

# **Birmingham City Council**

## **Planning Committee**

**17 December 2020**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve Subject to - 106 Legal Agreement	6	2020/03309/PA  Auto Service Icknield Port Road Ladywood Birmingham B16 9EU  Outline Application (with Appearance and Landscaping Reserved) for the erection of up to 260 residential units (Use Class C3), within a split-level building, comprising up to 9 storeys, together with associated landscaping and car parking provision.
Approve - Conditions	7	2020/06219/PA  St Clements Nursing Home 8 Stanley Road Nechells Birmingham B7 5QS  Change of use from nursing home (Use Class C2) to 38 en-suite beds home for supported/communal living (Sui Generis)
Approve - Conditions	8	2020/03542/PA  Ibis Styles Birmingham 313 Hagley Road Edgbaston Birmingham B16 9LQ  Erection of a four storey rear extension, with conversion of existing roof-space, to allow for an additional 35no. bedrooms and additional ground floor ancillary space for existing IBIS Hotel; alongside works to existing car park and landscaping provision.

Approve - Conditions

9

2020/06399/PA

Land to rear of 2 High Street  
Sutton Coldfield  
Birmingham  
B72 1XA

Erection of residential apartment block comprising  
7 apartments

Committee Date:	17/12/2020	Application Number:	2020/03309/PA
Accepted:	21/05/2020	Application Type:	Outline
Target Date:	18/12/2020		
Ward:	Ladywood		

Auto Service, Icknield Port Road, Ladywood, Birmingham, B16 9EU

Outline Application (with Appearance and Landscaping Reserved) for the erection of up to 260no. residential units (Use Class C3), within a split-level building, comprising up to 9 storeys, together with associated landscaping and car parking provision.

#### Recommendation

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

#### 1. Proposal

- 1.1. The application seeks outline planning consent for the erection of 5no. interconnected residential blocks at between 4 and 9 storeys in height. These together, would create a parameter block centred around a central courtyard, comprising of up to 260no. residential units (Use Class C3); together with associated car parking and landscaping works.

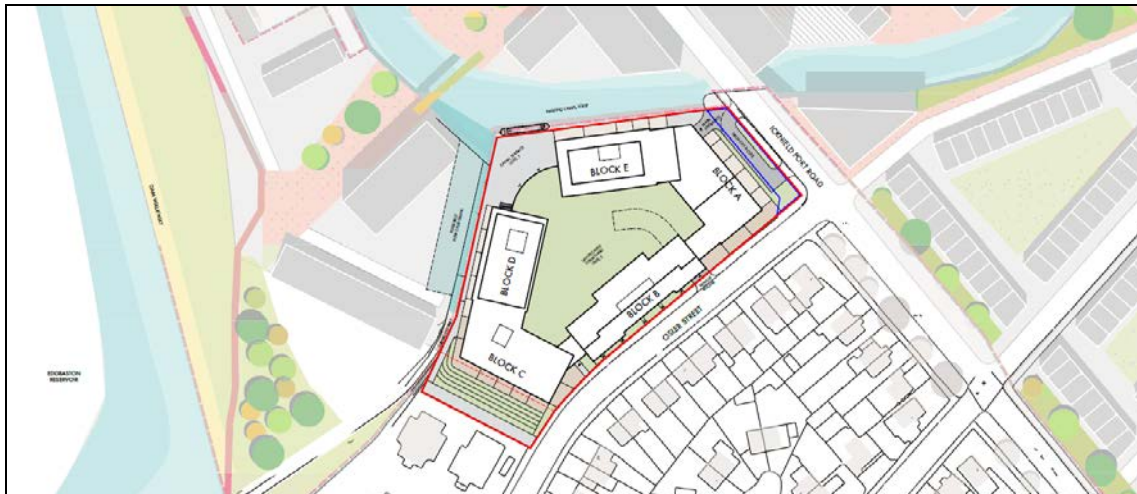


Image 1: proposed site plan

- 1.2. The current application seeks outline planning consent, for matters relating to Access, Layout and Scale. With matters relating to Appearance and Landscaping reserved, for subsequent reserved matters applications. The current application comprises of the following components:

- Demolition of the existing Rubber Factory on site;
- The erection of 260no. apartments;
- A private internal communal amenity space for residents, alongside various roof gardens;

- 239no. car parking spaces;
- Alterations to the site access arrangements from Osler Street and Icknield Port Road;
- The creation of a new public access route, which would be sited along the site's western boundary, connecting Osler Street, sited to the site's southern boundary to the canal basin, sited to the site's northern boundary; and
- The creation of a publically assessable canal side terrace, sited to the site's northern boundary, fronting onto the canal basin.

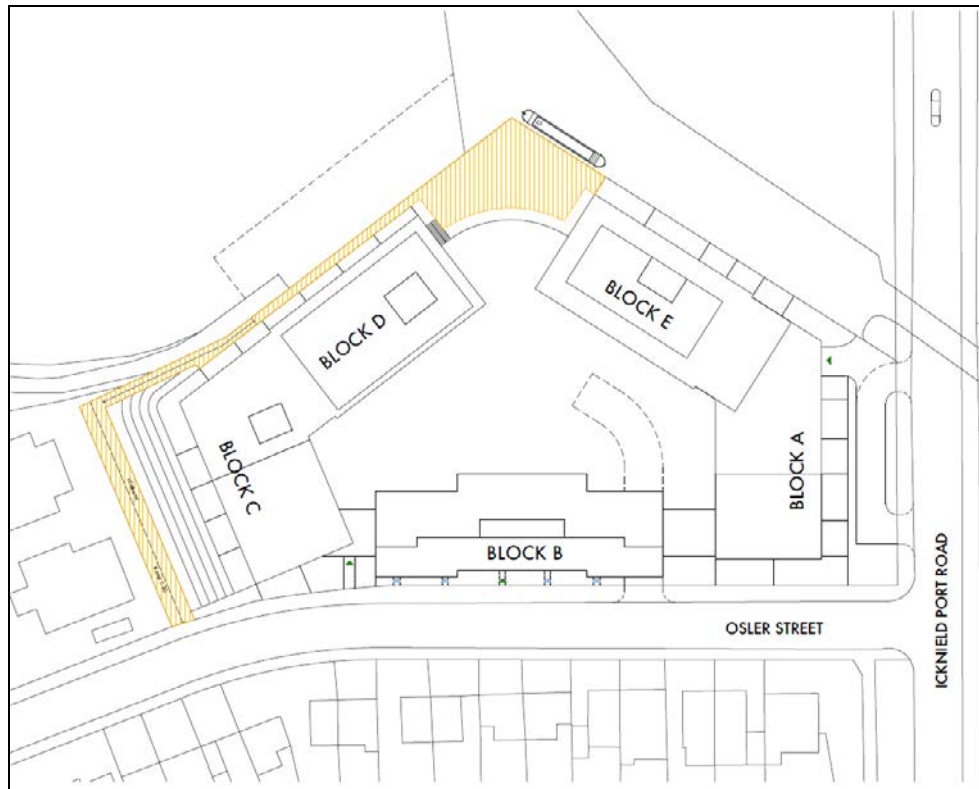


Image 2 – Proposed public access route and canal terrace

- 1.3. The application is accompanied by a site plan and block plan, alongside a series of floor plans for the various levels of the development proposals. These would guide and inform future reserved matters applications, in relation to appearance and landscaping. It is important to note that the application plans and supporting documents have been revised and updated since they were originally submitted to address various issues raised by officers in the process of assessing the application. As a consequence the number of residential units proposed have been reduced by 9no. units from 269no. to 260no.
- 1.4. The proposed development would utilise the site's topography which falls steeply from south to north and west to east. As a consequence a three storey block would be created along Osler Street, with one additional level of accommodation above, which would be set back from the site's southern front boundary. This block would further feature an internal access route, located at basement level, for vehicles to access an under-croft car park. This southern block, named Block B, would then latch onto two further blocks sited to its east, Block A and west, Block C.

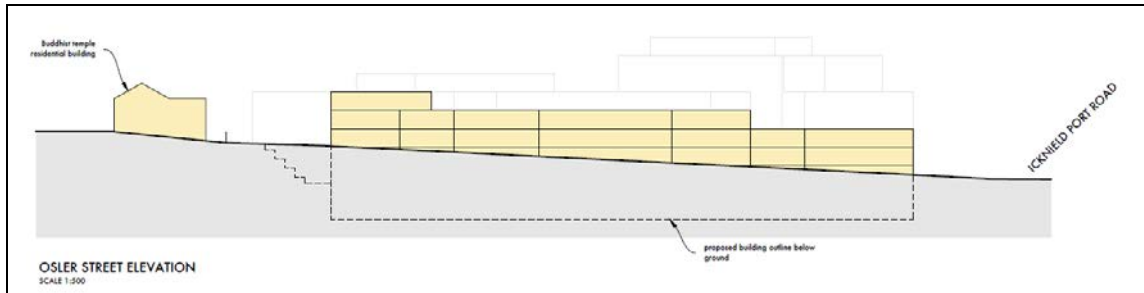


Image 3 – Osler Street elevation

- 1.5. Block A would front onto Icknield Port Road and retain a large setback, allowing for the creation of a “pickup and drop off” area. This block would vary in its height, having a staggered form, increasing from 4 storeys to 6. This block would then attach onto a further block, which would be sited at an oblique angle, following the site boundary, fronting onto the existing canal loop. Block E would be the tallest block, increasing up to 9 storeys; it should however be noted that the ground level is much lower on this side of the site, fronting onto the canal and as such, although this block would have 9 storeys, the appearance from street level, would consist of a smaller block, at approximately 7 storeys of height, with the lower levels sited below ground level.

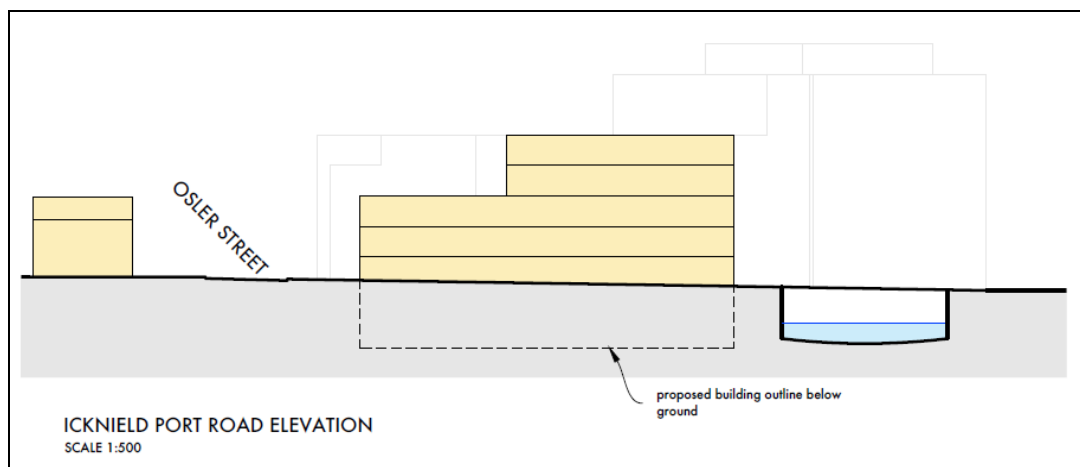


Image 4 – Icknield Port Road elevation

- 1.6. The western most block would front onto a new access route, which would connect Osler Street to the canal basin to the north. This block, block C, would have views over the adjoining Buddhist Temple further west of the site. Given the falling land levels, it is likely that levels 3 and 4 would be on par with the ground level at the adjoining site, with the lower levels set below this. The fifth and final block, block D, would again front onto an old canal culvert, increasing to 7 storeys.
- 1.7. Level 0 of the building, would be sited below ground level, utilising the existing factory’s deep foot-print and would consist of underground car parking for 164no. vehicles. Level 1 would open out onto the site’s northern canal frontage and would consist of a number of apartments, car parking and an internal communal gym/lounge. Further car parking spaces, alongside 269no. cycle storage racks are proposed on this level, alongside 14no. apartments. The apartments on this floor would benefit from private terraces, fronting onto the canal, alongside the setback from Icknield Port Rd. Level 2 would still be set below ground level on the Osler

Street frontage, however this would feature a vehicular access for the under-croft car park. Apartments are proposed within all 5 no. blocks at this level, however those within Block B, fronting Osler Street would have internal north facing openings, given this level is still set below street level on Osler Street. Apartments within block C would feature terraces, which would abut the new public access route sited to the far west of the site.

- 1.8. Level 3 would be on par with the ground level on Osler Street and would feature apartments within all 5 blocks, this would be repeated through to level 5. With level 6 having no apartments fronting Osler Street within blocks A and B. Level 7 would see roof gardens created on blocks C, B and A, which would be accessible by residents. Blocks D and E fronting the canal would comprise apartments at this level, with block E having further accommodation to levels 8 and 9.



Images 5 & 6 – CGIs of Osler Street looking downhill towards its junction with Icknield Port Road (above) and Canal Loop (below). NB appearance and landscaping reserved.





1.9. The 260no. apartments proposed would comprise:

- 123no. 1 bed apartments;
- 92no. 2 bed apartments; and
- 43no. 3 bed apartments.

Only 27% of the dwellings would be suitable for a single occupier, with the remaining 73% suitable for two occupiers plus. 18% would accommodate four people plus households. No affordable housing is proposed.

1.10. A total of 1,822sqm of private amenity space would be created within the communal landscaped courtyard, sited centrally. A further 2,094sqm of private amenity space is proposed within the various roof gardens. In addition a number of apartments have external terraces which range in size from 14sqm to 25sqm. The residents would have access to the canal terrace, which would also be accessible by the public. This area would measure 392sqm and would be accessed from the internal communal gym on level 1 and the newly proposed public access route from Osler Street.

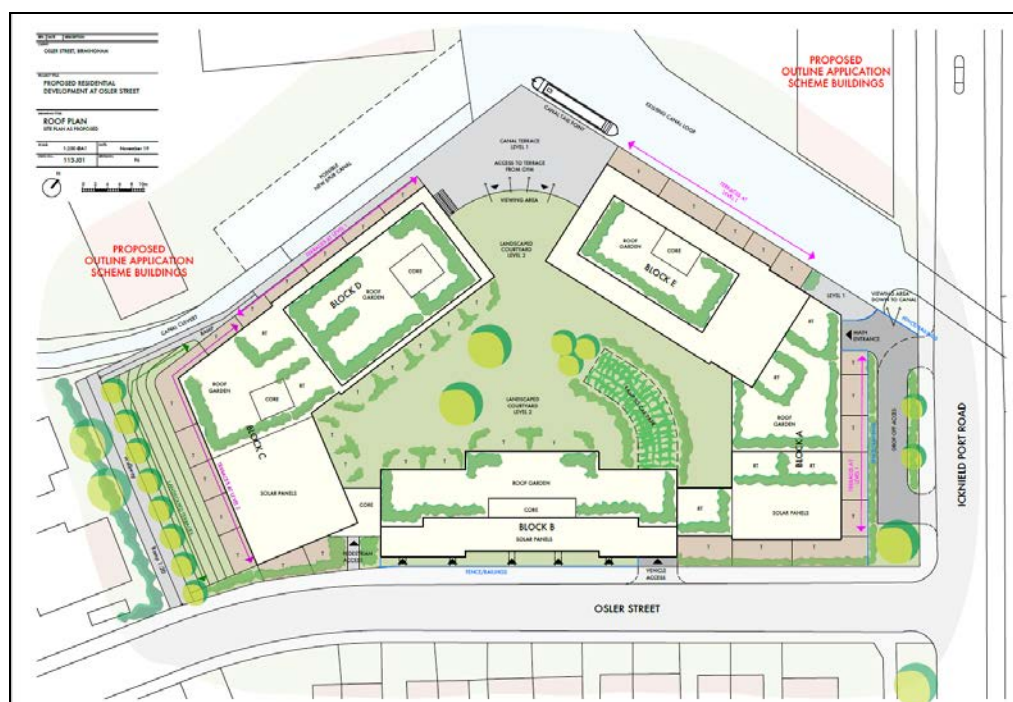


Image 7 – indicative landscaping proposals

1.11. The outline planning application is supported by a:

- Energy Statement;
- Sustainable Construction Statement;
- Tree report;
- Ground Investigation Report;
- Transport Assessment;
- Air Quality Assessment;
- Flood Risk Assessment;
- Ecological Assessment;
- Noise Impact Assessment;
- Design and Access Statement;

- Planning Statement;
- Financial Viability Report; and
- Heritage Statement.

1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application relates to a former Rubber Factory site, sited to the north-western side of Osler Street, Edgbaston, Birmingham. The application site is roughly triangular in shape and measures approximately 0.77ha in size and is a single parcel of land, comprising a number of disused and somewhat dilapidated buildings.
- 2.2. The site is bound by Osler Street to the south-west and Icknield Port Road to the north-east and the canal to the north-east. To the site's south-west lies the Birmingham Buddhist Vihara, with a canal culvert to the site's north-west. The site is situated within a largely residential area with Osler Street comprising mainly from traditional post war two storey semi-detached dwellings. To the site's far east lies vacant areas of land, which form part of the "Port Loop" development site, which is partly now built with new homes on site. To the site's north-west lies the former tower ball room and the Sea Cadets Centre, fronting onto the Edgbaston Reservoir.
- 2.3. The application site sits approximately 1 mile from the city centre and forms part of the Icknield Growth Area.



3. Planning History



- 3.1. 2017/09311/PA – Application for the prior notification for the proposed demolition of the former Hermetic rubber factory and office – Prior Approval required and approved with conditions.
- 3.2. 2017/10035/PA - Outline planning application for the demolition of existing buildings and erection of up to 301 apartments within a split level build of up to 9 storeys in height with car and cycle parking and landscaped courtyard and roof garden (appearance and landscaping reserved for future consideration) – withdrawn.
- 3.3. 2018/00163/PA - Application to determine the details of condition numbers 1 (additional bat survey), 2 (demolition method statement), and 3 (construction method statement/management plan) attached to planning approval 2017/09311/PA – Approved.
- 3.4. 2018/04347/PA - Outline planning application for the demolition of existing buildings and erection of up to 301 apartments within a split level building of up to 9 storeys in height with car and cycle parking and landscaped courtyard and roof garden (appearance and landscaping reserved for future consideration) – withdrawn.
4. Consultation/PP Responses
  - 4.1. Transportation Development – no objections subject to conditions securing details regarding the site's pedestrian and vehicular visibility splays and tracking details; final comments are awaited.
  - 4.2. Lead Local Flood Authority – no objections subject to conditions: prior submission of a sustainable drainage scheme; prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan; and the prior submission of a method statement to cover the development's interactivity and proximity to the Edgbaston Reservoir spillway.
  - 4.3. Regulatory Services – no objections subject to conditions: contamination remediation scheme, contaminated land verification report, dust control measures and the provision of electric vehicle charging points.
  - 4.4. BCC Leisure Services – require financial contribution for improvement and/or biodiversity enhancement of public open space, and the maintenance of Edgbaston Reservoir.
  - 4.5. Sport England – no objections, subject to a financial contribution towards sports facilities and playing pitch investment within the locality.
  - 4.6. Canal and Rivers Trust – no objections and ask that informatives be added to request the applicant to make contact with the Trust, prior to works commencing and to create a travel plan which utilises the canal.
  - 4.7. BCC Education – require financial contribution.
  - 4.8. BCC Employment – no objections subject to conditions to secure a construction employment plan and local employment strategy.
  - 4.9. Environment Agency – no objections subject to a condition in relation to ground remediation.
  - 4.10. Natural England – no comment.

- 4.11. Severn Trent Water – no objections subject to a condition to secure the disposal of foul and surface water flows.
- 4.12. Network Rail – No comments.
- 4.13. West Midlands Police – no objections subject to the addition of a condition to secure a lighting scheme and CCTV scheme. Further recommendations, relating to crime prevention and safety measures.
- 4.14. Press and site notices posted. MP, Councillors, Residents' Associations and neighbouring occupiers notified. 3no. letters of objection received, raising the following comments:
- High rise development not in keeping with the area;
  - Development will add strain to existing infrastructure;
  - Development needs to be in keeping with the development plan for the wider Growth Area;
  - Oversupply of flats within the area;
  - Requirement of family housing within the area;
  - Lack of affordable housing;
  - No public access and pathways;
  - Development will exasperate existing parking pressures;
  - Noise and pollution from development/construction;
  - Impact upon Edgbaston Reservoir;
  - High turnover of residents in the area;
  - No provision of private green amenity space; and
  - Development will not allow communication between old and new residents.
- 4.15. Edgbaston Reservoir Community Consortium raised the following areas of concern:
- Design out of keeping with existing environment;
  - Development doesn't integrate with its surroundings;
  - No artistic impressions have been provided within the application;
  - No affordable housing has been offered;
  - High concentration of rented housing will lead to instability;
  - No developer contributions;
  - Transport statement fails to acknowledge existing transport issues taking place within the area;
  - No public amenity space has been provided;
  - No additional steps to make the development carbon neutral;
  - Impact upon the safety of the canal and reservoir; and
  - No evidence of how the development will connect to Port Loop.
- 4.16. Birmingham Buddhist Vihara raised the following areas of concern:
- Additional vehicles will cause traffic congestion;
  - Privacy concerns with reference to overlooking;
  - Noise and pollution from the development proposals; and
  - Impact on Edgbaston Reservoir.
- 4.17. One letter of support has been received setting out the following comments:
- Removal of existing eyesore factory;
  - Redevelopment of site for apartments; and
  - Application will help build a cleaner and safer community.

- 4.18. A further letter from the Perrott's Folly Action Group has been received, requesting that any S106 funds to go towards its restoration.

5. Policy Context

- 5.1. National Planning Policy Framework (2019); Birmingham Development Plan (2017); Birmingham UDP saved policies (2005); Places for Living SPG (2001); Places for All SPG (2001); Car Parking Guidelines SPD (2012); Public Open Space in New Residential Development SPG (2007); Affordable Housing SPG (2001); Shopping and Local Centres SPD (2012), Greater Icknield Master Plan .

6. Planning Considerations

Loss of existing employment land:

- 6.1. The application site is vacant employment land and has been allocated for a residential-led mixed use development, within policy GA2 of the BDP. The site has been further highlighted for housing within the Council's brownfield land register and SHLAA. The proposals are therefore considered acceptable in this regard.

Proposed residential development:

- 6.2. The application site is within the Greater Icknield Growth Area, more specifically to the south-western end of the Canal Loop, where the "Port Loop" development is taking place. This seeks to provide a residential led mixed use development west of the canal, making the best use of the area's location. It is therefore considered that the proposal would be in compliance with the policies as set out in the BDP. The application site is identified within the Greater Icknield Masterplan.
- 6.3. The Greater Icknield Masterplan envisages that the focus of development will mainly be on providing family homes to complement the accommodation available within the City Centre, though there is no requirement for the development sites within Greater Icknield to solely provide family accommodation. The approved scheme at Icknield Port Loop will provide predominantly family houses, and other sites in the Greater Icknield area also lend themselves to also delivering family homes. The proposal in this case, to provide high density apartments, suitable for single dwellings, starter homes and small to medium sized families is considered to be acceptable, as this will assist in providing a choice of housing types in the area which will encourage the establishment of a balanced community. Furthermore given the site's unique topography and former use, it is considered very unlikely that a traditional housing development could be developed out on this site. In addition, although the development does offer apartments, a high percentage would be 3 bed, which would provide family accommodation, resulting in further choice and variety to the market.
- 6.4. It is noted that the proposal involves a greater number of units than the Masterplan envisages, which is a result of the site providing apartments rather than houses, as set out above. Higher density development is however encouraged by the masterplan and the BDP in accessible locations such as this.
- 6.5. The proposed development is for 260no. 1, 2 and 3 bed units, a number of private and public spaces, alongside an access route for the wider public, to gain access to the canal network. The proposal is therefore considered to help towards the Greater Icknield Masterplan target, which aims for 3000 homes within this area. I therefore

conclude that the proposal accords with the relevant policies in the BDP and the Greater Icknield Masterplan. In principle, the proposed development is acceptable.

Sustainability:

- 6.6. A Sustainable Construction statement and Energy Statement has been submitted, which demonstrates that the proposed development will meet the highest standards of sustainable design and construction throughout the various stages of development. In accordance with policy the energy statement concludes that the development would ensure the provision of a ground source heat pump, using the canal. The proposals would also use photovoltaic panels to generate electricity for the building and car park, common areas and corridors. Three large areas of panels are proposed to the southern elevation of the building.
- 6.7. A comprehensive landscaping strategy will follow at reserved matters stage, which will look to increase on-site trees, alongside delivering other ecological improvements. All flats will be fitted with water meters and energy saving taps, lights and other such fittings will also be used where possible. The application makes provision for on-site private open space, alongside 100% cycle storage provision, with direct access to bus and walking/cycling routes from outside the site.
- 6.8. Planning Policy and Growth recommend that an assessment of the predicted annual energy demand and carbon emissions for the site, using published benchmarking data such as SAP or SBEM be included in the updated energy statement submitted at reserved matters stage. They also recommend a condition to ensure that no development take place prior to the submission of a report which looks at zero carbon energy generation on site. Appropriate conditions are recommended to secure this information at reserved matters stage.
- 6.9. Access: The application site would utilise its location on a junction between Osler Street, to its south-east and Icknield Port Road, to its north-east. The applicant is proposing a drop off and pick up area in front of block A, with a second vehicular access via Osler Street, leading to an under-croft car park within block B. A further pedestrian only access would be created to the north of the site, via the canal terrace. The development is thereby considered to be well designed and utilises the site's assessable location, further making best use of the canal side frontage. The development proposals are therefore considered to be acceptable in this regard.
- 6.10. Scale: The southern elevation of block B opens out onto Osler Street, fronting onto two storey semi-detached dwellings. The applicant has thus proposed a three storey block within this location, which would only appear marginally taller than the existing semi's opposite. The increase of a storey within this location is therefore considered to be acceptable. The applicant has then set back a further level above this three storey block, which would not be particularly visible from the street-scene.

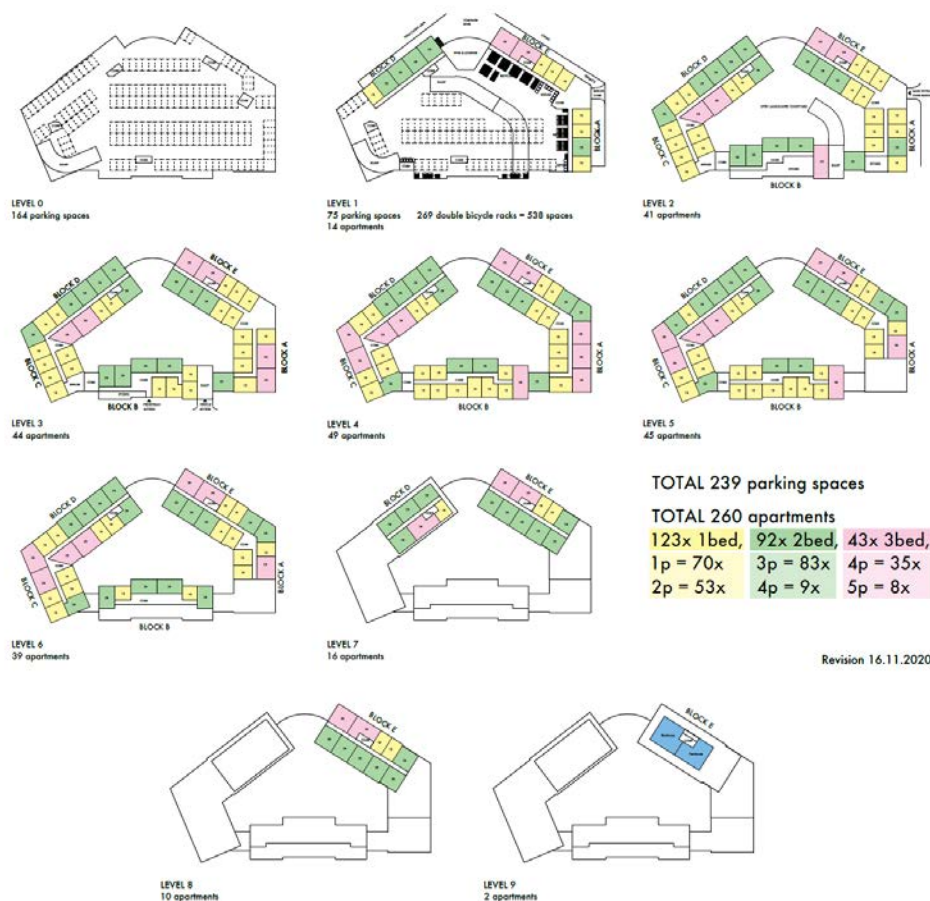


Image 8 – layout for levels 0 – 9

- 6.11. The tallest block would then be positioned to the site's north-eastern most frontage, fronting the canal. This block's lowest 2 levels would be set below ground level of Osler Street and as such, when viewed from Osler Street, this section will have the impression of a 7 storey block; 4 storeys greater than the southernmost block fronting onto Osler Street.
- 6.12. While it is noted that this is a big increase from the site's existing scale, thought and consideration should be given to the site's evolving context. To the site's east and north-east lies swathes of former industrial land, part of which has been given approval for redevelopment as part of the Port Loop development, planning consent reference: 2017/04850/PA. This approval has a number of differing storey heights for different areas, with the approval allowing for up to 5 storeys on the canal edge opposite the site and 10 storeys along Icknield Port Road opposite the site. As such, although not presently built out, it is noted that greater scale and higher density development will become the norm for this area, as is and has been the case across numerous former industrial sites within the city. It is thereby considered that given the site's topography and evolving context, that the on Icknield Port Road and towards the canal frontage is acceptable.



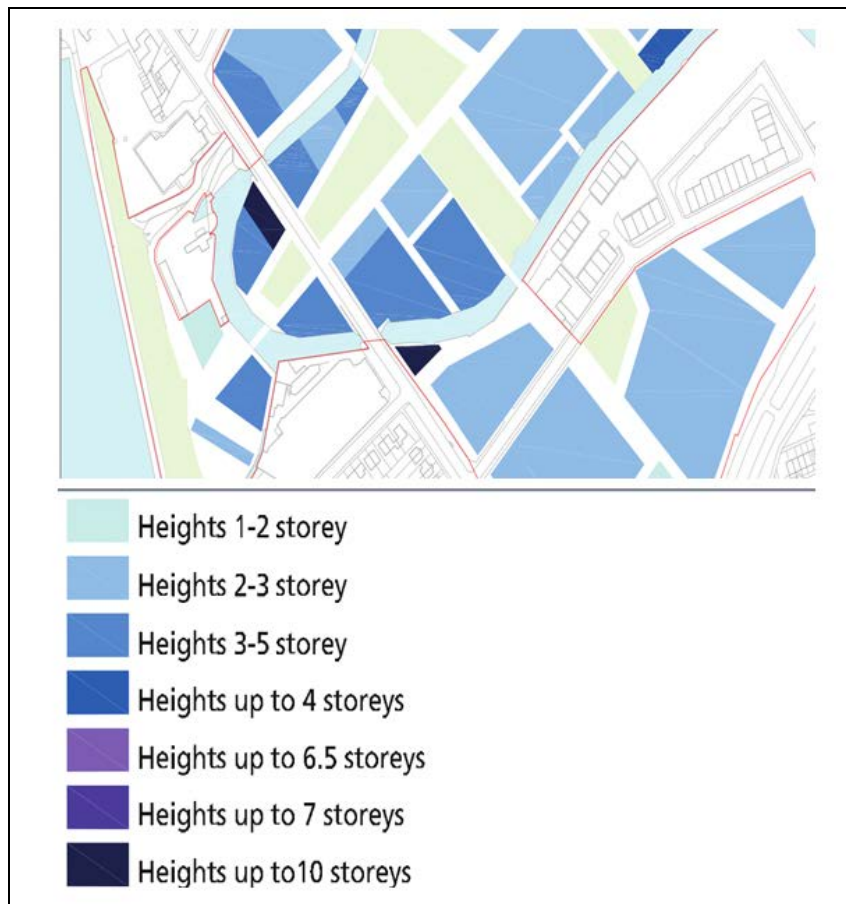


Image 9: Approved parameters plan for scale at Port Loop

- 6.13. With reference to the wider development, the middle connecting block, block A, staggers from 6 levels down to 4, with a roof garden. This allows for a more gradual increase from the Osler street 3 storey frontage up to 7 at the far north-eastern end of the site. The same is the case towards the west of the site with block C at a maximum height of 6 storeys, increasing to 7 for block D. It should however be noted that given the site's topography, the lower 2 levels of block C would likely be sat below the adjoining site, with level 3 on par with its ground level. The additional storeys would thus keep the development on par with the scale of development on this neighbouring site. It is therefore considered that given the site's canal side location, topography and existing built form that the scale and massing of the proposals are acceptable. It is further considered that subject to future reserved matters applications, the development proposals would integrate well into the existing built fabric around the site.

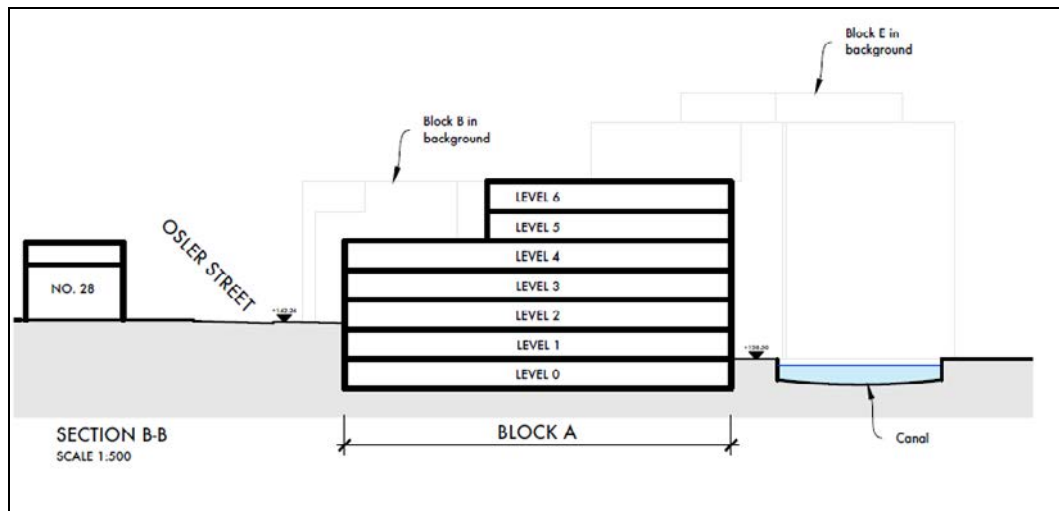


Image 10 – cross section of Block A (Icknield Port Road)

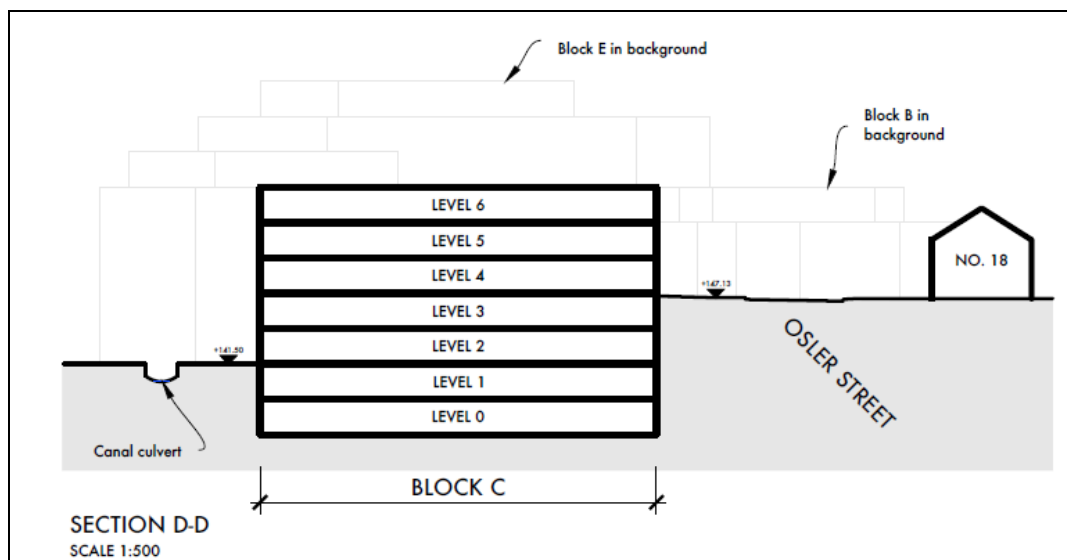


Image 11 – cross section of Block C ( new public access route off Osler Street)

Layout:

- 6.14. The development would create a strong perimeter block along the site's eastern, southern and western boundaries, with good levels of natural surveillance and security to the public realm. The individual blocks would consist of apartments looking out onto the site's eastern, western and southern boundaries, as well internally within the development, to a private internal residential courtyard. The developments northern most point would remain open and allows views of the canal network, thereby making the best use of the site's canal side location. Centrally within the site, a large area of private amenity space would be created, accessed via various core areas within the various apartment blocks, alongside some of the private terraces for the apartments within level 2. The courtyard would be largely landscaped, details of which would follow as part of the next set of reserved matters application.

- 6.15. The City Design officer has no objections to the proposed Access, Scale and Layout and has recommended conditions be attached to secure full details of the site's land levels and soft works as part of the reserved matters stage which are included.

#### Walkway and canal terrace

- 6.16. The applicant has proposed greater connectivity between the site and the wider area, through a publically assessable walkway, to the western boundary of the site. The walkway would be over 4m in width and would allow unrestricted access from Osler Street to the south, to an area of public amenity, sited to the site's northern end, in the form of a canal side terrace. The access way would allow residents to connect with the canal network, which presently is not possible. The erection of the walkway will allow future development the potential to connect the walkway with a pedestrian bridge over the canal, allowing access directly to the reservoir and the Port Loop development. Although this bridge is not proposed at this stage, the addition of the walkway and the canal terrace allows for such opportunities in the future.
- 6.17. It is considered that the addition of these publically assessable areas would be a great benefit for existing and future residents, further creating opportunities for future works as set out above. Full details of the walkway's materials, as well as boundary treatments and hard and soft landscaping details for the terrace and walkway will be secured as part of future reserved matters applications. A S106 agreement resolution will further ensure unrestricted access to these areas within any subsequent planning consent, in order to ensure full accessibility for the public. As such, the proposed access way and canal terrace are public benefits and would allow the site to integrate well with the wider built environment, allowing for greater connectivity.

#### Residential amenity

- 6.18. The application site lies within close proximity to residential dwellings on Osler Street. In this regard, a separation distance of between 19m and 22m would be retained between the development and adjoining dwellings. This is considered to be acceptable to avoid any undue amenity concerns. Roof terraces within block B fronting onto Osler Street, would be facing onto the internal courtyard and as such would raise no overlooking concerns. Private terraces are proposed for a small number of apartments on the ground floor of the Osler Street block, however, these would again be sited some 18-19m away from neighbouring dwellings. Matters relating to terrace screening and balconies would be assessed at the reserved matters stage of the development. These distances are considered acceptable in this context which overlooks Osler Street.

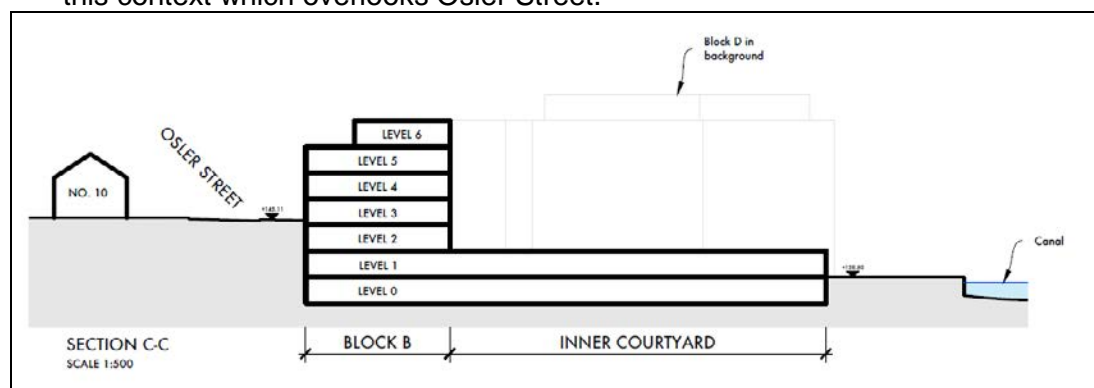


Image 12 – cross section of Block B and opposite houses on Osler Street

- 6.19. The adjoining Buddhist temple has raised overlooking concerns. However, this is not a residential use and as such, cannot be awarded the same weight. A 16m distance separation is maintained between the proposed development and the existing temple boundary, with this increasing to 18-20m, when taken from the buildings. It is also noted that the public access route will further retain a separation from the apartments, with the land falling steeply to the east and as such, the development would be sited much lower than the existing temple, allowing for less chances of overlooking. There is also a strong boundary treatment in the form of large trees and shrubbery, which will add screening. The falling land levels would bring the upper floors of block C in line with adjoining buildings, with the lower two levels set below this; as such, it is not considered that the development would not result in any undue overlooking which would warrant the refusal of the scheme. Furthermore, terrace screening will be conditioned as part of any subsequent reserved matters application, to ensure minimal overlooking. As such, the development is considered acceptable in this regard.

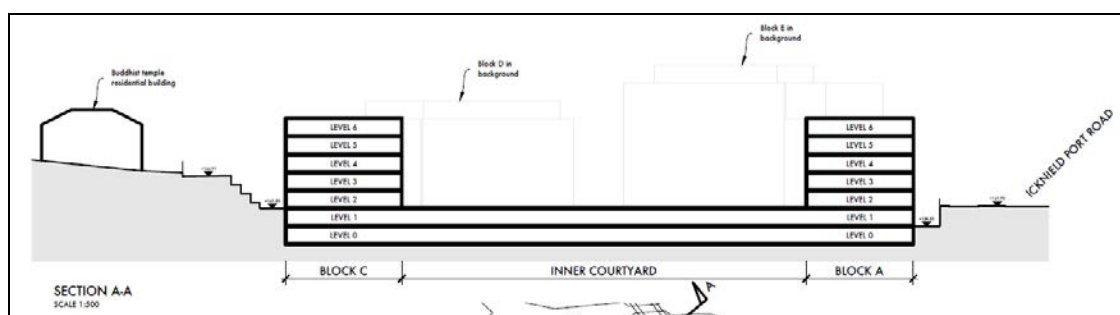


Image 13 – cross section showing relationship of ground levels of the Temple (left), Block C, through the inner courtyard to Block A and Icknield Port Road

- 6.20. To the north-east lies the canal network, with vacant land and industrial uses to the site's far east. Environmental Health Officers have no objections and recommend conditions to ensure minimal disruption to neighbours during the construction phase, as well as sound insulation and electrical vehicle charging points; which have been added. Subject to the above conditions, the proposals are considered acceptable in this regard.

#### Conservation

- 6.21. In determining this application the LPA must have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.
- 6.22. The site is occupied by a cluster of industrial buildings dating from the late 19<sup>th</sup> century, to the 1930's, that were originally occupied by the Icknield Port Rolling and Wire Mills group; and later by the Hermetic Rubber Company. The site remains degraded and the surviving buildings remain isolated and in poor condition. The site is identified on the Birmingham Historic Environment Record as a Heritage Asset but this is not locally or nationally listed. In terms of heritage assets, there lie a number of listed structures to the north-west of the site on the Canal and Rivers Trust land, fronting the canal, these include:

- The Icknield Port Road workshops and stores at the Rotton Park, Loop Canal Maintenance Yard. These are late 19<sup>th</sup> century red and blue brick built structures at single storey level;

- Stables at the Rotton Park, Loop Canal Maintenance Yard. Which are late 19<sup>th</sup> century red and blue brick built structures at single storey level with a slate roof and gabled ends;
- The covered dock building at the Rotton Park, Loop Canal Maintenance Yard. Erected in circa 1845, at single storey level, from red bond brick, with a slate hipped roof;
- The Superintendent's office at Rotton Park, Loop Canal Maintenance Yard. An early 19<sup>th</sup> century brick built two storey building, erected from red brick; and
- The existing crane at Rotton Park, Loop Canal Maintenance Yard. This is a cast iron hand powered structure sited to the south east of the Superintendent's office building.

These structures are some 100m away from the application site. Alongside these, the reservoir and ancillary structures are locally listed.

- 6.23. The council's conservation officer has stated that should the principle of demolition of the existing structures on the site be accepted, then the form and scale of the development should be in line with its surroundings. Presently, the officer objects to the proposed scale and form of the development and the impact that this would have upon the historic environment of the site, given that it is sited close to the above listed wharf buildings and reservoir.
- 6.24. Planning Permission has previously been granted for the demolition of these buildings and these buildings are further in no state to be repaired or converted and without their demolition, any regeneration of this site or its surroundings is unlikely to come forward. The conservation officer has therefore recommended a condition be added for a building recording survey to be carried out prior to demolition and an appropriate condition has been attached.



Image 14 – concept showing Port Loop Outline approval, planning reference: 2017/04850/PA, to the left and the application proposals to the right – for context only

- 6.25. With reference to the proposed mass and scale, although it is noted that the scale of the proposed development sits substantially higher than the existing buildings, it is considered that this would be broadly in keeping with other redevelopment schemes within the area, including Icknield Port Loop to the north-east. An outline consent for up to 5 storeys has been approved for the element of this development which would



be to the opposite side of the canal. The Port Loop approval also allowed for development heights of up to 10 storeys to the opposite side of Icknield Port Road, and although these buildings are yet to be built, it can be seen that the context of this former industrial area is changing and evolving and higher density and a higher scales of development will become more apparent within future years. As such, it is considered that the site's redevelopment would not be out of keeping with the changing environment of this former industrial area.

- 6.26. It is noted however that the development of a much higher density development will have some impact upon the site's former historic setting and the nearby listed structures and reservoir. However, these listed buildings lie in excess of 100m away from the application site and as such any such harm would be upon their wider setting and is unlikely to have any direct impact. Such impact would further be lessened once the Port Loop development has been built out, and will allow for a gradual increase in scale within this area. It is thereby considered that any harm in this case would be less than substantial and would need to be outweighed by any public benefits of the scheme.
- 6.27. In this case, the redevelopment of the site would bring about benefits though allowing for greater connectivity to the canal and reservoir by the new access route and canal terrace which the area presently lacks. The development would further result in the erection of 260no. new homes to add to the councils housing stock. It is therefore considered that the scheme would deliver a number of benefits which would counterbalance the harm proposed. I therefore consider that on balance, the scale and mass of the proposals to be acceptable and for these to not lead to any undue harm upon the significance of these existing heritage assets within the site's wider context and setting.

#### Amenity for future occupiers

- 6.28. As this is an outline application, with appearance reserved, it is not possible to fully gauge the standard of accommodation for future occupiers. That being said, the indicative floor plans show apartments being sited to either side of the various blocks, which will allow for a good level of light and outlook for all future occupiers. The various apartments also have floor spaces outlined, which broadly comply with the Nationally Prescribed Space Standards for 1, 2 and 3 bed apartments. It is noted that less than 10% of apartments fall short of these guidelines by 2-4sqm, however this is considered to be acceptable.
- 6.29. Places for Living requires 30sqm of private amenity space to be provided per apartment, equating to 7800sqm for the proposed development. The applicant is proposing circa 4000sqm of private amenity space in the form of a large private landscaped courtyard, alongside various roof gardens and terraces. This is therefore a shortfall of around 3000sqm. However the development lies in close proximity to the Edgbaston Reservoir and other areas of public open space which are in walking distance from the site and as such, the proposals are considered to be acceptable in this regard.

#### Highway safety/Parking:

- 6.30. 239no. car parking spaces are proposed on site, in the form of a private under-croft car park; equating to 91% parking provision. Given site's sustainable location, in close proximity to bus and walking connections, this level of provision is considered acceptable. The site offers 100% cycle storage provision, which will lessen the demand for car parking spaces. Transportation Development has requested that

suitable pedestrian visibility splays are conditioned; an appropriate condition is therefore attached.

#### Ecology

- 6.31. The Councils Ecologist has advised that bird and bat boxes should be provided facing the canal, in order to be used and safeguard existing wildlife within the area. Conditions are attached for the use of:
- An ecological enhancement scheme;
  - Bird and bat boxes;
  - A lighting scheme; and
  - A landscaping scheme.

#### Trees

- 6.32. At present, there are no trees on the application site. It is considered that tree planting would form an integral part of the development and good quality landscaping will be required across the site, both in the form of hard landscaping for the “pick up and drop area”, alongside the soft landscaping areas, including the internal courtyard. There are also various opportunities for tree planting along the site’s various boundaries. As such, a landscaping condition, alongside soft works and hard standing details conditions will be attached to any subsequent planning consent.

#### West-Midlands-Police

- 6.33. West Midlands Police have recommended the use of a suitable CCTV system, alongside a detailed lighting strategy. Suitable conditions are included.

#### Air quality

- 6.34. The whole of Birmingham falls within an air quality management zone (AQMA). An Air Quality Assessment, undertaken by Isopleth Ltd, considers any air quality impacts from both the construction and operational phase of the proposed development. The modelling within the report predicts that there will be negligible increases in nitrogen-dioxide and particulate matter at existing sensitive receptors, as a result of the proposed development. The report highlights the use of electric vehicles, alongside the provided cycle storage racks etc. which will all help to reduce emissions. The development is further distanced from Ladywood Middleway and as such the baseline air quality would not represent constraints for the site. There is scope for construction dust, however, these matters can be mitigated against through the use of appropriate planning conditions, using best practice. Regulatory Services have raised no objection and appropriate conditions securing construction/demolition method statements are attached.

#### Contaminated land

- 6.35. A Ground Investigation report has identified contamination and recommends a remediation strategy is produced; relevant conditions are attached.

#### Flood risk and drainage

- 6.36. A Flood Risk and Drainage Strategy concludes that the development site is within Flood Zone 1 and at low risk of flooding from all sources, besides reservoir flooding, for which the site is considered to be at high risk, given its close proximity to the

Edgbaston Reservoir. However any flooding associated with the reservoir is covered by the Reservoirs Act and an event such as this is very unlikely.

- 6.37. Surface water cannot be drained using infiltration methods due to the nature of the site; leaving discharge to either the canal or public sewers, as it does at present. This and on-site water attenuation issues will be addressed at the Reserved Matters stage. The Lead Local Flood Authority has no objections, subject to a safeguarding conditions:
- Prior submission of a sustainable drainage scheme;
  - Prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan; and
  - Prior submission of a method statement to cover the development's interactivity and details supplied within proximity to the Edgbaston Reservoir spillway.

#### *Planning Obligations*

- 6.38. The proposal offers no affordable housing or public open space contribution, due to a viability assessment confirming that the development is only marginally viable. An independent financial viability assessment was undertaken by Lambert Smith Hampton which concludes that the viability of the proposed development is at best marginal and in the absence of grant funding, is considered unviable and unable to sustain any affordable housing or Section 106 contributions. It is understood that the Applicant is keen to explore potential grant funding from the West Midlands Combined Authority (WMCA) or a disposal to an affordable housing provider who would deliver a far greater proportion of affordable housing. A likely condition of grant funding would be the provision of a minimum 20% on-site affordable housing. The viability of the scheme should be reviewed if grant funding is secured or material amendments to the design are proposed at a later stage of the planning process.
- 6.39. It is considered necessary that the developer enter into a Section 106 Agreement to secure on-site affordable housing or an off-site financial contribution should an updated financial appraisal demonstrate that the development could sustain such a planning obligation.

#### *Planning balance*

- 6.40. The application presents an opportunity to redevelop this long standing vacant site, which is situated within a predominantly residential area, into a high density apartment scheme. The site has challenges, as result of its topography, canal frontage and former industrial use. A more traditional housing scheme may not come forward given the falling levels. 260no. residential units, within a growth area would therefore be welcomed and a large number of these would be suitable for couples and small to medium sized families, which is currently lacking.
- 6.41. The application would help regenerate this area and create new links across Osler Street, through to the canal network and beyond. The permeability of the scheme, will allow for future connections through to the reservoir, the Port Loop development and beyond, which would act as a major public benefit for existing and future occupiers and promote sustainable modes of transport and connectivity.
- 6.42. The Conservation Officer objects to the proposed increase in the scale of development on site. However, given that the principle of the demolition of the

existing buildings has already been established and given the changing environment of the site's context/surroundings, particularly the Port Loop development, which is also creating higher density development, at the canal edge it is considered that the development proposals cannot be refused on these grounds alone.

- 6.43. The public benefits of the scheme counterbalance this less than substantial level of harm and although no affordable housing is coming forward at this stage, a S106 resolution will secure this should matters change on site or grant funding for the scheme be received. Matters relating to how the proposals will look and landscaping will all be addressed at the reserved matters stage.

## 7. Conclusion

- 7.1. The proposals are considered, on balance, acceptable and comprise an appropriate form of residential development. Whilst it is regrettable that the development would not be able to sustain financial contributions or on site affordable housing, the benefits that could be achieved through the development of this strategically placed brownfield site, alongside the publicly accessible walk way and canal terrace are considered to be sufficient grounds to approve this development. A legal agreement to secure affordable housing, should market conditions change in the future is further recommended. The development uses sustainable methods for heat and electricity generation and provides EV charging points, cycle storage, whilst making best use of the site's canal side location. For the reasons set out above, the application is recommended to be approved subject to conditions.

## 8. Recommendation

- 8.1. APPROVE subject to the prior completion of a Section 106 Legal Agreement to secure the following
- a) In the event that any grant funding is secured towards the costs of the development, an updated financial appraisal shall be submitted for assessment by the Local Planning Authority. If that financial appraisal identifies that the development could sustain a planning obligation it shall take the form of affordable housing (on-site or an off-site financial contribution) totalling no more than 35% affordable housing.
  - b) The publically assessable areas, which include the new access route from Osler Street alongside the canal side terrace, shall remain open and unrestricted for use by members of the public in perpetuity. A management/maintenance plan shall further be agreed and submitted to the Council for approval and maintained in full thereafter.
  - c) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the value subject to a maximum of £10,000; and subject to the conditions listed below.
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 29<sup>th</sup> of January, 2021 or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason(s):-
- A. In the absence of any suitable legal agreement to secure a mechanism to review the scheme's financial viability, in order to deliver affordable housing, the proposal would be contrary to policy TP31 of the Birmingham Development Plan and NPPF.

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

- 
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|----|--|
| 1  | Requires the prior submission of a demolition method statement                       |
| 2  | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 3  | Requires the prior submission of details of bird/bat boxes                           |
| 4  | Limits the number of apartments  |
| 5  | Requires the prior submission of earthworks details                                  |
| 6  | Requires the submission of boundary treatment details                                |
| 7  | Requires the submission of a lighting scheme   |
| 8  | Requires the submission of details of green/brown roofs                              |
| 9  | Requires the prior submission of a construction method statement/management plan     |
| 10 | Requires the prior submission of level details                                       |
| 11 | Requires the scheme to be in accordance with the listed approved plans               |
| 12 | Requires the submission of a CCTV scheme   |
| 13 | Implement within 3 years (outline)   |
| 14 | Requires the submission of reserved matter details following an outline approval     |
| 15 | Requires the prior installation of means of access                                   |
| 16 | Prevents occupation until parking area has been constructed                          |
| 17 | Requires the submission of a residential travel plan                                 |
| 18 | Requires vehicular visibility splays to be provided                                  |
| 19 | Requires the submission of cycle storage details                                     |
| 20 | Requires pedestrian visibility splays to be provided                                 |
| 21 | Requires the provision of a vehicle charging point                                   |
| 22 | Dust control measures  |
| 23 | Prior submission of an assessment for the predicted annual energy demand             |
| 24 | Prior submission of zero carbon energy source details                                |
-



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- 25 Prior submission of energy efficiency measures
  - 26 Requires the prior submission of a contamination remediation scheme
  - 27 Requires the submission of a contaminated land verification report
  - 28 Prior submission of a building recording survey
  - 29 Prior submission of a remediation strategy
  - 30 Requires the prior submission of a construction employment plan.
  - 31 Prior submission of foul water and surface water discharge
  - 32 Requires the submission a Noise Insulation Scheme
  - 33 Tracking details for vehicles
  - 34 Requires the prior submission of a sustainable drainage scheme in a phased manner
  - 35 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
  - 36 Requires the prior submission of a method statement
- 

Case Officer: Idris Gulfraz

**Photo(s)**



View from Icknield Port Road looking south-west into the site



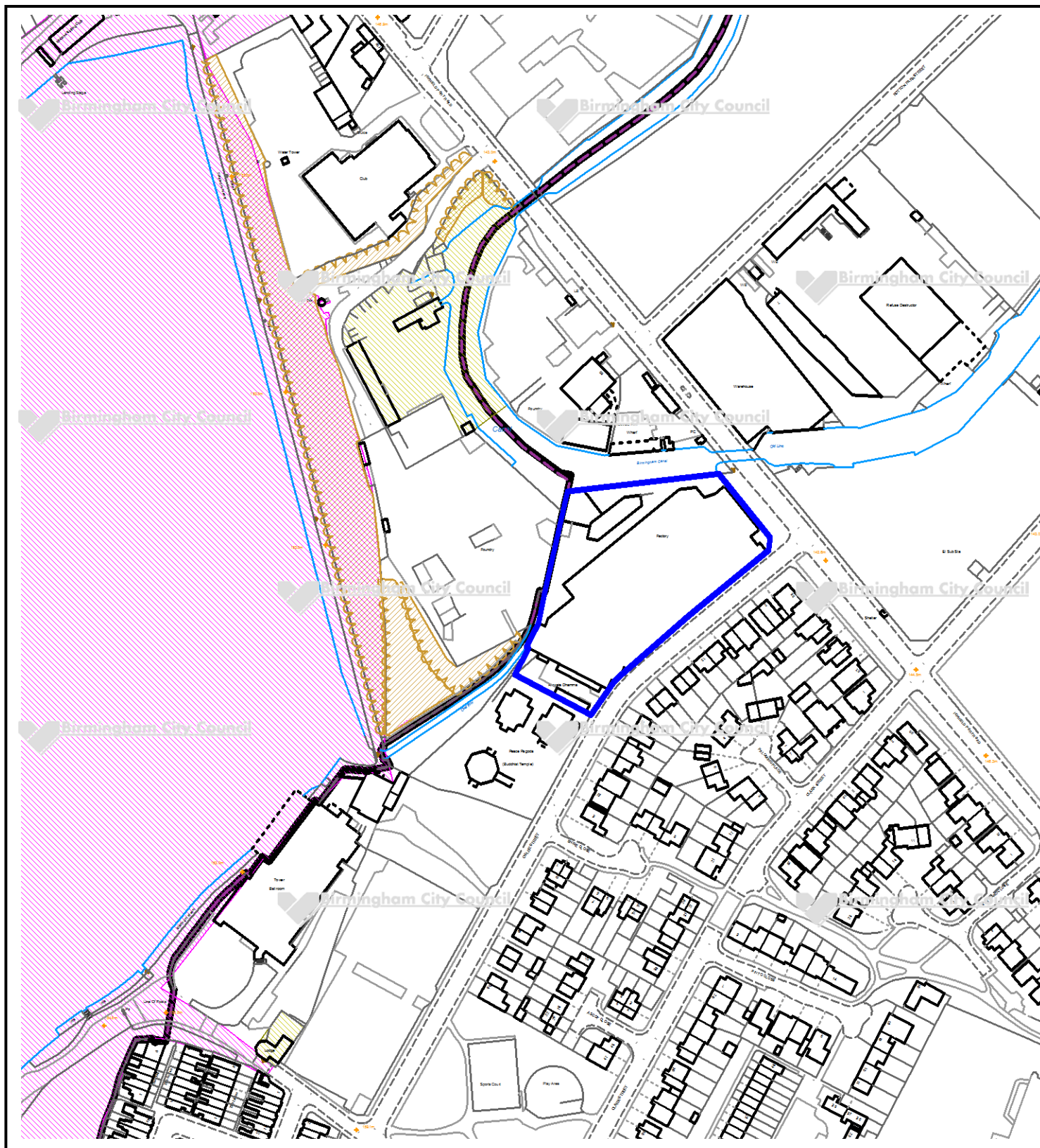
View from Icknield Port Road looking onto Osler Street, looking west at the site



Aerial view of the site and wider context looking south, with Port Loop development under construction to the bottom left



## Location Plan



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Committee Date:	17/12/2020	Application Number:	2020/06219/PA
Accepted:	12/08/2020	Application Type:	Full Planning
Target Date:	18/12/2020		
Ward:	Nechells		

St Clements Nursing Home, 8 Stanley Road, Nechells, Birmingham, B7 5QS

Change of use from nursing home (Use Class C2) to 38 en-suite beds home for supported/communal living (Sui Generis)

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. This application proposes the change of use from a nursing home (Use class C2) to a 38 bedroom (with ensuites) home for supported/communal living (Sui Generis).
- 1.2. The proposed lower ground floor layout would accommodate bedroom; store rooms, support rooms; staff changing room; store/utility room, plant room, sluice room; boiler room; W.C; laundry room and lift.
- 1.3. The proposed ground floor layout would accommodate bedrooms 2 to 16; shower rooms; lounge; dining room, W.C, kitchens and lift.
- 1.4. The proposed first floor layout would accommodate bedrooms 17 to 38; shower rooms, a lift and a lounge.
- 1.5. The proposed client group will consist of upto 38 adult women, many of whom will have young children. They will not have any specific need for medical, physical or mental care or support. Their principal support needs will be encouragement and advisory. The applicant advises that there will be a zero-tolerance policy regarding drugs and alcohol. The service users will not be from the local area and therefore there will be no risks associated with historical interactions with local residents. Referrals will come directly from care organisations.
- 1.6. The residents will be predominantly mentally and physically able-bodied and capable. Many will require support, advice and encouragement in rebuilding confidence, trust and self-worth, following family and relationship breakdowns. Any additional support which may be required will be assessed on a case-by-case basis.
- 1.7. There is expected to be occasional visits from friends and family and occasional visits by practitioners, providing professional counselling and guidance services
- 1.8. The site benefits from a rear courtyard amenity area that measures approximately 150 sq.metres.
- 1.9. The site will have 24 hour concierge and security as well as 2 dedicated support workers employed.



1.10. 6 car parking spaces would be available within the existing undercroft car park.

1.11. [Link to Documents](#)

## 2. Site & Surroundings

2.1 The application site is occupied by a care home. There are residential premises to the north, south, east and west of the application site. The site benefits from undercroft parking.

## 2.2 [Site location](#)

## 3. Planning History

3.1. 19.04.2000- 199/05501/PA- Renewal of consent for the conversion of ground & 1st floor sitting rooms to form 6 extra bed spaces, erection of rear 3 storey, front 2 storey & lower level glazed link extensions- approved with conditions.

3.2. 10.01.1995- 1994/04249/PA- Convert ground/first floor sitting rooms to form 6 bed space erect rear 3 storey, front 2 storey and glazed link extensions- approved with conditions.

3.3. 05.01.1989- 10330003- Alterations and extensions to form a nursing home and change of use- approved with conditions.

## 4. Consultation/PP Responses

4.1. Nearby occupiers, local councillor and neighbourhood and community forums notified as well as site notices displayed- 30 individual objectors received. The objections raised can be summarised as follows:-

- Crime and fear of crime as well as anti social behaviour including from existing HMO's/hostels in the area which this will add to.
- The prevalence of existing HMO's in the area which is considered high and another one to add them.
- There are plans for a larger HMO to be built close by.
- The area is already deprived and suffers from cleanliness, noise levels, hygiene, lack of attention to the community and many resources are required including security which is a big concern.
- Some objectors claim they have not been notified of the application.
- Will ruin the image and safety of the area.
- It will replace a perfectly fine facility with something unnecessary and there are flats right next to the facility.
- This is now an area of peace and tranquillity and the nursing home does not need to be used in such a way that disrupt this. .
- Should not be used as a dumping ground for people who can bring further issues to our community

4.2. A petition containing 149 names has been forwarded by Councillor Ali and has been submitted on the grounds that local residents feel very strongly about this as there are already a number of HMO's in the area that have increased the level of crime.

4.3. 2 further responses to the scheme have been received and recorded as comments.

- 4.4. Transportation Development- No objection subject to conditions.
- 4.5. Regulatory Services- no objections
- 4.6. West Midlands Police- no objection and also recommend conditions

5. Policy Context

- 5.1. BDP; Car Parking Guidelines SPD; Saved UDP policies, SPG Specific Needs Residential Uses and the NPPF.

6. Planning Considerations

Principle

- 6.1. As the premises will accommodate vulnerable adults it is still in line with Policy TP27 of the BDP which advocates a wide choice of housing sizes, types and tenures across the City to ensure balanced communities catering for all incomes and ages.
- 6.2. My strategic planning advisor also advises that Policy DM12 of the emerging Development Management DPD (which is going through examination) supports specialist accommodation as long as it will not lead to unacceptable adverse impacts on amenity; it is suitable for its intended occupiers; it is accessible to shops, services, public transport and other facilities; and the scale and intensity of use is appropriate to the size of the building.

Adequacy of internal layout

- 6.3. The bedroom sizes (inclusive of their ensuites) range from 10 sq.m to 19.5 sq.m. Many of these bedrooms already exist whilst others will be newly created. I consider the size of the bedrooms acceptable in this instance as they provide for ensuites and are to be occupied by single parents with their children for a temporary period.
- 6.4. The internal layout would provide a communal dining room and lounges. In addition, the internal layout provides for other facilities such as a laundry room and support room.

External amenity area

- 6.5. The application site has an external rear amenity area that measures approximately 150 sq.metres. Whilst this does not represent the 16sq.m amenity area per resident for hostel developments set out in Saved UDP policies 8.28-8.3, It is the same external communal private amenity used by the existing care home. There is a nearby park within walking distance to the east. Therefore, on balance, I consider the amenity area, both private and public, that would be available to future residents is acceptable in terms of its size, shape, privacy and accessibility.

Noise and disturbance

- 6.6. The proposed use of the property would have similarities to a care home in that it would be accommodated by occupiers with support by the site operator. In that context it is not expected that the occupation of the property by single women with children will give rise to any adverse noise and disturbance impact in this residential setting.

6.7. Crime and fear of crime

6.8. I note the objections to the scheme with regard to crime and fear of crime as well as concerns about anti-social behaviour, however given the site will be operated under supervision with a stated zero drug policy on site and expected occupancy by women with children I do not consider there are grounds to warrant refusal of the scheme on crime and fear of crime grounds and or on the grounds of anti-social behaviour by residents.

6.9. The Police recommend conditions be applied to provide a secure video monitoring and remote access control; CCTV to cover the front door, any shared space, the undercroft parking area and bin store; that an alarm is installed, 'anti-barricade hinges' are affixed to all doors. I do not consider such conditions are warranted as the applicant will be expected to adhere to all other relevant legislation such as health and safety and building control. Therefore, the request to secure such matters under planning is not considered warranted in this case.

Parking

6.10. It is considered that the proposed use as supported/communal living would be similar to the current/previous use at the site. The number of bedrooms would be increased from 30 to 38. The residents are not expected to own private vehicles and visits from family and friends are expected to be limited.

6.11. The site benefits from 6 parking spaces which will be retained. Waiting is unrestricted on Nechells Park Rd & Stanley Rd in the vicinity of the site and the site has a good level of accessibility to public transport. The applicant is not proposing any altered/new access to highway.

Cumulative impact

6.12. Objections received includes opposition to the proposal on the grounds of there being other supported units/hmo's in the locality. Based on search of Stanley Road and Nechells Park Road there are no other recorded similar facilities and or HMO'S in the locality other than a HMO at 180 Nechells Park Road which was approved in 2018 as an 18 bedroom HMO. That property is approximately 200 metres to the north. Furthermore, whilst there are some other non housing buildings such as flats within the vicinity such as the block of flats adjacent the application site to the north, this proposal does not entail the loss of a family dwelling and overall the character of the locality will remain as predominantly traditional houses.

7. Conclusion

7.1. The proposal is not expected to give rise to adverse impact subject to safeguarding conditions.

8. Recommendation

8.1. Approve with conditions.

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1 Requires the submission of cycle storage details

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

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3      Implement within 3 years (Full)

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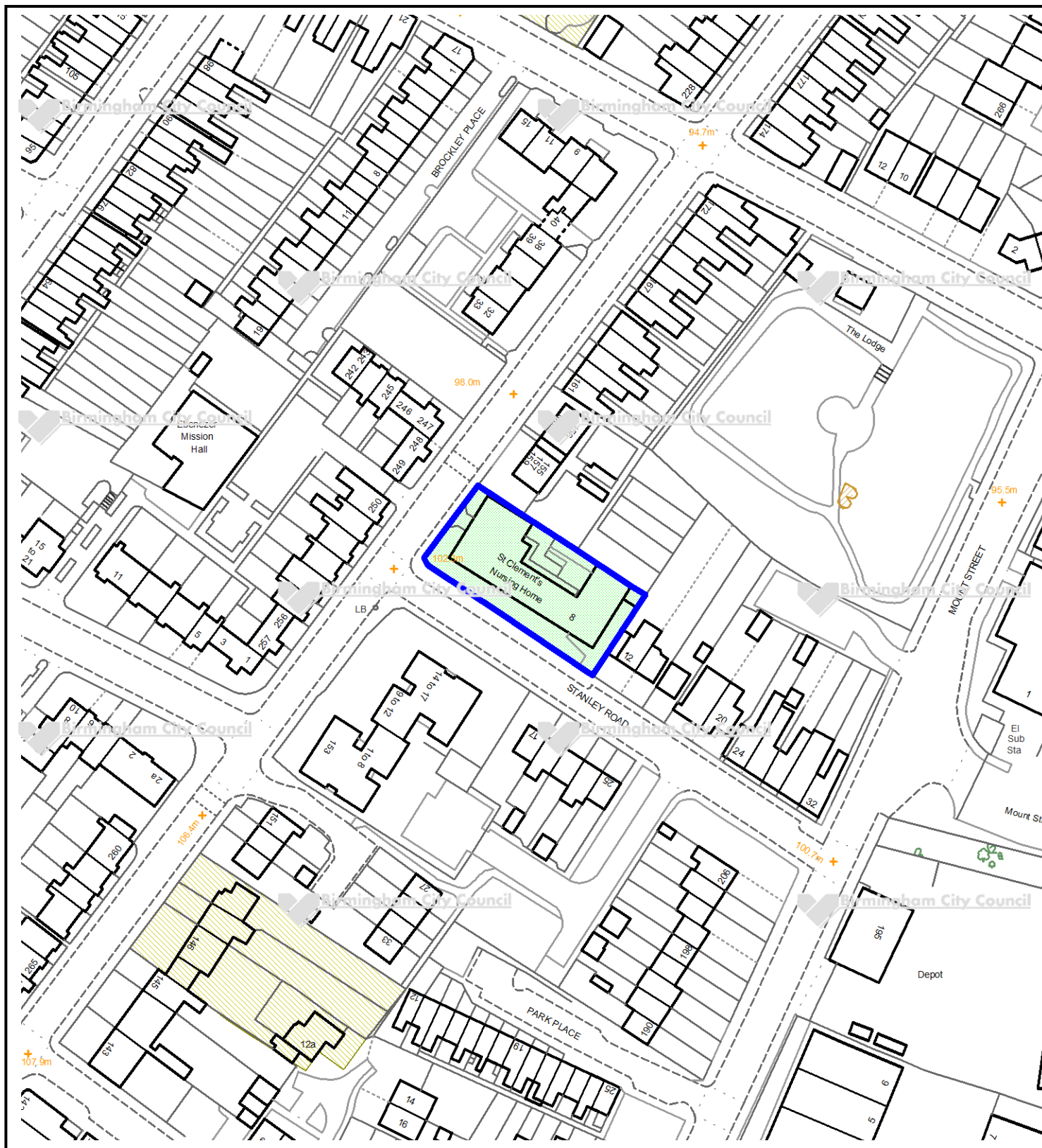
Case Officer:      Wahid Gul

**Photo(s)**



Nechells Park Road frontage

## Location Plan



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Committee Date:	17/12/2020	Application Number:	2020/03542/PA
Accepted:	01/06/2020	Application Type:	Full Planning
Target Date:	18/12/2020		
Ward:	Edgbaston		

Ibis Styles Birmingham, 313 Hagley Road, Edgbaston, Birmingham, B16 9LQ

Erection of a four storey rear extension, with conversion of existing roof-space, to allow for an additional 35no. bedrooms and additional ground floor ancillary space for existing IBIS Hotel; alongside works to existing car park and landscaping provision.

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Planning permission is sought for the erection of a four storey rear extension and the conversion of the existing roof-space to allow for an additional 35 no. bedrooms and ground floor ancillary space to the existing hotel, together with associated landscaping provision and amendments to the existing car park at Ibis Styles Hotel, 313 Hagley Road, Birmingham.
- 1.2. The proposed layout would comprise:
  - *Ground floor (253m<sup>2</sup>)* - New meeting area for the existing banqueting hall, kitchen, lift and ancillary space
  - *First floor* - 10 no. standard hotel rooms (21.6m<sup>2</sup> each) and 1 no. accessible room (26.9m<sup>2</sup>)
  - *Second floor* - 10 no. standard hotel rooms (21.6m<sup>2</sup> each) and 1 no. accessible room (26.9m<sup>2</sup>)
  - *Third floor* - 10 no. standard hotel rooms (21.6m<sup>2</sup> each) , 2 no. standard hotel room (23m<sup>2</sup>each) and 1 no. accessible room (26.9m<sup>2</sup>)
- 1.3. There would be no alterations to the existing vehicular in/out access arrangement of Hagley Road and the existing level of pedestrian visibility splays would be maintained at the vehicular accesses. 10 no. cycle parking spaces and 2 no. motorbike parking spaces as well as an electric car charging point would be provided to the rear. The existing 56 no. car parking spaces would be increased by 1 no. parking space.
- 1.4. The proposed development would generate an additional 5 no. staff members.





Proposed site plan



Proposed side elevation

1.5. The application is accompanied by:

- Design and Access Statement
- Drainage Strategy Report
- Ecology Report
- Bat Emergence Survey
- Energy Statement
- Landscape Report
- Lightning Strategy Report
- Noise Report
- Transport Statement and Travel Plan
- Sustainability Statement

1.6. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site comprises an existing modern hotel building with brick facades and vertical hanging tiles to the top storey fronting Hagley Road. The building appears to be split-level, part 3-storey (eastern side) and part 4-storey (western side).
- 2.2. The building is set back about 12m from the road, similar to neighbouring properties to the west, a 3-storey block of flats (Edward Court) and, to the east, a 3-storey Astoria hotel. On the opposite side of Hagley Road are 2-storey houses set well back from the road and well screened by trees; to the north, behind the hotel car park, are rear gardens of Victorian 2.5 storey terraced houses.
- 2.3. The site is subject to a Tree Preservation Order (TPO 133), however, all the trees that were covered by TPO133 are no longer in existence having been lost between 1974 and present day.
- 2.4. [Site Location](#)

## 3. Planning History

*Numerous historical applications for alterations and extensions including:*

- 3.1. 2009/04962/PA - Erection of single storey rear extension to conference suite and formation of additional 28 no. car parking spaces at rear end of site – 04/12/2009
- 3.2. 2014/00036/PA - Alterations to front elevation including installation of disabled ramp – Approved subject to conditions – 03/03/2014
- 3.3. 2016/04773/PA - Construction of new drive way alongside of the western elevation of the building – Approved subject to conditions – 03/08/2016

*Enforcement history*

- 3.4. 2020/0103/ENF – Alleged breach of conditions in relation to 2016/04773/PA – under investigation.

#### 4. Consultation/PP Responses

- 4.1. Press and Site notice displayed and local ward Councillors, residents' associations and the occupiers of surrounding properties notified.
- 4.2. Preet Kaur Gill MP – Supporting the proposal and the economic benefits that it can provide in the area in terms of increased tourism and footfall in local businesses.
- 4.3. Councillor Carl Rice – Objecting to the proposal if no additional car parking spaces are being proposed.
- 4.4. 9 no. letters of objections received from the local residents raising the following issues:
  - Noise and disturbance due to the existing use and events that take place
  - Parking
  - Light from the hotel too intrusive
  - Unsafe wall
  - Waste management
  - Failure to comply with conditions on previous applications
  - Poor neighbour relations and rat infestation
- 4.5. Regulatory Services – No objections subject to conditions in relation to noise levels for plant and machinery and that the lobbied doors to the banqueting suite are to be kept closed where there is amplified music, speech or sound.
- 4.6. Transportation Development – No objections subject to condition in relation to travel plan, secured and covered cycle parking and parking and vehicle circulation areas.
- 4.7. Local Lead Flood Authority – No objections.
- 4.8. Severn Trent Water – No objections subject to a condition in relation to drainage plans for the disposal of foul and surface water flows.
- 4.9. West Midlands Police – No objections and recommended conditions in relation to a maintenance plan for trees and shrubbery, CCTV and lighting scheme.

#### 5. Policy Context

- 5.1. The following local planning policies are applicable:
  - Birmingham Development Plan (2017);
  - Unitary Development Plan (2005) (saved policies 3.14-3.14D & Chapter 8);
  - Places For Living SPG (2001)
  - Places for All SPG (2001);
  - Car Parking Guidelines SPD (2012)
  - 45 Degree Code
- 5.2. The following national planning policies are applicable:
  - National Planning Policy Framework (2019)

#### 6. Planning Considerations

- 6.1. The main issues are the impact on visual and residential amenity, highway safety and parking, ecology and trees, drainage, sustainability and environment.

### ***Visual amenity***

- 6.2. The proposal comprises a four storey wing extension attached to the north-east elevation of the existing hotel building with extension over the roof of the existing building which will be set back approximately 5m from the principal southern facade. The new wing would measure 14.5m in width x 23.3m in lengths x 13.2m in height to the ridgeline. It will be designed with flat roof and the proposed materials include brick to match the existing building, metal standing seam cladding, metal parapet and cill flashing to match standing seam cladding, aluminium powder coated rainwater downpipes, aluminium double glazed window frames and double glazed conservatory entrance and external steel doors.



Image of proposed extension viewed from the rear

- 6.3. City Design team have assessed the proposal and raised no objections subject to a condition in relation to architectural details which relate to materials and detailing of windows, external doors, building facades, roof and rainwater goods. While the proposed extension would be a storey taller than the existing building; the scale, mass and design are considered to be acceptable since it would have limited visibility from Hagley Road and would be far enough away from the existing residential dwellings to avoid any significant impact. The proposed materials would complement existing building façade and window proportions are also considered to be acceptable. I concur with this view and I consider that subject to the

recommended condition the proposal would have no detrimental impact on visual amenity of the surrounding area.

- 6.4. My Conservation officer has no objections. The site is not located in the designated Conservation Area nor in the close vicinity to listed buildings. While the adjacent 19th century Astoria Hotel could be considered to be a non-designated heritage asset; the proposed extension would not harmfully impact on this building or any other heritage assets in the area.

***Residential amenity***

- 6.5. The application site adjoins rear garden boundaries of residential properties located along Melville Road to the north. The proposed extension would be located approximately 29m from the boundary with those properties. The residential apartment block – Edward Court is located to the west with Astoria Hotel adjoining the site to the east.
- 6.6. Adequate separation distances in accordance with Places for Living SPG have been met with regards to the residential properties at Melville Road and Edward Court and as such there would be no detrimental impact on the amenities of the occupiers of those properties by virtue of loss of privacy and overlooking from the proposed development. The proposal also complies with the 45 Degree Code and as such there would be no detrimental impact on amenities of the occupiers of those properties by way of loss of light or outlook.
- 6.7. Concerns have been raised by local residents in relation to noise and disturbance from the existing venues and functions taking place at the hotel. Whilst the proposal would provide a new reception area for the existing banqueting hall; there would be no change in terms of the overall capacity of the event space. A Noise Assessment was submitted in support of this application. The report concluded that noise climate at the proposed hotel extension is dominated by traffic noise from Hagley Road. It will therefore be necessary to install acoustic rated glazing for guest bedrooms and to implement noise limit criteria for any plant installation associated with the proposed development in order to prevent disturbance to residential properties adjoining the site.
- 6.8. Regulatory Services have no objections subject to conditions in relation to noise levels for plant and machinery and that the lobbied doors to the banqueting suite are to be kept closed when there is amplified music, speech or sound, except for access and egress. While the concerns raised by the local residents relate to the existing issues and use of the existing site, condition in relation to noise levels for plant and machinery as well as the condition restricting outdoor music had been attached to ensure that that subject to safeguarding conditions, on balance, it should be possible to operate this business as proposed with no significant impact on amenities of the occupiers of the neighbouring residential properties. With regards to a condition in relation to doors that has been requested by Regulatory Services; Paragraph 55 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. A condition requiring the doors to the existing banqueting suite to be kept closed is not relevant to the current proposals, which involve no changes to the banqueting arrangements.
- 6.9. Concerns have been raised by local residents that a condition in relation to acoustic fence that had been attached on previous planning permission on site (2016/04773/PA) had not been complied with. This matter is currently under

investigation by the Enforcement Team (reference no. 2020/0103/ENF). The agent has confirmed that the erection of the acoustic fence was commenced in January 2020 on the western boundary and subsequently, due to Covid19, work stopped on site. The agent advised that materials to complete this are on site and this will commence once works for the current proposal start.

- 6.10. In addition, it is noticed that concerns have been raised by local residents with regards to rubbish and rat infestation. However, the submitted plans show that there is an adequate space to accommodate bins of a suitable size for the proposed use.
- 6.11. Finally, concerns have been raised by local residents that the existing lights from the hotel are too intrusive. Lighting Assessment has been submitted in support of this application which details the mitigating measures taken to prevent and minimise the potential impact of the external lighting scheme on the local environment and, in particular, on the local residents adjoining the site. The proposed mitigating measures would consist of an energy efficient lighting solution, the use of LED lighting and the bollard lighting to limit the amount of light spillage to the surrounding areas. The glare will be mitigated with the LED fittings and the angle at which they would be orientated and the light intrusion to the adjoining residential properties will be mitigated from the receptors by utilising low level bollard lighting. This has been conditioned accordingly.

### ***Ecology***

- 6.12. The submitted Ecology Survey identified a small number of young trees; ash, sycamore and a holm oak, presented primarily along the western boundary. Japanese Knotweed has also been identified on site. The survey concluded that the site is highly unlikely to be of any value for amphibians and offers very little from a biodiversity aspect as it has been intensively developed. A Bat Emergence Survey has confirmed bat roosting within the existing building.
- 6.13. City Ecologist has assessed the proposal and the submitted Ecology and Bat surveys and raised no objections. Although bat roosting has been confirmed within the existing building; it is located in the North West corner of the existing building. It is considered that the proposed development works would not impact the bat roost or use of it as long as no works are undertaken in the immediate vicinity. City Ecologist also recommended that the proposed lighting should ensure that the areas used by bats for foraging and commuting will remain at lighting levels no higher than existing.
- 6.14. The proposed landscaping would consist of additional trees and evergreen hedge planting to northern boundary to create buffer between the existing residential properties and the site. A mix of trees, hedges and planting is proposed to soften car park area as well as broad canopy tree planting to the western site boundary to obscure view from adjacent properties. My Landscaping officer has assessed the proposal and raised no objections subject to conditions in relation to hard and soft landscape details, landscape management, tree pit details, boundary treatment and level details. The recommended conditions have been attached.
- 6.15. The site is subject to a Tree Preservation Order (TPO 133), however, all the trees that were covered by TPO133 are no longer in existence having been lost between 1974 and present day. My Tree officer has assessed the proposal and raised no objections.

### ***Highway safety and parking***

- 6.16. Vehicular access to the site would be retained off Hagley Road. The existing 56 no. off-street car parking spaces would be increased by 1 no. space. The number of bedrooms would increase to 97 no. The capacity of the existing banqueting hall would remain the same. The application is accompanied by a Transport Statement and a Transport Plan.
- 6.17. The submitted Travel Plan outlines the opportunities for sustainable travel to and from the site and on-site infrastructure to facilitate it. This Travel Plan will be finalised in consultation with the BCC Behaviour Change Team and prior to the occupation of the proposed extension, a Travel Plan Coordinator will be appointed to oversee the management of the Travel Plan.
- 6.18. It is noted that concerns have been raised by Councillor Carl Rice and local residents that the proposed parking would be insufficient following the development. Transportation Development have raised no objections subject to conditions in relation to a travel plan, secure and covered cycle parking and vehicle circulation areas. The submitted Travel Survey concluded that the proposal would unlikely significantly increase the traffic to/from the site. The BCC Car parking guidelines specify maximum parking provision of 1 space per 3 bedrooms for hotels with over 50 bedrooms and 1 space per seat for conference facility. The number of bedrooms would increase to 97 following the proposal; therefore the specified parking provision for 97 - bedroom hotel would be 32 no. car parking spaces. The proposed development would provide 57 no. car parking spaces and it is assumed that 29 no. parking spaces would be used for banqueting/conference facility. The survey data of similar sites for 97-bedroom hotels with associated facilities from the submitted Transport Statement demonstrate that the proposed level of parking provision would be sufficient. I consider that subject to the recommended conditions the proposal would have no detrimental impact on highway safety and parking in the vicinity of the site.

### ***Drainage***

- 6.19. Drainage Strategy report states that the proposed development would discharge surface water through the use of soakaways within the site. The existing soakaways service the entire site, including the hardstanding area which will be developed to provide the extension. The Local Lead Flood Authority raised no objections given that the proposed development would not require any alteration to the drainage network that is already present within the development and the existing impermeable land would be unchanged following the proposal.
- 6.20. Severn Trent Water have no objections subject to a condition in relation to the drainage plans for the disposal of foul and surface water flows, which has been attached.

### ***Sustainability***

- 6.21. Sustainability Statement and Energy Statement have been submitted in support of this application. The Energy Statement concluded that Photovoltaics and solar thermal collectors will be suitable for the development and the Energy Statement provided clear justification on the technologies that have been discounted. The energy usage will be reduced through the specification of energy efficient equipment, including LED lighting, efficient heating and cooling systems and



automatic controls. The proposed development would be designed to include provision for photovoltaic panels and thermal collectors on the roof to provide heating and power. This has been conditioned accordingly.

- 6.22. A BREEAM pre-assessment has been carried out which concluded that the highest rating that the development could achieve would be Very Good and there are various points which have been highlighted in the assessment to demonstrate on-site limitations of achieving BREEAM Standard Excellent, which are accepted. A planning condition requiring final certification and the Post Construction Assessment Report to be submitted prior to occupation of buildings is recommended and has been attached.

### ***Other matters***

- 6.23. West Midlands Police have no objections subject to a condition in relation to a management and maintenance plan for trees and shrubbery. They also recommended that the existing CCTV is extended to cover the new parts of the building, including the car park and cycle storage and that a lighting scheme covers the perimeter of the building and that any works carried out are to the standards within the Secured by Design 'Commercial 2015' guide.
- 6.24. It is noted that concerns have been raised by local residents with regards to unsafe boundary fence and bad neighbour relations. However, these matters are civil issues and not material planning considerations and cannot be taken into account when assessing the proposal.
- 6.25. The proposed development does not attract a CIL contribution.

## **7. Conclusion**

- 7.1. The proposed development would accord with all relevant Birmingham Development Plan policies and the NPPF and would not impact on visual or residential amenity, highway safety or parking issues. As such, the proposal is supported and recommended for approval subject to conditions.

## **8. Recommendation**

- 8.1. Approve subject to Conditions.

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the noise levels for Plant and Machinery                        |
| 3 | Prevents the use of amplification equipment                            |
| 4 | Requires the submission of hard and/or soft landscape details          |
| 5 | Requires the submission of hard surfacing materials                    |
| 6 | Requires the submission of boundary treatment details                  |
| 7 | Requires the submission of a landscape management plan                 |
-

- 
- 8 Implement within 3 years (Full)
  - 9 Requires the submission of sample materials
  - 10 Requires the prior submission of level details
  - 11 Requires the submission of cycle storage details
  - 12 Requires the applicants to sign-up to the Birmingham Connected Business Travel Network
  - 13 Vehicle parking and circulation areas
  - 14 Requires the scheme to be in accordance with the submitted Lighting Assessment
  - 15 Requires the prior submission of drainage plans for the disposal of foul and surface water flows
  - 16 Requires the prior submission of a BREEAM certificate and post construction report
  - 17 Requires the submission of the details of the solar technologies.
- 

Case Officer: Lucia Hamid

## Photo(s)

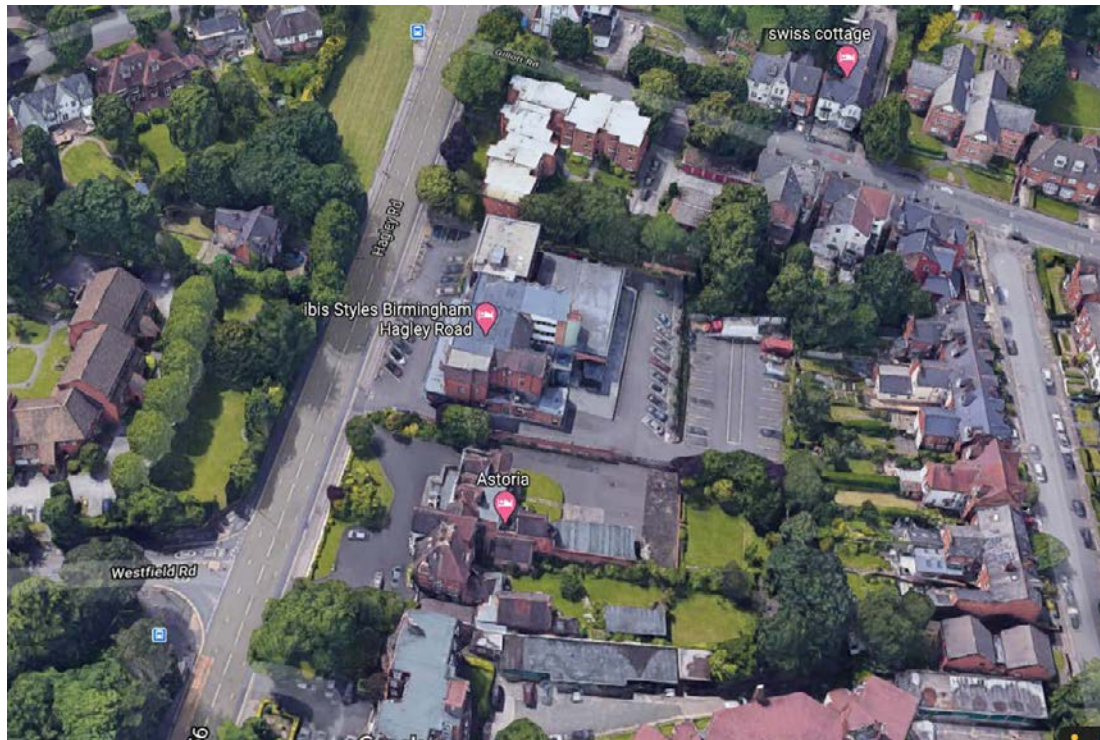


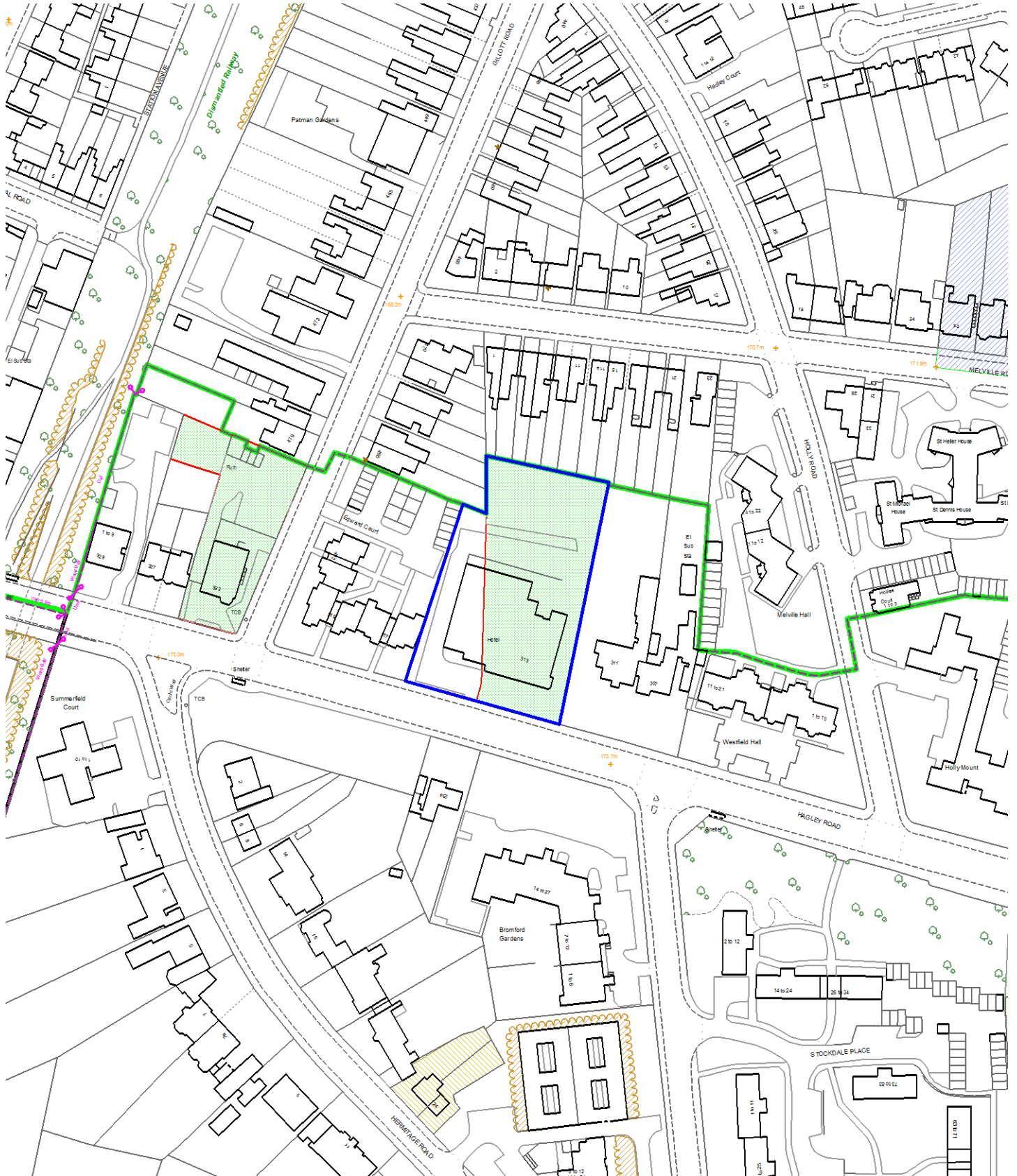
Photo 1: Aerial view of the site



Photo 2: View of the site from Hagley Road



## Location Plan



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Committee Date:	17/12/2020	Application Number:	2020/06399/PA
Accepted:	25/09/2020	Application Type:	Full Planning
Target Date:	21/12/2020		
Ward:	Sutton Trinity		

Land to rear of 2 High Street, Sutton Coldfield, Birmingham, B72 1XA

Erection of residential apartment block comprising 7 apartments

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Consent is sought for the erection of residential apartment block comprising 7 apartments and associated parking at land to the rear of 2-8 High Street, Sutton Coldfield, B72 1SH.
- 1.2. The proposed building would be three storeys in height with accommodation provided within the roof space. The proposed building would have a pitched hipped roofs to the side and rear. The external materials would comprise Ibstock Holbrook red smooth brick, reconstructed stone cills, rough cast off white render with black painted timber boarding and Marley Olde English dark red plain clay tiles.
- 1.3. The proposed development would comprise 7 apartments and parking provisions for 9 cars and bin storage to the rear of the building. The proposed apartments would be accessed from the ground floor via a door to the rear of the building. To the rear of No. 2 High Street (to the side/rear of the proposed building), there would be a seating area, covered cycle store and soft landscaping and feature tree adjacent to two car parking spaces.
- 1.4. The proposed internal layout is as follows:
  - Ground floor - 2 self-contained apartments, bin store:
 

Plot 1 – kitchen/dining and living area, 2 bedrooms (Bed 1: 15.5sqm and Bed 2: 11.1sqm), one with en-suite, a separate bathroom and store. The gross internal floor area would be 63sqm.

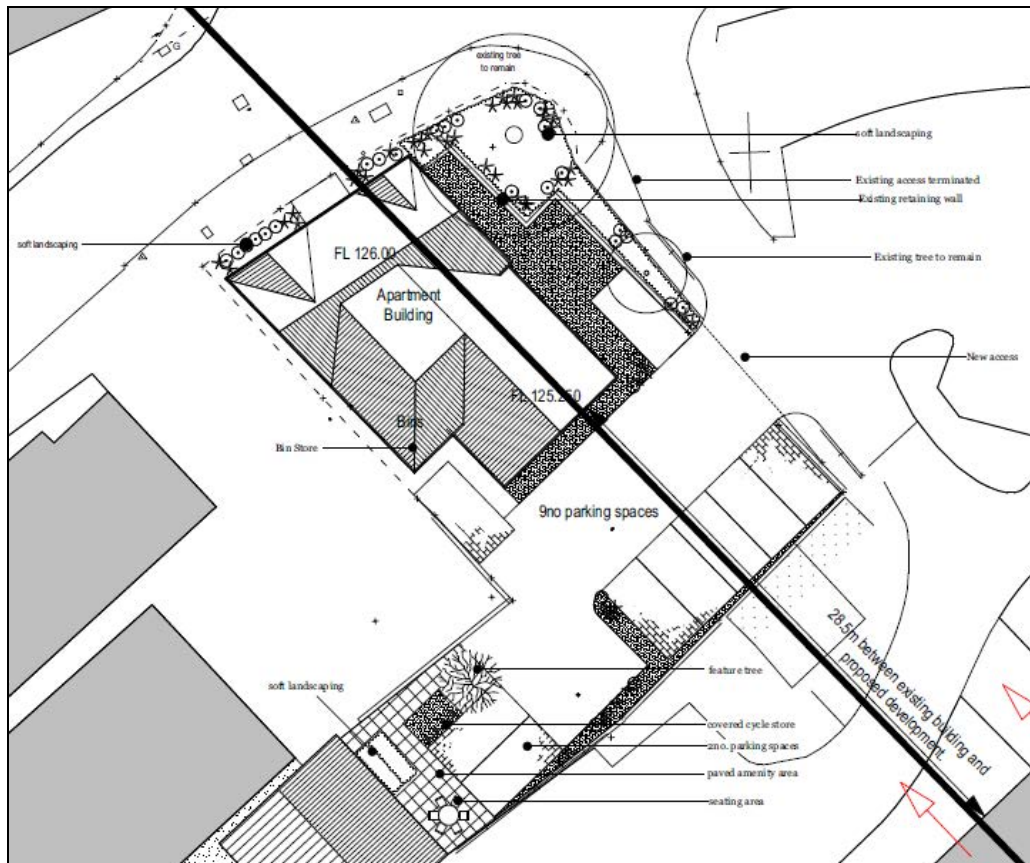
Plot 2 - kitchen/dining and living area, 2 bedrooms (Bed 1: 16.5sqm and Bed 2: 10.9sqm), one with en-suite and bathroom and store. The gross internal floor area would be 63sqm.
  - First/Second floor - 2 self-contained apartments on each floor (4 total):
 

Plots 3 and 5 - kitchen/dining and living area, 2 bedrooms (Bed 1: 16.5sqm and Bed 2: 10.9sqm), one with en-suite and bathroom and store. The gross internal floor area would be 63sqm.

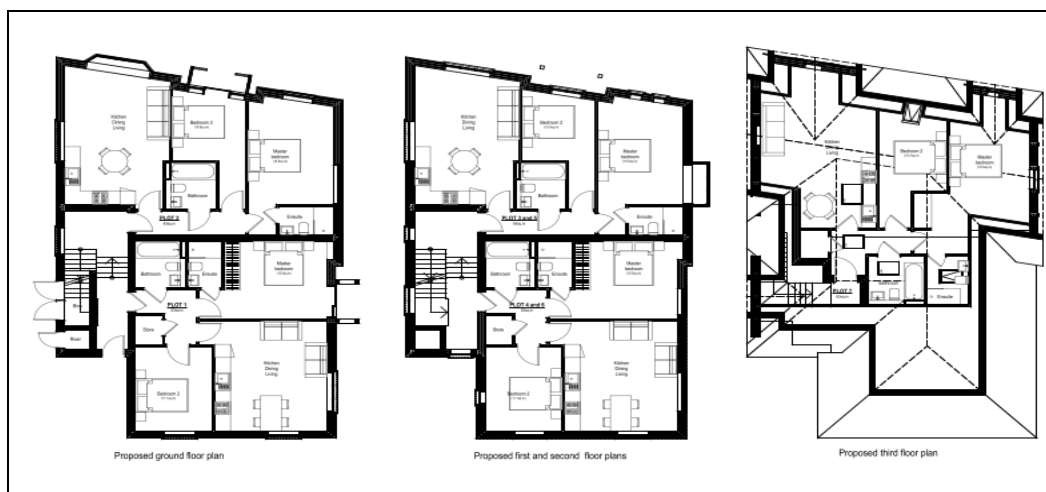
Plots 4 and 6 - kitchen/dining and living area, 2 bedrooms (Bed 1: 15.5sqm and Bed 2: 11.1sqm), one with en-suite, a separate bathroom and store. The gross internal floor area would be 63sqm.

- Fourth floor: 1 self-contained apartment within roof space:

Plot 7 - kitchen/dining and living area, 2 bedrooms (Bed 1: 16.5sqm and Bed 2: 10.7sqm), one with en-suite and a separate bathroom. The gross internal floor area would be 63sqm. There would be a roof light window to the front.



Proposed site plan



Proposed internal layout



1.5. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application site is currently in use as a pay and display car park, bordered by Midland Drive. The application site is surrounded by residential apartment blocks and offices and Tudor Court retirement living accommodation is located to the rear of the application site (to the southeast) and its access to the northeast. The application site is also located to the back of listed buildings 2-6 High Street and the grand former bank building at no. 8 High Street (to the southwest). The site is partly within the High Street Sutton Coldfield Conservation Area and trees within and adjacent to the site are protected by TPO 485.



2.2. [Site Location](#)

3. [Planning History](#)

2 High Street, Sutton Coldfield:

- 3.1. 23/10/2020 - 2020/03535/PA - Listed Building Consent for internal and external alterations for the conversion of existing offices (Use Class B1) to one 4no. bedroom house and six no. apartments (Use Class C3), approved subject to conditions.
- 3.2. 23/10/2020 - 2020/03449/PA - Conversion of existing offices (Use Class B1) to one 4 no. bedroom house and six no. apartments (Use Class C3), approved subject to conditions.

4. [Consultation/PP Responses](#)

- 4.1. Adjoining neighbours, Resident Associations, Ward Councillors and Andrew Mitchell MP have been consulted. Site Notice displayed by the applicant and Press Notice advertised. Councillor Pears has made representation on behalf of local residents. There have also been 20 objections received from local residents. Objections are summaries below:

- Third party right of access to the development has been denied by landowner, Estates and Management;



- Inadequate heritage assessment;
  - Access for emergency vehicles to Tudor Court;
  - Size of site is inadequate;
  - Out of character with surrounding properties
  - Loss of light/outlook/privacy;
  - Overlooking;
  - Anti-social behaviour and security issues;
  - Noise and light pollution from coming and goings of cars, proposed amenity area and car park and during construction;
  - Parking and traffic issues / access and egress to site / impact on existing disable scooter bay;
  - Height and proximity of proposed building to Tudor Court;
  - Health and safety, and
  - Effect on listed buildings/conservation area.
- 4.2. The Royal Sutton Coldfield Town Council object to the proposal and feel that it is too intense and inappropriate for a conservation area, making it out of keeping with the area.
- 4.3. Transportation Development – Raise concerns regarding the loss of the car park; however, if minded to approve, conditions relating to 1) reinstating redundant footway crossing, extension of guard railing and relocation of lighting column, 2) the provision of cycle parking, 3) pedestrian visibility splay, 4) gradient of access drive, 5) parking spaces to be laid out.
- 4.4. Regulatory Services – No objections, subject to conditions relating to contamination remediation scheme and verification report, noise insulation scheme and for the provision of a vehicle charging point.
- 4.5. Severn Trent Water – No objections, subject to a drainage condition.
- 4.6. Environment Agency – No comments to make.
- 4.7. Western Power Distribution - Advise of high and low voltage electricity mains that cross the proposed new access driveway to the rear.
- 4.8. West Midlands Police – No objections and advice on SBD New Homes and New Home Security.
5. Policy Context
- 5.1. Relevant National Planning Policies:
- National Planning Policy Framework (2019).
- 5.2. Relevant Local Planning Policies:
- Birmingham Development Plan (2017);
  - UDP (Saved policies) (2005);
  - Places for Living – SPG (2001);
  - Car Parking Guidelines – SPD (2012).
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 effect upon the conservation area and the setting of listed buildings, visual and residential amenity and highway safety.

#### Principle of Residential Development

- 6.2. The application site is currently a pay and display car park that is located within an area comprising residential and commercial uses. The plot itself is quite modest in size and lies to the front Tudor Retirement living accommodation. The Site is also within the 2018 SHLAA (site no. N668).
- 6.3. The principle of the proposal is supported in planning policy terms in accordance with Policy GA4 (Sutton Coldfield Town Centre) of the BDP, subject to site specific considerations in respect of heritage, design, trees and parking.

#### Heritage Assets

- 6.4. The application site is partly located within the Sutton Coldfield Town Centre conservation area. It is within the setting of the listed buildings along High Street and Coleshill Street and has the potential for archaeological remains. The proposals have seen major revisions since the comments made by my Conservation Officer in December 2019. The proposed five storey modern style block in the centre of the site has been replaced by a three and-a-half storey block in the style of an Edwardian house. The proposed building now addresses the street frontage rather than sitting in a car park, the scale and massing is in keeping with the surrounding later 20<sup>th</sup> buildings and the historic buildings fronting the High Street and the style is also more in keeping with the surroundings.
- 6.5. Amended plans have been submitted and the windows have been amended to give greater solid to void ratio, the windows now show a hierarchy between floors, window and porches have been revised. My Conservation Officer considers that the overall design is now acceptable, subject to conditions requiring the details of porches, doors and windows. The current site is a car park and is a rather empty space to the rear of the High Street buildings; I consider that the proposed building would enhance the streetscape by adding a sympathetic built-form to Midland Drive. In this way, I believe that the proposal will enhance the conservation area without harming the significance of the listed buildings.
- 6.6. The site has the potential for archaeological remains and a further condition is attached for a programme of archaeological works to be carried out ahead of development.

#### Trees/Ecology

- 6.7. The application site is covered by TPO 485 and my Tree Officer has raised no objections, subject to conditions for tree protection and pruning.
- 6.8. The site is currently occupied by a car park under asphalt hardstanding cover with some surrounding sparse tree cover. Topographically the site slopes downwards towards the southeast. Ecology raise no objections, subject to a condition for a scheme of ecological/biodiversity/enhancement measures and they recommend an informative for bats, nesting birds, badgers, hedgehogs and other terrestrial mammals. There has been vegetation clearance and a mature tree was removed prior to this application which would have had high biodiversity value for nesting birds and small mammals. The ecological enhancement method should aim to

replicate this with new planting allowing a biodiversity net gain on the site and new planting needs to be of native species with flowering variety to encourage biodiversity in the area.

#### Design and Visual Amenity

- 6.9. The proposed building would be three storeys in height with a fourth floor within the roof space. The surrounding area comprises modern 3-storey commercial / residential apartment buildings to the west; behind the site, to the east, is 3-storey the Tudor Court retirement living building. The proposed development would sit comfortably within the site with the building frontage positioned close to Midland Drive (set back about 1.3m to 2m from the public footway). The proposed building would sit on a lower ground level and follows the building line of the former bank building at the corner of Midland Drive / High Street and has a similar set back to buildings opposite, providing good enclosure and animation of the street. I consider that the proposed building would be of an appropriate scale.
- 6.10. The proposed building would be highly visible from four sides, and the proposed appearance would create visual interest on all elevations. The ground floor apartments have prominent front doors and porches facing Midland Drive and the access drive to the north, these are secondary windows/doors on to bedrooms. The building facades facing Midland Drive have been amended to give greater solid to void ratio, the windows now show a hierarchy between floors, whilst window and porches forms have been revised. City Design raised no objections, subject to conditions for architectural details, hard and soft landscaping, boundary treatment details, sample materials and levels. The building's appearance would respond positively to its context, through adding to the streetscape by removing the existing car park which is a negative feature and replacing it with a well-designed building, fronting and animating the street. I consider that the proposed development would not compromise the existing character of the surrounding area and I therefore consider that the scale, mass and design are acceptable.

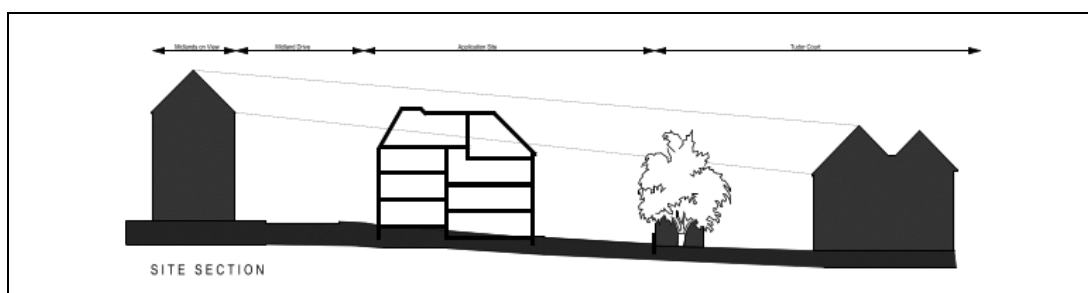


Proposed Midland Drive street scene

#### Residential Amenity

- 6.11. The proposed building would comprise 7 x 2 bedroom apartments over three floors. The proposed gross internal layout created per unit would equate to 63sqm and bedroom sizes would comply with the Nationally Described Space Standards. The proposal as submitted demonstrate an indicative layout of each apartment showing that furniture layouts that would be functional and would be conducive to the creation of a good living environment and an acceptable standard of residential amenity.

- 6.12. There would be no habitable windows within the proposed development that would overlook existing private amenity space. As such, the proposal would not cause any overlooking issues or loss of privacy.
- 6.13. There are habitable room windows to Tudor Court retirement accommodation that would look onto the rear (SE) elevation of the proposed building. 'Places for Living' requires separation distances of 27.5m between building faces for 3 storeys and above and/or where main living room / kitchen windows above ground level overlook existing conventional dwellings. The separation distance should be increased by 2 metres for every 1 metre rise in ground level between new and existing dwellings. Due to the change on ground level a distance of 29.5m should be achieved. There would be distance of 28.5m between existing main windows and the rear of the proposed building. There is a shortfall of 1m; however, Places for Living says the guideline is more strictly applied to the rear than the front. The two elevations overlook car parks and the shortfall would not sustain a reason for refusal in this context. Therefore, the shortfall in these standards would not result in any adverse impact on the amenity of neighbouring occupiers in terms of light and outlook.



Proposed cross-section with Tudor Court to the right and Midland Drive to the left

- 6.14. There are no habitable room windows currently in the rear elevation of the properties facing High Street which would look onto the side (W) elevation of the proposed scheme. It is however noted that prior approval has been granted in 2013 to convert 8 High Street to residential accommodation (planning reference: 2013/06764/PA); however, this has not been implemented and the proposed bedroom window would not be affected by the proposed development.
- 6.15. 'Places for Living' advocates a minimum garden space provision of 30sqm per unit for flats. The site would not benefit any private amenity space within its curtilage. Although, no amenity space would be available; the application site is located within a town centre where residential schemes often do not have outdoor amenity space and this would not represent a reason for refusal.
- 6.16. Regulatory Services recommend conditions relating to contamination remediation scheme and verification report, noise insulation scheme and for the provision of a vehicle charging point. I consider the recommended conditions would be appropriate in the context of this scheme. A noise insulation condition to elevations with habitable rooms, would ensure that future occupiers would not be adversely affected by noise and disturbance above and beyond what is reasonably expected in this town centre location.

#### Highway Safety

- 6.17. Transportation Development consider that the proposal would unlikely to increase traffic to/from the site significantly compared to the current use of the site as a pay and display car park. They also advise that the maximum parking provision of 11 spaces would be required in. The proposed scheme would provide 9 car parking spaces which is below BCC current parking guidance. However, the site has a good level of accessibility to public transport, Sutton Coldfield railway station is within walking distance from the site and there are limited duration on-street parking bays and public car parks within the area. Conditions relating to highway works, cycle parking, pedestrian visibility splay, gradient of access drive, parking spaces to be laid out should be attached.
- 6.18. The current access to the car-park is to be relocated further into the site, some 10m from the current position, opposite to the existing access to Tudor Court car-park. Objections have been raised regarding a series of highway issues, including the inadequacy of parking for residents, visitors/carers and access for emergency vehicles to Tudor Court. Although, the access would be moved closer to the bend towards the south-east within the layout of this private drive; the visibility towards the right (whilst exiting the car-park) would be limited. As referred to above, it is considered that the proposal would unlikely to increase traffic i.e. use of the main access off Midland Drive would unlikely be intensified significantly compared to the current use of the site as pay & display car-park. In addition, the vehicular speed would likely to be low due to the vehicles negotiating the bend and the presence of traffic calming measures on this private drive. The applicant is proposing to terminate the existing access which would need to be reinstated and the existing railing should be extended within this part, together with the relocation of a lighting column. The appropriate conditions are therefore attached.

#### CIL

- 6.19. The application site is located in a CIL Residential High Market Value Area and a CIL payment is required.

#### 7. Conclusion

- 7.1. The development is appropriate in this location and would be unlikely to have any adverse impact upon the historic setting of nearby listed buildings or the conservation area and would be unlikely to have an adverse impact upon residential or visual amenity or highway safety. The application is in accordance with relevant policy and guidance and planning permission should be granted subject to the following conditions.

#### 8. Recommendation

- 8.1. Approve with conditions.

- 
- |   |   |
|---|---|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the submission of a contaminated land verification report  |
| 3 | Requires the prior submission of a drainage scheme                  |
| 4 | Requires the prior submission of a programme of archaeological work |
| 5 | Requires the submission of cycle storage details                    |
-



- 
- 6 Requires the submission of highway measures
  - 7 Requires the prior submission of level details
  - 8 Requires the prior submission of architectural details
  - 9 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 10 Requires the submission of boundary treatment details
  - 11 Requires the submission of hard surfacing materials
  - 12 Requires the submission of hard and/or soft landscape details
  - 13 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
  - 14 Requires pedestrian visibility splays to be provided
  - 15 Requires the provision of a vehicle charging point
  - 16 Requires gradient of access no steeper than 1:20
  - 17 Requires the parking area to be laid out prior to use
  - 18 Requirements within pre-defined tree protection areas
  - 19 Requires tree pruning protection
  - 20 Requires the scheme to be in accordance with the listed approved plans
  - 21 Implement within 3 years (Full)
- 

Case Officer: Chantel Blair

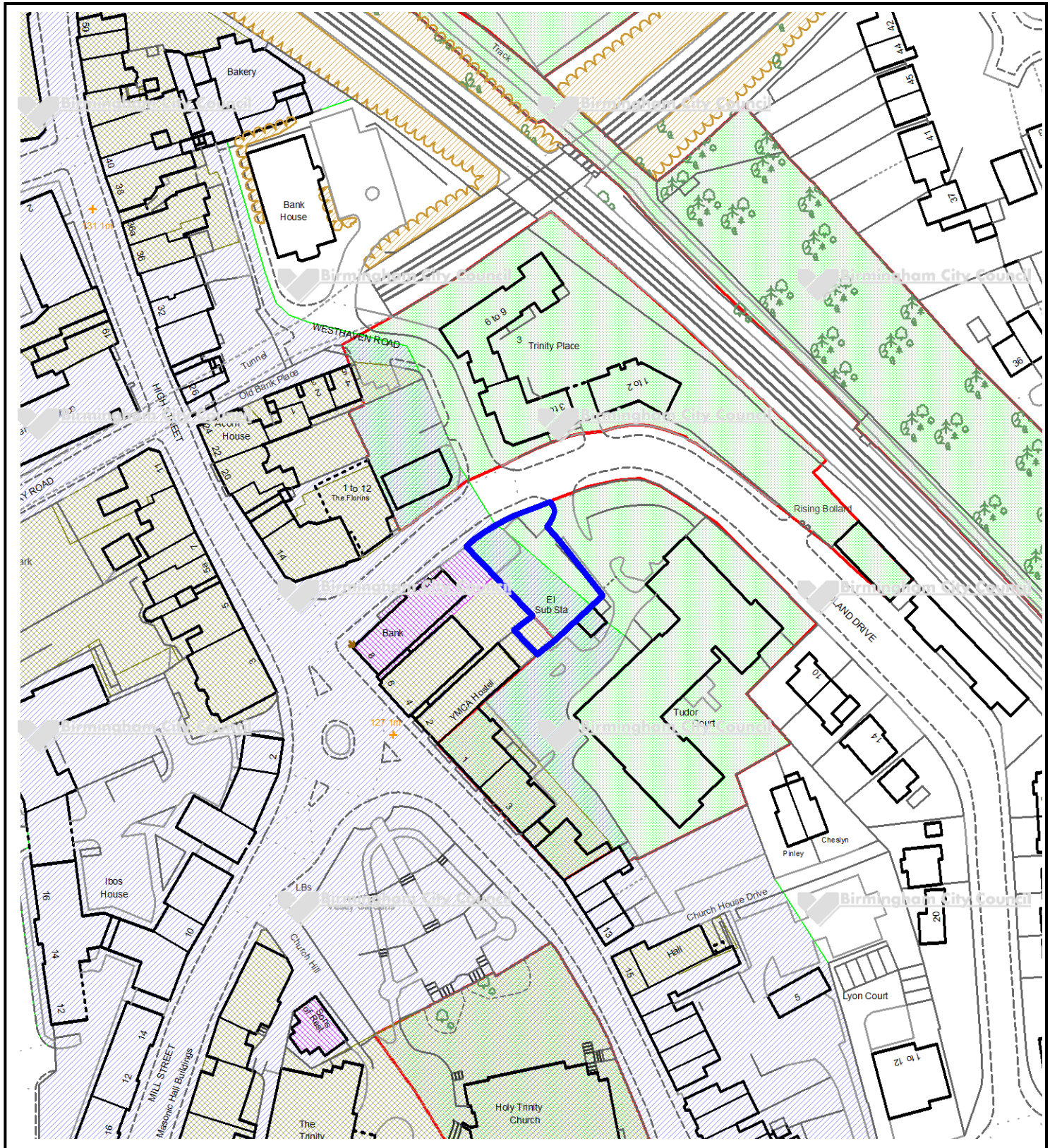
## Photo(s)



Aerial view of the application site and its wider context



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**17 December 2020**

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>
Prior Approval Required - Approve – Conditions	10	2020/08080/PA  11 Boundary Drive Moseley Birmingham B13 8NY  Prior Approval for enlargement of a dwellinghouse by construction of an additional storey.
Approve – Conditions	11	2020/04950/PA  300 Robin Hood Lane Hall Green Birmingham B28 0EG  Erection of two storey side and rear and single storey rear extensions

Committee Date:	17/12/2020	Application Number:	2020/08080/PA
Accepted:	15/10/2020	Application Type:	Permitted Development Householder
Target Date:	10/12/2020		
Ward:	Moseley		

11 Boundary Drive, Moseley, Birmingham, B13 8NY

Prior Approval for enlargement of a dwellinghouse by construction of an additional storey.

Recommendation

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

1. Proposal

1.1. Prior approval has been sought for the erection of one additional storey above the principal foot print of the existing dwelling house. The increase in roof height compared to the existing would be an additional 2.7m.

1.2. The roof design would replicate that of the existing dwelling and there would be windows added on the front and rear elevations. The legislation does not allow for any side facing windows.

1.3. [Link to Documents](#)



Image 1: Proposed Site Plan





Image 2: Existing and Proposed Front and Rear Elevations

## 2. Site & Surroundings

- 2.1. The application site comprises a large detached property with a hipped roof design and dormer windows to the front, rear and side elevations. There is an existing chimney to the east elevation. There is a spacious garden to the rear and a driveway to the front, with a detached double garage to the front.
- 2.2. The property is located to the end of a cul-de-sac of residential properties, comprising a mixture of large detached properties and three storey townhouses. Nearby neighbour to the side No. 9 is a large detached house of a similar scale to the application site. To the adjacent side, the site boundary comprises a large number of mature trees which are located between the application site and Moor Green Lane.

## 2.3. [Site Location Plan](#)



Image 3: 3d Aerial Image of the Application Site



### 3. Planning History

- 3.1. 04/11/2019 - 2019/08643/PA – Pre-application for the installation of replacement of boundary wall to side – General advice given.
- 3.2. 28/07/2020 - 2020/05457/PA – Pre application advice for two storey rear extension, installation of front dormer and first floor extension to existing garage – General advice given.

### 4. Consultation/PP Responses

- 4.1. Adjoining residents were notified for a period of 21 days - 21 objections were received to the proposal raising the following concerns:

- Overshadowing and overlooking neighbouring properties
- Loss of sunlight to surrounding properties and gardens
- Out of proportion to rest of estate
- Would unbalance the symmetrical relationship between No's 11 and 15
- Loss of light and privacy
- Out of character with surrounding houses
- Would result in an overbearing impact
- Impact on parking and damage to road from construction vehicles
- Disturbance by contractors during construction
- Contrary to original Arts and Craft design of the estate
- Use of property as multiple occupancy
- Concerns over notification process undertaken

- 4.2. Moseley Society have objected to the proposal on the following grounds:

- This proposal will create an institutional looking building alongside the neighbouring houses. It will present the neighbours with large expanses of blank brick on the side walls and the chimney will no longer be a distinctive architectural feature. By adding a second floor the proportions of the building are completely altered – and with it the pleasant, domestic-scale appearance of the Boundary Drive estate.

- 4.3. Russell Road Residents Association have objected to the proposal on the following grounds:

- The current proposal will destroy the overall appearance of this small estate; it will be overly dominant, cost neighbours their privacy, and will not enhance the street scene. Instead of a well-designed individual house, the new building will have the appearance of a block of flats, with large expanses of blank walls, and the loss of some key features. It will be totally out of character with the area and will spoil the architectural merits of the neighbourhood.

### 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 2001
- Extending Your Home 2007
- 45 Degree Code SPD

5.2. The Following National Policies are applicable:

- National Planning Policy Framework
- Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

## 6. Planning Considerations

- 6.1. Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) deals with the enlargement of a dwellinghouse by construction of additional storeys on the principal footprint of the existing dwellinghouse (two storeys where the existing dwellinghouse consists of two storeys and one storey where the existing dwellinghouse consists of one storey) under a prior approval process.
- 6.2. This process involves the assessment of whether the proposed additional storey(s) would have any impact on the amenity of any adjoining premises (including overlooking, privacy and loss of light), as well as the external appearance of the dwelling house, including the design and architectural features of the principal elevation of the dwelling house, and any side elevation of the dwelling house that fronts a highway.
- 6.3. Other considerations include air traffic and defence asset impacts of the development; and whether as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(3) issued by the Secretary of State.

### Impact on visual amenity

- 6.4. I consider that the scale, mass and design of the principal elevation of the proposal would be acceptable. The proposal would continue the scale and design of the original property, incorporating bay window features and window characteristics into the design, which ensures the proposal blends in with the character of the existing property. The roof design matches the original property and surrounding properties. It is considered the scale, mass and design of the proposal would not detract from the original character of the host dwelling.
- 6.5. The proposed increase in height to the property would alter the bulk and mass of the existing dwelling however I do not consider it would result in a significant change to the appearance of the property within the street scene. Consideration is given to the surrounding area which includes three storey town houses. As such, I consider the proposal would comply with the general principles contained within the 'Extending Your Home' Design Guide and that the proposal would not be out of keeping within the surrounding area.

### Impact on Residential Amenity

- 6.6. The proposal complies with the 45 Degree Code policy. The proposal would therefore cause no unacceptable detriment to the existing residential amenity of the neighbouring occupiers by way of loss of light.
- 6.7. The proposed windows to the front and rear elevations comply with the 15m (5m per storey) minimum separation distance for windows overlooking private amenity space and would not result in an unacceptable impact on privacy to neighbouring properties.

#### Other considerations

- 6.8. I do not consider the proposal would result in any adverse impacts on air traffic and defence assets. Furthermore, protected views as identified in the Directions Relating to Protected Vistas dated 15th March 2012(3) issued by the Secretary of State, would remain unaffected by the proposal.

#### Response to objections

- 6.9. In response to the objections received regarding disturbance during construction, there is a requirement under this legislation that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers can be mitigated. This would be secured by condition.
- 6.10. In relation to concerns to the proposal being used as a house in multiple occupation, there is no suggestion of this within the plans however notwithstanding this, development is only permitted by Class AA on the condition that the following development is used as a dwellinghouse and this will also be controlled by condition.
- 6.11. Concerns have been raised regarding the potential impact on parking and traffic, however this prior approval procedure only allows an assessment on visual and residential amenity. However given the scale of development, I do not consider it would intensify parking or traffic issues significantly.
- 6.12. Concerns have also been raised over the public participation consultation procedure. The consultation process has been undertaken in line with the requirements set out within General Permitted Development (England) Order 2015 (as amended) which requires the local planning authority to notify each adjoining owner or occupier about the proposed development for a period of 21 days. As such I am satisfied the notification process has been undertaken correctly.

#### 7. Conclusion

- 7.1. This prior approval is recommended for approval as it complies with the policies as outlined above and it is considered the proposal would have an acceptable impact on the visual amenity of the area and on neighbouring residential amenity.

#### 8. Recommendation

- 8.1. Prior approval required and to approve with conditions

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires that the materials used match the main building
  - 3 Prevents any windows in any wall or roof slope forming a side elevation
  - 4 Roof pitch shall match that of the existing dwellinghouse
  - 5 Use is restricted to that of C3 dwellinghouse only (following the development)
  - 6 Construction Management details to be submitted prior to commencement of works
  - 7 Implement within 3 years
  - 8 Developer shall notify the Local Planning Authority in writing when works are completed.
- 

Case Officer: Leah Russell

## Photo(s)



Photograph 1: Front elevation



Photograph 2: Rear elevation





Photograph 3: Side elevation



## Location Plan



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Committee Date:	17/12/2020	Application Number:	2020/04950/PA
Accepted:	07/07/2020	Application Type:	Householder
Target Date:	16/10/2020		
Ward:	Hall Green South		

300 Robin Hood Lane, Hall Green, Birmingham, B28 0EG

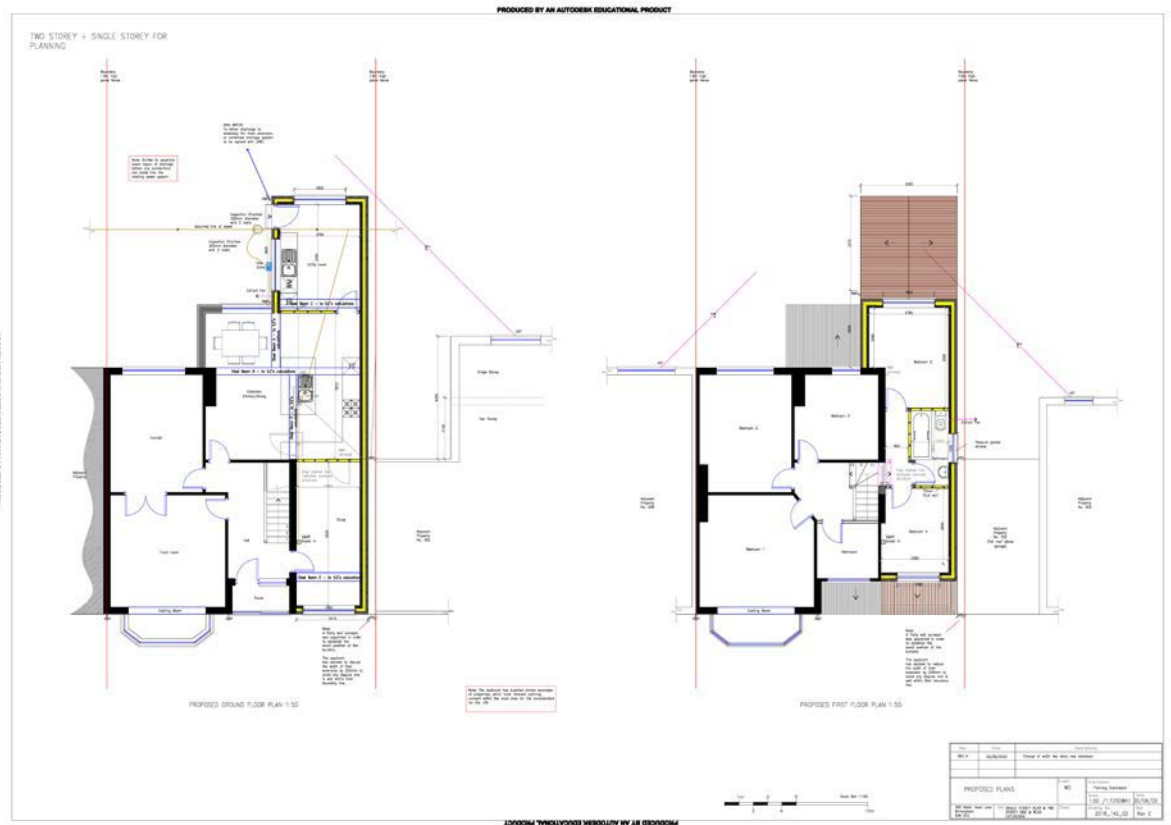
Erection of two storey side and rear and single storey rear extensions

Recommendation

**Approve subject to Conditions**

1. Proposal

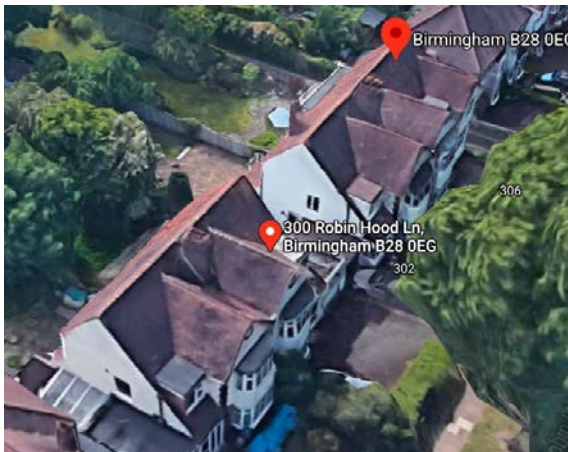
- 1.1. Consent is sought for the erection of a two storey side extension which would extend along the side boundary with No. 302 Robin Hood Lane, where it would then reduce to single storey towards the rear.
- 1.2. The extension would be set down from the original roof ridge height and would be set back at first floor level from the front elevation. The single storey element towards the rear would have a dual pitched roof sloping away from the boundary with No. 302.
- 1.3. The proposal would provide a study, extended open plan kitchen/diner and utility room at ground floor and two additional bedrooms and a bathroom at first floor level.
- 1.4. This is a resubmission of 2019/04498/PA which was refused for reasons relating to scale and mass and loss of light to neighbouring properties. The only difference with respect to the current proposal is that the width has increased by approximately 0.6m on both the single and two storey elements, however no development would be located any closer to the boundary with No. 302 and would be set at a considerable distance with the boundary of No. 298.
- 1.5. An earlier application 2018/05505/PA was refused however this proposal was located closer to the boundary with No. 302, and included a monopitch roof with the ridge located on the boundary with No. 302 resulting in an increase in height of approximately 1.1m.



1.6. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application property is a traditional semi-detached white rendered property, with a gable end feature to the front and single storey flat roof garage to the side. The property has a bay window column to the front elevation and a front dormer. The application property is set back from the main highway and has a drive to the front. The rear of the site has a garden which is bound by approximately 1.8m high fencing. The application property has a single storey rear extension constructed under permitted development. The application site is located in a residential area comprising of properties which are diverse in appearance and character. The topography of the site slopes down from south-east to north-west.
- 2.2. Currently works are ongoing at site with respect to the construction of a rear dormer, hip to gable roof extension and a single storey rear extension, all of which fall within the scope of permitted development. In addition, it is noted that the outbuilding on site falls within permitted development. Therefore planning permission is not required for any works on site and this was confirmed by an enforcement officer following a site visit.



## 3. Planning History

- 3.1. 25/07/2018 - 2018/04990/PA. Erection of 6.0 metre deep single storey rear extension. Maximum height 4.0 metres, eaves height 3.0 metres - Prior Approval Required and to Refuse.



- 3.2. 24/01/2019 - 2018/05505/PA. Erection of two storey side and rear and single storey rear extensions – Refused for reasons relating to scale and mass of proposed extensions and loss of light to neighbouring properties.
- 3.3. 30/09/2019 - 2019/04498/PA. Erection of two storey side and rear and single storey rear extensions. Recommended for approval however was overturned at Planning Committee and refused for reasons relating to scale and mass of proposed extensions and loss of light to neighbouring properties.
4. Consultation/PP Responses
- 4.1. Two letters of objection have been received from a local resident and a Planning Consultant on behalf of a neighbour raising the following concerns;
- Planning history – The application site has a history of refused applications for two storey side and rear and single storey rear extensions;
  - Scale and mass – The application plans submitted show the extensions to have increased in scale from what was previously refused;
  - Loss of light;
  - Fence, party wall and boundary treatment – Development would result in the part relocation and removal of the boundary fence. Some of the works would be within the boundary of No.302 Robin Hood Lane;
  - Impact upon trees and hedges – Inaccurate information provided by the agent in this case as there are trees and hedges within the site that could be damaged as part of the proposed works;
  - Construction traffic, highways and parking – Access to the driveway of the site and neighbouring property will be impacted by the construction vehicles which may be a hazard and impact on highway safety issues. Recommend a Construction Method Statement condition is attached;
  - Loss of privacy – Overlooking caused a result of the construction of the rear dormer and loft conversion.
  - Unauthorised works – Works have commenced on site without any notification or approval from the authority.
  - Disruption to neighbouring property – Debris from works which has caused nuisance to neighbouring properties in the form of dust.
  - Health – The proposed works would impact the wellbeing of the neighbouring occupiers.
- 4.2. In addition, a petition containing 20 signatures has also been received which raised the following concerns:
- Scale and mass – previous application has been refused on scale and mass and this applications fails to acknowledge previous reasons for refusal and show an increase in the scale and mass of the proposed extensions.



- Unlawful work onsite – Other works onsite include the dormer construction, outbuilding and loft conversion which are not shown on the plans.
- 4.3. A petition was also received in support of the application containing a total of 76 signatures; 28 signatures from the immediate locality and a further 48 signatures from surrounding areas of Birmingham which made the following observations:
- Ongoing dispute with neighbour leading to unreasonable requests and has negatively impacted previous planning application;
  - Over the last 5 years the planning department have approved 300 applications within the Hall Green ward for similar scale extensions to that proposed (photograph assessment was also included showing these extensions);
  - Planning department support the proposal but the application has been referred to Planning Committee for reconsideration;
  - The extended house would accommodate a growing young family and elderly mother in need of care;
  - Several comments from local residents contained within the petition urged approval of the application on the basis it was well designed, would improve the character of the area and would help accommodate a growing family.

## 5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan (UDP) Saved Policies 2005; Places for Living SPG 2001; Extending Your Home 2007; 45 Degree Code; National Planning Policy Framework (NPPF) 2019.

## 6. Planning Considerations

- 6.1. The main issues for consideration in the determination of this application are the impact on the residential amenity of neighbouring properties and the scale, mass and design of the proposal, and therefore the impact on visual amenity.

Impact on residential amenity

- 6.2. The key difference to note between the current application and the most recent refusal is that there would be an increase in width of approximately 0.6m, however no development would be located any closer to the boundary with No.302, therefore whilst there is a minor increase in footprint, the impact would not be intensified on this neighbour. Furthermore, the development is located approximately 5.5m from the boundary with No. 298 consequently; I do not consider the increased width would have any additional impact on either of the adjoining neighbours.
- 6.3. The 45 Degree Code is used to assess whether a development would result in any loss of light to neighbouring habitable rooms. The proposed complies with the 45 Degree Code with respect to both adjoining properties numbers 298 and 302 Robin Hood Lane. Concerns were raised by a neighbour regarding the loss of light, and this formed reason 2 of the previous refusal. The proposal is considered acceptable in terms of loss of light/outlook to the first floor side facing window of no.302 as this window is to a non-habitable room, the side-facing door at ground floor level which is

not a window, and the rear facing window at the single storey side extension which serves a garage/ utility area which is a non-habitable room/ space. Therefore there would be no loss of light to any habitable rooms on no. 302 nor would the development result in any overlooking or loss of privacy issues and it is concluded that the proposal would have no adverse impact on neighbouring residential amenity.

- 6.4. The plans submitted comply with the minimum separation distances and the numerical guidance found in 'Extending you Home' and 'Places for Living'. Furthermore I do not consider the extension would have an overbearing impact on neighbouring properties.

#### Impact on visual amenity

- 6.5. The Council's 'Extending Your Home' SPD states that extensions should be smaller than the main part of the dwelling and should fit in comfortably within the character of the area. The proposed two storey side and rear extension would be subordinate in height and set back from the building's principal elevation. The side extension would have a gable roof design which matches the existing roof design. Whilst there has been a minor increase in scale of the proposal, this does not result in a disproportionate extension and there are several examples of much bigger extensions in the vicinity ( see photos below ). It is considered the scale is acceptable and well designed to fit in with the host property and the wider streetscene. The increase in scale would be located entirely to the rear of the property therefore would have minimal impact on the streetscene.
- 6.6. It should be noted much larger extensions have both been approved and where resisted in the past, have been allowed on appeal.

#### Responses to objections

- 6.7. A number of the matters raised have been addressed above.
- No considerable changes made to the application which reduces the impact on neighbours since initial refusal.
  - Responses received in relation to boundary and party wall alterations are not material planning considerations.
  - The proposal development would extend towards mature landscaping along the side boundary of no.302 Robin Hood Lane and towards a small conifer tree within the ownership of no.302 Robin Hood Lane.
  - The concerns raised over potential traffic and parking disruptions during the construction period are temporary in nature and therefore no long term harm would be experienced. A construction method statement would not be justified for this minor application.
  - The concerns raised regarding overlooking from the rear dormer and loft conversion are permitted development therefore do not form part of the assessment. Permitted development works do not need to be shown on the proposed plans as approval is not sought or required for these elements of the development.

7. Conclusion

- 7.1. The application complies with the policies outlined above, would have no adverse impact on residential amenity, nor would it have any adverse visual impact. There are numerous similar, and in some cases larger extensions, which have been approved in the vicinity. I therefore see no sustainable reasons for the refusal of this application.

8. Recommendation

- 8.1. Approve subject to the following conditions:

- 
- |   |  |
|---|--|
| 1 | Implement within 3 years (Full)  |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires that the materials used match the main building               |
| 4 | Removes PD rights for new windows                                      |
- 

Case Officer:            Mohammed Abdellah

**Photo(s)**



Figure 1: Front Elevation





Figure 2: Rear Elevation



**Examples of two storey side extensions approved and built in the locality**



Figure 3: 49 Painswick Road, Hall Green, B28 OHE (First floor side and rear extension - 2015/10516/PA)





Figure 4: 53 Painswick Road, Hall Green, B28 OHE (Two storey side extension with single storey side and rear extensions -1990/03538/PA)

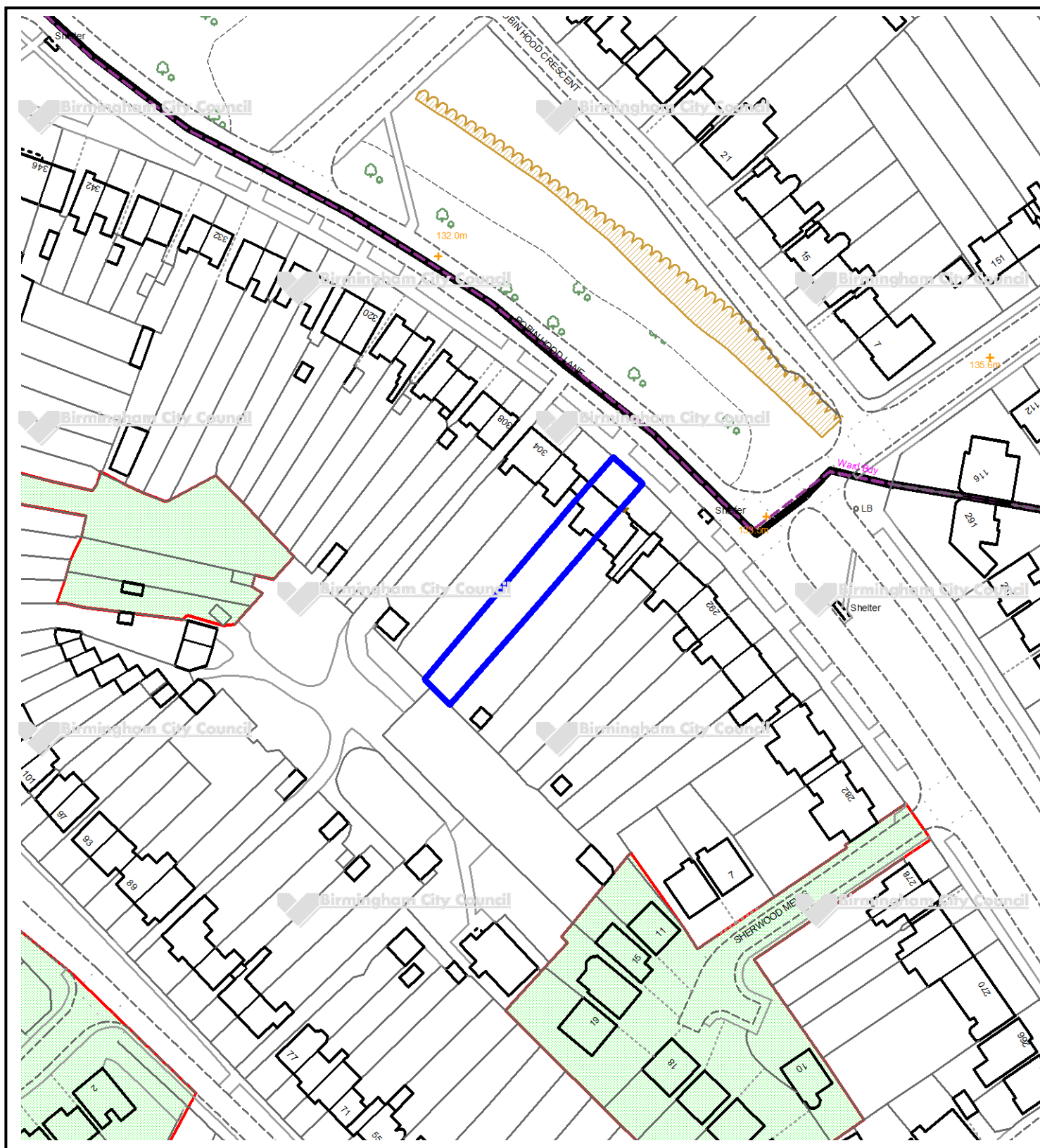


Figure 5: 79 Ingestre Road, Hall Green, B28 9EQ (First floor side, part two storey rear extensions - 2004/03193/PA).



Figure 6: 22 Ingestre Road, Hall Green, B28 9EG (Two storey side and single and two storey rear extensions – 2015/10491/PA).

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**17 December 2020**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	12	2020/07171/PA  Land off Gressel Lane Birmingham B33 9SU  Erection of 36 affordable dwellings together with access, car parking, landscaping and associated works.



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Committee Date:	17/12/2020	Application Number:	2020/07171/PA
Accepted:	14/09/2020	Application Type:	Full Planning
Target Date:	14/12/2020		
Ward:	Glebe Farm & Tile Cross		

Land off Gressel Lane, Birmingham, B33 9SU

Erection of 36no. affordable dwellings together with access, car parking, landscaping and associated works.

Recommendation

**Approve subject to Conditions**

1. Background and Proposal

- 1.1. The application site is a cleared site that previously formed part of Tiles Cross Academy and occupied by school buildings and car park, which were demolished as part of planning consent ref: 2010/03238/PA. The proposals involved the consolidation of both secondary education and post-16 education on the north and east part of the site. The school buildings on this site were demolished between 2010 and 2012. Since then, the site has been used occasionally as a site compound, parking and related works to the redevelopment of the adjoining school site that included a new sports building, recladding an existing teaching block, multi-use games court, new car parking etc. The application site has been declared surplus by education department and allocated within the SHLAA for residential use.
- 1.2. This current application seeks consent for the erection of 36no. dwellinghouses with access road, landscaping and associated works.
- 1.3. The main body of the application site is triangular in shape with two small legs extending down onto Gressel Lane on either side of existing three-storey blocks of flats. The western leg would accommodate the new vehicular and pedestrian access road into the site from Gressel Lane. The new roads into the application site would be terminated with two full turning heads. A series of detached and semi-detached dwellinghouses would front onto the new access road and turning heads, with parking set to the sides and small front gardens to create defensible space. The eastern leg adjacent to school's driveway would accommodate two semi-detached dwellings fronting onto Gressel Lane. The application is made by Birmingham Municipal Housing Trust (BMHT) and the proposal would provide 100% affordable rent dwellings.





**Image 1: Site Layout**

- 1.4. The general design form of the dwellings across the site would be typical house types that have been developed by BMHT over the years. All of the dwellings would be modern two storeys in height with mixture of wide and narrow frontage designs in order to address site conditions and context. The majority of the dwellings would incorporate two-storey projecting bays with small gable roof in order to break the roof and create a vertical rhythm along street frontages. There would be contemporary projecting brick detailing to the front elevation of certain units. There would be certain units that would be dual aspect to address corners and others to emphasise junctions within the site. The palette of materials includes red multi facing brickwork, dark grey/brown composite weather boarding, dark grey UPVC windows and grey concrete roof tiles.
- 1.5. The proposed breakdown of accommodation as follows:
- 14no. two-bed 4 person dwellings (House Type – Moseley, Weoley & Walmley) - Each unit being 81 sq. metres. Bedroom sizes ranging from 12.3 sq. m to 15 sq. m for double.
  - 12no. three-bed 5 person dwellings (House Type - Harboure & Highgate) - Each unit being approximately 95 sq. metres in size. Bedroom sizes ranging from 11.6 sq. m to 13.4 sq. metres for double and 7sq. m to 8 sq. metres for single.

- 4no. four-bed 7 person dwellings (House Type – Northfield) - Each unit would be 124 sq. metres in size. Bedroom sizes ranging from 11.5 sq. metres to 14 sq. metres for double and 7.5 sq. metres for single.
  - 4no. five-bed 8 person dwellings (House Type – Edgbaston & Edgbaston (2)) - Each unit ranging from 141 sq. metres to 143 sq. metres in size. Bedroom sizes ranging from 11.5 sq. m to 14 sq. m (one with en-suite) for double and 7.5 sq. m to 8.3sq. m for single.
  - 2no. six-bed 10 person dwellings (House Type 6B) – Both units would be approximately 168 sq. m in size. Bedroom sizes ranging from 11.5 sq. m to 14 sq. m (one with en-suite) for double and 7.6 sq. m to 8.3 sq. m for single.
- 1.6. Each of the proposed dwellings would benefit from private external amenity space that would exceed the minimum requirement of 52 sq.m for 2-bed dwellings and 70sq.m for 3 or more bed units. There would be a side passageway or access from the street frontage to each of the rear private amenity areas and a shed and rotary drier would also be provided to each of the rear private amenity areas.
- 1.7. The new access road from Gressel Lane would be terminated with two full turning heads which are designed to accommodate refuse, emergency and services vehicles. All dwellings would have either parking bays to the front or side within the curtilage of the site. A total of 58 off-street car parking spaces are proposed within the development. A 200% parking provision for each of the 3, 4, 5 and 6 bed dwellings and 100% provision for the 2-bed dwellings. Each dwelling would be provided with sufficient space for cycle storage in the shed. The plans also show refuse/ recycling bins located in the rear gardens adjacent to rear access points.
- 1.8. The proposal would result in a small number of small trees/ shrubs removed on site. The design does retain the majority of the existing significant and mature trees on site and around the boundary of the site, some of which fall outside the application site. A soft landscaping strategy scheme has been prepared as it detailed upon the Site Layout drawing. Public realm landscaping is proposed together with replacement trees. The design incorporates ornamental shrub planting at the back of pavement to form a hedge; set behind metal railings which will provides a green and robust edge to the development. New trees are proposed to the edge of the access road and within the residential curtilage of the front gardens to mitigate for any loss of trees.
- 1.9. The layout plan for boundary treatments includes 900mm railings on street frontages, 1.8m high railings 600mm/ 1800mm brick wall or vertical hit and miss fencing along street frontages along western side of access road (green buffer), 1.8m high wall to street frontages/ turning head and 1.8m high close boarded fencing to rear boundaries of proposed dwellinghouses.
- 1.10. Site area: 1.226 Hectares. Density: 29.4 dwellings per hectare.
- 1.11. The following documents have been submitted in support of the proposal:
- Planning Statement and Design and Access Statement
  - Preliminary Ecological Appraisal
  - Preliminary Arboricultural Assessment & Arboricultural Impact Assessment
  - Ground Investigation Report
  - Noise Assessment
  - Transport Statement and Travel Plan
  - Air Quality Assessment

- Flood Risk Assessment and Drainage Statement

[Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is a cleared triangular shaped brownfield site situated to the rear and either side of existing 3-storey flats no. 90-100 Gressel Lane. The site is largely hardstanding; however, there is some vegetation and trees along boundaries such as trees and vegetation along the southern boundary. The topography of the application site is relatively level with a fall from the north to the south east by approximately 3m.
- 2.2. The surrounding neighbourhood is characterised by a mix of municipal housing from the 1950's and 60's. The site is bounded by the vehicular access road and pedestrian footpath that serves Tile Cross Academy beyond which is Brays Special School to the north east, to the south by existing blocks of flats no's. 90 to 100 Gressel Lane and two small areas of the application site on either side of block of flats that continue down to the Gressel Lane frontage and by a strip of retained land with a tarmac area off Gressel Lane leading to a dense landscaped buffer that backs onto residential dwellings that front Wychbold Crescent to the north west. A large area of open space and Kingfisher Country Park is located to the north of the site. This area is bisected by the River Cole and is designated as a Local Nature Reserve, Site of Importance for Nature Conservation and Site of Local Importance for Nature Conservation. Cole Valley Green Belt is situated approximately 40m to the north of the site.

[Site Location](#)

## 3. Planning History

- 3.1. 14.09.2018 - 2018/02000/PA - Erection of sports building with changing rooms and first floor classroom, creation of new MUGA, re-clad existing Martineau School building, new car park and associated works – Approved subject to conditions.
- 3.2. 24.09.2010 - 2010/03238/PA - Redevelopment of existing school and its site to include construction of new entrance pavillion with pedestrian entrance plaza on Gressel Lane frontage, new sports hall with changing facilities located towards the north eastern boundary of the site (Leycroft Avenue), new covered walkways, alterations to existing vehicular entrance off Gressel Lane, demolition of some school buildings, minor alterations, extension/refurbishment, outdoor teaching areas, landscaping and other associated works – Approved subject to conditions.
- 3.3. 10.03.2006 - 2006/00189/PA - Retention of two-storey building on frontage providing 12 classrooms, associated site works and new parking areas – Approved subject to conditions.
- 3.4. 05.02.2003 - 2002/05470/PA - Construction of two-storey new build school accommodation with a single-storey link block – Approved subject to conditions.
- 3.5. 13.07.2000 - 2000/02980/PA - Provision of 2-storey temporary building on frontage to provide 12 classrooms, associated site works and new parking areas – Approved temporary.

#### 4. Consultation/PP Responses

4.1. Press and site notices displayed. Adjoining residents, Resident Associations, Ward Councillors and MP consulted – no responses received.

4.2. Regulatory Services – No objections, subject to conditions:

- Noise scheme implemented in accordance with the assessment
- Land contamination
- Provision of vehicle charging point(s)
- Construction method statement and management plan

4.3. Transportation Development – No objections, subject to conditions:

- Measures to prevent mud on highway
- Construction management plan/ method statement
- Siting/ design of means of access
- Service road constructed prior to occupation
- Turning and parking areas constructed prior to occupation
- Residential travel plan
- Cycle storage details
- Vehicle charging points

Informative for S.278/ Highway works to include a package of measures for the *creation of access road and modification of existing highway (to accommodate proposed junction bellmouth), which will be subject of appropriate stages of Road Safety Audit(s).*

4.4. Local Lead Flooding Authority (LLFA) - No objections, subject to sustainable drainage scheme and sustainable drainage operation & maintenance plan conditions, together with informative for both of the conditions.

4.5. Education, Skills and Infrastructure – No comments.

4.6. City Ecologist – No objections, subject to conditions:

- Fencing and Nature Conservation Interest
- Scheme for ecological/biodiversity/enhancement measures
- Bird/bat boxes
- Implementation of acceptable mitigation/enhancement in accordance with Preliminary Ecological Appraisal
- Modified Boundary Treatment for hedgehog access points under close boarded fencing

4.7. West Midlands Police – No objections, subject to “Secure by Design” initiatives in relation to new homes, CCTV, crime prevention and lighting.

4.8. Leisure Services – No objections, subject to off-site POS contribution of £171,575 to be directed towards the provision, improvement and/or maintenance of public open space and children’s play facilities.

4.9. West Midlands Fire Services – No objections.

4.10. Environment Agency – No objections.

- 4.11. Severn Trent – No objections, subject to drainage condition in relation foul waste and surface water flows.
- 4.12. Employment Access Team – No comments.
- 4.13. The Ramblers – No comments.
- 4.14. Wayleaves and Property Department – No comments.

5. Policy Context

- 5.1. NPPF (2019), NDG (2019), Saved policies within Adopted UDP (2005), Birmingham Development Plan (2017), Places for Living SPG (2001), Car Parking Guidelines SPD (2012), The 45 Degree Code (2006), Affordable Housing SPG (2001), Public Open Space and New Residential Development SPD, Sustainable management of urban waters and floodplains SPD (2007), DCLG Nationally Described Spacing Standards (2015).

6. Planning Considerations

- 6.1. The main considerations within the determination of this application are:
- 6.2. **Principle of use (housing policy)** – The application site is a cleared site that was formerly part of Tile Cross Academy but was declared surplus to requirements. The proposed development to deliver 36no. affordable residential dwellings (2, 3, 4, 5 and 6 bedroom) would make a valuable contribution to identified housing need for families within the Birmingham area in accordance with the requirements of NPPF and BDP, which seeking to ensure that the needs of groups with specific requirements are addressed. All of the units would be affordable rent managed by the Council's BMHT, which are considered to positively respond to the requirements on NPPF and BDP policies. The site has been identified for residential development in the 2019 Strategic Housing Land Availability Assessment that could deliver up to 50 dwellings. The site would also constitute a windfall housing site as identified by the NPPF and BDP. The application site is in a sustainable location and lies within an established residential area, close to transport corridors that have good public transport links, with a future extension proposed to the Metro Line along East Meadway/ Meadway from the City to Birmingham Airport. The site is also located in close proximity to a range of local services which are within walking distance of the site, including a parade of shops and large supermarket (LIDL) on East Meadway. There is also Lea Village Neighbourhood Centre within 700 metres of the site, two primary and one secondary schools and a number of community/ leisure facilities within 1 mile of the site. Consequently, it is considered that the residential development would comply with housing and regeneration aspirations laid within BDP and NPPF and is acceptable in principle.
- 6.3. **Design, density and Layout** – The site is situated within a predominately residential area, with the area immediately to the east and west of the site being residential in character, landscape buffer leading to large open space and Kingfisher Country Park to the north and two schools with large sports hall building immediately to the east of the site on Gressel Lane and Leycroft Avenue.
- 6.4. The layout proposed for the development to include new access road follows a traditional pattern of development, with strong well defined building lines promoted



by the establishment of principally perimeter blocks along road frontages that responds appropriately to its surroundings. The boundary to the forecourt area of each dwelling would also be well defined with defensible space to reflect the traditional character of the area, where details can be achieved through appropriate condition.



**PERSPECTIVE LOOKING TOWARDS PLOTS 16-19**

- 6.5. The design of the development draws upon characteristics of existing dwellings and other approved BMHT schemes within the city. The buildings at corners and junctions would engage with the street. The scale and massing of the dwellings would be in keeping with the surrounding residential area. The dwellings together with the sub-station are proposed to be constructed of red brick with a pitched roof with concrete roof tiles. While the quality of the finished scheme will depend on the quality of the detailing, a condition to secure the details of the materials used in the development is attached to any planning permission granted.
- 6.6. The NPPF does allow Local Planning Authorities to set their own approach to housing density to reflect local circumstances. Policy TP30 of the BDP sets a minimum development density of 50 dwellings per hectare. The total site is 1.226 ha and the erection of 36 dwellings would equate to 29.4 dwellings per hectare and would comply with Policy TP30 of the BDP. The development would provide a mix of 2, 3, 4, 5 and 6 bedroom dwellings would contribute towards housing choice and meet NPPF objectives and BDP policies.

- 6.7. Overall the density, design/ character and layout for the proposed development is considered acceptable and would contribute positively towards the streetscene at this location.
- 6.8. **Quality of accommodation (internal/ outdoor space standards)** -The proposed development would bring forward a mix of 36no. dwellings with internal areas, bedroom sizes and storage areas for all of the units which would comply with Nationally Described Spacing Standards. The floor plans have also been annotated with essential furniture which demonstrates that all units could comfortably accommodate the necessary furniture and circulation space.
- 6.9. The proposed garden sizes exceed the guidelines set out within Places for Living SPG of a minimum of 52sqm for 2-bed dwellings and 70sqm larger dwellings, and would provide an acceptable external amenity space for recreation and functional activities, with dedicated bin store space and storage sheds supplied. Rear boundary treatments in the form of close boarded fencing, railings or wall are proposed to secure the privacy of residents, together with railings or planting to front gardens, which are considered appropriate and consistent with the surrounding residential character of the area.
- 6.10. **Impact on residential amenity (Privacy, Light and Outlook)** – The degree of physical separation between Plots 23-34 and the existing three-storey blocks of flats on Gressel Lane, and the length of the rear gardens, would provide adequate separation distances in relation to privacy, light or outlook.
- 6.11. The proposed housing layout also provides good separation distances, which largely complies (apart from plot 13, 15 and 21) with SPG Places for Living standards and prevents significant overlooking, light and outlook of residential gardens. The windows are positioned on dwellings to reduce the occurrence of overlooking whilst creating active frontages and surveillance of public spaces. The perimeter block format adopted by the proposal also establishes back to back gardens of existing and proposed dwellings and overlooking of public areas from residential dwellings and provides for natural surveillance of the street.
- 6.12. With regards to Plot 13 and 21 (The Weoley), amended plans have been provided to re-position the dwelling, on Plot 13 towards the turning head. There are also rear windows provided at first floor level to the dual aspect rooms and due to orientation of the dwellings, only one rear window will be obscurely glazed in order to address any shortfall in separation distances. For Plot 15 (The Weoley), amended plans have also been provided for all rear windows at first floor level to be obscurely glazed and top hung opening in order address any shortfall in separation distances to Plot 17 and vice versa.
- 6.13. Consequently, the proposed development is considered acceptable and would not cause unacceptable harm to the living conditions of the existing and future occupiers of neighbouring dwellings in terms of light, outlook and privacy.
- 6.14. **Impact on residential amenity (Noise, air quality & land contamination)** – The Noise Assessment identifies the airport as a significant source of noise. During the coronavirus outbreak restrictions on travel mean the airport capacity is significantly reduced. Regulatory Services have accepted using previous 2018 data in this situation as airport usage is likely to return to previous levels during the construction and lifetime of the proposed dwellings. They have recommended imposition of a condition for all windows, other glazing and external doors to habitable rooms to meet the recommended performance details and be implemented in accordance

with Noise assessment. If secondary glazing is proposed, then it may be necessary to demonstrate that the glazing meets the performance required and this may require commission testing.

- 6.15. Air Quality Assessment has been assessed by Regulatory Services, who consider the methodology and findings are acceptable. The assessment indicates that the residences will not be affected by poor air quality. They have requested imposition of a condition to ensure that electric vehicle charging is provided to frontage parking space(s) to each of the residential units.
- 6.16. A Ground Investigation Report has been submitted in support of the application and includes an intrusive site investigation that concludes that the site is contaminated and will require remediation. Regulatory Services have advised that further land contamination conditions be imposed to ensure that a remediation statement is provided prior to commencement of works on site.
- 6.17. Consequently, the proposed development, subject to the above recommended conditions, is considered acceptable and would protect the amenity of existing and future residential occupiers within the immediate vicinity of the site and have regards to the risk of potential on-site contamination and air quality.
- 6.18. **Ecology, landscaping and trees** – Preliminary Ecological Appraisal, Preliminary Arboricultural Assessment and Arboricultural Impact Assessment have been submitted as part of supporting documents, which states that the site is dominated by hardstanding and a large spoil heap from demolished buildings and as such, the site has limited ecological value. However, Project Kingfisher Local Nature Reserve is adjacent to part of the northern boundary and a dense scrub belt along the western boundary provides habitat connectivity to the extensive semi-natural open space of the River Cole corridor. There is also Cole Valley Green Belt and SINC situated approximately 45m to the north of the site.
- 6.19. Given the adjacency of designated site/ strategic semi-natural open spaces such as Project Kingfisher LNR to the application site, adequate safeguarding measures are required to ensure these sites are effectively protected from damage, pollution or encroachment from development impact. City Ecologist have recommended that number of mitigation measures as recommended within Preliminary Ecological Appraisal to minimise the risk to protected species. The proposed development would need to deliver a net gain for biodiversity in line with national and local planning policy. City Ecologist has raised no objections to the proposed development subject to the requirements for mitigation, compensation and enhancement through the imposition of a number of conditions to include landscaping scheme designed to maximise ecological value of plants and enhancement measures as recommended by Preliminary Ecological Appraisal.
- 6.20. The majority of existing trees are located on the perimeter boundaries of the site, mainly around southern boundary of the site outside application site. There is no statutory tree protection within or adjacent to the site. The access arrangement to the site has been re-positioned to retain existing trees along Gressel Lane. The layout plan shows large majority of trees would be retained to include Category B cypress tree, which is prominent within the vicinity within plot 35 and 36. Amended plans have also been provided to re-orientate the dwelling and retain lime tree within Plot 12. My Tree Officer has raised no objections. The landscaping scheme, subject to conditions, will provide appropriate setting to the development with good interest and colour, and a mix of species appropriate for this urban setting.

- 6.21. **Impact on highway safety** – A Transport Statement has been submitted as part of the supporting documents for this application. The access arrangements to the proposed development would be achieved by upgrading the existing priority arrangement located at the southwest corner of the site. The proposed access road carriageway width would be 5.5m, with further 2m wide pedestrian footways. A pedestrian link would also be provided to the north of the site connecting the existing network of paths in Kingfisher Country Park. A total of 58 off-street car parking spaces are proposed within the site (with 1 space provided for every 2-bed dwelling and 2 spaces provided for all other dwellings), which would accord with SPD Car Parking Guidelines. Each dwelling would also be provided with adequate cycle storage facility. Vehicle swept path analysis have been submitted to demonstrate that proposed internal road layout and turning areas can satisfactorily accommodate a standard refuse collection vehicle and leave the site in forward motion.
- 6.22. The application site is in a sustainable location with a range of retail, leisure, education and employment uses within a reasonable distance of the site. The proposal is well located to encourage trips by sustainable modes, with the surrounding highway network having generally level gradient, low traffic speeds and good quality surfacing. Transportation Development have recommended imposition of conditions in relation to siting/ design of access, construction method statement/ management plan, travel plan etc. Consequently, it is considered that the proposal is unlikely to have an adverse impact on highway safety within the immediate vicinity of the site.
- 6.23. **Impact on flooding and drainage** - A Flood Risk Assessment and Drainage Statement has been submitted as part of supporting submission. It identifies the site as being entirely within Flood Zone 1 and therefore the site is at low risk of flooding. BCC as Local Lead Flooding Authority raises no objections subject to a pre-commencement condition for prior submission of a detailed sustainable drainage scheme and associated Sustainable Drainage Operation & Maintenance Plan. The Environment Agency also have raised no objection to the proposal.
- 6.24. In addition, Severn Trent raises no objection to the proposal subject to the inclusion of drainage condition for the disposal of foul and surface water flows. The conditions specified have been imposed accordingly.
- 6.25. **Prevention of crime and disorder** – The proposed layout accords with good urban design principles including active frontages and legible routes across site. The proposed development would be developed by BMHT and would incorporate ‘Secured by Design’ standards in designing out crime. West Midlands Police raise no objections to the proposal.
- 6.26. **Energy and Sustainability** – The application is supported by Sustainable Construction and Energy Statement which states that BMHT deliver their new housing to a significantly enhanced level of thermal efficiency in comparison to current building regulations, with the fabric being designed to achieve the requirements of the former Code for Sustainable Homes, Level 4.
- 6.27. The thermal efficiency will be maximised through a ‘fabric first’ approach to sustainable construction and all dwellings will have enhanced U values to improve over current Building Regulations for the Dwelling Emission Rate (DER) over the Target Emission Rate (TER).
- 6.28. Supporting statement also confirm that a minimum of 15 dwellings will form a pilot study for some sustainable and renewable technologies known as home energy

hubs such as shoebox heat pump, heat battery and car charging point. This number could increase to 30 dwellings subject to successful funding bid to the European Regional Development Fund (ERDF), where the aim to deliver a Home Energy Project to combine a range of measures to reduce greenhouse gas emissions known as 'Renewable Home Energy Hub', which is attached to the property. Dependent on successful funding bid, the home energy hubs can be supplemented by photovoltaic panels on the roof and the wider use of natural material in the construction of the fabric of the houses.

- 6.29. Other measures highlighted above include recycling provision, cycle storage facility and sustainable drainage. Consequently, it is considered the proposal would comply with relevant NPPF and BDP policies to ensure that the proposed development helps to achieve the Councils climate change objectives.
- 6.30. **S.106/ CIL** – Leisure Services has advised that the new housing development generates the need for a financial contribution of £171,575 for off-site Public Open Space contribution. I do not consider that this is deliverable in this case, given that the development will provide 100% affordable housing on site.
- 6.31. The proposal would not attract a Community Infrastructure Levy (CIL) contribution.

## 7. Conclusion

- 7.1. The proposed development is considered to be acceptable and would accord with planning policies. The application site is an identified site within the 2019 SHLAA, is situated within a sustainable location and would deliver housing, contributing towards the affordable housing need for the city. The density, together with mix of housing, would be appropriate for the site and would integrate positively with the surrounding area. The proposed development is of a high-quality design, which is sympathetic to its surroundings. The proposed layout and design are appropriate for the area and will not have any adverse impact on existing residents. The proposal is considered acceptable on all grounds to include ecology, highway safety and residential amenity. The proposal is therefore recommended for approval subject to conditions.

## 8. Recommendation

- 8.1. Approved subject to conditions.

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1	Requires the submission of sample materials
2	Restricts implementation of the permission to Birmingham City Council
3	Requires the scheme to be in accordance with the listed approved plans
4	Requires the prior submission of fencing around areas of nature conservation interest
5	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
6	Requires the prior submission of details of bird/bat boxes
7	Requires the implementation of the submitted mitigation/enhancement plan

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- 8 Requires the submission of boundary treatment details
  - 9 Requires the implementation of Noise Insulation Scheme to approved details
  - 10 Requires the prior submission of a contamination remediation scheme
  - 11 Requires the submission of a contaminated land verification report
  - 12 Requires the prior submission of a construction method statement/management plan
  - 13 Requires the provision of a vehicle charging point
  - 14 Requires the submission of details to prevent mud on the highway
  - 15 Requires the submission of the siting/design of the access
  - 16 Prevents occupation until the service road has been constructed
  - 17 Prevents occupation until the turning and parking area has been constructed
  - 18 Requires the submission of a residential travel plan
  - 19 Requires the submission of cycle storage details
  - 20 Requires the prior submission of drainage plans for the disposal of foul and surface water flows
  - 21 Requires the prior submission of a sustainable drainage scheme
  - 22 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
  - 23 Requires the prior submission of level details
  - 24 Requires the submission of hard and/or soft landscape details
  - 25 Requires the submission of hard surfacing materials
  - 26 Requires the submission of a landscape management plan
  - 27 Arboricultural Method Statement - Submission Required
  - 28 Requires the submission details obscure glazing for specific areas of the approved building
  - 29 Removes PD rights for extensions
  - 30 Implement within 3 years (Full)
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Case Officer: Mohammed Akram

## Photo(s)



Figure 1: Access adjacent to no. 90 Gressel Lane



Figure 2: Internal view of the site adjacent to 90 Gressel Lane



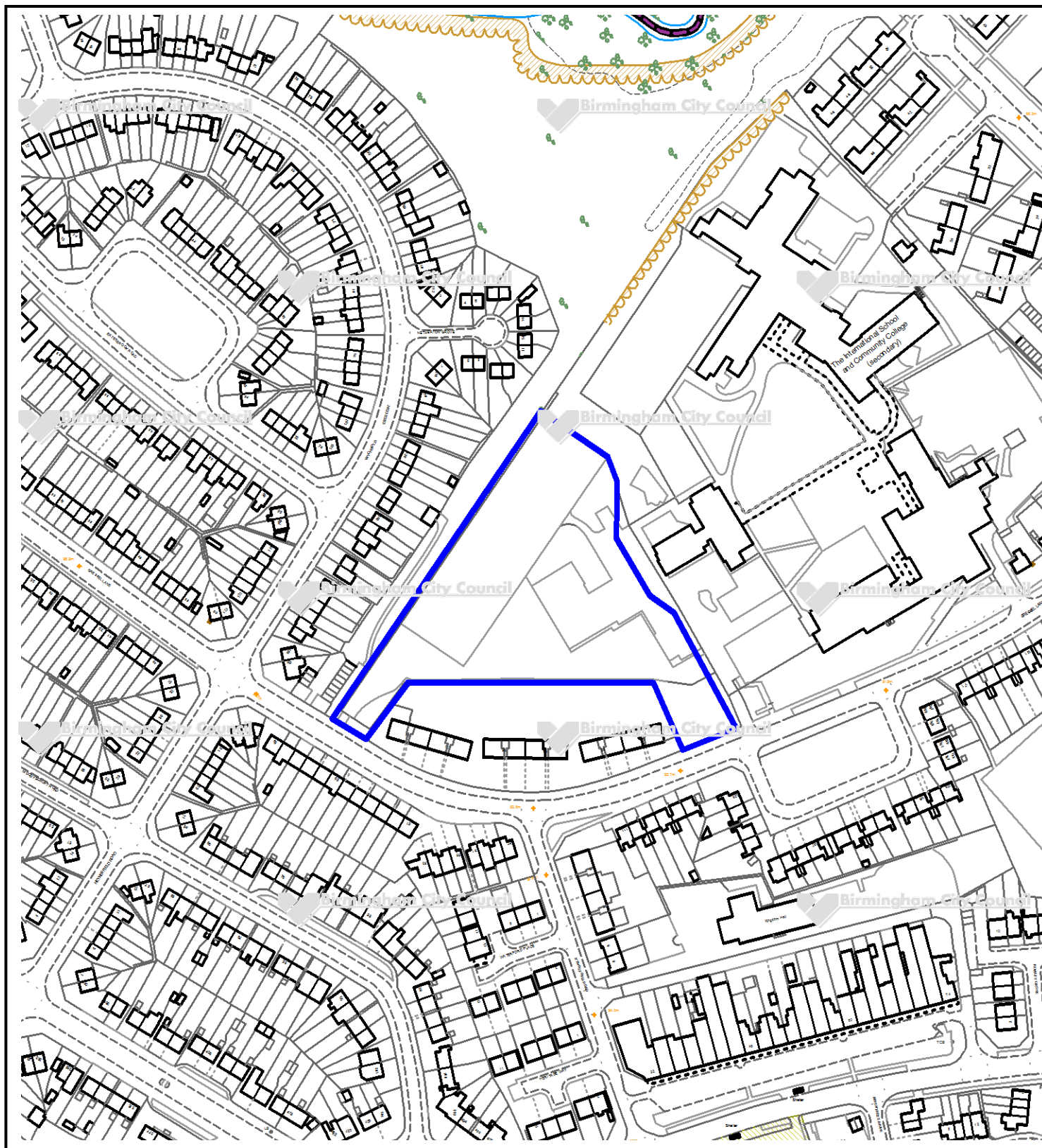
Figure 3: View from Gressel Lane adjacent to school



Figure 4: Internal view of application site from adjoining school site



## Location Plan



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