skylark PH), Farnborough Road, Castle Vale	Retrospective application for change of use of ground floor from retail (Use Class A1) to hot food takeaway (Use Class A5).2018/06114/PA	Allowed (see note 2 attached)	Delegated	Written Representations
<b>Residential</b>	Land adjacent 56 Elmwood Road, Sutton Coldfield	Erection of one dwellinghouse with associated parking.2018/08247/PA	Dismissed	Delegated	Written Representations
<b>Residential</b>	Land Adjacent 34 Oak Close, Harborne	Erection of 2no. dwellinghouses. 2018/05607/PA	Dismissed	Delegated	Written Representations
<b>Residential</b>	Land South of 69 Laurel Road, Handsworth	Erection of a two storey detached dwelling with associated access and parking. 2018/06725/PA	Dismissed	Delegated	Written Representations
<b>Residential</b>	Land to South of 69 Laurel Road, Handsworth	Erection of dwelling house with associated vehicular access. 2019/01393/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council**  
**Planning Committee 21 November 2019**

**Appeal Decisions Received from the Planning Inspectorate in October 2019**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Residential</b>	23 Anchorage Road, Sutton Coldfield	Erection of rear extension to existing building to increase the number of apartments from 4 to 6 (5 x 2 bed, 1 x 1 bed). 2018/08796/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	14 Langleys Road, Selly Oak	Erection of two and single storey rear extension. 2019/01058/PA	Allowed (see note 3 attached)	Committee	Written Representations

**Total - 11 Decisions: 8 Dismissed (73%), 3 Allowed**

**Cumulative total from 1 April 2019 - 132 Decisions: 112 Dismissed (85%), 19 Allowed, 1 Part Allowed**

## **Notes relating to appeal decisions received in October 2019**

### **Note 1 (2 Birch Drive)**

**Application refused** because 1) By virtue of design, the proposed two storey extension would not be subordinate in relation to the existing dwelling. Furthermore, the design and siting of the windows on the ground floor front elevation and also the mono-pitched roof would fail to respect the scale and character of the existing dwelling and would harm the visual appearance of the street scene. 2) The proposed two storey extension would fail to provide adequate separation distance between the rear boundary of 23 and 25 Keyse Road which would lead to a loss of privacy and over-looking issues and would adversely affect the amenities of this occupier. 3) The position of the proposed first floor side facing window would result in direct over-looking issues and a loss of privacy into the rear garden of 21 Keyse Road which would adversely affect the amenities of this occupier.

**Appeal allowed** because the Inspector considered that the proposed development would have the effect of increasing the symmetry of the pair of semi-detached dwellings and as a result would not cause harm to the character and appearance of the area. The Inspector concluded that as the windows would not overlook directly towards the windows of the adjacent dwellings the development would not cause harm to the living conditions of the occupiers of 21, 23 and 25 Keyse Road.

### **Note 2 (The Vale)**

**Application refused** because the 1) The use of the application premises for a hot food takeaway/restaurant would adversely affect the amenity of occupiers of dwellings/premises in the vicinity by reason of noise and general disturbance. 2) The proposal would be sited in an out-of-centre location, and insufficient justification has been provided to demonstrate a sequential approach to site selection or the absence of more sequentially preferable alternatives. In the absence of such justification, the proposed use is considered likely to result in detriment to the vitality and viability of existing local centres. 3) The proposal would exceed the maximum allowance of ten percent for hot food takeaways within this local parade and would have a negative cumulative effect on the amenity of local occupiers by reasons of excessive noise and disturbance.

**Appeal allowed** because the Inspector was not convinced that the use of the premises as a hot food take-away results in a significant adverse effect, cumulative or otherwise, on the living conditions of local residents or surrounding occupiers in relation to noise, disturbance and cooking fumes/odours. Furthermore, the Inspector was not persuaded the proposal undermines either the vitality or viability of existing local centres.

### **Note 3 (14 Langleys Road)**

**Application refused** because the proposed ground floor extension, by virtue of its depth and close proximity to the boundary of No.12 Langleys Road would lead to a loss of light and outlook to the rear windows to No.12, adversely impacting on their residential amenity.

**Appeal allowed** because the Inspector concluded that the position of the extension would ensure that natural light to and outlook from No.12 Langleys Road is

maintained and the proposal would not be harmful to the living conditions of the occupiers of No.12.

## **BIRMINGHAM CITY COUNCIL**

### **REPORT OF DIRECTOR, INCLUSIVE GROWTH (ACTING)**

#### **PLANNING COMMITTEE**

**21 November 2019**

#### **Student accommodation supply and demand**

##### **1. Subject brief and summary**

- 1.1 The adopted Birmingham Development Plan (BDP) (Policy TP33 Student accommodation) recognises that Birmingham has five major universities which are important assets for the city in terms of providing quality higher education, research and innovation, qualified graduates and employment. In addition, Birmingham has six large further education colleges for students over 16 years of age. The City Council's vision in the BDP is for the city's universities and colleges to flourish and grow. Student accommodation plays a major role in the university experience and in meeting housing need.
- 1.2 In recent years there has been a significant growth in the development of purpose-built student accommodation (PBSA) which has been triggered by growth in overall student numbers. Policy TP33 of the BDP requires proposals for off campus student accommodation to demonstrate a need for the development. This paper provides background information on the supply and demand for student accommodation in Birmingham and clarifies the evidence required in order to meet the requirements of the policy. It should be noted that policy TP33 places onus on the applicant to provide an up to date demonstration of need for the development.

##### **Demand**

- 1.3 Overall demand for places at Birmingham's universities remains high with the number of applications for a place on an undergraduate course far exceeding the number of places available (UCAS data 2018). Over the last 3 years there has been a 4.4% increase in the number of full and part time students studying across the 5 main universities in Birmingham. Some of the universities forecast a growth in demand for student accommodation over the next 5 years and have ambitions to grow student numbers.

- 1.4 According to the latest HESA data<sup>1</sup>, there were 67,890 full-time and 13,919 part-time students studying at the City's five main universities. Of the total number of full-time students: 25% lived in PBSA; 26% in HMOs/ other rented accommodation; 27% lived with parents/ guardians and 17% lived in their own home. Excluding those who do not require accommodation because they live with parents or in their own home, **the overall demand for accommodation was 36,218 bedspaces in 2017/18.**
- 1.5 There has been a 148% increase in the number of full-time students living in PBSA between 2007/8 and 2017/18. PBSA is a popular choice for most first year students and the main choice for first year students and continuers at the city centre-based universities.
- 1.6 Students living in HMOs/ other rented accommodation have fluctuated over the last 7 years with a 6% decrease in 2017/18 from 2016/17. However, between 2007/8 and 2017/18 there has been an overall increase of 321%.
- 1.7 Full time students living at their parental/ guardian home have also increased. 130% more students lived with parents in 2017/18 than 10 years ago and 234% more students live in their own home.

### Supply

- 1.8 In terms of supply there is estimated to be 20,826 available bedspaces in purpose built and converted student accommodation in the city<sup>2</sup>. There are a further 5,050 bedspaces under construction<sup>3</sup> and another 1,505 bedspaces with planning permission not yet started. **The total supply if all permissions are implemented is estimated to be 27,381 bedspaces.**
- 1.9 The majority of PBSA is located in the city centre (60%) with other major concentrations in Selly Oak/ Edgbaston (35%) and the smaller clusters in Bartley Green and other locations.
- 1.10 It is difficult to estimate the number of HMOs occupied specifically by students in the city. HESA 2017/18 data tells us 17,468 students lived in HMOs and other rented accommodation. Using Student Council Tax exemptions (excluding PBSA) there is an estimated 4,491 properties in the city which are exempt from Council Tax for student purposes<sup>4</sup>. If an average ratio of 5 bedspaces per property is applied, there are potentially 22,455 bedspaces across the city. This could indicate either an over-

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<sup>1</sup> Higher Education Statistics Agency 2017/18 data

<sup>2</sup> At 1st April 2019

<sup>3</sup> At 1st April 2019

<sup>4</sup> At 11 September 2019 (includes only those properties which are fully exempt but excludes self-contained flats i.e. non HMOs)



supply of HMO bedspaces or the assumed number of bedspaces per HMO is inaccurate.

### Conclusions

- 1.11 Overall, demand for accommodation from students has increased over the past 10 years as evidenced by the number of students enrolled on full time courses at the universities and the returns provided by the universities to HESA in relation to where their students resided during term time. Demand is set to increase over the next 5 years if the universities' future growth plans are implemented.
- 1.12 There has been a steady increase in all types of accommodation occupied by students, but the most significant increases have been in those living in private sector PBSA and HMOs/ other accommodation.
- 1.13 The role of accommodation and the design of quality living environments in supporting student health and well-being is becoming increasingly recognised.
- 1.15 Based on current demand<sup>5</sup> which is derived from the overall number of students requiring accommodation (note: not distinguishing between the type of accommodation required) against total supply<sup>6</sup>, there is **an overall deficit of 8,837 PBSA bedspaces in the city. This, however, assumes that all permissions are built out and all students requiring accommodation would want to live in PBSA.**

Summary Table: Demand v. supply of student accommodation

	Bedspaces
Current demand	36,218
Potential future demand	39,187– 47,991
Existing available supply of PBSA	20,826
Total supply of PBSA (existing, under construction and planning permissions not yet started)	27,381
Estimated number of HMO bedspaces	22,455
Estimated existing supply (PBSA and HMO bedspaces)	43,281
Estimated total supply (PBSA* and HMO bedspaces)	49,836

\* Existing, under construction, and with permission not yet started

- 1.16 It is acknowledged that, currently, all students have accommodation and there is, therefore, sufficient accommodation to house all students. This suggests that any new PBSA would primarily be to:

<sup>5</sup> Based on HESA 2017/18 data

<sup>6</sup> Existing, under construction and planning permissions not yet started at 1 April 2019

- Serve a growth in student numbers,
- Rectify a mismatch in the type of accommodation which is available and that which is needed,
- Respond to changing student preferences, or
- Replace existing PBSA accommodation

1.17 It should be noted that demand from alternative providers and further education colleges is not quantified and demand for PBSA may arise from these.

## **2. Recommendations**

2.1 That Planning Committee note the supply and demand data provided in this paper and that this is updated on an annual basis, depending on the availability of information.

2.2 That Planning Committee note the recommended detailed information requirements in relation to proposals for student accommodation (Appendix 1) are formally included in the next update of the Local Validation Requirements for Planning Applications. As required by the National Planning Practice Guidance, the Council will undertake public consultation on the Local Validation Requirements prior to adopting any changes.

## **3. Contact Officers**

Uyen-Phan Han  
Planning Policy Manager  
Planning and Development  
Tel: 0121 303 2765  
Email: uyen-phan.han@birmingham.gov.uk

## **4. Background**

4.1 See main report set out below.

## **5. Financial Implications**

5.1 None.

## **6. Implications for Policy Priorities**

6.1 The report supports the outcomes of the Council Plan, in particular: “Birmingham is an Entrepreneurial City to learn, work and invest in” and “Birmingham is a great city to live in” by supporting implementation of the Birmingham Development Plan which was adopted by Full Council in January 2017.

## **7. Implications for Equalities**

- 7.1 The BDP was prepared in line with Section 149 of the Equality Act 2010 in ensuring that public bodies consider the needs of all individuals in shaping policy. Preparation of the BDP included the carrying out of an integrated Sustainability Appraisal at each formal stage which ensures positive social, economic and environmental impacts as well as an Equality Analysis.

## **8. Appendices**

- Appendix 1 – Information Requirements for Proposals for Student Accommodation

## **9. List of Background Documents used to compile this report**

- Birmingham Development Plan (2017)
- HESA Data
- UCAS, Student Accommodation Survey 2018/19

## **MAIN REPORT**

## **4. Student accommodation Supply and Demand**

### **4.1 Policy context**

- 4.1.1 The adopted Birmingham Development Plan (BDP) is the city's key statutory planning document and is used to guide decisions on planning and development. The BDP recognises the important role of the city's universities and the supply of good quality accommodation to meet their housing need. The BDP contains the following policy in relation to the provision of new student accommodation.

#### *Policy TP33 Student accommodation*

"Proposals for purpose-built student accommodation provided on campus will be supported in principle subject to satisfying design and amenity considerations. Proposals for off campus provision will be considered favourably where:

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

## 4.2 Student Profile in Birmingham

4.2.1 Birmingham is home to five main universities, the top three of which have nationally and internationally recognised specialist strengths in a range of teaching and research fields. The universities/colleges and their students bring many positive benefits to the City. They enhance its reputation as a dynamic and vibrant location, they create a critical mass for the delivery of goods, services and events, they boost the local economy, they provide local businesses with skilled workers and seasonal part time workers, they are a driving force for innovation and they can aid regeneration and investment. The City's universities make a significant contribution to the local economy as major employers and investors. The University of Birmingham for example contributes £3.5 billion to the UK economy every year and supports 15,545 jobs in the West Midlands.

4.2.2 It is essential, therefore, for the competitiveness of our higher education institutions and the welfare of the students that a suitable range of high quality and affordable accommodation is on offer. Student accommodation plays a major role in the student experience at a university. Well designed and managed accommodation in the right location provides not only a place to live but also a place to study and relax in a safe and secure environment.

4.2.2 Demand for places at Birmingham's universities remains high with the number of applications for a place on an undergraduate course far exceeding the number of places available (UCAS data 2018).

Table 1: Undergraduate applications

		<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
University of B'ham	Applicants	31,460	35,400	37,450	37,725	43,090	40,175
	Placed Applicants	5,265	5,570	5,555	5,455	5,800	5,590
B'ham City University	Applicants	26,875	30,070	28,980	29,735	28,715	27,215
	Placed Applicants	5,820	5,925	6,010	6,110	6,275	5,970
Aston University	Applicants	9,900	10,855	12,890	13,730	13,600	11,605
	Placed Applicants	2,180	2,290	2,995	3,065	3,065	2,765
University College B'ham	Applicants	2,550	2,940	3,305	3,010	2,450	1,745
	Placed Applicants	1,255	1,290	1,420	1,115	1,135	1,115
Newman University	Applicants	2,420	2,680	2,965	3,010	3,040	2,845
	Placed Applicants	670	720	725	810	855	750
<b>TOTAL</b>	<b>Applicants</b>	<b>73,205</b>	<b>81,945</b>	<b>85,590</b>	<b>87,210</b>	<b>90,895</b>	<b>83,585</b>
	<b>Placed Applicants</b>	<b>15,190</b>	<b>15,795</b>	<b>16,705</b>	<b>16,555</b>	<b>17,130</b>	<b>16,190</b>

Source: UCAS 2018

- 4.2.3 Over the last 3 years there has been a 4.4% increase in the number of full and part time students studying at the 5 main universities in Birmingham.

Table 2: Full and Part Time Students

Full and part time	2015/16	2016/17	2017/18
Aston University	12,493	13,610	14,615
Birmingham City University	24,064	24,130	24,575
The University of Birmingham	33,832	34,836	34,916
University College Birmingham	5,025	4,933	4,944
Newman University	2,810	2,829	2,759
<b>Total</b>	<b>78,224</b>	<b>80,338</b>	<b>81,809</b>

- 4.2.4 The Student Accommodation Survey 2018/19 (Knight Frank & UCAS) observes that alongside UK applicants to higher education, every year UCAS processes a large proportion of the applications to UK universities from international students. *“With numbers increasing over the last few years, overseas students now make up around 14% of acceptances through UCAS. Some 86,000 international students enrolled in UK universities in 2017/18 as undergrads according to HESA. Applicant numbers from outside the EU are expected to continue rising steadily over the next few cycles. In the short-term, the same is likely to be true of prospective students applying from within the EU, however there is uncertainty surrounding the long-term impact of Brexit.”*
- 4.2.5 The survey confirms *“various patterns regarding the international student group. International students are the most likely to be renting, for example, with 94% doing so, compared to 70% for UK-based students. This equates to more than 250,000 international undergraduates renting across the UK each year. International students are among the most likely to remain in the same accommodation for longer. Some 42% said that the option to stay in the same accommodation for more than one year was “extremely important” or “very important” when deciding where to live. This suggests that they are looking longer-term when they first assess their accommodation preferences.”*
- 4.2.6 International students make up 20% of the full time students studying at the 5 main universities in Birmingham.

#### Where students lived

- 4.2.7 The most widely used information source relating to where students live comes from the Higher Education Statistics Agency (HESA). The latest available data is for the academic year 2017/18. This paper provides data on the returns provided to HESA from the City’s five main higher education institutions: Aston University, Birmingham City University, Newman College, University College Birmingham and the University

of Birmingham. Part time students are generally excluded from assessments of demand for student accommodation based on the assumption that they are already housed for the duration of their part time studies. Table 3 shows where full time students lived during term time in the following academic years.

Table 3: Where full time students lived

<b>Term time accommodation</b>	<b>07/08</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>	<b>% difference</b>
Provider maintained property	9993	7298	8819	8087	9258	9394	8875	12587	10562	6954	-70%
Private-sector halls	1444	2563	3243	3819	3747	4350	6446	5429	5553	9918	686%
Parental/guardian home	14021	10645	11687	12801	12314	13721	14820	18099	17500	18215	130%
Own residence	6410	6526	7450	5545	5646	6620	6455	17514	10517	11263	234%
HMO/Other rented accommodation	4805	10687	9579	12660	14662	14980	16327	15280	16430	15433	321%
Other	877	897	836	1018	1297	1079	982	2171	1767	2035	232%
Not in attendance at the provider	1085	942	763	956	1070	1035	965	1425	1308	2194	202%
<b>Total</b>	<b>38635</b>	<b>39558</b>	<b>42377</b>	<b>44886</b>	<b>47994</b>	<b>51179</b>	<b>54870</b>	<b>72505</b>	<b>63637</b>	<b>66012</b>	<b>171%</b>

Source: HESA

### Observations on trends

- The amount of university maintained accommodation has decreased over the last 10 years. This is accounted for by the transfer of the majority of Aston University's accommodation (c. 2,000 bedspaces) to the private sector and the loss of accommodation (c. 2,500 bedspaces) at BCU's former Perry Barr campus.
- There has been a 148% increase in the number of students living in private sector PBSA, but taking into account the transfer of university accommodation to the private sector, the increase in real terms is less than this.
- Students living at their parental/ guardian home have increased by 130% between 2007/8 and 2017/18. Students living in their own home have increased by 234% over the same period.
- Students living in HMO/ other rented accommodation have fluctuated. In 2016/17 there was a 10% increase on the previous year and in 2017/18 there was a 6% decrease on the previous year.
- Overall, there appears to have been an increasing demand for accommodation as evidenced by the number of students enrolled on full time courses at the universities and the returns provided by the universities to HESA in relation to where their students resided during term time.



### 4.3 Method and assessment of demand for accommodation

#### Data sources and limitations

- 4.3.1 The most widely used information source relating to where students live comes from the Higher Education Statistics Agency (HESA). The latest available data is for the academic year 2017/18. This paper provides data on the returns provided to HESA from the City's five main higher education institutions: Aston University, Birmingham City University, Newman College, University College Birmingham and the University of Birmingham. Comprehensive data is not available for alternative providers and further education colleges which may also generate demand.
- 4.3.2 However, it should be noted that student numbers and accommodation preferences are subject to change. Demand for accommodation may fluctuate in response to changes in student finance regimes; employment prospects; competition between institutions. Past trends may not necessarily guide future patterns.
- 4.3.3 As well as HESA data, the Universities themselves have provided some information relating to the number of students requiring accommodation for this academic year 2019/20.
- 4.3.4 Discrepancies between the data provided by the Universities and HESA data are therefore due to the different years, which students are included in the data, and the self-reporting nature of the HESA data.

#### Assumptions

- 4.3.5 Part time students are generally excluded from assessments of demand for student accommodation based on the assumption that they are already housed for the duration of their part time studies.
- 4.3.6 The analysis in this paper is based on the assumption that all current and future potential demand was to be accommodated in PBSA, rather than, for example in shared housing in the private rented market.**

#### Overall student numbers

- 4.3.7 According to HESA 2017/18 data, there were 67,890 full-time and 13,919 part-time students studying at the City's five main universities in 2017/18. These are:
- Aston University
  - Birmingham City University
  - Newman College
  - University of Birmingham
  - University College Birmingham

- 4.3.8 As discussed above, part-time students are excluded from assessments of demand. Table 4 shows where full time students studying at the City's five universities resided during the 2017/18 academic year.

Table 4: Type of Accommodation 2017/18 Academic Year - Full Time Students

<b>Term time accommodation</b>	<b>Number of students</b>
University maintained halls	6,954
Private-sector halls	9,918
Parental/Guardian home	18,215
Own home	11,263
HMO /Other rented	15,433
Other	2,035
Not in attendance	2,194
Not known	1,878
<b>Full time Total</b>	<b>67,890</b>

Source: HESA 2017/18

#### Students not requiring accommodation

- 4.3.9 Of the 67,890 full-time students, not all will require accommodation. Students that have been removed from the assessment of demand are those living in their own home; in their parental/ guardian home and 'not in attendance'.

Table 5: Students not requiring accommodation

<b>Term time accommodation</b>	<b>Number of students</b>
Parental/Guardian home	18,215
Own home	11,263
Not in attendance	2,194
<b>Total</b>	<b>31,672</b>

Source: HESA 2017/18

- 4.3.10 These students will usually have made the decision to study at a local university, often to minimise costs, and will not normally be seeking alternative accommodation. There were 2,194 students 'not in attendance' due to e.g. distance learning or industrial placement.

#### Students requiring accommodation

- 4.3.11 The analysis in this paper is based on the assumption all current and future potential demand was to be accommodated in PBSA, rather than, for example in shared housing in the private rented market.
- 4.3.12 There were 1,878 students where information regarding their place of residence during term time is 'not known'. They have been counted towards the demand.

Table 6: Students requiring accommodation (city-wide)

<b>Term time accommodation</b>	<b>Number of students</b>
University maintained halls	6,954
Private-sector halls	9,918
HMO /Other rented	15,433
Other	2,035
Not known	1,878
<b>Full time Total</b>	<b>36,218</b>

Source: HESA 2017/18

**In 2017/18 there was a minimum demand of 36,218 bedspaces city-wide.**

#### Current demand by area

- 4.3.13 Breaking the HESA data down by institution and using the same methodology as above, an estimate of demand by area based on the main location of the institutions can be derived.

Table 7: Current demand by area (all years)

		<b>City Centre</b>		<b>Selly Oak</b>		<b>Other</b>	<b>Total</b>
<b>Demand</b>	Aston	5,454	UoB	22,011	Newman	323	
	BCU	6,538					
	UCB	1,892					
<b>Total</b>		<b>13,884</b>		<b>22,011</b>		<b>323</b>	<b>36,218</b>

#### City Centre

- 4.3.14 Demand for student accommodation in the city centre mainly arises from Aston University, Birmingham City University, and University College Birmingham. In considering sub areas it should be borne in mind that the distances between the city centre and the University of Birmingham are not great. However, it does not necessarily follow that students residing in PBSA in the city centre will study in the city centre.
- 4.3.15 HESA data shows that around 8% of students on a full-time course at the University of Birmingham in 2017/18 lived in the city centre. Due to the cluster of universities in the city centre, the relatively short distances to Selly Oak, and the leisure activities the city centre has to offer, combined with its high quality environment; it has become an attractive location for students to live.
- 4.3.16 Demand for student accommodation in the city centre may also arise from alternative providers of higher education located in the city centre such as the University of Law

and Access to Music Ltd. HESA does not capture data for such smaller institutions; demand is likely to be nominal.

- 4.3.17 The type of demand in the city centre will largely be for purpose built student accommodation as there are few HMOs of the type generally found in areas like Selly Oak. Around 57% of full time students (all years) attending the 3 institutions lived in a provider maintained or private sector PBSA. 4,645 (33%) lived in 'other accommodation'. The majority of these students appear to have lived in privately rented accommodation in the city centre with smaller numbers in rented accommodation outside of the city centre (HESA 2017/18).

#### Selly Oak

- 4.3.18 Demand for student accommodation in Selly Oak arises principally from the University of Birmingham. About 40% of students requiring accommodation lived in provider maintained or private sector PBSA. A notable 48% lived in 'other rented accommodation' including HMOs. 4% lived in 'other' accommodation. This could be some form of rent free accommodation. 7% of students did not answer the question. These categories have been counted towards the demand.
- 4.3.19 Those living in PBSA in Selly Oak were mainly first year students, although a proportion of non-first years students also resided in PBSA.

Table 5: Students living in PBSA by academic year

	<b>First/ Year</b>	<b>Foundation</b>	<b>Other Years</b>	<b>Total</b>
Provider maintained	4,542		553	5,095
Private sector	2,311		1,412	3,723
<b>Total</b>	<b>6,853</b>		<b>1,965</b>	<b>8,818</b>

Source: HESA 2017/18

- 4.3.20 The University of Birmingham (UoB) own and operate 5,183 bedrooms across 3 key locations at the Vale, Pritchatts Park and Selly Oak. In 2019/20 UoB have contracted out 1,846 bedrooms to private sector providers to supplement its own stock in order to meet the demand of their first year guarantee scheme. Demand for first year accommodation for the upcoming academic year 19/20 is therefore estimated to be around 7,000 bedrooms.

#### Future potential demand

- 4.3.21 BCC has sought to approach the Universities themselves to understand the demand for accommodation for this academic year 2019/20 and the potential demand for future years. The information provided by the Universities, where available, has been summarised below.
- 4.3.22 **Aston University** inform the Council that approximately 8,000 students will require some form of accommodation in 19/20.

- **University of Birmingham** – c.7,000 first year students will require accommodation in 19/20. The University's vision for 2026 paints a clear ambition in terms of increasing student numbers by around 11,000 over the next decade "many of whom will be overseas". It is estimated that the University could require approximately 2,000 – 3,000 additional bedrooms within Birmingham to accommodate this statement.
- **Birmingham City University** – 6,538 students required accommodation in 17/18. BCU own and operate 450 bedrooms and nominate 2,700 bedrooms to private sector providers in order to supplement their stock. Since BCU's relocation from its Perry Barr Campus to the city centre, and redevelopment of the Perry Barr site for the CWG Athlete's village, a substantial amount of stock has been lost. BCU forecast an increase in the number of students requiring accommodation year on year from 19/20 to 2023/24 resulting in a range of 7,518 to 15,322 students requiring accommodation by 23/24. This is an increase of approximately 980 – 8,784 bedspaces from its 17/18 level.
- **Aston University** – student numbers and demand for accommodation will remain fairly stable for at least the next five years. On this basis it is assumed that the number of students requiring accommodation in 19/20 is approximately 5,500 and will continue to be at this level over the next 5 years.
- **University College Birmingham** – no information provided. It is assumed that student numbers and demand for accommodation will remain static at approximately 1,900 bedspaces.
- **Newman College** - principally draws students from the local area. The University received detailed consent two years ago for a further 196 bedspaces (not yet implemented). It is assumed that student numbers and demand for accommodation will remain static.

Table 8: Current and Potential Future Demand for accommodation

	<b>City Centre</b>	<b>Selly Oak</b>	<b>Other</b>	<b>Total</b>
Current demand *	13,884	22,011	323	36,218
Potential future demand **	14,864- 22,668	24,000- 25,000	323	39,187– 47,991

\* HESA 2017/18

\*\* Information provided by Universities

## 4.4 Supply of accommodation

### City-wide supply of PBSA

- 4.4.1 At April 2019 there were 20,826 available bedspaces in PBSA in the city (See Table 6). Once schemes currently under construction<sup>7</sup> have been completed the supply of PBSA will increase to 26,697 bedspaces. A further 1,505 bedspaces have planning permission<sup>8</sup> giving a potential supply of 27,381 bedspaces.

Table 6: The Supply of PBSA city-wide (bedspaces)

<b>Supply</b>	<b>Bedspaces</b>
Existing available supply	20,826
Under Construction	5,050
Detailed Planning Permission (not started)	1,505
<b>Total Supply (existing and pipeline)</b>	<b>27,381</b>

Source: BLADES

### Supply of PBSA by sub area

- 4.4.2 The above data has been split based on location to provide a more granular understanding in terms of geography/ distribution of the supply. The largest concentrations of PBSA are in the city centre and Selly Oak with a smaller agglomeration situated in Bartley Green serving Newman College.

Table 7: The Supply of PBSA by area (bedspaces) at April 2019

	<b>City Centre</b>	<b>Selly Oak/ Edgbaston</b>	<b>Bartley Green</b>	<b>Other areas</b>	<b>Total</b>
Existing available supply	13,052	7,529	110	135	20,826
Under construction	4,008	1,042	0	0	5,050
Detailed permission	1,234	75	196	0	1,505
<b>Total</b>	<b>18,294</b>	<b>8,646</b>	<b>306</b>	<b>135</b>	<b>27,381</b>

Source: BLADES

### Trends in type and format of supply

- 4.4.3 Of the total number of existing available PBSA bedspaces, 90% are in cluster flats and 9% are self-contained studios. Of those currently under construction, 70% are in cluster flats and 31% are studios. And of those with planning permission not yet started, 83% are in cluster flats and 17% are studios.

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<sup>7</sup> At 1 April 2019

<sup>8</sup> At 11 September 2019



4.4.4 The Student Accommodation Survey 2018/19 undertaken by Knight Frank in partnership with UCAS captured the views of over 700,000 students and provides a comprehensive and authoritative study into student accommodation in the UK. The key messages are:

- Those living in a cluster flat, or in a shared house, were happier than those living in a single-occupancy studio or alone.
- While still positive, levels of happiness were slightly lower for students living in studios or single occupancy flats, with 71% saying they were happy with their accommodation.
- Accommodation came out as the most important factor influencing student wellbeing across the UK, with students in all markets naming it as their number one concern, ahead of student pastoral support or a good campus atmosphere.
- The single most important factor influencing the choice students make about where they live is value for money. The survey suggests a preference for high-quality accommodation that provides clear and obvious elements that add value.

4.4.5 Research undertaken by *Campus Living Villages* surveyed over 5,000 students studying in the UK and overseas. The research showed that, although students want independence, they still prefer to live with other flatmates. They report that studios have been slower to sell than traditional multiple occupancy flats, suggesting students still want to live with others but in a comfortable environment which provides both private and social space. Among second- and third-year students, there is a preference for more home-style living arrangements, sharing with just three or four other people with living spaces which feature home comforts such as soft furnishings and pictures. The research suggests that being actively engaged with your academic studies has a positive impact on your mental health. This means the connection between the academic and living environments is becoming increasingly important.

#### Houses in Multiple Occupation

4.4.6 There is a large available supply of HMOs in the city and these act to meet the residual demand for student accommodation. Shared rented housing is a popular choice for students studying in their second year and beyond, often for social and financial reasons. The main concentration of student occupied HMOs are in the Bournbrook area. The table below shows that the number of students living in HMOs/ other rented accommodation and studying at UoB has fluctuated over the last few years.

Table 8: Students at University of Birmingham living in HMOs

	2015/16	2016/17	2017/18
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HMO/ other rented accommodation	9,736	11,399	10,669
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Source: HESA

- 4.4.7 It is difficult to estimate the number of HMOs occupied specifically by students in the city. HESA 2017/18 data tells us 17,468 students lived in HMOs and other rented accommodation. Using Student Council Tax exemptions (excluding PBSA) there is an estimated 4,491 properties in the city which are exempt from Council Tax for student purposes<sup>9</sup>. If an average ratio of 5 bedspaces per property is applied, there are potentially 22,455 bedspaces across the city. This could indicate either an over-supply of HMO bedspaces or the assumed number of bedspaces per HMO is inaccurate. The majority of these are concentrated in the Bournbrook area but there are also concentrations in North Edgbaston and Harborne, Stirchley and Selly Oak. It should be noted that the supply of HMOs can fluctuate and cannot be managed to the same extent as PBSA in ensuring a sufficient supply of good quality accommodation for students.
- 4.4.8 To limit high concentrations of HMOs in the city, the Council has decided to introduce a city wide Article 4 Direction which will remove permitted development rights for the conversion of C3 housing to C4 small Houses in Multiple Occupation. Together with the emerging new HMO policy being developed through the Development Management in Birmingham DPD, this could act to better manage the growth and distribution of HMOs, thereby increasing demand for PBSA, but it is too early to assess the impacts of this.
- 4.4.9 The development of PBSA could serve to free up dwellinghouses currently used for student accommodation, HMO or otherwise, to the general housing market, countering current trends of conversion from dwellinghouses to HMOs in certain areas of the city. However, the provision of the unsuitable PBSA could act to increase the need for HMOs.

## 4.5 Analysis of demand and supply

- 4.5.1 Overall, demand for accommodation from students has increased over the past 10 years as evidenced by the number of students enrolled on full time courses at the universities and the returns provided by the universities to HESA in relation to where their students resided during term time. Demand is set to increase over the next 5 years if the universities' future growth plans are implemented.

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<sup>9</sup> At 11 September 2019 (includes only those properties which are fully exempt but excludes self-contained flats i.e. non HMOs)

- 4.5.2 There has been a steady increase in all types of accommodation occupied by students, but the most significant increases have been in those living in private sector PBSA and HMOs/ other accommodation.
- 4.5.3 Based on current demand<sup>10</sup> which is derived from the overall number of students requiring accommodation (note: not distinguishing between the type of accommodation required) against total supply<sup>11</sup>, there is an overall deficit of 8,837 PBSA bedspaces in the city. This, however, assumes that all permissions are built out and all students requiring accommodation would want to live in PBSA. This paper shows that there are large amounts of students living in HMOs/ other accommodation which act meet the residual demand.

Table 9: Demand for student accommodation vs. supply

	<b>Bedspaces</b>
Current demand	36,218
Potential future demand	39,187– 47,991
Existing available supply of PBSA	20,826
Total supply of PBSA (existing, under construction and planning permissions not yet started)	27,381
Estimated number of HMO bedspaces	22,455
Estimated existing supply (PBSA and HMO bedspaces)	43,281
Estimated total supply (PBSA* and HMO bedspaces)	49,836

\* Existing, under construction, and with permission not yet started

- 4.5.4 In considering the demand for student accommodation, it is therefore acknowledged that, currently, all students have accommodation and there is sufficient accommodation to house all students. This suggests that any new purpose built student accommodation (PBSA) would primarily be to:
- Serve a growth in student numbers,
  - Rectify a mismatch in the type of accommodation which is available and that which is needed,
  - Respond to changing student preferences or
  - Replace existing PBSA accommodation.
- 4.5.5 Students' accommodation preferences can change from one year to the next as shown by the data. Other factors such as changes to finance regimes, employment prospects, and competition between institutions can act to either suppress or increase overall demand and demand for particular types of accommodation. Some

<sup>10</sup> Based on HESA 2017/18 data

<sup>11</sup> Existing, under construction and planning permissions not yet started at 1 April 2019

flexibility in supply is therefore beneficial as student numbers can change relatively quickly but development takes much longer to be provided.

## **4.6 Recommendations**

- 4.6.1 As required by BDP Policy TP33 Student accommodation, proposals for PBSA will be expected to demonstrate that there is a need for the accommodation, amongst meeting other criteria. Appendix 1 of this paper recommends the detailed information required to demonstrate that the policy requirements are met to the satisfaction of the City Council. In particular, applicants will be expected to:
- Identify which university the accommodation is intended to serve.
  - Demonstrate that there is unmet need for the type, size and format of accommodation proposed.
  - State what type of accommodation the anticipated occupants of the accommodation are likely to be drawn from if the need does not arise from an increase in student numbers.
- 4.6.2 In demonstrating need, the evidence should address specific subsets of the student population, not the overall student population. Where the accommodation is intended to draw students from shared HMO accommodation the evidence should include information on comparable rent levels. (See Appendix 1 for the full proposed Information Requirements for PBSA).
- 4.6.3 It is recommended that the proposed information requirements for new PBSA is formally included in the next update of the Local Validation Requirements for Planning Applications as soon as practicably possible. The Council is required by national guidance to undertake public consultation on the Local Validation Requirements prior to adopting any changes.
- 4.6.4 It is recommended that Planning Committee notes the supply and demand data provided in this paper and that this is updated on at least an annual basis, depending on the availability of information.

## **Appendix 1 – Information Requirements for Proposals for Student Accommodation**

### What development the policy applies to

The policy applies to proposals for off campus purpose built student accommodation and will also apply to proposals for conversions and changes of use of former institutional uses, hotels and other large properties in excess of 1,000 sq.m. to student accommodation.

### Information requirements

#### **1. There is a demonstrated need for the development.**

Applicants will be expected to demonstrate to the satisfaction of the City Council that there is a need for the accommodation proposed at the time the application is submitted. In particular, applicants should:

- Identify which university the accommodation is intended to serve and whether a university or institution would have exclusive nomination rights over the development and if so for what period.
- Demonstrate that there is unmet need for the type, size and format of accommodation proposed.
- State what type of accommodation the anticipated occupants of the accommodation are likely to be drawn from if the need does not arise from an increase in student numbers.

In addressing need, consideration should be given to the local area around the university to be served. Evidence of city wide need alone will not be sufficient. The evidence should address specific subsets of the student population, not the overall student population.

This, together with any additional supporting evidence, should be submitted to the City Council along with the planning application. However, developers are encouraged to make the evidence available earlier to enable effective pre application discussions to take place. Additional supporting evidence could include details of waiting lists at nearby, similar, accommodation.

Developers are urged to contact the relevant university to determine the specific nature of any additional accommodation requirements before bringing forward development proposals.

When needs can be met by a variety of different types or sizes of accommodation, such as that which is suitable for groups of friends to live together, for older students including

those who have families and for research students, proposals should incorporate a variety of suitable types and sizes of accommodation. Proposals which offer a greater diversity of accommodation, such as student houses, are encouraged.

Where the accommodation is intended to draw students from shared HMO accommodation the evidence should include information on comparable rent levels.

**2. The proposed development is very well located in relation to the university that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport.**

Applicants will be expected to demonstrate that the proposed development is well located. Information to be provided includes:

- The walking distances from the proposed site to the campus which it is to serve and to the local facilities which will serve it; and
- Accessibility to good public transport for connections beyond the local area.

Reasonable walking distance is defined as ten minutes. In terms of distance this equates to around 1km. Where proposals are located more than 1km by foot from the campus, applicants will be expected to demonstrate that there are no suitable alternative locations within 1km of the campus and that the site can be easily accessed by means of sustainable transport options to the satisfaction of the City Council.

**3. The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.**

Planning applications for purpose built student accommodation should be accompanied by a Management and Neighbourhood Impact Statement. In this statement developers should demonstrate to the satisfaction of the City Council that measures are in place to:

- Mitigate nuisance to neighbours including those relating to noise, nuisance, litter and parking.
- Create a safe environment for students including lighting, security, concierge facilities and CCTV.
- Manage car parking.

**4. The scale, massing and architecture of the development is appropriate for the location.**

Applicants should demonstrate this through the Design and Access Statement that accompanies the planning application. The accommodation should be designed to enhance the quality of the urban environment and to minimise potential adverse impacts.

**5. The design and layout of the accommodation together with the associated facilities provided will create a positive and welcoming living experience environment.**



In demonstrating the above, proposals for new purpose built student accommodation should take into careful consideration student health and well-being. Planning applications for purpose built student accommodation should be accompanied by a Management and Neighbourhood Impact Statement. In this statement developers should demonstrate to the satisfaction of the City Council how the design, layout, size and format of accommodation will:

- Provide communal space / facilities such as games rooms and lounges to allow students to interact and add to the living experience.
- Provide attractive and usable open space / amenity areas.
- Provide for the welfare and wellbeing of students including help and support.
- Provide safe and secure environments incorporating appropriate safety and security measures both inside and outside the accommodation to minimise the opportunity for crime and make the environment safer for the students.
- Be flexible and designed in such a way that they can be converted into general housing should the need arise.