

Birmingham City Council

Planning Committee

11 October 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	9	2018/06216/PA 5 Ferrers Close Sutton Coldfield Birmingham B75 6NG Erection of first floor extension to existing bungalow including increase in roof height, single storey side and rear extensions and first floor side dormer window
Approve – Conditions	10	2018/01827/PA 134-138 Birmingham Road Sutton Coldfield Birmingham B72 1LY Demolition of existing buildings and erection of a care facility (Use Class C2) comprising 64-bed care home with associated car parking, access, landscaping and engineering works
Approve – Conditions	11	2018/05477/PA 278 Birmingham Road Sutton Coldfield Birmingham B72 1DP Demolition of existing property and erection of 2no. detached dwellinghouses.
Approve – Conditions	12	2018/06164/PA Coach House Building on land north-west of 1 Heather Court Gardens Sutton Coldfield Birmingham B74 2ST Conversion of detached coach house building to form a separate self-contained dwelling, provision of access route and removal of single storey block at rear to enlarge courtyard garden space.

Committee Date:	11/10/2018	Application Number:	2018/06216/PA
Accepted:	27/07/2018	Application Type:	Householder
Target Date:	21/09/2018		
Ward:	Sutton Roughley		

5 Ferrers Close, Sutton Coldfield, Birmingham, B75 6NG

Erection of first floor extension to existing bungalow including increase in roof height, single storey side and rear extensions and first floor side dormer window

Applicant:	Mr D Hulson 5 Ferrers Close, Sutton Coldfield, Birmingham, B75 6NG
Agent:	Ben Parsons Design Limited 15 Moor Hall Drive, Sutton Coldfield, Birmingham, B75 6LP

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a first floor extension to an existing bungalow including increase in roof height, single storey side and rear extensions and first floor side dormer window.
- 1.2. The proposed first floor extension to the existing bungalow comprises of 3 double bedrooms and 2 bathrooms which would be within the proposed first floor side dormer. The main pitched roof height would be increased in order to accommodate the first floor living space by a maximum 2.1m from the original roof of the bungalow.
- 1.3. The proposed single storey side en-suite extension adjacent to No. 3 Ferrers Close would have a pitched roof and infill the existing gap between the garage and existing side extension.
- 1.4. The proposed single storey rear extension would be 5m in width, 1.6m in depth and 3m in height with a flat roof.
- 1.5. The proposed side flat roof dormer would be 8.6m wide, 1.6m in height, 0.4m set-up from the eaves and 0.75 set-down from the main-ridge line of the dwelling.
- 1.6. The proposed materials to be used are white insulated render over existing brick walls of the dwelling with light grey wood cladding to part of the front and rear elevations. The proposed pitched roof would have fibre cement slate tiles and grey single ply membrane to the flat roofs. The proposed side dormer would have a tiled grey finish.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a detached bungalow with a pitched roof design. There is an existing side double garage extension to the left-side of the property with a flat roof. To the right-side is a single storey side extension with a flat roof. There are existing outbuildings to the rear located along the boundary with No. 3 Ferrers Close.
- 2.2. The application site is located in a residential area towards the end of a small cul-de-sac which comprises of 5 detached bungalows and 2 semi-detached bungalows. The surrounding area is a mix of bungalows and two storey properties. Some of the bungalows have first floor living accommodation within the roof space. No. 102 Heath Croft Road has a first floor side extension above the garage.
- 2.3. The rear garden is mainly grassed and the boundary treatment consists of 2m wooden fencing and mature hedging. To the east of the site is private land of Moor Hall Golf Club which comprises of dense mature trees.
- 2.4. The neighbouring dwelling No. 3 Ferrers Close is a bungalow which has a first floor bedroom within the roof space. The nearest affected habitable windows are to a first floor side bedroom window and ground floor side dining room window.

[Site location](#)

3. Planning History

- 3.1. 30/06/1962 – 60665000 – Store & WC – Approved.
- 3.2. 17/01/1973 – 60665001 – Extension – Approved.
- 3.3. 06/05/1988 – 60665002 – Garage – Approved-Conditions.
- 3.4. 11/04/1995 - 1995/00756/PA – Construction of bedroom extension – Approved-conditions.
- 3.5. 08/06/2018 - 2018/03129/PA - Erection of first floor extension to existing bungalow, erection of two storey side and single storey rear extensions – Refused.

4. Consultation/PP Responses

- 4.1. Adjoining residents, and local ward councillors notified – 4 individual responses received in support of the proposal from local residents; 7 individual objections have been received from local residents; petition has been received with 27 signatures objecting to the proposed development. Reasons for objection:-
 - Loss of light
 - Loss of privacy/overlooking
 - Scale/overdevelopment
 - Design
 - Out of character

- Impact on existing foundations/drainage
- No changes from previous refused scheme.

Reasons for support:

- Improve the character of the road
- Mix of dwelling styles within the area
- A number of properties have already extended at first floor level

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (saved policies 3.14-3.14D & Chapter 8).
 - Birmingham Development Plan (2017).
 - Places For Living 2001.
 - Extending Your Home 2007.
 - 45 Degree Code SPD.
- 5.2. The following national policies are applicable:
- National Planning Policy Framework.

6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies as set out above.
- 6.2. This application is a result of a recently refused application reference 2018/03129/PA which proposed the erection of first floor extension to existing bungalow, erection of two storey side extension and single storey rear extension. The previous application was refused because the design was out of keeping with the character of the original dwelling and street scene and would lead to loss of light to the neighbouring dwelling No. 3 Ferrers Close.
- 6.3. Following the refusal advice has been given to the agent that the principle of the proposed works could be supported provided that the previous reasons for refusal were overcome. This revised scheme has made the following changes from the previous refusal:-
- 1) The first floor side extension adjacent No. 3 Ferrers Close has been omitted.
 - 2) The design of the main roof has been redesigned with eaves now at the same height/level.
 - 3) Maximum height increase of the proposed main roof to the dwelling from the existing main roof is now proposed at 2.1m (previously 2.7m) and the height to the eaves level is 1.4m (previously 2.55m).
 - 4) A flat-roof first floor side dormer is proposed to the right-hand side of the dwelling.
- 6.4. Amended plans have been submitted which have omitted the proposed pitched roof to the existing flat roof attached side garage adjacent No. 3 Ferrers Close. Also the first floor side dormer window has been reduced in width from 9.8m to 8.6m and as a result is set further away from the front elevation of the dwelling.

- 6.5. The scale, mass and design of the proposed development is now considered to be acceptable. The proposed extensions would not be excessive in scale and would not dominate the original dwelling. The design of the proposed extensions, including the main roof of the dwelling, has been significantly improved from the previous refused scheme (2018/03129/PA). The proposed development would alter the appearance of the dwelling but this is not considered to result in a detrimental impact on the character of the existing dwelling or the visual amenity of the immediate area which comprises of a mix of dwelling types and styles. The development would be in accordance with the principles contained within 'Extending Your Home' Design Guide.
- 6.6. The nearest affected habitable window to the neighbouring dwelling No. 3 Ferrers Close is to a first floor side bedroom window which is located approximately 10.2m away from the proposed roof. It is unclear if this bedroom window is original to the neighbouring dwelling or has been inserted at a later date. However, I consider, when taking into account the reduced height of the proposed main roof from the previous refusal (2018/03129/PA); the design of the pitched roof sloping away from the neighbouring property, which reduces the mass; and the distance of the proposed roof to the neighbour's window; the overall development does not have a significant impact on the light and outlook to this neighbouring dwelling. Furthermore the first floor side extension above the existing side garage has been omitted from this revised application and the amended plans have omitted the pitched roof to the garage. For context purposes, 'Places for Living' advises on a 12.5m separation distance between windowed elevations and opposing 1 and 2 storey flank walls. The neighbouring window in question does not face a flank wall but a pitched roof at a distance of some 10.2m. These changes have further improved the light and outlook to the neighbouring dwelling in particular to the neighbour's ground floor side dining room window. As such I consider there are no sustainable grounds upon which to recommend refusal of this application and previous reasons of refusal have been overcome.
- 6.7. The proposed development complies with the 45 Degree Code as a result there is no detrimental impact on neighbouring occupiers' light or outlook.
- 6.8. Notwithstanding the objections received by local residents; the concerns regarding loss of light, overlooking and loss of privacy have been considered above and the proposed development would not compromise neighbouring occupiers' light, outlook or private amenities. A condition is attached to remove permitted development rights for any new windows and dormers at the application property in order to further safeguard neighbouring occupiers' private amenities in the future. A condition is also attached for obscure glazing of the proposed ground floor side en-suite window facing No. 3 Ferrers Close in order to protect neighbour's privacy.
- 6.9. In regard to the concerns raised regarding the scale and design of the proposal; it is considered the proposed development has significantly improved from the previous refused scheme. The overall proposed height of the roof would result in the application dwelling approximately only 350mm higher than No. 3 Ferrers Close. Therefore the proposal would have no detrimental impact on the character of the original dwelling or the visual amenity of the surrounding area.
- 6.10. In regard to impact on existing foundations this matter would form part of the Building Regulations application. It is considered the proposed development would have a minimal impact on the existing drainage system on this domestic property.

7. Conclusion

7.1. This application is recommended for approval as the proposed development complies with the objectives of the policies that have been set out above.

8. Recommendation

8.1. Approval subject to the following conditions:

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- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Removes PD rights for new windows |
| 4 | Requires the submission details obscure glazing for specific areas of the approved building |
| 5 | Implement within 3 years (Full) |
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Case Officer: Ricky Chima

Photo(s)



Photo 1 – Front Elevation

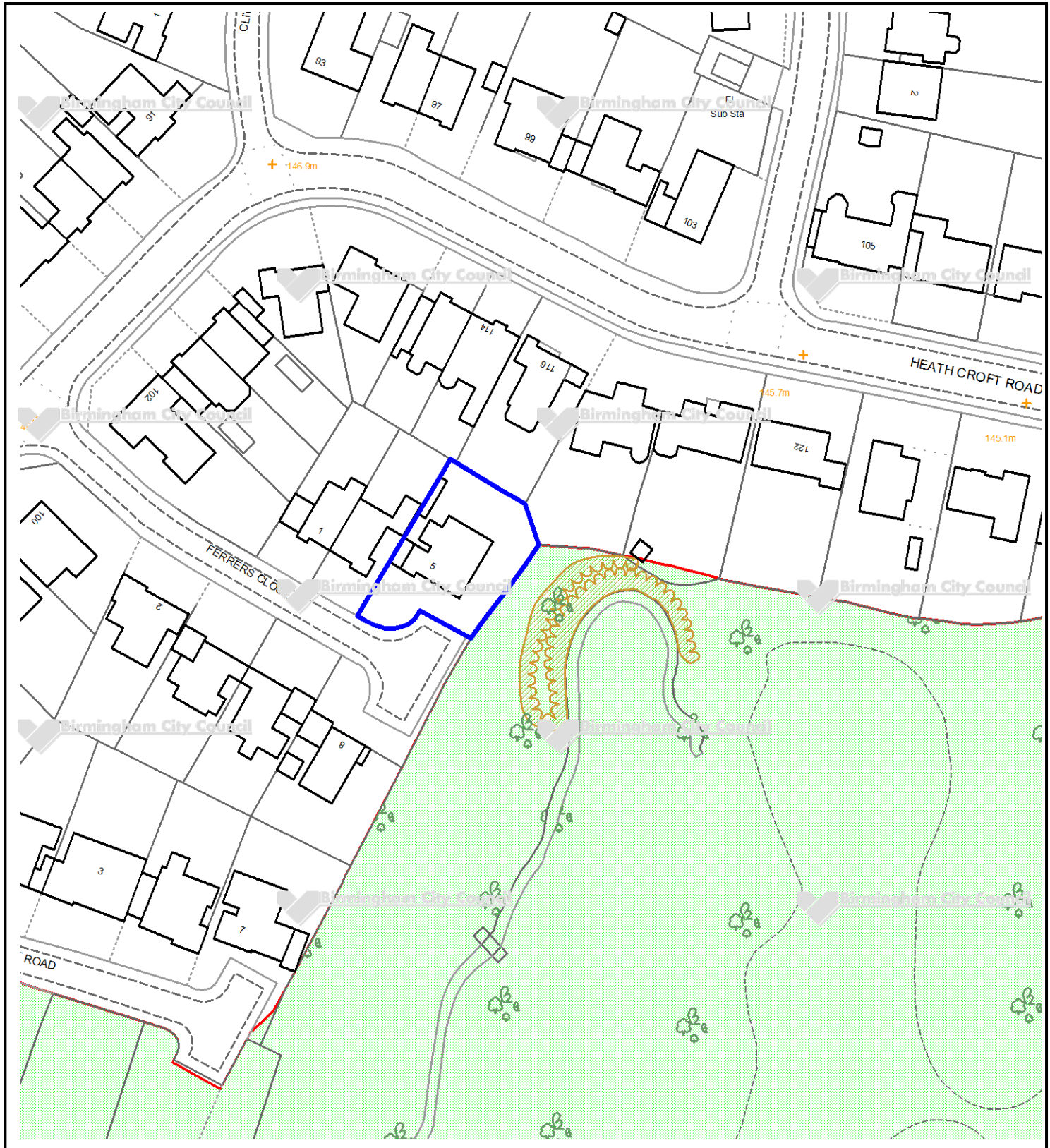


Photo 2 – Rear Elevation



Photo 3 – Side Elevation of No. 3 Ferrers Close

Location Plan



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Committee Date:	11/10/2018	Application Number:	2018/01827/PA
Accepted:	18/04/2018	Application Type:	Full Planning
Target Date:	18/07/2018		
Ward:	Sutton Wylde Green		

134-138 Birmingham Road, Sutton Coldfield, Birmingham, B72 1LY

Demolition of existing buildings and erection of a care facility (Use Class C2) comprising 64-bed care home with associated car parking, access, landscaping and engineering works

Applicant:	Redland Care Ltd c/o The Agent
Agent:	GVA 3 Brindleyplace, Birmingham, B1 2JB

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The proposal comprises the demolition of the existing buildings and erection of a 64 bedroom care facility (Use Class C2 – Residential Institutions) with associated car parking, access, landscaping and engineering works. The proposed care facility would provide 24 hour care to predominantly elderly residents in individual rooms with communal lounge/dining areas and include a variety of services for residents including a café, hairdressers and cinema.
- 1.2. The proposed building is designed as a “H” shape consisting of 3 distinct blocks. Firstly, a wider frontage building to Birmingham Road which is two storeys with a small amount of accommodation in the roof space and basement/lower ground area. It is of modern design with a hipped roof and projecting elements to give visual interest and contains the main entrance. Whilst predominantly constructed of brickwork with a tiled roof, the mid-section would be rendered to give further visual interest.
- 1.3. Secondly, a narrower middle block element extending into the site which would link the frontage building to the rear wing. This would comprise a 3 storey building cut into the site and constructed of brickwork at ground and first floor with a metal clad flat roof. Thirdly, a wider, 3 storey rear wing would link to the middle block also constructed of brickwork with a metal clad flat roof. The rear element would of this would contain a small projecting ground floor element with a balcony at first floor level.
- 1.4. The vehicular access and egress would be located close to the northern boundary of the site and the car parking area (22 spaces) would be located on the site frontage behind a landscaped buffer. A separate pedestrian access from Birmingham Road would also be provided. A service bay and timber refuse store would be provided at the northern end of the building.

1.5. The proposals contain extensive garden/amenity areas for residents with soft landscaping provided throughout the site and on boundaries. Retaining walls are proposed at northern and southern ends of the site to ensure stability between the existing site levels and where the building would be cut into the site. Existing trees and hedges would be retained where possible particularly on boundaries. Trees would be removed in the centre of the site to accommodate the proposed building. These would be replaced by 6 large trees and 12 medium trees providing additional screening on site boundaries.

1.6. The application is supported by a Planning Statement, Design and Access Statement, Landscape Strategy Plan, Noise Assessment, Sustainable Drainage Strategy, Phase 1 Site Assessment, Transport Statement, Arboricultural Survey, Ecology Report and Travel Plan.

1.6. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises 3 detached properties and their gardens, 134, 136 and 138 Birmingham Road located to the south of Sutton Coldfield town centre on the western side of Birmingham Road. The site is approximately 0.35ha and containing 2 detached residential properties and the Standbridge Hotel (138 Birmingham Road). The topography of the site slopes downwards from Birmingham Road to the rear boundary with residential properties in Goldieslie Close.

2.2. The site is located in a predominantly residential area and is bounded to the north and west by residential dwellings. To the south, there are also residential dwellings as well as the Sutton Coldfield Tennis and Racquets Club.

2.3. [Site Location and Street View](#)

3. Planning History

3.1. 14/05/2009. 2007/07745/PA. Redevelopment of 128-140 Birmingham Road to create a Class C2 registered residential care home, landscaping, access and associated works. Allowed on appeal where the main issues were scale, width, massing and design of the proposed building as well as whether the development would harm the outlook and privacy of nearby residents. The Inspector concluded that the development proposal would not have a harmful effect on the living conditions of neighbouring properties. In respect of design, he concluded that while the building would be a single working entity with a larger footprint than other buildings locally, it would be of an appropriate scale, form and of a high standard design. The development was not implemented.

4. Consultation/PP Responses

4.1. Transportation Development – No objections subject to conditions requiring highway works to be completed prior occupation, the applicants enter into an agreement to fund review/implementation, as required of Traffic Regulations in the vicinity of the site, the provision of cycle storage, pedestrian visibility be maintained at the vehicular access point and that the travel plan be finalised.

- 4.2. Regulatory Services – No objections subject to conditions requiring a phase 2 site investigation and verification report, extraction and odour control details, a scheme of noise insulation, construction method statement and low emission vehicle parking.
- 4.3. Local Lead Flood Authority – No objections subject to conditions requiring the submission of a sustainable drainage scheme and operation and maintenance plan.
- 4.4. West Midlands Fire Service – No objections.
- 4.5. West Midlands Police – No objections.
- 4.6. Severn Trent Water – No objections subject to a surface and foul water drainage condition.
- 4.7. University Hospitals Birmingham NHS Trust – request a contribution of £16,382 to provide additional services and capacity to meet additional patient demand as a result of this proposal.
- 4.8. MP, local Councillors, Residents Associations, nearby occupiers notified. Site and press notice posted. 9 letters have been received objecting to the proposal on the following grounds;
- Height of building on higher ground will result in overlooking bungalows to rear in Goldieslie Close and restrict sunlight to gardens.
 - De-value properties in Goldieslie Close.
 - Noise/dust during construction.
 - Highway safety as proposed access almost opposite junction with Monkseaton Road on busy stretch of Birmingham Road.
 - Loss of privacy/overlooking.
 - No need for another care home, existing places in area not filled.
 - Add strain to local hospitals/doctors.
 - Housing in area in demand.
 - Impact on character and visual amenities of the area.
 - Smoking shelter should be moved.
 - Increased traffic to a congested road.
 - Insufficient parking.
 - Building too large and appearance unacceptable.
 - Too many care homes in the area.
- 4.9. 4 letters of support for the proposal have also been received on the grounds that additional nursing home provision is required in the area.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, UDP 2005 (saved policies), Places for Living SPG, Mature Suburbs SPD, 45 Degree Code, Specific Needs Residential Uses SPG, Car Parking Guidelines SPD, NPPF (2018).

6. Planning Considerations

- 6.1. **Background** – Planning permission was granted on appeal for a 78 bed residential care home on a larger site (128-140) in 2009 but was never implemented. The

current proposal for a scaled down care facility was submitted following extensive pre-application discussions with officers.

- 6.2. **Principle of development** – As stated above the principle of the development, including the demolition of the existing buildings on the site and the erection of a care home has been established previously. The previous reasons for refusal were related to design and amenity issues and not the principle of the development. I have no objection to the current proposal in principle.
- 6.3. **Design and impact on character of the area** – The design of the proposed building has evolved through pre-application discussions with the main changes including the architecture being simplified and the palette of facing materials being reduced making the building less intrusive, reducing the depth of the rear wing, increasing separation between the middle block and the rear garden of no. 132 and introducing a pedestrian walkway alongside the gable end of the frontage building to provide greater separation with no. 132.
- 6.4. I consider that the contemporary design of the frontage building works well and the relationship of the proposed building with the street and the frontages of no's 132 and 140 Birmingham Road in terms of, separation scale, mass and appearance is acceptable. I consider the current design is far superior to that previously approved on appeal.
- 6.5. The amended design of the middle block and rear wing incorporating the flat "mansard" type roof and the use of a simple palette of materials together with reducing the depth of the rear wing and increasing separation of the middle block from the garden of no. 132 would reduce the visual impact on adjoining occupiers. The middle block would be cut into the site to further reduce its visual impact. I consider the scale, mass and appearance of the middle block is acceptable.
- 6.6. In terms of impact on the character of the area, the existing buildings are of limited architectural merit and the area contains a diverse mix of dwelling types including care homes. I do not consider the carefully designed care facility would have any adverse impact on the character and appearance of the area.
- 6.7. **Impact on the amenities of adjoining occupiers** – In terms of the impact of the proposal on residential amenity, the 3 properties which directly adjoin the application site are no. 132 Birmingham Road to the north, no. 140 Birmingham Road to the south and no.15 Goldieslie Close to the west.
- 6.8. The frontage block would comply with the 45 degree code in respect of both adjoining properties no's 132 and 140 Birmingham Road. It has been designed to minimise any impact on adjoining properties and to retain an element of separation to those properties.
- 6.9. The middle block which would be 3 storeys would be set into the ground adjacent to the frontage building and would have the impact of a 2 storey building on adjoining properties for approximately half its length and 2 to 2 and a half storeys for the remainder. It would contain side facing windows to habitable rooms and the northern elevation facing the rear garden of no. 132 Birmingham Road elevation would be set 12m off the boundary where it appears as a 2 storey building and 13.8m where it would appear as a 2 to 2 and a half storey building. The rear wing would be set between 6.2 and 7.6m off the boundary with no. 132 but would not contain any windows to habitable rooms. The boundary with no. 132 contains existing trees which would provide screening and additional trees are proposed. Separation

guidelines in Places for Living SPG require 5m setback per storey where new development with main windows overlooking existing private space is proposed. I consider the relationship of the middle block to the boundary of no. 132 is acceptable as the building is not a full 3 storey height, 13.8m separation can be achieved where the proposed building is 2.5 storeys and the boundary contains existing mature tree/hedge planting in this position which would provide effective screening. I do not consider the proposal would not result in a significant loss of privacy, overlooking, overshadowing, or loss of outlook to the occupiers of no. 132 Birmingham Road.

- 6.10. The southern elevation of the proposed middle block would face the garden of no. 140 Birmingham Road for a short distance and the Sutton Coldfield Tennis Club for the remainder. Where it directly faces the garden of no. 140, the middle block would appear as 2 storeys and the nearest side facing windows to communal lounges would be over 15m from the boundary. The remainder of the length of the southern elevation and the side elevation of the rear wing would face the tennis club and not raise any amenity issues. The southern boundary would contain a mature tree and additional tree planting is also proposed to increase screening. I do not consider the proposal would result in any loss of amenity to the occupiers of no. 140 through loss of privacy, overlooking, overshadowing or loss of outlook.
- 6.11. The rear wing elevation would be 3 storeys and contain windows to habitable rooms in its western elevation. It would be set approximately 0.8m to 1m higher than the property to the rear at no. 15 Goldieslie Close which is a bungalow. The western elevation would be 31.5m from the rear elevation of no.15 and 20.8m from the boundary which is well in excess of minimum separation guidelines in Places for Living SPG of 29.5m and 15m respectively. The first floor terrace would be 20m from the boundary with no.15. Mature tree planting exists in the rear boundary and the applicants are proposing additional planting on this boundary to improve screening. I consider that although the proposed rear wing would be visible from no. 15 Goldieslie Close, it is sufficient distance from the property not to cause loss of privacy, outlook or overshadowing to a degree that would warrant refusal of planning permission.
- 6.12. I am concerned regarding the proposed position of the smoking shelter adjacent to no. 140 Birmingham Road and the timber construction of the bin store in proximity to the site boundary with no. 132 Birmingham Road. I have recommended a condition giving no approval to these elements of the scheme and that revised details are submitted to the Local Planning Authority for written approval prior to their installation.
- 6.13. **Standard of accommodation for future occupiers** – The proposed accommodation would provide adequately sized single bedrooms for residents with en-suites, with all being over 16.1sq.m. External amenity space exceeds the 16sq.m per resident guideline as recommended in the same SPG.
- 6.14. **Highways** - The applicants have submitted a Transport Statement in support of the application. The statement acknowledges that the proposal is likely to increase traffic to/from the site, however the level of increase would unlikely to have a severe impact on the operation of highways in the vicinity including the existing junction of Birmingham Road/Monkseaton Road.
- 6.15. Transportation Development have raised no objections to the proposal subject to conditions. They agree with the conclusions of the Transport Statement that the proposal would be unlikely to have an adverse impact on the operation of the

highway in the vicinity of the site and also raise no objection to the proposed new vehicular access off Birmingham Road and the applicants proposal to convert the existing central hatching area on Birmingham Road into a right turn lane for the proposed care home.

- 6.16. Current car parking guidelines specify a maximum of 21 spaces for this size of car facility and 22 spaces, including 3 disabled parking spaces, are proposed together with a parking space for a minibus/ambulance and 8 cycle parking spaces. Notwithstanding the proposed parking provision, the District Engineer has raised concern that due to the proposed number of staff and high car ownership levels in the area that any overspill parking would likely end up on Birmingham Road. Therefore, a condition is recommended requiring the applicant to enter into an agreement/arrangement with the Highway Authority to fund the review and implementation, as required, of Traffic Regulation Orders to regulate/prohibit waiting in the vicinity of the application site, including on Monkseaton Road. I have no objections on highway grounds.
- 6.17. **Trees** – An arboricultural survey and impact assessment was submitted in support of the application. The assessment concluded that whilst a number of existing trees and tree groups in the existing back gardens would need to be removed to accommodate the proposed development, the majority of these trees are Category C and have limited landscape value and life expectancy. Trees that are being retained include the only Category A specimen on the site as well as all of the boundary trees and hedging. New tree planting (6 large trees and 12 medium (trees) is proposed on the site frontage and boundaries as well as structured landscaping within the site.
- 6.18. The Tree Officer has raised no objection to the proposed removal of the trees, none of which are protected or of such public amenity value that would warrant a Tree Preservation Order. The proposed level of tree replacement within the proposal is considered satisfactory.
- 6.19. **Ecology** - An ecological appraisal has been submitted in support of the application. The appraisal concluded that no's 136 and 138 would have low suitability for roosting bats due to the presence of a small number of bat access points/features that could be used as roosting sites and no. 132 was assessed as having negligible suitability as it was well sealed with no bat access points. The appraisal confirmed the absence of great crested newts in the small ornamental pond on the site.
- 6.20. The overall conclusion of the appraisal was that the site's habitats were of low ecological interest. The Planning Ecologist agrees with the conclusions of the appraisal and recommends that to minimise the risk of harm to wildlife during development, site clearance, including vegetation removal, should comply with the recommendations of the ecology report. Conditions are also recommended requiring a further bat survey, details of nesting boxes for birds and bats and ecological enhancement measures included in the ecological report are implemented.
- 6.21. **Environmental** – The applicants have submitted a Phase 1 site investigation and a noise assessment in support of the application. The Phase 1 site investigation recommends that a Phase 2 intrusive site investigation is necessary conditions are recommended requiring this further report and also a contamination verification report.
- 6.22. A noise assessment has been submitted which demonstrates that the noise environment can be met with noise mitigation measures such as glazing

specifications for the Birmingham Road frontage included within the report and a suitable condition is recommended. Regulatory Services also recommend conditions requiring details of extract and odour control details and a construction method statement/management plan which I consider in this instance can be justified.

- 6.23. **Drainage** – The applicants have submitted a Sustainable Drainage Strategy in support of the application. The Local Lead Flood Authority have confirmed that they accept the overall principles of the proposed development subject to conditions requiring further details of the sustainable drainage strategy as well as an operation and maintenance plan. Severn Trent Water have raised no objection subject to a condition requiring surface and foul water drainage details.
- 6.24. **Community Infrastructure Levy (CIL)** – The scheme is not identified as development that is liable for a CIL payment.
- 6.25. **Other matters** - I note the request received from the NHS Trust, for a sum of £16,328. Our position is that we do not consider the request would meet the tests for such Section 106 contributions, in particular the necessity test (Regulation 122.(2)(a) *necessary to make the development acceptable in planning terms*). We believe the interval from approval to occupation of the proposed development, along with published information (such as the BDP and SHLAA) gives sufficient information to plan for population growth. Discussions with the relevant Trust are continuing on this matter, in order for us to understand more fully their planned investments in the City and how we might best be able to support that.

7. Conclusion

- 7.1. The principle of the demolition of the existing dwellings on the site and erection of a care facility has been established previously and is acceptable. I consider the overall design, in particular the frontage building is superior to that previously allowed on appeal and would not detract from the character or visual amenities of the area. The scale and massing of the middle block and rear wing has been reduced following discussion with officers at pre-application stage in order to reduce the impact of the proposal on adjoining occupiers to the side and rear, boundary treatment would also be enhanced to screen the building from adjoining occupiers. The loss of trees of limited public amenity value within the site would be offset by the replacements proposed on the site frontage and boundaries.
- 7.2. Transportation Development have confirmed that they do not consider the proposal would result in any adverse highway impacts and the proposed parking provision is in accordance with current guidelines. I consider environmental, ecological and drainage issues can be controlled through appropriate conditions.
- 7.3. In conclusion, the proposal is in accordance with relevant local and national planning policies and is acceptable.

8. Recommendation

- 8.1. Approve Subject to Conditions.

1	Requires the prior submission of a contamination remediation scheme
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- 2 Requires the prior submission of a drainage scheme for the disposal of foul and surface water
 - 3 Requires the prior submission of a construction method statement/management plan
 - 4 Requires the prior submission of a sustainable drainage scheme
 - 5 Requires the prior submission of level details
 - 6 Requires the prior submission of an additional bat survey
 - 7 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 8 Requires the submission of details of bird/bat boxes
 - 9 Requires the development to be implemented in accordance with recommendations in the Ecological Appraisal
 - 10 Requires the submission of a contaminated land verification report
 - 11 Requires the submission of a noise insulation scheme prior to occupation
 - 12 Requires the submission of a Sustainable Drainage Operation & Maintenance Plan prior to occupation
 - 13 Requires pedestrian visibility splays to be provided
 - 14 Requires the submission of cycle storage details
 - 15 Requires the submission and completion of works for the S278/TRO Agreement
 - 16 Requires the submission of a commercial travel plan
 - 17 Requires the applicant to enter into an agreement with the Highway Authority to review Traffic Regulation Orders
 - 18 Requires the submission of sample materials
 - 19 Requires the submission of hard and/or soft landscape details
 - 20 Requires the submission of hard surfacing materials
 - 21 Requires the submission of boundary treatment details
 - 22 Requires the submission of extraction and odour control details
 - 23 Requires the submission of a lighting scheme
 - 24 Requires the submission of low emission vehicle parking details
 - 25 No approval is given to the siting of the smoking shelter and design of the proposed bin store
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26 Requires the scheme to be in accordance with the listed approved plans

27 Implement within 3 years (Full)

Case Officer: John Davies

Photo(s)

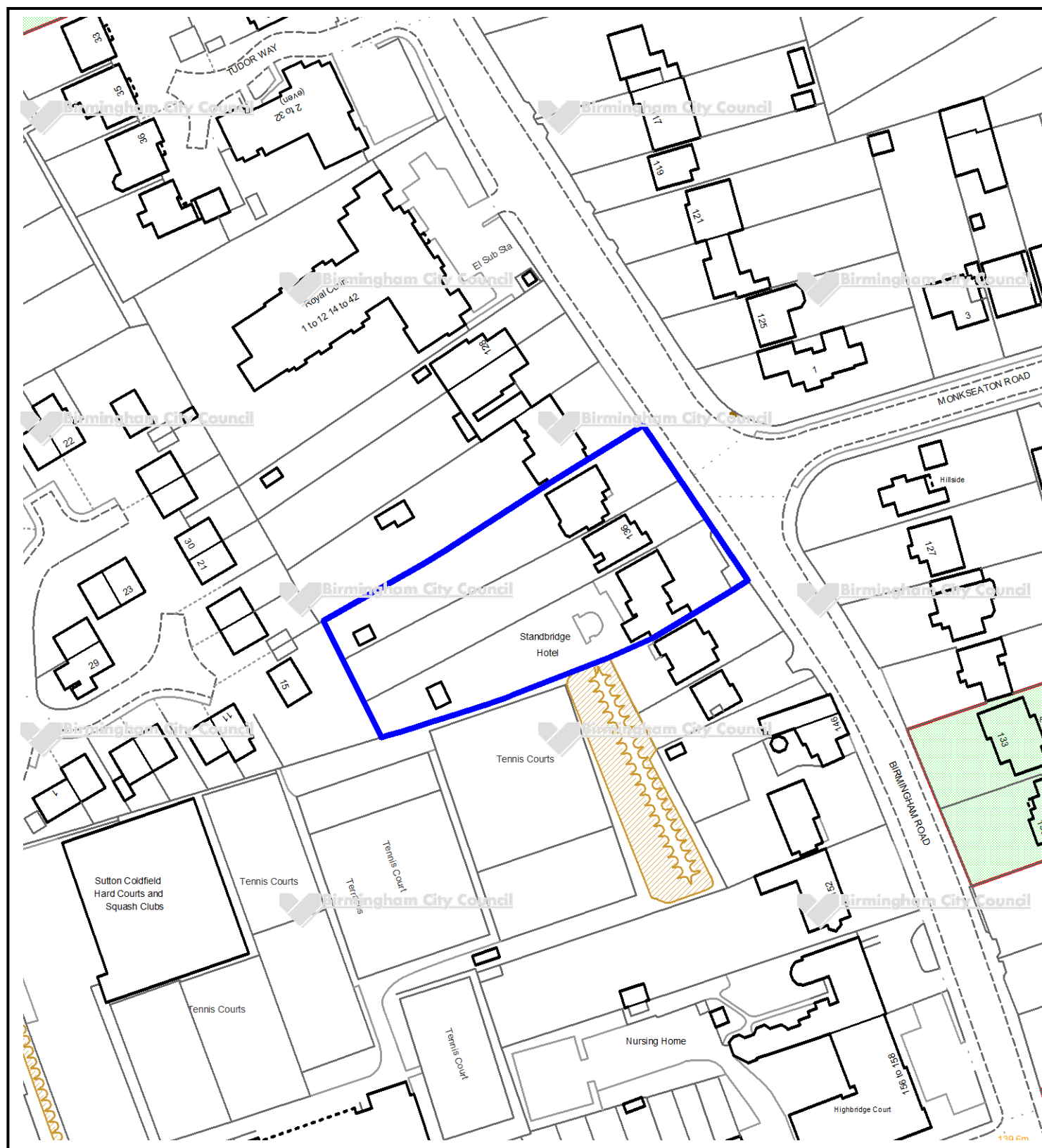


Figure 1 – Site frontage



Figure 2 – Garden of 134 facing 132

Location Plan



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Committee Date:	11/10/2018	Application Number:	2018/05477/PA
Accepted:	09/07/2018	Application Type:	Full Planning
Target Date:	11/10/2018		
Ward:	Sutton Wylde Green		

278 Birmingham Road, Sutton Coldfield, Birmingham, B72 1DP

Demolition of existing property and erection of 2no. detached dwellinghouses.

Applicant:	Mr Jeffery Tonks 278 Birmingham Road, Sutton Coldfield, Birmingham, B72 1DP
Agent:	HG Design Limited Sutton House, 4 Coles Lane, Sutton Coldfield, Birmingham, B72 1NE

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of two detached dwellings on this site, following the demolition of an existing detached dwelling. The proposed dwellings would be positioned within the same building line as neighbouring properties, with three parking spaces to the front of each property. This would be accommodated by relocating the existing site entrance and footway crossover to Birmingham Road from the southern edge of the frontage to its centre.
- 1.2. The application site covers an area of around 850sqm, with the plots being approximately equal in size at 425sqm each. The two dwellings would be slightly different in their design, but both be of similar height and size with five bedrooms spread across three floors (the third being within the roof, served by rooflights). At the rear, each would have a projecting wing on the northern side similar in appearance and size to a typical householder extension – on Plot 1 (the southernmost of the two) this projecting wing would be two storey, and on Plot 2 (the northernmost) it would be single storey.
- 1.3. The proposed dwellings would have footprints of around 105sqm, and private rear garden areas measuring around 170sqm. The internal floorspace area for Plot 1 would be 200sqm and include bedrooms measuring between 11.6sqm and 17.6sqm. For Plot 2 the internal floorspace area would be 192sqm, with bedrooms measuring between 10.3sqm and 15.5sqm.
- 1.4. The plans initially submitted with the application proposed the construction of two identical dwellings, which were slightly larger than those now proposed. The site was also initially proposed to be served by two separate footway crossovers. The current plans have evolved from feedback provided to the applicant.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is situated on the western side of Birmingham Road, opposite Greenhill Road and immediately to the south of a public footpath leading west to Cambridge Avenue. On the opposite side of Birmingham Road, including in surrounding streets, the character of built development is relatively varied. On the same side of Birmingham Road as the application site the general character of housing is semi-detached – this makes the application property relatively distinct in being detached. Whilst the current dwelling on the site shares a similar building line at the front to its neighbours, it is somewhat deeper at the rear.
- 2.2. Aerial images indicate that there was previously extensive tree cover along the northern boundary of the site adjacent to the footpath to Cambridge Avenue, but much of that has now been removed. The front boundary of the site retains a relatively tall (approximately 3 metre) conifer hedge above a brick wall, meaning that public views into the site from the highway are currently limited.
- 2.3. [Link to site location and street view](#)
3. Planning History
- 3.1. There is no planning history associated with the site.
4. Consultation/PP Responses
- 4.1. **Transportation Development** – No objection subject to conditions requiring the alteration of footway crossings, and the provision of pedestrian visibility splays.
- 4.2. **Regulatory Services** – No objection; subject to conditions requiring the submission of noise insulation details, a scheme of contamination remediation, and the provision of electric vehicle charging points.
- 4.3. **Severn Trent Water** – No objection.
- 4.4. **West Midlands Police** – No objection.
- 4.5. **Councillor Alex Yip** – The proposals are not in keeping with the character of the surrounding area, will result in traffic and highway safety issues, and the removal of trees has resulted in privacy issues for neighbours. The amendments made to the application do not address these issues.
- 4.6. **Wylde Green Neighbourhood Forum** – No objection, but consider that the available space is somewhat limited for the construction of two dwellings.
- 4.7. Occupiers of neighbouring properties were consulted on the application, and a site notice was posted adjacent to the site at the Birmingham Road end of the footpath to Cambridge Avenue. Ten objections were initially received, raising the following issues:
- The existing property on the site has a distinct character, and is in a repairable condition – its loss would harm local character and is unnecessary;
 - Demolition on the site will result in unacceptable noise, dust, traffic and general disturbance;
 - The two replacement dwellings are too large for the site and will be placed too close together – this will be out of keeping with the local area;

- There are no two properties the same on Birmingham Road, so having two identical properties on this site would be out of character;
- The proximity of Plot 2 to the footpath to Cambridge Avenue is unacceptable, and will detract from its current leafy appearance;
- The proposed dwellings will be much longer and extend deeper into the plot than the current dwelling on the site;
- The bedrooms within the loft space will result in a loss of privacy to neighbours;
- The windows in the side elevation of the dwellings will result in overlooking to neighbouring properties;
- There is currently a single storey garage on the boundary with 280 Birmingham Road – its replacement with a two storey house will harm the amenity and privacy of that property. That property also has a side-facing window, which will adversely affected;
- The increase in intensity of use of the site will result in unacceptable noise and disturbance for existing neighbouring residents;
- The loss of trees and shrubs associated with development will harm local wildlife, and replacing with fencing is inappropriate – the application form states that there are no trees or shrubs on the site at present, but this is not true and ignores the fact that many have recently been removed;
- The proposed vehicular access to Plot 2 is directly opposite Greenhill Road, and therefore unsafe;
- Insufficient parking is proposed for the size of dwellings – overspill parking onto Birmingham Road would be unsafe due to the busy nature of the road, and if residents parked on Emmanuel Road or Cambridge Avenue to the west it would cause a nuisance to existing residents;
- The submitted plans indicate that garden sheds will be located adjacent to the rear gardens of properties on Emmanuel Road, leading to security issues;
- The new properties will have an unacceptable impact on drainage and sewerage

4.8. In response to the receipt of amended plans, a re-consultation has been carried out. Three further responses have been received, raising the following issues:

- The changes made to the application are not substantial enough to overcome the issues raised previously;
- The development proposals remain fundamentally oversized for the site.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan (2005) – Saved policies
- Places for Living (2001)
- 45 Degree Code (2006)
- Mature Suburbs Guide to Control Residential Intensification SPD (2008)
- Car Parking Guidelines SPD (2012)

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2018)

6. Planning Considerations

- 6.1. The main issues to consider for this application are the principle of residential intensification in this location, the design of the proposed dwellings, impacts on residential amenity, and highways and parking.
- 6.2. **The principle of development** – The Council's Mature Suburbs SPD applies in this case. It notes that national planning policy encourages the provision of new homes in the right places, and that the provision of new dwellings within existing suburbs can be beneficial by increasing the supply of housing and also using land more efficiently. However, the SPD does also note that residential intensification within mature suburbs such as this can have significant impacts on local character, particularly if good design principles are not taken into account.
- 6.3. The existing dwelling on the site is in a relatively poor condition, although it appears to be readily capable of refurbishment. However; it is not covered by any form of listing (statutory or local), is not located within a conservation area, and is not otherwise considered to be of any particularly noteworthy architectural character. As a result, there is no basis on which to prevent its demolition.
- 6.4. The proposed dwellings would be set within the predominant building line on the eastern side of Birmingham Road to the south, and would be the same height. Although deeper than the neighbouring properties to that side, the proposed dwellings would be of a similar depth to the house they replace and are also comparable in depth to the neighbouring dwellings to the north.
- 6.5. The two dwellings would be spaced relatively closely together, but it is noted that there is a variety of dwelling sizes and types present within the local area. Although the northernmost of the two dwellings would bring built development much closer to this side of the right of way through to Cambridge Avenue than it is at present, a gap of 0.7m to 1.5m (by virtue of the slight offset angle of the footpath) would be retained between the new dwelling and the right of way boundary. Given that 276 Birmingham Road has previously been extended hard up to the opposite edge of the right of way, and that the width of the right of way would remain at around 12.5m (of which the footpath itself is only the central 1.7m), the proposal would not significantly impact the spatial character of the area.
- 6.6. On the whole, the proposal is considered to be compliant with the Mature Suburbs SPD – as such, the principle of development is acceptable.
- 6.7. **The design and appearance of the proposal** – As noted above, the scale and spacing of the proposed dwellings is considered to be suitably in-keeping with the character of the surrounding area. Although the plans initially submitted with the application showed two dwellings that would have been identical in design, the proposals are now more nuanced with a notable distinction between the two. This respects the non-repetitive variety of design evident on Birmingham Road.
- 6.8. The plans initially submitted with the application indicated an intended mix of brick, render and mock-Tudor materials within the front elevations of the dwellings. Surrounding buildings primarily use red bricks and white render. The amended plans have removed the mock-Tudor features, and include some more contemporary elements albeit within a generally traditional overall appearance. This is considered to be acceptable, subject to the agreement of final materials (for which a condition is recommended).
- 6.9. The proposals have sought to maximise internal floorspace by effectively 'pre-adding' rear projections on their northern sides. Whilst these projections will

evidently be original, by virtue of their scale and positioning they will have the appearance of conventional residential extensions. This approach is considered to be acceptable, but in order to ensure that the rear projections are treated as though they are extensions in the future a condition is proposed to remove permitted development rights for further extensions.

- 6.10. It is noted from a number of consultation responses that significant numbers of trees have recently been removed from the northern side of the site, adjacent to the footpath to Cambridge Avenue. These were not subject to any form of protection, and little weight can therefore be given amenity concerns that have arisen from their removal. However, it is necessary to ensure that the site retains a green border alongside the footpath in order to maintain local character. The amended plans have ensured that a buffer zone exists to provide space for this, and a condition is proposed to require the submission of a landscaping scheme with any approval so that the details of this can be properly addressed.
- 6.11. **Residential amenity** – Because the proposed dwelling will be inserted into an existing residential environment, residential amenity issues require careful consideration. This particularly concerns overlooking, outlook and light issues for neighbouring occupiers, but also concerns the living standards of residents of the proposed new dwellings.
- 6.12. The proposed dwellings will be two storey, for which Places for Living requires a minimum 10 metre set back from neighbouring properties in order to prevent overlooking (based upon 5 metres per storey). Although each property will have second floor rooms within the roof space, these will be served by roof lights only and overlooking will not arise from them. The only relationship to an adjoining property which would be less than 10 metres is between Plot 1 and 280 Birmingham Road to the south. The only proposed side windows are on the ground floor adjacent to the boundary fence, and overlooking will not arise. However, the relationship between the forward-facing first floor window on Plot 1 (which serves an ensuite bathroom) and windows at 280 Birmingham Road is such that this window does need to be obscurely glazed. A condition is proposed to that effect.
- 6.13. The only relevant neighbour for the purposes of assessment against the 45 Degree Code is 280 Birmingham Road to the south. That property has a habitable ground floor rear window positioned relatively close to the boundary with the application site, but the 45 degree line from it is already blocked by a side/rear extension on the house to be demolished. The rear projection of Plot 1 will be positioned on the opposite side to 280 Birmingham Road, meaning that light levels to its ground floor rear windows will actually increase as a result of the proposal. The closest first floor window at 280 Birmingham Road is positioned much further away from the boundary, and will be similarly unaffected by the proposals.
- 6.14. The neighbour at 280 Birmingham Road does also have an unusual side-facing dormer at first floor level, which is understood to serve a bedroom – because this is a habitable room, loss of light, outlook and privacy to it still need to be considered. The plans initially submitted with the application incorporated a full height two-storey wall located approximately 2.5m away from the affected window, and this distance was considered insufficient. The amended plans now include a sloping side roof on Plot 1, at a distance of around 3.5m horizontally from the window – Plot 1's roof would also now continue to slope away upwards, channelling light towards the affected window. This is a substantial improvement.

- 6.15. The affected window is a form of development which would not be supported if being proposed due to its unacceptable relationship with 278 Birmingham Road. Applying the same weight to this window as you would to a window to the rear or front elevation would unfairly restrict development potential within the application site. As a result, the amendment is considered to strike an appropriate balance between the residential amenity of 280 Birmingham Road and the rights of the applicant.
- 6.16. The gardens of the proposed dwellings would measure around 170sqm. This is well in excess of the minimum standard in Places for Living of 70sqm for a family home. Internally, the floorspaces of 200sqm (Plot 1) and 192sqm (Plot 2) compare very favourably to the 134sqm minimum for 5-bedroom properties set out in the Nationally Described Space Standard – whilst this is not adopted by the Council, it provides a suitable benchmark.
- 6.17. Regulatory Services have recommended the imposition of a condition to require a scheme of noise insulation to be submitted for the proposed dwellings. In view of the site's proximity to the busy Birmingham Road, such a condition is considered to be reasonable in order to protect the amenity of residents of the dwellings and is recommended to be imposed.
- 6.18. **Highways and parking** – Transportation Development have not objected to the proposal in terms of impacts on traffic generation onto Birmingham Road and highway safety. This is based upon the relocated site access from the south to the centre of the Birmingham Road frontage in the amended plans, thereby providing a central space within the site for vehicles to turn and exit in a forward gear. Whilst Transportation Development have expressed a preference for parking to be located parallel to the road and perpendicular to the proposed dwellings (the submitted plans show the parking parallel to the dwellings), it is considered that this would create something of a 'forecourt' feel enclosed by vehicles. The submitted proposal is considered to strike a more appropriate balance between highway safety matters and a desire to respect the traditional layout of parking at other dwellings within the surrounding area.
- 6.19. In the interests of highway safety, conditions are proposed to require an appropriate footway crossing to be installed and to also restore the existing footway crossing at the southern end of the site to a full-height kerb. A condition is also proposed to require the provision of suitable pedestrian visibility splays at the site entrance.
- 6.20. The proposal exceeds the required car parking provision in the Car Parking Guidelines SPD (with 3 spaces per property proposed instead of 2); although in view of the relatively large size of the properties this is considered to be acceptable by Transportation Development. It is noted from consultation responses that there are local concerns that a significantly larger number of cars would be parked at the property, but this is not backed up by evidence and would form an unsustainable ground for refusal of the application given that it already exceeds the Council's standards.

7. Conclusion

- 7.1. The submitted proposal has been considered to be acceptable in principle, and has been amended to reflect issues identified during its consideration. The scale and siting of the proposed dwellings is considered to be in-keeping with other dwellings in the surrounding area, and compliant with the Council's policies as identified above.

7.2. Ultimately, the proposal is considered to form an appropriate addition to the character of the surrounding mature suburb.

8. Recommendation

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

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Requires the submission of sample materials |
| 5 | Requires the submission a noise insulation scheme |
| 6 | Requires the submission of hard and soft landscape details |
| 7 | Requires the submission of boundary treatment details |
| 8 | Requires the use of obscure glazing for specific areas of the approved building |
| 9 | Requires pedestrian visibility splays to be provided |
| 10 | Requires the provision of footway crossings and the reinstatement of any redundant footway crossings to full height kerb |
| 11 | Removes PD rights for new windows |
| 12 | Removes PD rights for extensions |
| 13 | Implement within 3 years (Full) |
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Case Officer: Robert Webster

Photo(s)



Photo 1 – Front elevations of 278 and 280 Birmingham Road

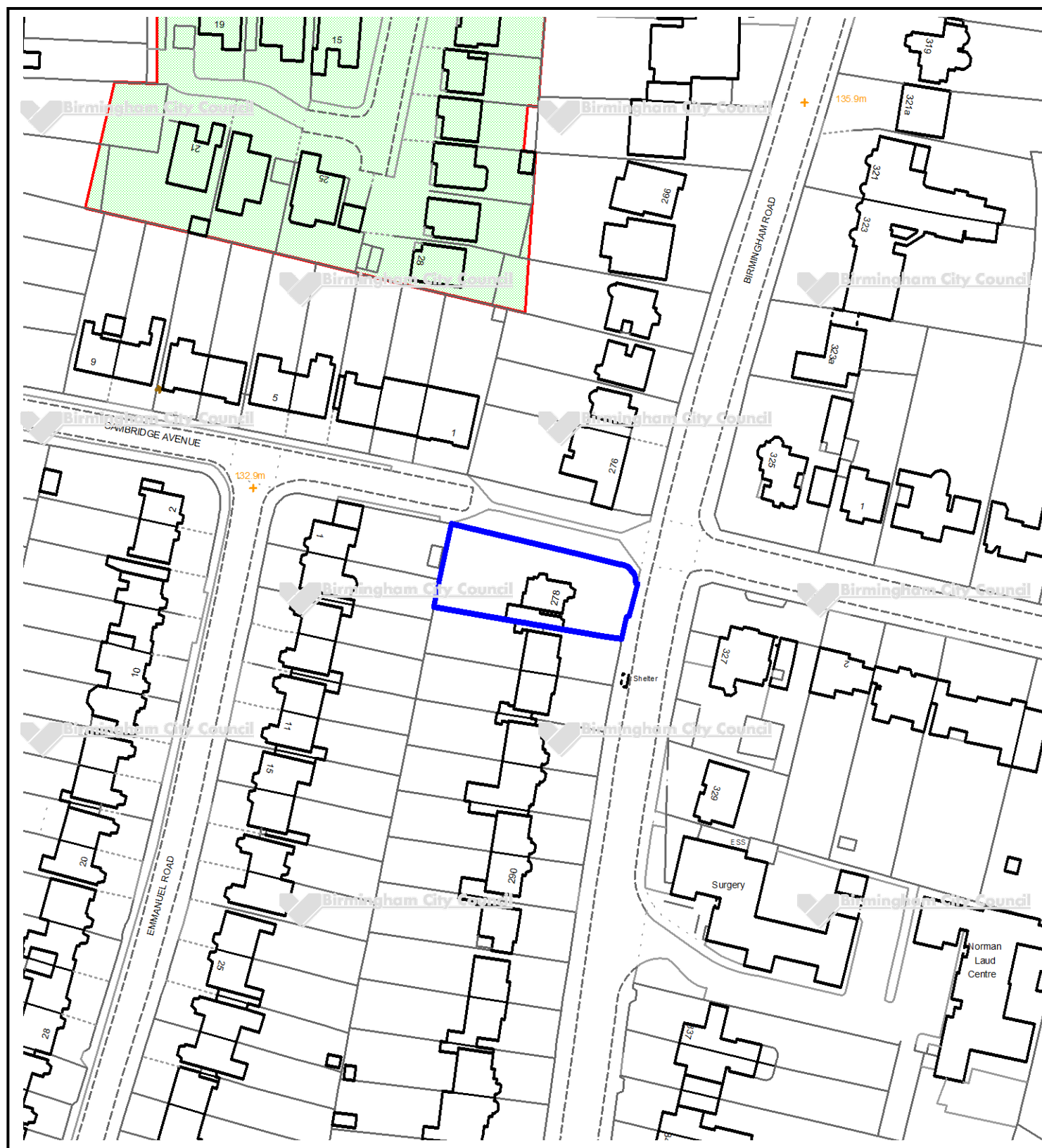


Photo 2 – View of side elevation of 278 Birmingham Road and the adjoining public footpath



Photo 3 – View of side elevation of 276 Birmingham Road and the adjoining public footpath

Location Plan



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Committee Date:	11/10/2018	Application Number:	2018/06164/PA
Accepted:	26/07/2018	Application Type:	Full Planning
Target Date:	11/10/2018		
Ward:	Sutton Four Oaks		

Coach House Building on land north-west of, 1 Heather Court Gardens, Sutton Coldfield, B74 2ST

Conversion of detached coach house building to form a separate self-contained dwelling, provision of access route and removal of single storey block at rear to enlarge courtyard garden space.

Applicant:	Mr D Majithia 1 Heather Court Gardens, Sutton Coldfield, B74 2ST
Agent:	TMCS 9 Coales Gardens, Market Harborough, LE16 7NY

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the conversion of an existing detached coach house building located within the grounds of 1 Heather Court Gardens into a separate self-contained dwelling. This would be accessed via a new private driveway around 40 metres in length serving three parking spaces, which would divide from the existing driveway and turning circle at the front of 1 Heather Court Gardens. This would result in part of that existing driveway becoming shared. Hedge planting and fencing alongside the new driveway would separate the converted dwelling from the existing property, and define the curtilages of each.
- 1.2. Conversion of the coach house would be facilitated through the replacement of the existing stable doors on its front elevation with glazing and a new front door with porch above, in addition to the replacement of a first floor door with windows. At the rear, an existing single storey projection on the eastern side of the coach house would be removed in order to enlarge the existing walled courtyard to approximately 25sqm. The majority of the resultant dwelling's private amenity area would be located to its front, measuring approximately 210sqm. The internal floorspace of the converted dwelling would be approximately 205sqm – this would comprise a lounge, a kitchen and dining space, an office, a utility room and a bedroom at ground floor, with three further bedrooms, an additional lounge and bathroom at first floor.
- 1.3. The plans initially submitted with the application indicated that the new driveway serving the coach house would continue through directly onto Heather Court Gardens, necessitating the removal of a section of the tall (approximately 5m) conifer hedge fronting the site. The current plans have evolved from feedback provided to the applicant.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is situated on the eastern side of Heather Court Gardens, a short cul-de-sac leading north from Wentworth Road within the Four Oaks Conservation Area. The coach house is understood to have been originally constructed in the late 19th century in connection with Heather Court (since renamed 1 Heather Court Gardens, the main dwelling on the site), but it is not subject to any form of statutory or local listing. It is currently used to store a small amount of plant and equipment, but is otherwise vacant.

2.2. Since the construction of Heather Court an array of infill development has taken place within its grounds, as well as the grounds of other surrounding original properties adjacent. This has left the coach house somewhat isolated in relation to its parent dwelling, situated within a panhandle of land immediately adjoined on its western and eastern sides by the gardens of other properties and on its northern side by a shared driveway serving those properties. The surrounding dwellings are a post-war mix of detached two storey dwellings and bungalows – whilst still set in relatively spacious plots, the density of surrounding development is much higher than typically seen elsewhere within the Four Oaks Conservation Area.

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

3. Planning History

3.1. There is no planning history specific to the coach house. For the main dwelling, planning permission was granted in June 2018 (2018/03099/PA) for the erection of a detached garage on land to its south (i.e. the opposite side to the coach house).

4. Consultation/PP Responses

4.1. **Transportation Development** – No objection, subject to the provision of a pedestrian visibility splay at the site entrance and provision of vehicle crossovers.

4.2. **Regulatory Services** – No objection subject to the provision of electric vehicle charging points.

4.3. **West Midlands Police** – No objection

4.4. **Severn Trent Water** – No objection

4.5. **Royal Sutton Coldfield Town Council** – Object to the proposal, as it would be out of character with the surrounding area and impact on nature conservation.

4.6. **Planning Advisor to the Four Oaks Estate** – The application is backland development without a street frontage and sits in an insufficiently-sized plot, contrary to the Four Oaks Development Guide. Permitting the separation of the coach house from Heather Court would also harm the character of the Conservation Area.

4.7. Local ward councillors, local residents associations and occupiers of neighbouring properties were consulted on the application. A site notice was also posted adjacent to the site entrance on Heather Court Gardens. Nine objections have been received, raising the following issues:

- The removal of hedging to provide access to the site would significantly alter the character of Heather Court Gardens;

- Other new dwellings on Heather Court Gardens have respected the spacing of Heather Court itself – this proposal would be much more cramped and would not provide the spacious setting required of dwellings within the Four Oaks Estate;
- The proposal is backland development, inappropriate within the Conservation Area;
- There is no room at the property to provide a garage;
- Existing vegetation on the rear boundary of the coach house will severely limit the natural light to rooms within it;
- The coach house is of insufficient size to be converted to a four-bedroomed house, and will provide cramped living conditions;
- Harmful overlooking could occur from the first floor rooflights on the western side of the property, which look directly into an adjoining residential garden;
- The proposal will generally harm the amenity of all adjoining properties;
- It is proposed to install a septic tank, this is unnecessary given the adequate sewerage and drainage within the Four Oaks Estate;
- The addition of another house to Heather Court Gardens will result in unacceptable increases in traffic and disturbance;
- The proposed access point will breach the pavement, which is the property of the Four Oaks Estate and not the applicant. It will also compromise access into other existing properties;
- There may be archaeological interest associated with the site, which should be investigated.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (2017)
 - Birmingham Unitary Development Plan (2005) – Saved policies
 - Four Oaks Estate Development Guidelines (1993)
 - Places for Living SPD (2001)
 - Mature Suburbs Guide to Control Residential Intensification SPD (2008)
 - Car Parking Guidelines SPD (2012)
- 5.2. The following national policies are applicable:
- NPPF: National Planning Policy Framework (2018)

6. Planning Considerations

- 6.1. The main issues to consider for this application are the impacts upon the Four Oaks Conservation Area, impacts on residential amenity, highways and parking, and nature conservation.
- 6.2. **Impacts on the Four Oaks Conservation Area** – Paragraph 193 of the NPPF gives great weight to the conservation of heritage assets, and sets out that any harm should require clear and convincing justification. Proposals resulting in substantial harm to heritage assets should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits (Paragraph 195), whereas cases resulting in less than substantial harm should be considered against the public benefits of a proposal (Paragraph 196).
- 6.3. Policy TP12 of the BDP states that the City's historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability. It further states that new development affecting a designated or non-designated heritage asset or its setting, including alterations and

additions, will be expected to make a positive contribution to its character, appearance and significance.

- 6.4. The Four Oaks Conservation Area was designated in 1986, and comprises a large collection of outstanding houses designed around their woodland setting. In 1993, the Four Oaks Estate Development Guidelines SPG was adopted to ensure that any further new development is carried out in harmony with the original design philosophy of the Estate, and that the remaining building and landscaped fabric, designed as an integral whole, is retained. This was considered particularly necessary, as prior to 1993 infill and backland development occurred which failed to respect the outstanding features of the area and contributed to the progressive erosion of the unique features of the area.
- 6.5. The SPG includes a number of criteria to ensure that new developments respect the prevailing characteristics of the Conservation Area. The majority of these are only relevant to new-build development rather than conversion, but Paragraph 3.5d is specific to coach house conversions and notes that these will be considered on their merits subject to impacts on the amenity of adjacent residents. Amenity impacts are covered below, but it is evident that the SPG does not take a preventative stance to such conversions.
- 6.6. Paragraph 3.6 of the SPG relates to landscaping, and paragraph 3.7 to access – for both, the emphasis is upon maintaining existing features and the enclosed and discreet character of the estate. The plans initially submitted with the application indicated that the new driveway would connect to a new access point on Heather Court Gardens, necessitating the removal of a lengthy section of hedgerow on the front of the site. This would have been contrary to the SPG, and result in a significant change to the character of Heather Court Gardens.
- 6.7. By contrast, the amended plans now received will mean that the development will comply with these parts of the SPG – indeed the conversion of the coach house to a separate dwelling and the resultant changes to the driveway layout on the frontage of Heather Court Gardens will be almost entirely imperceptible from outside the site. Whilst the objections to the resultant plot size from the Planning Advisor to the Four Oaks Estate and local residents are acknowledged, and the SPG does (Paragraph 3.3) generally require dwellings to be set within larger plots than what will result in this case, this is of greater relevance to new-build development. The plot size in this case is dictated by existing boundaries surrounding the coach house, and other considerations are considered to be of greater relevance. Furthermore, the resultant plot size is not markedly different to others nearby (notably 6 and 8 Heather Court Gardens).
- 6.8. The proposal will evidently necessitate the separation of part of the side garden of 1 Heather Court Gardens in order to create space for the new driveway to serve it. However, the coach house is already somewhat separated from 1 Heather Court Gardens behind hedgerows, and is considered to fall outside of its residential curtilage. The approximate area of that curtilage has been calculated at 2,400sqm, with the proposal reducing this to around 2,100sqm. Whilst this reduction will clearly impact on the degree of spaciousness around 1 Heather Court Gardens, the reduction is not considered to be significant and as such any harm to the Four Oaks Conservation Area would be marginal.
- 6.9. The Council's Conservation Officer has noted that previous infilling around Heather Court has already compromised the original character of development in this area, and does not object to the principle of converting the coach house to a residential

use. They have also noted that historic mapping indicates a precedent for the coach house being served by a driveway along a similar alignment to that now proposed. Whilst they have expressed some reservations about the unconventional shape of the plot which would result from the separation, the imperceptibility of this from outside of the site is considered to render it acceptable.

- 6.10. The application would result in the provision of an additional dwelling in a sustainable location close to Four Oaks Railway Station. It would enable the ongoing preservation of the coach house building, which whilst unlisted is relatively historic and of some architectural quality and therefore makes a positive contribution to the character of the Conservation Area. This reuse recognised as a benefit by the conservation officer. With the amendments now made to the scheme, these benefits are considered to outweigh the limited and less than substantial harm to the Four Oaks Conservation Area that has been identified as a result of the proposal.
- 6.11. The changes to the fabric of the building necessary to facilitate its conversion are relatively minimal, and will not generally be publicly visible. This includes the demolition of a small rear projection at the rear of the coach house, which will enlarge its rear courtyard – no harm has been identified as a result of this. However, in order to ensure the design approach of the development does suitably respect the character of the Conservation Area, a condition is proposed to require the submission of sample materials prior to their use within the development.
- 6.12. On a similar basis, particularly as a result of the need to provide an acceptable new boundary and setting for the existing house at 1 Heather Court Gardens, conditions are proposed to require the submission of details on landscaping and boundary treatment.
- 6.13. **Residential amenity** – Because the coach house is situated within an existing residential environment, residential amenity issues require careful consideration. For this application this particularly concerns overlooking – losses of light or outlook will not occur to neighbouring residents, as the building already exists. It is also necessary to consider the living standards for residents of the coach house.
- 6.14. The coach house is two storey, for which Places for Living requires a minimum 10 metre set back from private amenity areas at neighbouring properties in order to prevent overlooking (based upon 5 metres per storey). To the north and east respectively, the coach house adjoins the front gardens of 14 and 16 Heather Court Gardens where there is a greater expectation of public observation – accordingly, no harm to their amenity will occur as a result of residential occupation of the coach house.
- 6.15. However, the private rear garden of 9 Heather Court Gardens adjoins the coach house immediately to the west. Whilst roof lights are not generally considered in the context of overlooking and these would serve walk-in wardrobes, these will be amongst the property's only first floor windows and are therefore more likely to be looked out of than might typically be expected. In order to prevent overlooking out of these into that property's garden, it is necessary for the rooflight windows facing that direction to be fitted with obscure glazing and a condition is proposed for this.
- 6.16. In terms of window-to-window separation, Places for Living seeks a minimum 21 metre distance between opposing building faces. To the east, the distance from the first floor rooflights to the closest first floor window at 16 Heather Court Gardens has been measured at approximately 24 metres – there is therefore no need for the east-facing rooflight windows to be fitted with obscure glazing.

- 6.17. To the north, the distance from the circular first floor window on the northern elevation of the coach house to the closest first floor windows at 12 and 14 Heather Court Gardens has been measured at approximately 18 metres and 17 metres respectively. This is evidently slightly below the requirement in Places for Living. However, because of the indirect and offset angle between the coach house's window and those properties, as well as the small size of the coach house window (approximately 0.7m in diameter), it is considered unlikely that harmful overlooking would arise for those properties.
- 6.18. The positioning of the converted coach house's main garden at its front is somewhat unusual, but the relationship with the highway and other surrounding properties does nevertheless render the garden private. The combined 235sqm area of this and the enlarged rear courtyard is well in excess of the 70sqm private amenity area requirement for a family dwelling in Places for Living. Internally, the floorspace of approximately 205sqm compares very favourably to the 130sqm minimum for a 4-bedroom property set out in the Nationally Described Space Standard – whilst this is not adopted by the Council, it provides a suitable benchmark.
- 6.19. By virtue of the unusual relationship of the coach house relative to its neighbours and its historic character, conditions are proposed to remove permitted development rights for householder extensions, outbuildings and the insertion of new windows. This will ensure that any potential impacts of such works can be considered fully by the local planning authority.
- 6.20. **Highways and parking** – At the time of Transportation Development's comments on the proposal, it incorporated a new access directly onto Heather Court Gardens. Now that this is absent, and the converted coach house will be accessed via the existing private driveway and highway access of 1 Heather Court Gardens, there is no need for the requested conditions to provide pedestrian visibility splays and vehicle crossovers to be applied.
- 6.21. The submitted plans indicate that the part of the driveway serving the coach house and its neighbour will have a width of at least 5 metres for a length of around 25 metres as it passes in front of 1 Heather Court Gardens. This will provide sufficient opportunity for vehicles to pass safely and minimise conflict, and vehicle speeds are likely to be low by virtue of the shared nature of this space. Whilst the shared driveway would narrow back down to a minimum of 3 metres towards the site access onto Heather Court Gardens, this is for a very short length and unlikely to present major highway safety issues. The benefits of maintaining the character of the Conservation Area (i.e. not necessitating the removal of hedging to provide a wider access point) are also considered to outweigh this.
- 6.22. The coach house would be served by three parking spaces, with sufficient space within the adjacent turning head for vehicles to enter and exit the site in a forward gear. Whilst this provision exceeds the maximum requirement for two parking spaces in the Car Parking Guidelines SPD, Transportation Development raises no objection.
- 6.23. **Nature Conservation** – At the time of the case officer's site visit, evidence of bird nesting was observed within the first floor and roof structure of the coach house. Because of the uninhabited and relatively rustic nature of the coach house at present, it is also possible that it is used by roosting bats. As a result, a condition is proposed to require the submission of an ecological survey prior to the commencement of development – this will ensure that any impacts upon protected species are fully considered.

7. Conclusion

- 7.1. This application proposes the effective reuse of an existing building, providing new residential accommodation in a sustainable location. The scope of changes necessary to facilitate its residential conversion is relatively minor, and the proposal is considered to comply with adopted national and local policy in addition to the Four Oaks Estate Development Guidelines SPG. The harm identified to the Four Oaks Conservation Area is negligible, and considered to be outweighed by the scheme's benefits.
- 7.2. No harm to the amenity of neighbouring residents has been identified as a result of the proposal, and potential impacts on highway safety and ecology are considered to be acceptable.

8. Recommendation

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

-
- | | |
|----|---|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of sample materials |
| 4 | Requires the submission of hard and soft landscape details |
| 5 | Requires the submission of boundary treatment details |
| 6 | Requires the use of obscure glazing for specific areas of the approved building |
| 7 | Removes PD rights for new windows |
| 8 | Removes PD rights for extensions |
| 9 | Removes PD rights for outbuildings |
| 10 | Requires the prior submission of an ecological survey |
-

Case Officer: Robert Webster

Photo(s)

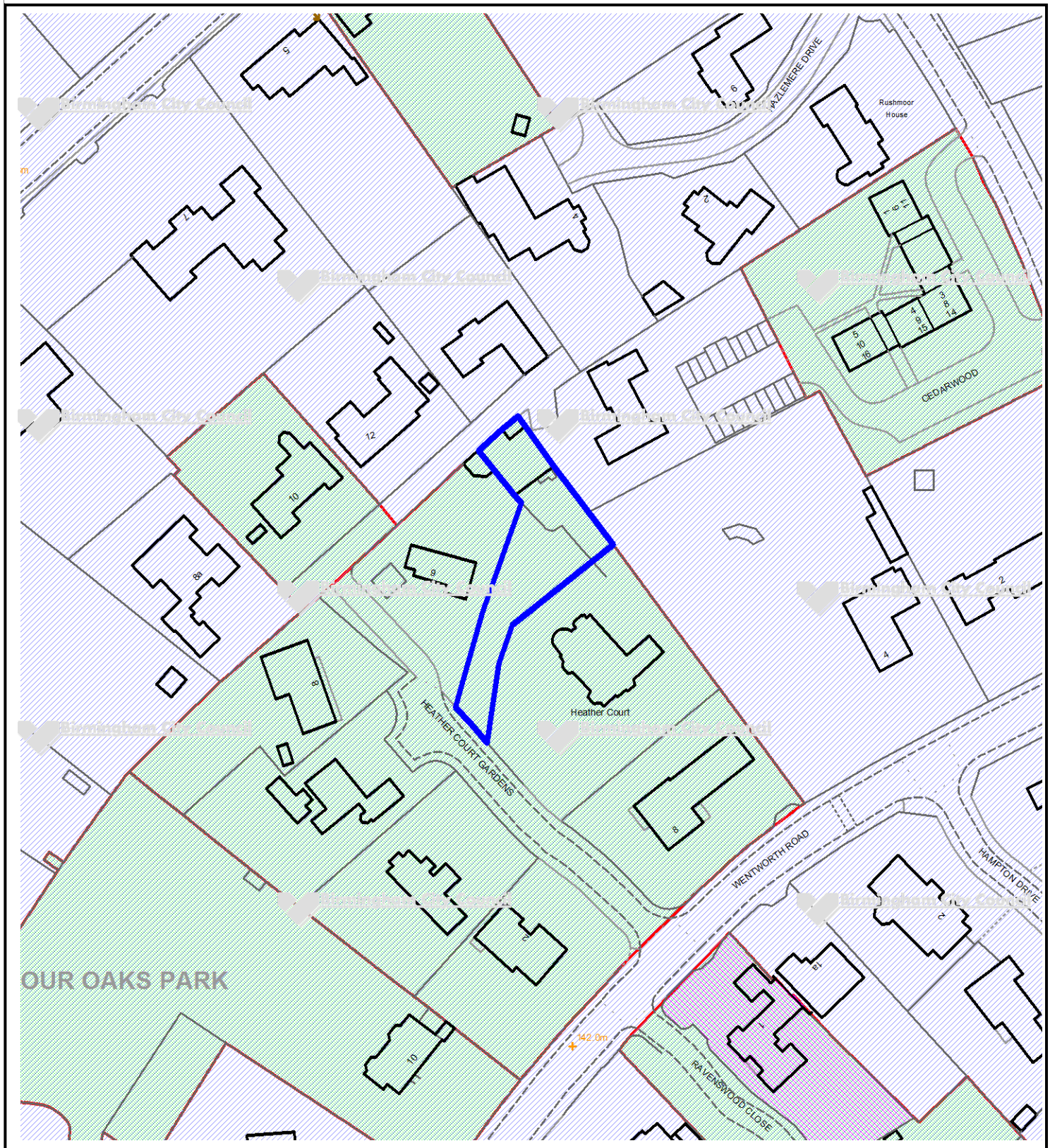


Figure 1 – Front elevation of the coach house



Figure 2 – View along route of proposed driveway, alongside 1 Heather Court Gardens (out of shot to right)

Location Plan



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Birmingham City Council

Planning Committee

11 October 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	13	2018/05645/PA The Axis Holliday Street Birmingham B1 1TF Reserved Matters application for appearance of office building 4 following outline consent 2018/05645/PA

Committee Date:	11/10/2018	Application Number:	2018/05645/PA
Accepted:	12/07/2018	Application Type:	Reserved Matters Development
Target Date:	11/10/2018		
Ward:	Ladywood		

The Axis, Holliday Street, Birmingham, B1 1TF

Reserved Matters application for appearance of office building 4 following outline consent 2018/05645/PA

Applicant: London & Continental Railways
c/o Agent
Agent: Quod
Ingeni Building, 17 Broadwick Street, London, W1F 0AX

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application is a reserved matters application for the appearance of a new office building following outline consent 2018/04812/PA. The outline consent approved the access, landscaping, layout and scale for the redevelopment of the whole AXIS site for 4 office buildings, around a new public square. Along with planning consent 2016/09735/PA for a further building, this would result in the entire redevelopment of the current Axis site.
- 1.2. Building 4, located to the north west of the site would be 14 storeys and would be constructed as a 'light weight' glazed structure, including glazed corners, with vertical mullions, horizontal and vertical external projecting fins and solid spandrels arranged in a grid form. The density of the grid form would vary across the building dependent on solar gain/daylight penetration. The fins would have either a natural anodised or black finish and the colonnade along the north south pedestrian path would be constructed in exposed metal columns. The building would include a running track on the roof top which would be accessible to all building occupiers, winter gardens and it would be built to BREEAM Excellent standards.
- 1.3. Details for façade maintenance have also been provided and provision for the equipment to be housed on the roof has been made. The roof plant would be recessed and clad in vertical black fins and black aluminium weather louvres would be used at ground floor to the north west and west of the building in connection with the 'back of house' equipment including servicing.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. Building 4 will sit to the North West part of the wider Axis site. The wider site is approx. 1.68 ha and currently comprises of a centrally located 11 storey 'T' shaped

building with associated car parking and landscaping which provides 16,095 sqm of office space and accommodates approx. 2000 employees. The site is privately owned and although pedestrians regularly cross the site there is no public right of way across it.

- 2.2. The site is bounded by Holliday Street to the north, the elevated Suffolk Street Queensway to the east and the Mailbox development to the south. It is within the Westside and Ladywood part of the city centre and surrounded by a wide range of uses, including residential. The site is highly accessible by foot and bike and close to train, bus and tram stops.
- 2.3. The site has a natural incline, which falls from north to south, creating a steep slope and there is a TPO which covers some of the trees to the northern part of the site. The nearest listed building is Alpha Tower to the North West beyond the Dandara residential development which is currently under construction.

3. Planning History

- 3.1. 12th April 2017 – 2016/09735/PA – Demolition of existing building and erection of a 9 storey building for office B1(a) and retail A1, permanent and interim car parking and landscaping and associated works. Approved subject to conditions and S106.
- 3.2. 13th October 2017 - 2017/01882/PA – Outline application for the development of three buildings comprising of up to 94,680sqm (GIA) B1(a) Office and 3,683sqm (GIA) of A1 retail, public square, access and associated works. Matters of landscaping, layout, scale and access to be considered with appearance reserved. Approved subject to conditions and S106.
- 3.3. 1st October 2018 - 2018/04812/PA – Variation of conditions 1 and 14 attached to approval 2017/01882/PA to allow a reduction in height to building 4, reconfiguration of buildings 4 and 5, reduction of colonnade height and permanent retention of two-way access to Holliday Street for buildings 2, 3, 4 and 5 with the Royal Mail egress for building 1 vehicles only. Approved subject to condition and a Deed of Variation.

4. Consultation/PP Responses

- 4.1. LLFA – no comment.
- 4.2. Regulatory Services – no objection.
- 4.3. Transportation Development – no objection.
- 4.4. Local resident associations, neighbours and Ward Cllrs were notified. Site and press notices were also displayed. 1 letter of objection received noting that building 1 is too high, green roofs should be provided across the site and that the amount of glass should be reduced in order to reduce the impact on existing resident's privacy.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (saved policies), High Places (SPG), Places for All (SPG), Places for Living (SPG), Access for People with disabilities (SPD), NPPF and NPPG.

6. Planning Considerations

- 6.1. This application is a reserved matters application for building 4, the siting scale and access of which was approved in connection with outline consent 2018/04812/PA. The only matter reserved, and the subject of this application, is the appearance of the building.
- 6.2. The revised NPPF and local planning policies, including policy PG3, place a strong emphasise on the importance, and need for, high quality design.
- 6.3. The building would be constructed and appear as a light weight glazed structure which would be broken up by the use of vertical mullions as its grid 'skeleton', overlaid with black and naturally anodised horizontal and vertical fins to add further depth and articulation. I consider the proposed façade layering will create a distinct and well-designed building reflective of its prominent city centre location. My City Design Officer concurs with this view.
- 6.4. In addition, the building would incorporate WELL building features (a building standard that focusses exclusively on the health and wellness of the building and its occupants) and target BREEAM Excellent. The none active areas such as the toilets, switch and loading bay have been minimised and are located towards the north and west of the site away from the principle elevations and a glazed staircase has been provided to the north to improve the buildings overlooking and interaction with Holliday Street. A large reception area and commercial retail unit are proposed to occupy the east/south east of the ground floor partially fronting Holliday Street, the walkway and the centralised public square. Consequently I consider the building design would have a positive impact on the character and appearance of the area.

Other

- 6.5 Concern with regard overlooking and loss of privacy has been raised however these matters were previously considered as part of the outline application, the height of building 1 cannot be considered as part of this application and green roofs are controlled by condition attached to 2018/04812/PA.
- 6.6 As a reserved matters application additional conditions can only be added that relate specifically to the matter being considered and conditions attached to outline application 2018/04812/PA also remain valid.
- 6.7 A S106 Agreement was secured on the outline consent and a further contribution would not be required. The development would not be subject to a CIL payment.

7. Conclusion

- 7.1. This reserved matters application for the appearance of building 4 would result in a distinct and well-designed building in accordance with both local and national planning policy. Consequently the proposal should be approved, subject to safeguarding conditions.

Recommendation

- 7.2. Approve with conditions

1 Requires louvres details

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

Case Officer: Joanne Todd

Photo(s)



Photo 1: Existing site

Location Plan



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Birmingham City Council

Planning Committee

11 October 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	14	2018/05903/PA Land adjacent 39 Romford Close Sheldon Birmingham B26 3TR Outline planning application (all matters reserved) for the erection of 2 dwellinghouses
Section 191/192 Permission not Required	15	2018/06683/PA 211 College Road Washwood Heath Birmingham B8 3TH Application for a Lawful Development Certificate for the proposed change of use from a dwellinghouse (Use Class C3) to a small house in multiple occupation (HMO) (Use Class C4)
Section 191/192 Permission not Required	16	2018/06684/PA 213 College Road Washwood Heath Birmingham B8 3TH Application for a Lawful Development Certificate for the proposed change of use from a dwellinghouse (Use Class C3) to a small house in multiple occupation (HMO) (Use Class C4)
Section 191/192 Permission not Required	17	2018/06685/PA 218 College Road Washwood Heath Birmingham B8 3TH Application for a Lawful Development Certificate for the proposed change of use from a dwellinghouse (Use Class C3) to a small house in multiple occupation (HMO) (Use Class C4)

Committee Date:	11/10/2018	Application Number:	2018/05903/PA
Accepted:	18/07/2018	Application Type:	Outline
Target Date:	13/09/2018		
Ward:	Sheldon		

Land adjacent 39 Romford Close, Sheldon, Birmingham, B26 3TR

Outline planning application (all matters reserved) for the erection of 2 dwellinghouses

Applicant: Mr Singh
21 Worlds End Road, Birmingham, B20 2NP
Agent: Design Syntax Ltd
38 Barnford Hill Close, Oldbury, B68 8ES

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1 The proposal relates to an outline planning application for the erection of two dwellings on the site of the existing garages which adjoin Nos. 37 and 39 Romford Close, Sheldon.
- 1.2 The application is in outline form with all matters ie access, layout, appearance, scale and landscaping reserved for future determination. The application is supported by an indicative Proposed Layout Plan and Arboricultural Survey. The indicative layout shows the provision of 2 parking spaces at the front of the proposed properties and gardens to the rear.
- 1.3 The indicative gross internal floor area would be 160sqm.
- 1.4 The site area amounts to 0.06Ha resulting in a density of 33 dwellings per hectare.

[Link to Documents](#)

2. Site & Surroundings

- 2.1 The application site comprises a group of 18 run down garages located to the west side of Nos. 37/39 Romford Close. There is a vehicular access leading to the garages from Romford Close to the south. The east side of the site comprises an area of hardstanding and four of the garages, with the remaining 14 located along the western periphery of the site.
- 2.2 The western and northern boundaries of the application site are adjacent to the rear residential gardens Nos. 36 – 52 Carnford Road and the boundary is delineated by a tall broadleaf treeline especially on the western section. The eastern side of the site is delineated by close boarded fencing and which connects with a group of four garages which extend slightly in the curtilage of Nos. 37 – 39 Romford Close.

- 2.3 The site is largely covered in hardstanding with a small area of amenity grassland in the northwest corner of the site.
- 2.4 The wider area comprises residential development and Romford Close is accessed from Church Road which leads to Coventry Road. The site is approximately 2km north of Sheldon Local Centre. Sheldon Country Park is located approximately 200m away.
- 2.5 [Site Location](#)
3. [Planning History](#)
- 3.1 04.03.2015 2015/0024/PA Demolition of existing garages and erection of detached building to create four self-contained flats with associated parking. Withdrawn.
- 3.2 15.12.2014 2014/06685/PA Erection of detached building to provide 4 No. 2 bedroom flats. Withdrawn.
- 3.3 20.11.2009 2009/03359/PA Erection of 2 no. semi-detached 4 bedroom dwellinghouses and installation of associated access and boundary treatment. Withdrawn.
- 3.4 21.11.1963 21754003 Flats and garages Approved.
4. [Consultation/PP Responses](#)
- 4.1 Site notice displayed. Adjoining neighbours, Ward Councillors and MP consulted – 14 Third Party Representations and 1 Petition with 77 signatories (the latter provided by Cllr Paul Tilsley). There was one letter of support received in relation to the proposal.

The 14 objections received raised the following matters:

- The loss of the garages would result in additional on street parking on Romford Close, therefore they should be retained for the parking of vehicles.
- The garages on the site were provided to serve the dwellings without vehicular accesses.
- The garages have been allowed to fall into disrepair and contracts have not been renewed which has already led to parking displacement on Romford Close. The garages should be repaired and used for their original purpose.
- When the block of maisonettes (33, 35, 37 and 39) was granted planning permission in 1981, 4 additional garages and two reserved parking spaces alongside the fence of No.39 were provided. These two spaces have been in continual use.
- The application is in outline form and therefore there is no indication of the scale of the dwellings which would be built on the site.
- The proposal would result in a loss of light to the side window of No. 39 which serves a living room.
- The proposal would result in the loss of the turning circle which would have an impact on accessibility for emergency and refuse vehicles.
- There is asbestos in the roof of the garages.
- The dwellings would overlook the property and garden of Nos. 48 and 50 Carnford Road

The letter of support raised the following matter:

- The site attracts anti-social behaviour and the positive redevelopment of the site should be supported.

4.2 WM Police – No objection.

4.3 Transportation Development – The proposed residential development in itself is considered unlikely to have a material impact upon highway safety or the ability of vehicles to access Romford Close, in terms of generating additional on-street parking demand or significant increases in traffic flow. The development would not remove any turning or manoeuvring areas on Romford Close which form part of highway maintainable at public expense. No objection subject to condition in relation to vehicle parking and turning details, design of access and cycle parking.

4.4 Local Flood Authority and Drainage Team – The proposal does not amount to major development therefore no comments to make.

4.4 Severn Trent – No objection and no requirement for a drainage condition.

4.5 Regulatory Services – No objection subject to conditions in relation to Noise Insulation, Provision of an Electric Vehicle Charging Point, Contamination Remediation Scheme and Verification Report.

5. Policy Context

5.1 Birmingham Development Plan (2017), Saved policies within adopted UDP (2005), Places for Living SPG (2001), Mature Suburbs SPD (2006), Car Parking Guidelines SPD (2012), The 45 Degree Code (2006) National Planning Policy Framework (2018).

6. Planning Considerations

6.1 The main considerations in the determination of this application are: the principle of residential development, the impact on residential amenity, highway safety and existing parking provision.

Principle of Residential use

6.2 The application site comprises a brownfield site in a sustainable location. The updated National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that the heart of the NPPF is a presumption in favour of sustainable development.

6.3 Paragraph 117 of the National Planning Policy Framework states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

6.4 Policy PG1 within the Birmingham Development Plan states that the Plan aims to deliver 51,100 additional homes over the plan period, in order to cater for the City's

increasing population, and it is expected that a minimum of 80% of all new homes provided over the plan period will be located on previously developed land.

- 6.5 Policies TP27 & TP28 of the Birmingham Development Plan states that the location of new housing should be on previously developed land, be accessible to jobs, shops and services by other modes of transport, be sympathetic to natural assets and not conflict with other policies in relation to employment land, green belt and open space. It also states that new housing should offer a choice of type, size and tenure to create more balanced and sustainable communities.
- 6.6 The comments received in the Third Party Representations are noted in relation to the retention of the garages for parking purposes and the avoidance of vehicle displacement. The garages are privately owned and not within the control of the City Council. The background in relation the current condition and availability of the garages for the provision of parking is not a matter which carries significant material planning weight. The benefits described in relation to the retention of the garages must be weighed against the substantial benefits arising in the provision of additional housing and the meaningful contribution to the housing land supply which can be made through the use of brownfield sites. The requirement to provide garages in the original development of the estate is noted and the matter is of material weight but must be considered in the context of the current planning policy priority to provide additional housing with a particular emphasis on the use of brownfield sites in sustainable locations.
- 6.7 The application is outline in form and in terms of balancing the planning considerations set out above, it is considered that the principle of residential development would be acceptable. It is evident that the site could reasonably accommodate the two dwellings proposed following the existing pattern of development on Romford Close.

Residential amenity

- 6.8 The application is outline and all matters of access, scale, layout and landscaping are reserved for future determination. However, it is important to consider at this stage whether the development proposal would conflict with the advice in Places for Living adopted as Supplementary Planning Guidance and whether adequate separation distances to neighbouring properties could be achieved in a reserved matters submission.
- 6.9 The indicative proposed layout shows that the dwellings would be located approximately 32m from the properties opposite on Romford Close (Nos. 42/44), approximately 25m from No. 50 Carnford Road and by a greater distance from the properties 38 – 48 Carnford Road. I also note that the proposed dwellings would be located at oblique angles with respect to the latter properties, and the presence of mature trees and landscaping further lessens any potential impact on residential amenity. The potential impact on the side windows of No. 39 Romford Close is noted but these are considered secondary windows and having side elevations in close proximity would not be uncommon in urban areas. The detailed design and layout could be addressed at reserved matter stage. There is no evident demonstrable harm to residential amenity which would rule out the principle of development.
- 6.10 The proposed provision of private amenity space is adequate to comply with the requirements of 'Places for Living' and the scale of the dwellings (on the basis of the indicative plan) would comply with the Technical Housing Standards – nationally described space standard.

Highway Matters

- 6.11 It is noted that a large number of the representations received relate to highway matters. However, the recommendation of Transportation Development is that the proposal would have an acceptable impact in respect of highway access and safety.
- 6.12 It is evident from the indicative site plan that a viable access to the site can be achieved. The loss of the existing garages is a matter which forms part of the highway considerations of the proposal but it is considered that the principle of residential development on this brownfield site is acceptable.

Other matters

- 6.13 The proposal is not located in an area of Flood Risk and there are no other known technical constraints which would rule out the development of the site.
- 6.14 There are a number of mature trees on the periphery of the site. The Arboricultural Report states that the proposed development can be accommodated whilst retaining trees of value on the site.

7 Conclusion

- 7.1 The proposal amounts to the provision of residential development in a sustainable urban location and the proposal would accord with policies PG1, TP27 and TP28 of the Birmingham Development Plan and the NPPF.

8. Recommendation

- 8.1 The proposal is considered acceptable for the reasons set out above and outline planning permission should be granted.

-
- 1 Requires the submission of reserved matter details following an outline approval
 - 2 Requires the submission of sample materials
 - 3 Requires the prior submission of levels details
 - 4 Requires the prior submission of a contamination remediation scheme
 - 5 Requires the prior submission of vehicle parking and turning details
 - 6 Requires the submission of cycle storage details
 - 7 Requires the prior submission of a contaminated land verification report
 - 8 Limits the scale of the proposal to two storeys
 - 9 Retention of Existing Trees
-

-
- 10 Requires the submission of the siting/design of the access
 - 11 Requires the submission of a Noise Insulation Scheme
 - 12 Implement within 3 years (outline)
-

Case Officer: David Kelly

Photo(s)

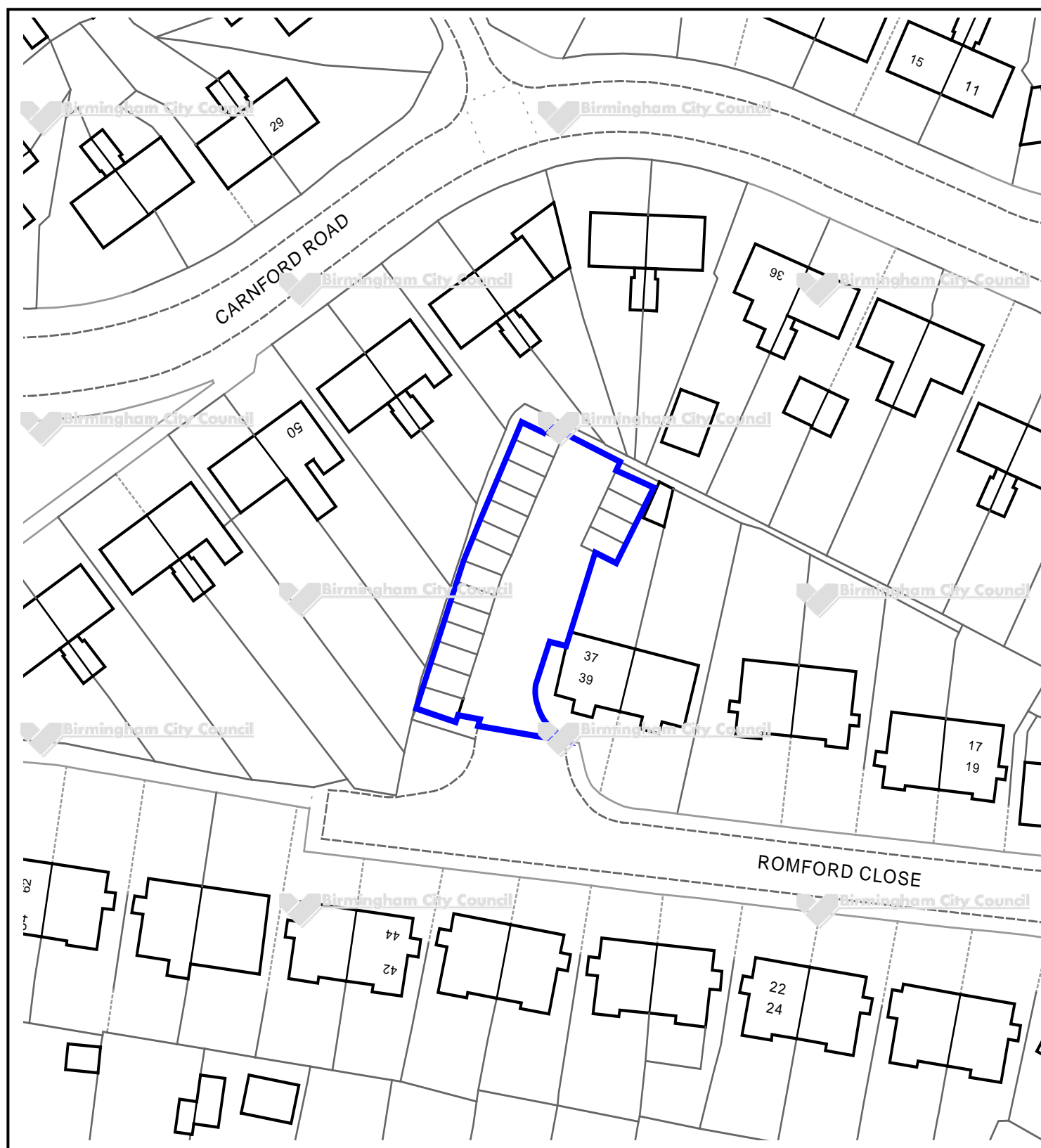


Front view of garages



Dwellings opposite garages

Location Plan



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Committee Date:	11/10/2018	Application Number:	2018/06683/PA
Accepted:	13/08/2018	Application Type:	Proposed Lawful Use/Development
Target Date:	12/10/2018		
Ward:	Alum Rock		

211 College Road, Washwood Heath, Birmingham, B8 3TH

Application for a Lawful Development Certificate for the proposed change of use from a dwellinghouse (Use Class C3) to a small house in multiple occupation (HMO) (Use Class C4)

Applicant: I Hussain
211 College Road, Washwood Heath, Birmingham, B8 3TH
Agent: Star Planning and Development
140 Brandwood Road, Kings Heath, Birmingham, B14 6BX

Recommendation

Section 191 / 192 Permission not Required (Certificate Issued)

1. Proposal

- 1.1. This application seeks a Certificate of Lawfulness to certify that the change of use of residential dwelling (Use Class C3) to a proposed lawful House in Multiple Occupation (Use Class C4) is permitted development not requiring planning permission.
- 1.2. The application is supported by floor plans, which show internal changes to provide two bedrooms (with en-suite), communal lounge/ kitchen, storage/ utility, w/c and boiler room on the ground floor; four bedrooms (with en-suites) and study/utility/storage at first and second floor level.
- 1.3. There is also Lawful Development Certificate for small HMO's submitted under application ref: 2018/06684/PA and 2018/06685/PA for adjoining sites no. 213 and 218 College Road. Reports about these applications appear elsewhere on your Committee Agenda.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a two and half storey semi-detached property situated within a cul-de-sac on College Road. The property sits in a row of dwellinghouses to the northern side of the cul-de-sac (College Road) with properties of similar design, size and character. There is small forecourt area to the front. The application site has been subject to enforcement investigation for alleged use as HMO. Site visits were conducted by Enforcement and Planning Officers which indicate that the property is currently vacant and undergoing renovation works.

- 2.2. The surrounding area is predominantly residential in character. St. Peters College, a Grade II listed building is situated on College Road.

[Site Map](#)

3. Planning History

Application site

- 3.1. 08/02/2017 - 2016/10710/PA – Erection of two storey side and single storey rear extension and installation of front dormer – Approved subject to conditions. Permission implemented and constructed simultaneously with the extension at 213 College Road (planning application ref: 2016/10710/PA)

Enforcement

- 3.2. Current 2018/0577/ENF - Alleged unauthorised change of use to HMO – Awaiting determination of this application.

3.3. *Adjoining site – 213 College Road*

- 3.4. 08/02/2017 - 2016/10709/PA - Erection of two storey side and single storey rear extension and installation of front dormer – Approved subject to conditions.

218 College Road

- 3.5. 29/12/1998 - 1998/04855/PA - Erection of kitchen to rear – Approved subject to conditions.-

- 3.6. 02/03/2004 - 2003/07472/PA - Erection of a two storey side extension – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Site notice displayed. Petitions received (one from Councillor Tahir Ali on behalf of residents) comprising of 86 signatures (some multiple signatures from the same household) and eight letters of objection received from neighbours objecting to the certificate of lawfulness for the following reasons:

- Object to all 3 properties turning into HMO and consider that all 3 applications should be refused.
- The use would undermine community cohesion that exists within this secluded street. The houses on street are all single family dwellings.
- Undermines the residential character of the area.
- Undermines peace, safety and security for the community.
- Children's safety, security and safeguarding issues. Similar concerns are raised also to the members of elderly community.
- No background information on client group and physical and mental health problems of the tenants raises concern for the community.
- Increased parking and traffic congestion resulting in access being restricted.
- Increased risk to health and safety as emergency services unable to access the road.
- Increased risk of parking disputes between neighbours due to limited spaces.
- Increased problems for fleet and waste collection service due to increased cars and volume of rubbish from residents.

- Devaluation of property prices within the area due to HMO properties within the area together with associated problems.

5. Policy Context

- 5.1. Town and Country Planning Act 1990 (section 192) (as amended); Town and Country Planning (General Permitted Development) Order 2015 (as amended); Town & Country (Use Classes) Order 1987 (As Amended), NPPG (2014), Guidance: Lawful development certificates (www.gov.uk)

6. Planning Considerations

- 6.1. This lawful development certificate is made under Section 192 of the Town and Country Planning Act 1990 for an existing use of the site in question and which is still in use on the date of the application.
- 6.2. National Planning Practice Guidance provides guidance on how applications for Certificates of Lawful Development should be assessed. It states that “a local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. It goes on to state: In determining an application for a prospective development under section 192 a local planning authority needs to ask *“if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”*
- 6.3. Applications for Certificates of Lawful Use are not assessed against local planning policies but the evidence is reviewed against the following legislation which sets the framework for determining these applications. The main consideration for this application are whether the existing dwellinghouse (Use Class C3) is eligible for a permitted change of use as set out in Schedule 2, Part 3, Class L of the GPDO 2015 (Small HMOs to dwellinghouses and vice versa).
- 6.4. The Town and Country (Use Classes) Order 1987 (as amended) - ‘Use Class C4: Houses in Multiple Occupation’ includes small shared dwellinghouses occupied as their main residence by between 3 and 6 unrelated individuals who share basic amenities such as a kitchen or bathroom. To be classed as an HMO, a property does not need to be physically converted or adapted in any way.
- 6.5. Schedule 2, Part 3 (Change of use), Class L of the Town and Country (General Permitted Development) Order 2015 relates to small HMOs to dwellinghouses and vice versa. Part 3, Class L permits the change of use of a building *“from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Class Order, to a use falling within Class C4 (house in multiple occupation) of the Schedule”*. Development is not permitted by Class L if it would result in the use *“as two or more separate dwellinghouses falling within Class C3 of the schedule of any building previously used as a single dwellinghouse falling within Class C4 of the schedule”*. There are no further restrictions or qualifying criteria set out in Class L. The GPDO 2015 allows the change of use from single dwellings (Use Class C3) to small HMOs (Use Class C4) of up to 6 occupants without the need for planning permission.
- 6.6. The property would be converted under permitted development for change of use to small HMO (Use Class C4). The property would be occupied by six unrelated individuals who share basic amenities. The application site or surrounding area is not subject to any Article 4 Direction to remove permitted development rights for such change of uses. I can conclude that the proposed change of use to C4 is a

lawful change as set out within Town and Country Planning (General Permitted Development) Order 2015 (As amended) and a certificate should be issued.

- 6.7. I note objections and petition have been received from Ward Member and local residents on a number of grounds such as community cohesion, parking, litter, drainage, children safeguarding, etc. These concerns, whilst noted, cannot be taken into consideration in the determination of this application for certificate of lawfulness, as the relevant tests is whether the proposal constitutes "*permitted development*" as set out within Town and Country Planning (General Permitted Development) Order 2015 (As amended). The views expressed by local residents and Ward Members on the planning merits of the case cannot be considered in the determination of this application for a Lawful Development Certificate.
- 6.8. With regards to neighbours' concerns to the lack of consultation, the government guidance on lawful development certificate is clear that "*There is no statutory requirement to consult third parties including parish councils or neighbours*".
7. Conclusion
 - 7.1. On the basis of the above, the lawful development certificate should be granted because the change to small HMO (Use Class C4) is permitted development and certificate of lawfulness for the development should be issued.
8. Recommendation
 - 8.1. Section 192 Permission Not Required.

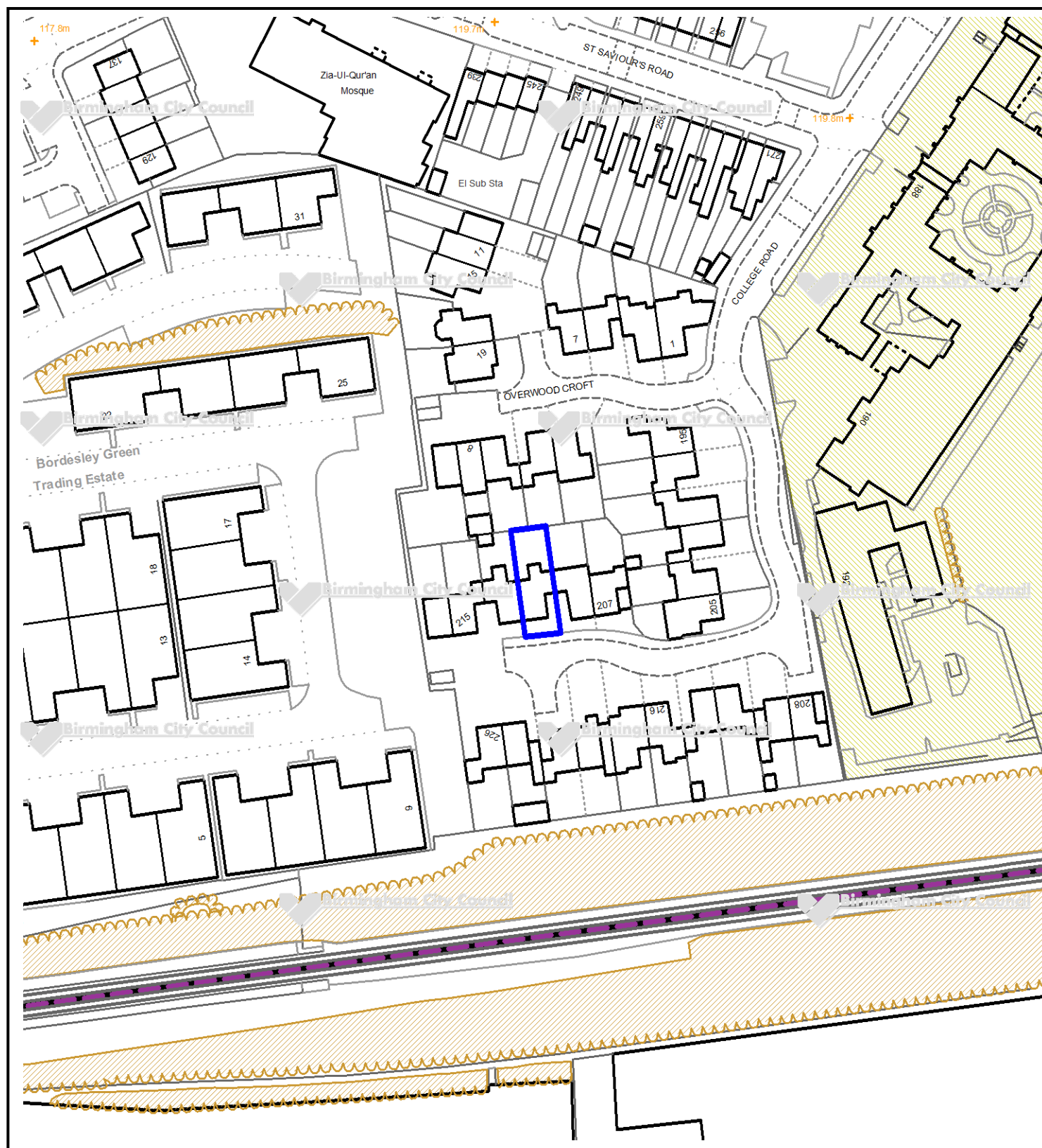
Case Officer: Mohammed Akram

Photo(s)



Figure 1: Application site

Location Plan



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Committee Date:	11/10/2018	Application Number:	2018/06684/PA
Accepted:	13/08/2018	Application Type:	Proposed Lawful Use/Development
Target Date:	08/10/2018		
Ward:	Alum Rock		

213 College Road, Washwood Heath, Birmingham, B8 3TH

Application for a Lawful Development Certificate for the proposed change of use from a dwellinghouse (Use Class C3) to a small house in multiple occupation (HMO) (Use Class C4)

Applicant: I Hussain
211 College Road, Washwood Heath, Birmingham, B8 3TH
Agent: Star Planning and Development
140 Brandwood Road, Kings Heath, Birmingham, B14 6BX

Recommendation

Section 191 / 192 Permission not Required (Certificate Issued)

1. Proposal

- 1.1. This application seeks a Certificate of Lawfulness to certify that the change of use of residential dwelling (Use Class C3) to a proposed lawful House in Multiple Occupation (Use Class C4) is permitted development not requiring planning permission.
- 1.2. The application is supported by floor plans, which show internal changes to provide two bedrooms (with en-suite), communal lounge/ kitchen, storage/ utility, w/c and boiler room on the ground floor; four bedrooms (with en-suites) and study/utility/storage at first and second floor level.
- 1.3. There is also Lawful Development Certificate for small HMO's submitted under application ref: 2018/06683/PA and 2018/06685/PA for adjoining sites no. 211 and 218 College Road. Reports about these applications appear elsewhere on your Committee Agenda.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a two and half storey semi-detached property situated within a cul-de-sac on College Road. The property sits in a row of dwellinghouses to the northern side of the cul-de-sac (College Road) with properties of similar design, size and character. There is small forecourt area to the front. The application site has been subject to enforcement investigation for alleged use as HMO. Site visits were conducted by Enforcement and Planning Officers which indicates that the property is currently vacant and undergoing renovation works.

- 2.2. The surrounding area is predominantly residential in character. St. Peters College, a Grade II listed building is situated on College Road.

[Site Map](#)

3. Planning History

Application site

- 3.1. 08/02/2017 - 2016/10709/PA – Erection of two storey side and single storey rear extension and installation of front dormer – Approved subject to conditions. Permission implemented and constructed simultaneously with the extension at 211 College Road (planning application ref: 2016/10710/PA)

Enforcement

- 3.2. Current 2018/0574/ENF - Alleged unauthorised change of use to HMO – Awaiting determination of this application.

3.3. *Adjoining site – 211 College Road*

- 3.4. 08/02/2017 - 2016/10710/PA - Erection of two storey side and single storey rear extension and installation of front dormer – Approved subject to conditions.

218 College Road

- 3.5. 29/12/1998 - 1998/04855/PA - Erection of kitchen to rear – Approved subject to conditions.-

- 3.6. 02/03/2004 - 2003/07472/PA - Erection of a two storey side extension – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Site notice displayed. Petitions received (one from Councillor Tahir Ali on behalf of residents) comprising of 86 signatures (some multiple signatures from the same household) and eight letters of objection received from neighbours objecting to the certificate of lawfulness for the following reasons:

- Lack of consultation on the application.
- Object to all 3 properties turning into HMO and consider that all 3 applications should be refused.
- The use would undermine community cohesion that exists within this secluded street. The houses on street are all single family dwellings.
- Undermines the residential character of the area.
- Undermines peace, safety and security for the community.
- Children's safety, security and safeguarding issues. Similar concerns raised to members of elderly community.
- No background information on client group and physical and mental health problems of the tenants raises concern for the community.
- Increased parking and traffic congestion resulting in access being restricted and increased risk to health and safety as emergency services unable to access the road.
- Increased risk of parking disputes between neighbours due to limited spaces.

- Increased problems for fleet and waste collection service due to increased cars and volume of rubbish from residents.
- Devaluation of property prices within the area due to HMO properties within the area together with associated problems.

5. Policy Context

- 5.1. Town and Country Planning Act 1990 (section 192) (as amended); Town and Country Planning (General Permitted Development) Order 2015 (as amended); Town & Country (Use Classes) Order 1987 (As Amended), NPPG (2014), Guidance: Lawful development certificates (www.gov.uk)

6. Planning Considerations

- 6.1. This lawful development certificate is made under Section 192 of the Town and Country Planning Act 1990 for an existing use of the site in question and which is still in use on the date of the application.
- 6.2. National Planning Practice Guidance provides guidance on how applications for Certificates of Lawful Development should be assessed. It states that “a local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. It goes on to state: In determining an application for a prospective development under section 192 a local planning authority needs to ask *“if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”*”
- 6.3. Applications for Certificates of Lawful Use are not assessed against local planning policies but the evidence is reviewed against the following legislation which sets the framework for determining these applications. The main consideration for this application are whether the existing dwellinghouse (Use Class C3) is eligible for a permitted change of use as set out in Schedule 2, Part 3, Class L of the GPDO 2015 (Small HMOs to dwellinghouses and vice versa).
- 6.4. The Town and Country (Use Classes) Order 1987 (as amended) - ‘Use Class C4: Houses in Multiple Occupation’ includes small shared dwellinghouses occupied as their main residence by between 3 and 6 unrelated individuals who share basic amenities such as a kitchen or bathroom. To be classed as an HMO, a property does not need to be physically converted or adapted in any way.
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- 6.6. The property would be converted under permitted development for change of use to small HMO (Use Class C4). The property would be occupied by six unrelated individuals who share basic amenities. The application site or surrounding area is

not subject to any Article 4 Direction to remove permitted development rights for such change of uses. I can conclude that the proposed change of use to C4 is a lawful change as set out within Town and Country Planning (General Permitted Development) Order 2015 (As amended) and a certificate should be issued.

- 6.7. I note objections and petition have been received from Ward Member and local residents on a number of grounds such as loss of family dwelling, undermine residential character, community cohesion, parking, litter, children safeguarding, etc. These concerns, whilst noted, cannot be taken into consideration in the determination of this application for certificate of lawfulness, as the relevant tests is whether the proposal constitutes "*permitted development*" as set out within Town and Country Planning (General Permitted Development) Order 2015 (As amended). There views expressed by local residents and Ward Members on the planning merits of the case cannot be considered in the determination of this application for a Lawful Development Certificate.
- 6.8. With regards to neighbours' concerns to the lack of consultation, the government guidance on lawful development certificate is clear and states that "*There is no statutory requirement to consult third parties including parish councils or neighbours*".
7. Conclusion
 - 7.1. On the basis of the above, the lawful development certificate should be granted because the change to small HMO (Use Class C4) is permitted development and certificate of lawfulness for the development should be issued.
8. Recommendation
 - 8.1. Section 192 Permission Not Required.

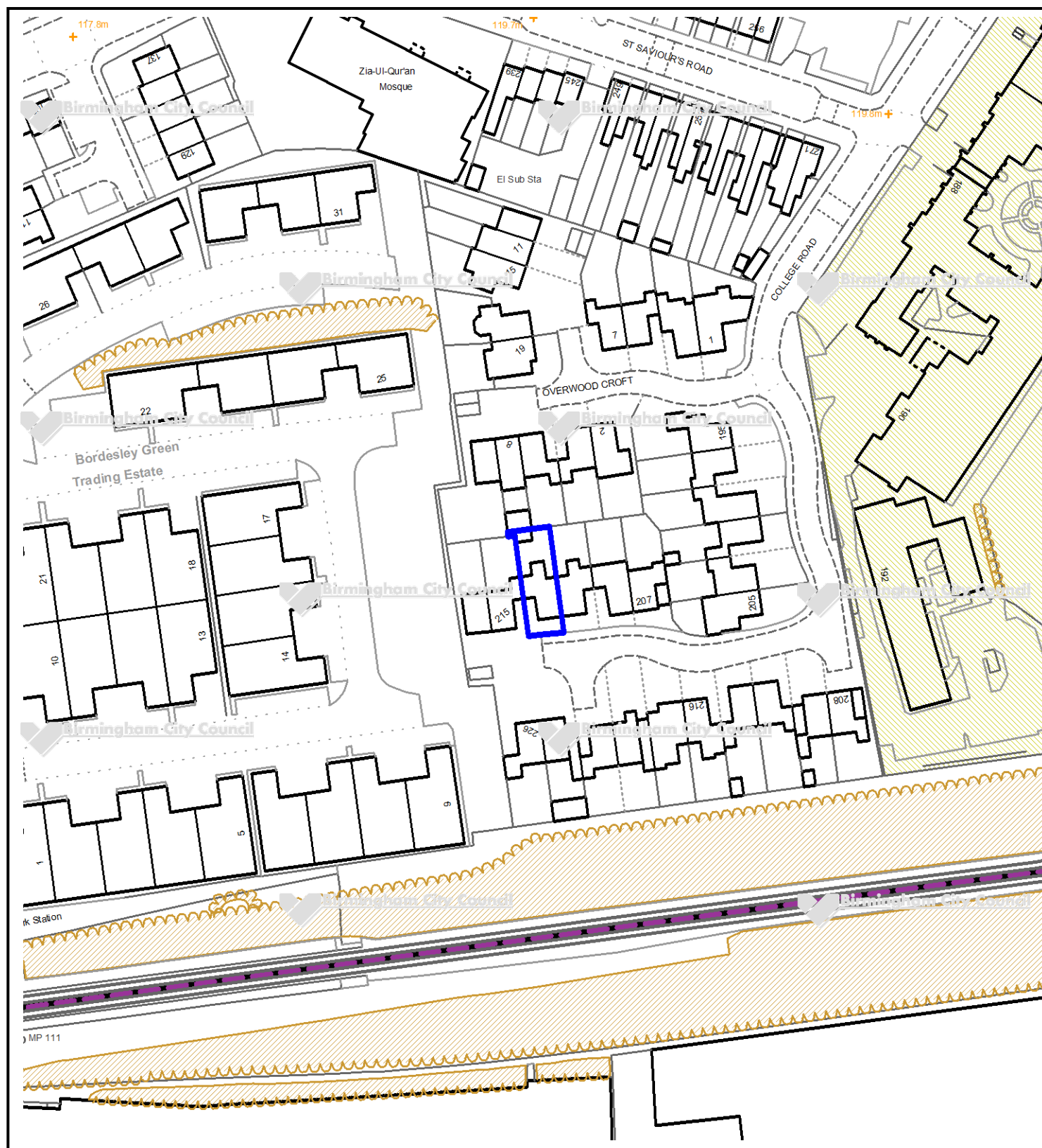
Case Officer: Mohammed Akram

Photo(s)



Figure 1: Application site

Location Plan



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Committee Date:	11/10/2018	Application Number:	2018/06685/PA
Accepted:	13/08/2018	Application Type:	Proposed Lawful Use/Development
Target Date:	12/10/2018		
Ward:	Alum Rock		

218 College Road, Washwood Heath, Birmingham, B8 3TH

Application for a Lawful Development Certificate for the proposed change of use from a dwellinghouse (Use Class C3) to a small house in multiple occupation (HMO) (Use Class C4)

Applicant: I Hussain
211 College Road, Washwood Heath, Birmingham, B8 3TH
Agent: Star Planning and Development
140 Brandwood Road, Kings Heath, Birmingham, B14 6BX

Recommendation

Section 191 / 192 Permission not Required (Certificate Issued)

1. Proposal

- 1.1. This application seeks a Certificate of Lawfulness to certify that the change of use of residential dwelling (Use Class C3) to a proposed lawful House in Multiple Occupation (Use Class C4) is permitted development not requiring planning permission.
- 1.2. The application is supported by floor plans, which show internal changes to provide two bedrooms (with shower facility), communal lounge/ kitchen, storage/ utility, w/c and boiler room on the ground floor; four bedrooms (with en-suites or shower facility) and study/stores at first and second floor level.
- 1.3. There is also Lawful Development Certificate for small HMO's submitted under application ref: 2018/06684/PA and 2018/06683/PA for adjoining sites no. 211 and 213 College Road. Reports about these applications appear elsewhere on your Committee Agenda.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a two and half storey semi-detached property situated within a cul-de-sac on College Road. The property sits in a row of dwellinghouses to the southern side of the cul-de-sac (College Road) with properties of similar design, size and character. There is a forecourt area to the front for parking. The application site has been subject to enforcement investigation for alleged use as HMO. Site visits were conducted by Enforcement and Planning Officers which indicates that the property is currently vacant and undergoing renovation works.

- 2.2. The surrounding area is predominantly residential in character. St. Peters College, a Grade II listed building is situated on College Road. A railway line runs to the rear of the property.

[Site Map](#)

3. Planning History

Application site

- 3.1. 29/12/1998 - 1998/04855/PA - Erection of kitchen to rear – Approved subject to conditions.-
- 3.2. 02/03/2004 - 2003/07472/PA - Erection of a two storey side extension – Approved subject to conditions.

Enforcement (Application site)

- 3.3. Current 2018/1348/ENF - Alleged unauthorised change of use to HMO – Awaiting determination of this application.

211 College Road

- 3.4. 08/02/2017 - 2016/10710/PA – Erection of two storey side and single storey rear extension and installation of front dormer – Approved subject to conditions.

213 College Road

- 3.5. 08/02/2017 - 2016/10709/PA - Erection of two storey side and single storey rear extension and installation of front dormer – Approved subject to conditions.

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- 4.1. Site notice displayed. Petitions received (one from Councillor Tahir Ali on behalf of residents) comprising of 86 signatures (some multiple signatures from the same household) and eight letters of objection received from neighbours objecting to the certificate of lawfulness for the following reasons:

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- Undermines the residential character of the area.
- Undermines peace, safety and security for the community.
- Children's safety, security and safeguarding issues. Similar concerns raised also to the members of elderly community.
- No background information on client group and physical and mental health problems of the tenants raises concern for the community.
- Increased parking and traffic congestion resulting in access being restricted.
- Increased risk to health and safety as emergency services unable to access the road.
- Increased risk of parking disputes between neighbours due to limited spaces.
- Increased problems for fleet and waste collection service due to increased cars and volume of rubbish from residents.

- Devaluation of property prices within the area due to HMO properties within the area together with associated problems.

5. Policy Context

- 5.1. Town and Country Planning Act 1990 (section 192) (as amended); Town and Country Planning (General Permitted Development) Order 2015 (as amended); Town & Country (Use Classes) Order 1987 (As Amended), NPPG (2014), Guidance: Lawful development certificates (www.gov.uk)

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lawful change as set out within Town and Country Planning (General Permitted Development) Order 2015 (As amended) and a certificate should be issued.

- 6.7. I note objections and petition have been received from Ward Member and local residents on a number of grounds such as community cohesion, parking, litter, drainage, children safeguarding, etc. These concerns, whilst noted, cannot be taken into consideration in the determination of this application for certificate of lawfulness, as the relevant tests is whether the proposal constitutes "*permitted development*" as set out within Town and Country Planning (General Permitted Development) Order 2015 (As amended). The views expressed by local residents and Ward Members on the planning merits of the case cannot be considered in the determination of this application for a Lawful Development Certificate.
- 6.8. With regards to neighbours' concerns to the lack of consultation, the government guidance on lawful development certificate is clear that "*There is no statutory requirement to consult third parties including parish councils or neighbours*".
7. Conclusion
 - 7.1. On the basis of the above, the lawful development certificate should be granted because the change to small HMO (Use Class C4) is permitted development and certificate of lawfulness for the development should be issued.
8. Recommendation
 - 8.1. Section 192 Permission Not Required.

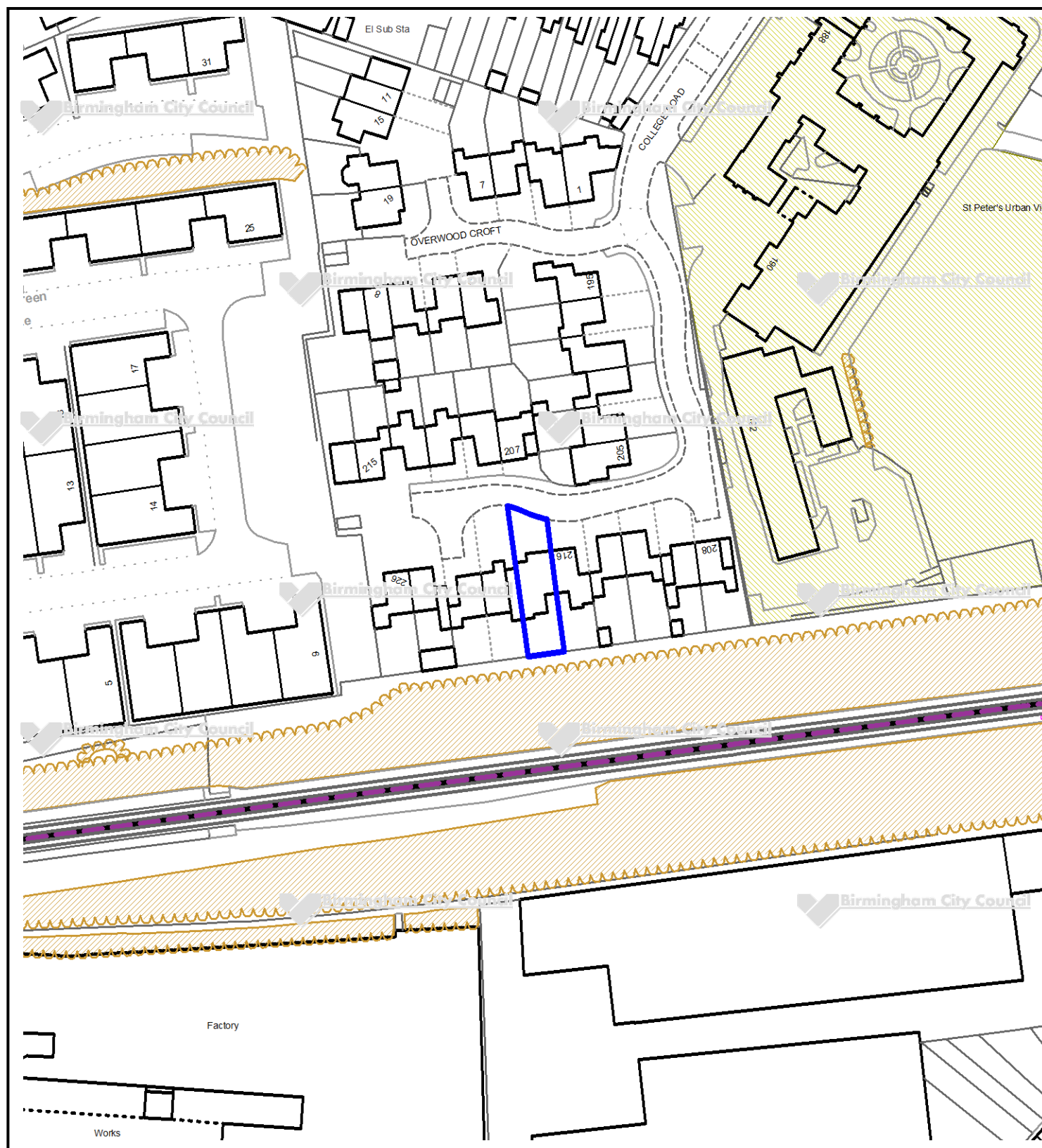
Case Officer: Mohammed Akram

Photo(s)



Figure 1: Application site

Location Plan



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Birmingham City Council

Planning Committee

11 October 2018

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>
Determine	18	2017/07534/PA Quarry Sports & Social Club 82 Quarry Lane Northfield Birmingham B31 2PY Alterations to and refurbishment of the Royal British Legion Club and associated car park and access points plus the erection of 12 semi detached dwellings on the former car park with separate access from Winchester Gardens. Includes demolition and re-building of the bowling pavilion
Endorse	19	2017/02724/PA Former North Worcestershire Golf Club Land off Frankley Beeches Road/Hanging Lane/Elan Road/Josiah Road/Tessall Lane Northfield Birmingham B31 5LP Outline planning application with all matters reserved except access for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi use community hub, new access points and associated infrastructure
Prior Approval Required - Approve-Conditions	20	2018/03392/PA Nos. 25-31, 42-48, 49-55, 61-67, 70-76, 82-88 and Blocks 33 & 35 Gildas Avenue Kings Norton Birmingham B38 Application for prior notification of proposed demolition of existing flats, houses and maisonette blocks.

Committee Date:	11/10/2018	Application Number:	2017/07534/PA
Accepted:	18/10/2017	Application Type:	Full Planning
Target Date:	11/10/2018		
Ward:	Northfield		

Quarry Sports & Social Club, 82 Quarry Lane, Northfield, Birmingham, B31 2PY

Alterations to and refurbishment of the Royal British Legion Club and associated car park and access points plus the erection of 12 semi detached dwellings on the former car park with separate access from Winchester Gardens. Includes demolition and re-building of the bowling pavilion

Applicant:	Royal British Legion & Kings Park Homes c/o Agent
Agent:	Jacobs Feasey Associates Limited 68A Reddicap Hill, Sutton Coldfield, Birmingham, B75 7BG

Recommendation
Determine

1. Report Back

- 1.1. Members will recall that the above application was reported to Planning Committee on 24 May 2018. Members resolved to defer the application for a Committee Site Visit which was undertaken on 31 May 2018. The site visit was then discussed at Planning Committee on 7th June 2018 where it resolved to defer the application for further information on highway matters and for further badger surveys to be undertaken.
- 1.2. On the Committee Site Visit members requested further parking surveys were undertaken outside of school holidays along Quarry Lane and Winchester Gardens. These surveys were undertaken on Tuesday 5th June at 0920 hours; Friday 8th June at 0940 hours and Tuesday 12th June at 0855 hours. The surveys found that whilst cars were parked on the surrounding roads, spaces were still available for on-street parking.

Other Highway Matters

- 1.3. Members and local residents raised concerns regarding on-site parking provision and emergency access. I can confirm that West Midlands Fire Service has raised no objection to the access road or to the turning facilities within the site. The access road has been widened during the course of the application to ensure that a fire vehicle can pass, should anything be parked on the access road. They have raised no objection to the access onto Winchester Gardens. The transport statement undertaken to support the proposals demonstrates that access to and from the site would be safe and Transportation also raise no objections.

- 1.4. With regards to on-site parking provision, the applicant has identified that there is little activity occurring at the club at present as it is in decline and in great danger of closing, as such, the proposals are key to ensuring the long term survival of the club. The proposed 31 car parking spaces proposed directly outside the club accords with Your Committee's Parking Standards SPD based on 817sq.m of floor space. The applicant also points out that the site serves local people who walk to the venue. It is also very close to the station and near to bus stops. Transportation raises no objection to the proposed parking provision and acknowledges that it would accord with adopted policy. However, the applicant has suggested a car park management plan condition to overcome the concerns of local residents and Committee members. I concur with this suggestion and a car park management condition is recommended below.
- 1.5. At the Committee site visit, the occupier of number 80 Quarry Lane raised concerns regarding pedestrian access to the property. The applicant has advised that there is no intention to remove or restrict access to number 80 and a boundary condition was recommended on the original report. This would ensure that pedestrian access would remain to number 80 through the submission and approval of relevant details.

Badgers

- 1.6. Following the committee site visit, a further badger survey was undertaken in June and the data collected in July. The survey found that no activity occurred within sett 1 and is therefore considered inactive and sett 2 was found to be actively used by badgers but is considered a 'subsidiary' sett due to only one entrance and the number of badgers. The survey concluded that there are no active badger setts within a 20m radius of the footprint of any proposed building or road but an active sett was found within a 30m radius and as such, there is some potential for indirect impact on badgers.
- 1.7. The survey work was submitted in support of the application. The City Ecologist advised that the assessment undertaken is reflective of the broader area use by Badgers and that the summary of potential impact on the badgers is correct. No Natural England licence is required to undertake works but a method statement and monitoring of works close to the sett will be required. As such, the City Ecologist recommends the imposition of a condition requiring a Construction Ecological Mitigation Plan (CEMP) should therefore be applied that incorporates a Badger method statement and when an Ecological Clerk of Works will be required on site.
- 1.8. Following the submission of the badger survey, the applicant's ecologist was contacted further by a local resident of Quarry Lane. This contact instigated a further site visit by the ecologist that confirmed that one of the sett entrances associated with sett 1 was now active. The City Ecologist has reviewed the updated survey and concurs that there has been some change in activity and location over the months and that this is something that occurs on a seasonal basis every year. The report highlights that sett activity has shifted and the active sett is now within the 30m and 20m thresholds for disturbance and potential harm respectively. It would seem that foraging activity still remains within the gardens and other areas within the local vicinity but there no evidence of foraging on the proposed development site. The City Ecologist considers that the recommendation made in section 6 of the Badger Report (Recommendations) is clearly a sensible one and this should be adopted. As such, the City Ecologist now recommends the imposition of a Badger Method Statement condition (as suggested within the Badger Report) rather than a CEMP and I concur with this recommendation.

Other Matters

- 1.9. Following consideration of the application by Your Committee, a revised version of the National Planning Policy Framework (NPPF) has been issued. Paragraphs 7.3, 7.4 and 7.9 of the original report refer to specific paragraphs of the 2012 NPPF. These paragraphs have been amended and altered in the 2018 NPPF and consequently the relevant paragraph numbers referred to have changed. However, the thrust of policy associated with this application has not and as such, the policy considerations remain as previous.

Conclusions

- 1.10. The proposed development of the partial demolition, alteration and refurbishment of the existing Royal British Legion Club including alterations to its associated car park and access points and the erection of 12 semi-detached dwellings on the former British Legion (Quarry Sports and Social Club) car park to the rear of the site with separate access from Winchester Gardens complies with both local and national policy. The scale of development proposed is considered acceptable for the site and is considered to have no detrimental impact on neighbouring occupiers or the character and appearance of the local area.
- 1.11. The car parking proposed complies with adopted car parking guidelines for both the 12 houses and the smaller British Legion club. Parking surveys undertaken following the committee site visit after rush hour and within school term time have determined that on-street parking remains available for use. The access is considered acceptable by the Emergency Services and Transportation.
- 1.12. Two further badger surveys have been undertaken which have determined that an active sett is located within the assessed thresholds for disturbance and potential harm. The City Ecologist raises no objections to the proposed development and recommends a badger method statement is imposed on an approval.

Recommendation

- 1.13. On the basis of the submitted badger surveys and further highway assessment, I consider that the application should be approved as per the original recommendation of 24 May 2018. Additionally, I propose the following additional conditions:
- The refurbished British Legion Club hereby permitted shall not be occupied until a parking management strategy (including management of disabled/parental child spaces and including the posting of relevant parking signs, keep the noise down signs and use of car park attendants if there is a busy/large function) has been submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter only be operated in accordance with that approved strategy.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017, the Car Parking Guidelines SPD and the National Planning Policy Framework.
 - No development shall take place until a plan is submitted to and approved in writing by the Local Planning Authority for the protection and/or mitigation of damage to; populations of Badger- *Meles meles*, and their associated habitat during construction works and once the development is complete. The Badger Method Statement shall include details of, but not be limited to, the following:

- All contractors and site personnel will be briefed on the presence of Badgers at the site, and familiarised with working practices outlined in the method statement through a toolbox talk
- 'Badger Protection Zones' will be enforced, within which works will either not be permitted, or will be restricted. These zones will be marked out with heras fencing, and clearly signed.
- No work closer to the sett than 30 metres will be undertaken without the presence of a supervising ecologist, even if this work is to be undertaken by hand.
- No plant, machinery or powered tools will be used, stored or moved within 20m of the sett, unless such activities are conducted under licence from Natural England.
- Consideration will be given to using low impact techniques to minimise vibrations.
- Badger-proof fencing around the development site may be required.
- If any signs are found that badgers have colonised other areas of the site once the development begins, then work should cease and an ecologist contacted for advice.
- Any excavations should be covered or a mammal ladder put in place at night, so that badgers and other mammals can escape.

Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the Local Planning Authority. The protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to protect the Badger – *Meles meles* and its habitat within and adjacent to the development site in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

- If in the event that site works do not commence by August 2019 (12 months from the original survey report), a further badger survey shall be undertaken, submitted to and approved in writing by the Local Planning Authority prior to development taking place in respect to the residential development hereby approved.

Reason: In order to ensure that the Badger – *Meles meles* and its habitat within and adjacent to the development site is sufficiently protected in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

ORIGINAL REPORT

2. Proposal

- 2.1. Planning permission is sought for the partial demolition, alteration and refurbishment of the existing Royal British Legion Club including alterations to its associated car park and access points and the erection of 12 semi-detached dwellings on the former British Legion (Quarry Sports and Social Club) car park to the rear of the site with separate access from Winchester Gardens.

- 2.2. The proposed alterations to the existing Royal British Legion club would be undertaken as a result of the enabling development of the 12 dwellings and would comprise:
- Demolition of the existing western wing of the club including at ground floor; main lounge, toilets, offices and further function rooms and at first floor: lounge, toilets, back bar and server, store rooms and offices.
 - Demolition of separate store room and ladies room to the west of the main building.
 - Revisions internally at ground floor to provide a reduced in size snooker room, cellar and lounge along with new toilets, staff room and reception area/foyer including lift.
 - Revisions internally at first floor to provide a main function room with raised seating area; new bar and dining area and meeting room along with a new landing area with lift.
 - Refurbishment of the exterior to include new render finish to the front and west elevations and cleaning and making good of east and rear elevations.
 - The proposed alterations would see the reduction in floor space from the existing 1,504sq.m to 817sq.m and the building reduced in size from approximately 50m in length and 17m in width to 24m in length and 17m in width.
 - Provision of new car parking area adjacent to the building following demolition to provide 31 car parking spaces (including 2 disabled spaces) adjacent to the building and a further 7 staff car parking spaces to the rear of the building.
- 2.3. Access would be as existing as a one way road from Quarry Lane out onto Winchester Gardens however, rather than this running through the car park to the rear (located on a different level to the existing club), the access road would run from Quarry Lane into and/or round the new car parking area, round the front of the building and down its eastern side and out onto Winchester Gardens via a new access road running alongside the eastern site boundary. A new retaining wall running east-west behind the buildings to be demolished would support the higher housing land to the north, effectively splitting the wider site, with the houses and bowling green to the north, the British Legion Club to the south.
- 2.4. A new bowling green club house would be provided as part of the proposals as the existing club house would be demolished as part of the access road widening. No works to or loss of the bowling-green is proposed. No details of the new club house are provided, apart from its relocation from the north side of the green (existing), to the south side (proposed).
- 2.5. The proposed 12 semi-detached dwellings would be located on the upper level car park to the rear of the Club building adjacent to the existing bowling-green to the rear and would be solely accessed via the existing car park exit onto Winchester Gardens. The access would be widened to accommodate two-way traffic. The twelve dwellings would be located in six blocks of two, five of which would front a new access drive and the bowling-green. Plots 1 and 2 would be located side onto the bowling green overlooking the access road onto Winchester Gardens.
- 2.6. All twelve dwellings would be 2.5 storeys in height with a dormer window to the front and rooflight to the rear in a gabled roof and would comprise a hall, cloakroom with W.C, kitchen/dining, living room and store at ground floor; two bedrooms and bathroom at first floor and a master bedroom with en-suite and store within the roof. The dwellings would range in size from 104sq.m to 105.5sq.m. The bedrooms would

range in size from 11.1sq.m to 14.2sq.m. Plots 1 and 2 and 3 and 12 would have side facing windows to address their location adjacent to the proposed access.

- 2.7. A small landscaped area would be provided to the front of each dwelling along with two car parking spaces. The rear gardens would range in size from 67sq.m to 88sq.m and would range in length from 12m to 14m.
- 2.8. The application has been amended since submission to provide a wider access route from Winchester Gardens and amendments to the siting of Plots 1 and 2 and their respective car parking.
- 2.9. The application is accompanied by a Planning Statement; Design and Access Statement; Flood Risk Assessment; Bat Survey; Ecological Appraisal; Arboricultural Impact Assessment and Survey; Ground Site Investigation Report and a Transport Statement.
- 2.10. Site Area: 0.97Ha. Site Area for Residential Development: 0.4Ha (excluding access road 0.32Ha) Density: 12 dwellings per hectare (based on red line site area); 30 dwellings per hectare based on 0.4Ha site area and 38 dwellings per hectare excluding existing access.
- 2.11. [Link to Documents](#)

3. Site & Surroundings

- 3.1. The application site is located in a residential area and comprises a bowling green, large car park, the existing Royal British Legion Club and outbuildings and a war memorial located in landscaped gardens to the front of the site. The existing club buildings are a hotchpotch of differing ages and styles. The site is currently accessed from Quarry Lane and exited via the upper level rear car park onto Winchester Gardens. The site is split into two distinct levels as an approximate 5m level difference occurs between the ground floor of the Club and the rear car park/bowling green which sits at first floor level of the Club. A number of mature trees are located to the north and western site boundaries.
- 3.2. The surrounding residential properties also vary in age, architectural styles and plot sizes. Quarry Lane comprises large detached dwellings in large plots with large rear and front gardens whilst Winchester Gardens is a relatively modern 1970's infill of semi-detached and terraced properties.
- 3.3. The application site is within walking distance of Bristol Road South and Northfield District Centre to the west and north-west and within walking distance of Northfield Train Station to the south at the end of Quarry Lane.
- 3.4. [Site Location Map](#)

4. Planning History

- 4.1. The application site has extensive history relating to its use and extensions to both the Club building and the bowling-green and pavilion however none of these are relevant to this application. Pre-application discussions have been undertaken with regards to the development of this site.

5. Consultation/PP Responses

- 5.1. Local Residents, Ward Councillors, MP and Resident Associations notified. Two site notices and press notice posted. 12 letters of comment and objection have been received from residents in Quarry Lane, Winchester Gardens and Sylvan Avenue. The comments and objections are based on the following issues:
- Impact of extra traffic on adjacent residential roads, which are already full due to Northfield train station parking.
 - Insufficient parking proposed on site for both the houses (as two spaces per unit) and the Club with 31 spaces.
 - Is there enough space for large vehicles to enter and exit the proposed housing from Winchester Gardens?
 - Density as proposed is too high for the local area.
 - The car park should be used as an overflow for the station.
 - 2.5 storey housing is out of character.
 - Overshadowing, overlooking and loss of privacy.
 - Noise and disturbance.
 - Increase in flooding.
 - Impact on ecology.
 - Require access to allow the boundary of 80 Quarry Lane to be maintained.
 - Loss of trees.
 - Impact on security to rear boundaries of Quarry Lane dwellings.

Consultation responses on original submission

- 5.2. Transportation – tracking is required for a refuse vehicle as such unable to provide further comment.
- 5.3. West Midlands Police - should this planning application be approved - no objection. However, in the six month period between March and August 2017 there have been 128 burglaries and 159 instances of vehicle crime reported in the Northfield policing area. Since October 2016 there have been 5 burglaries/attempt burglaries and 10 vehicle crimes reported to the police that have been committed on either Quarry Lane or Winchester Gardens. With this in mind the only concern relates to plots 1 & 2 and their allocated parking spaces being at the bottom of their rear gardens. Although there would be some surveillance opportunities from plots 6 & 7, would it be possible to move their location down slightly, to opposite plots 9 & 10 to allow curtilage parking. From past experience where parking is allocated to the rear of the property, not only is the risk of vehicle crime increased, but also, the residents will park their cars at the front of their properties regardless which can lead to highway obstruction.
- 5.4. West Midlands Fire Service – the access road requires a minimum width of 5.5 metres.
- 5.5. Severn Trent Water – no objection subject to a drainage condition.
- 5.6. Lead Local Flood Authority – no objection subject to sustainable drainage conditions.
- 5.7. Local Services – no comments or observations to make.
- 5.8. Regulatory Services – no objection subject to conditions relating to contaminated land, construction management and noise insulation.

Consultation responses on amended submission

5.9. West Midlands Fire Service – no objection. The road requires a carrying capacity of 15 tonnes.

5.10. Transportation – no objection subject to condition relating to pedestrian visibility splay.

6. Policy Context

6.1. NPPF, Birmingham Development Plan (BDP) 2031, Saved Policies of the Birmingham Unitary Development Plan 2005, Places for Living SPG, Places for All SPD, Car Parking Guidelines SPD.

7. Planning Considerations

7.1. The Applicant has engaged in pre-application discussions with the Local Planning Authority (Ref. 2017/03091/PA) and the proposed scheme has been modified, and additional work undertaken/information provided, to take on board Officer comments made.

7.2. I consider the key planning issues to be assessed under this application to be:

- the principle of residential development;
- design and layout
- highways impacts, access and parking;
- impact on the amenity of existing residential occupiers;
- ecology/trees;
- flooding/drainage; and
- ground conditions.

Policy Context

7.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The BDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations.

7.4. The NPPF, at Paragraphs 47-50, seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

7.5. Policy TP27 of the BDP explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and effective

long-term management of buildings, public spaces, waste facilities and other infrastructure.

- 7.6. With respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 7.7. Paragraphs 3.14D-E of the Saved Policies of the UDP explain that new housing development should be designed in accordance with good urban design principles. Policies PG3 and TP27 of the BDP also confirm the importance of place making and creation of sustainable neighbourhoods. Policy TP30 details density requirements and states that in areas well served by public transport developments should achieve at least 50 dwellings per hectare and elsewhere a minimum of 40 dwellings per hectare. The Council's Places for Living SPG encourages good quality residential accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.
- 7.8. Policy TP6 of the BDP requires that as part of their Flood Risk Assessment (FRA) and Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.
- 7.9. Paragraph 109 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net gains in biodiversity where possible and contribute to the Government's commitment to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures). Policy TP8 of the BDP similarly identifies that all development should, where relevant, contribute to enhancing Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.

Residential Development and the Existing Club

- 7.10. Both national and local planning policy seeks to accelerate the delivery of high quality housing in sustainable locations. This development would make a contribution to the City's housing supply, providing a sought after family accommodation. The site is previously developed land, lies within walking distance of Northfield District Centre (with access to local shops/services), and has established public transport, walking and cycling networks within walking distance, including Northfield Train Station to the south. The area is predominantly residential.
- 7.11. The application site is located in a low risk flood zone. The proposed residential development would secure the provision of 12 three bedroom family dwellings. The density of development on the site at 38 dwellings per hectare, would accord with that recommended in the BDP for this location.
- 7.12. It is therefore considered that both national and local planning policy support the principle of residential redevelopment on this site.

- 7.13. In relation to the demolition of part of the existing Club along with the proposed refurbishment works, the Applicant states the existing building is too large for the requirement of the British Legion and the building requires extensive repair and refurbishment. In order to enable these works to occur, the housing development is sought to the rear. I consider the principle of the works to the existing building to be acceptable and in accordance with policy, and they would ensure that a valuable community facility remains.

Design and Layout

- 7.14. Policy TP27 of the BDP requires that new housing provides a wide choice of housing sizes, types and tenures. This proposal would see the site developed for 12 dwellings providing a density of 38 dwellings per hectare. Given the sites location within walking distance of Northfield District Centre and accessible by public transport; I consider the density proposed to be acceptable and in general accordance with policy. I note the objections relating to density being out of character however, whilst Quarry Lane is large dwellings on large plots, Winchester Gardens is more intensive. On this basis; I consider that the proposed density would be in accordance with the local character.
- 7.15. Whilst a mix of house types is not proposed within the twelve units; I consider that the proposal would meet the aim of the BDP for a variety of housing within the wider context of the application site. The proposed housing development would provide 12, three bedroom dwellings.
- 7.16. The houses would be traditional in design with brick elevations and pitched gabled roofs. They would incorporate design features including front dormer windows, porch canopies and side facing bay windows where appropriate. The houses would be two and a half storeys in height, which whilst not characteristic locally, would be considered acceptable in this discreetly-located site. The residential site to the rear of the Club can be little seen from either Winchester Gardens or Quarry Lane. I and my City Design advisor are satisfied that the proposed scale would be appropriate for the local context.
- 7.17. The majority of the proposed new housing would front the new extended access off Winchester Gardens and the existing bowling green and would back onto the rear gardens of dwellings in Quarry Lane. This would create a successful 'back to back' relationship providing a logical and coherent sense of place. Plots 1 and 2 would sit between Plots 9 – 11 and the bowling green, placed side-on to the green. Whilst not ideal for overall site layout and character, I do not consider their inclusion at this location constitutes a reason to withhold consent.
- 7.18. The development would see a density of 38 dwellings per hectare. Further improvements in design and layout have been sought during the application process; I and my City Design Advisor are satisfied that the proposed layout and density is acceptable, in accordance with policy in the BDP, NPPF and Places for Living.
- 7.19. The proposed 12 dwelling development would have separation distances and rear amenity areas that would generally comply with the guidelines in Places for Living. 3 of the houses proposed would have rear garden areas that would fall short of the 70sq.m guideline at 67 and 69sq.m. On those plots where the garden sizes fall short of the guidelines, a condition is recommended to remove permitted development rights. I and my City Design Advisor consider the garden sizes to be acceptable as the overall layout and place making is considered acceptable.

- 7.20. The proposed layout on plots 9 - 11 would front the side and active windowed elevation of plots 1 and 2 and this separation distance would be approximately 13 metres which would exceed the 12.5m requirement of front to flank wall separation but fall short of the 21m window to window distance, However, this relationship would be new to new and the main windows on the side elevation of plot 2, are primarily at ground floor and are secondary windows to both the kitchen and the living room. The active side facing windows are an appropriate design feature for this layout.
- 7.21. All of the units would generally meet or exceed the national space standards for bedrooms and overall dwelling sizes, which although not yet adopted by the Council, do provide a useful yardstick to judge the adequacy of accommodation size. Bedroom three in all of the dwellings would fall slightly short of the 11.5sq.m requirement at 11.1sq.m. All of the units would exceed the unit size requirement of 102sq.m for a three bedroom, six person, two storey dwelling.
- 7.22. The proposed development aims to be sensitive to the context of the surrounding area and appropriate to its character. The local vernacular is a mix of styles, age and form and as such the proposed architectural style would be traditional in design utilising brick as the primary material but would be different to that locally. This would create a further mix to the area that I do not consider would be out of character as the local area does not have one defining style.
- 7.23. Extensive discussions have been undertaken with Officers during the course of the application and the layout now proposed represents the result of these discussions. The layout identifies that the requirements of Places for Living would generally be met. As such, my design officer raises no objections on design, scale and layout issues. I concur with this view.
- 7.24. Regulatory Services, whilst raising no objections to the proposal, have requested a noise insulation scheme to ensure that the proposed dwellings would not be affected by noise from the adjacent British Legion Club. The relevant condition is recommended below.

Impact on Existing Amenity

- 7.25. The closest existing residential property is that of 80 Quarry Lane, which lies adjacent to the existing access for the Club. A small rear courtyard sits adjacent to this boundary, with full intervisibility between the two sites (please see Photo 4 below). All of no. 80's amenity space lies to its front, fronting Quarry Lane. At present, the existing access to the car park passes this rear courtyard and goes steeply up hill to bridge the level difference between the lower and higher levels of the site. The proposed development would see this access removed at this point as the site splits into two but would now see a car park located instead adjacent to this boundary with landscaping. This means one form of public view into the property would be swapped to another (from access, to car park).
- 7.26. The residential element of the proposal would see the side elevation of plot 3 looking across to 80 Quarry Lane, with a separation distance of approximately 17m to the rear boundary of no. 80, and Plot 3 sitting at higher ground level (c. 4m higher). There would, therefore be some overlooking from Plot 3 towards the rear courtyard and windows of no. 80, but given the already very public aspect of the rear of no. 80, I do not consider this relationship would much further alter the amenity and privacy of no. 80. The side elevation of plot 3 would have bay windows at ground floor to both the kitchen and living room along with windows at first and second floor to a bathroom and bedroom. I consider this arrangement to be acceptable and would

have minimal impact on the amenity of occupiers in number 80, with the opportunity for some new landscaping to perhaps actually secure a little more privacy for no. 80. I note the concern from number 80 regarding maintenance access to the rear boundary, as this boundary would be located adjacent to the car park, I consider that this matter is adequately addressed as the boundary would still be accessible.

- 7.27. I note the objections raised from residents further along Quarry Lane and from residents in Sylvan Avenue regarding overlooking and overshadowing. The Quarry Lane gardens that abut the western boundary of the site range in length from approximately 35m to 90m with the properties themselves sat at right angles to the orientation of the proposed dwellings with a significant tree belt between and at lower ground level. As such, I do not consider that a privacy issue through overlooking would occur, nor do I consider that the properties on Quarry Lane would be overshadowed by the proposed residential development. With regards to properties in Sylvan Avenue, only plots 1, 2 and 12 would be located near to the northern boundary with Sylvan Avenue. Plots 1 and 2 would be approximately 17.5m from the boundary and plot 12 some 13.5m with a further 15 to 20m (approximately) between the boundary and the rear of the properties in Sylvan Avenue. Based on these separation distances, I consider that a loss of privacy/overlooking/overshadowing would not occur from the proposed dwellings. I also note the question of security to rear gardens in Quarry Lane. At present, access to these can be achieved from the existing car park, which at present has no public or private visibility. The proposed development, would secure this boundary with new dwellings and as such, I consider that this would improve the security to Quarry Lane dwellings.
- 7.28. I am satisfied that the proposed development demonstrates that it would have an acceptable relationship to existing properties immediately abutting the site.

Landscape and Ecology

- 7.29. A preliminary ecological assessment is submitted in support of the application. The assessment identifies that there is hardstanding across much of the site. Amenity grassland forms much of the soft landscaping at the southern end of the site with trees lining the boundaries. The assessment identifies that a number of the buildings on site showed potential roosting features for bats; no evidence of badger activity was recorded on site although it was noted that optimal habitat for badgers and hedgehogs is present immediately adjacent to the application site; the site provides foraging and nesting opportunities for birds and the site does not provide habitat to support reptiles, amphibians or invertebrates.
- 7.30. A comprehensive bat survey has been undertaken to assess presence/ absence of bats within the range of buildings on site and determine any levels of site usage. All buildings were assessed for roost potential and following survey all bar the main block (referred to as B1 in the bat survey report) were regarded as not being used or negligible value for roosting. B1 however was identified as providing roosting for 2 x Pipistrelle bats. The proposed development would not impact on the roost site through the proposed demolition and any associated internal refurbishment however if plans should change then a reassessment will need to be undertaken.
- 7.31. The City Ecologist has reviewed the submitted ecological appraisal and concurs that the existing car park is hard paved and has negligible ecological value however it is bordered by a line of mature trees that do provide some bat and bird forage habitat and commuting route. As this tree line is to be retained, the impact on this is considered negligible although a suitable lighting plan may need to be produced for lighting of the access road to ensure that light spill to the canopy is kept to a

minimum. Although there will be limited ecological impact on the overall site and the current bat roost location will not be affected it is foreseeable that work may need to be undertaken on the external sections of the building, the City Ecologist considers that it would be beneficial to include alternate roosting features in the new builds. As such, the City Ecologist raises no objections to the proposed demolition and development and recommends safeguarding conditions relating to lighting and an ecological enhancement plan.

- 7.32. A tree survey/impact assessment is submitted in support of the application. On the original submission, my Arboricultural Officer raised concerns regarding the potential loss of trees from a new footpath along the access road off Winchester Gardens. The tree survey identifies a total of 27 surveyed trees on site comprising 17 Norway Maple (Category B); 6 Sycamore (Category C); 2 Ash (Category C) and 2 Scots Pine (Category A). The proposed development would require the removal of 1, Category C Ash Tree.
- 7.33. Following receipt of amended plans, which have removed the footpath alongside the trees, my Arboricultural Officer raises no objections and I concur with their view. Safeguarding conditions relating to the protection of retained trees are recommended below. Further, new planting is indicated at different points across the wider application site.

Drainage/Flood Risk

- 7.34. The application site is located within Flood Zone 1 and is considered to be at low risk of river or sea flooding and there have been no historic flood events recorded on the site. The surrounding area is subject to historical flooding in Mill Lane, Quarry Lane and Station Road however, these are located at much lower levels than the application site.
- 7.35. Surface water run-off is proposed to be collected in an underground geo-cellular tank, at the south of the site beneath the proposed car park. To achieve the LLFA required Greenfield run-off rate of 5l/s, 245m³ storage would be required and the proposed tank would cater for flows generated during the 1 in 100 year event plus 30% climate change. With regards to drainage, it is proposed to discharge flows to the local public surface water sewers present in Winchester Gardens with foul drainage connecting to the existing foul sewer in Quarry Lane.
- 7.36. The LLFA are in acceptance of the principles in the FRA and consider that further information required as part of the drainage strategy can be secured by drainage conditions. In addition, Severn Trent Water has raised no objections and, as per the LLFA, has requested suitable drainage conditions. I note the residents' objections raised in relation to the increase in flooding; however as the LLFA and Severn Trent Water have raised no objections on this ground; I consider that this is not a material consideration with significant weight and impact to warrant a refusal in this instance. I concur with the LLFA and Severn Trent Water comments and the relevant safeguarding conditions are recommended below.

Transportation

- 7.37. Access to the site is currently obtained from Quarry Lane and exited onto Winchester Gardens. The proposed development would see this existing entry and exit arrangement maintained for the users of the Royal British Legion Club however, the proposed residential occupiers would both enter and exit off Winchester Gardens via a widened internal access road.

- 7.38. Trip generation analysis within the submitted Transport Assessment has been considered. This shows that the proposed development would generate approximately 13 movements in the morning peak and 7 movements in the evening peak period. Parking is proposed to be provided by two parking spaces to the front of each proposed residential property and for the British legion Club, a new car park of 31 spaces is proposed.
- 7.39. Transportation has reviewed the proposed development, the submitted transport assessment and the likely trip generation rates. They consider that while some increase in traffic at this location will result it is not considered this will be of a level significant enough to warrant concern. Tracking was requested in order to demonstrate that a refuse vehicle entering the residential site off Winchester Gardens, manoeuvring within the turning head and exiting back out can be achieved. Additionally, the manoeuvre out of the club exit back out onto Winchester Gardens was requested. Transportation considers that these movements have been adequately tracked with the layout of the carriageway areas suitable to accommodate refuse vehicles. However, landscaping in the vicinity of the Winchester Gardens access will need to consider the overrunning of the front of the vehicle to the north of the initial section of the access road. It is acknowledged the tracking of a fire engine has also been provided.
- 7.40. There are no Transportation objections to the proposed development at this site. An acceptable level of parking is provided for the new dwellings with 200% provision. The replacement car parking for the club provides 31 customer spaces along with separate staff provision. These are reached via the existing access off Quarry Lane. The new access will need to be constructed to City standards at the applicants expense.
- 7.41. I note the objections received in relation to increase in traffic and parking issues along with questions over how larger vehicles will serve the site. However, as already outlined, traffic associated with 12 additional dwellings would not be expected to significantly increase traffic upon the local highway network. In relation to parking, a good level of provision is offered within the site with the need for overspill expected to be minimal. The tracking of both fire & refuse vehicles within the site has been demonstrated.
- 7.42. I am satisfied that the layout adequately demonstrates that an appropriate level of parking is provided, particularly bearing in mind the site's sustainable location, close to local services and good public transport links; and the proposal would have limited impact on the surrounding road network (taking into account objections received from local residents on this ground). West Midlands Fire Service have removed their objection following the submission of amended plans widening the proposed access road.

Ground Conditions

- 7.43. A site investigation report was submitted in support of the application. Regulatory Services has reviewed the report and has raised concerns about the assessment and some of the outcomes described. The Consulting Engineers share concerns that additional monitoring is required in that the data submitted does not adequately permit the characterisation of site conditions. Regulatory Services have therefore advised that additional invasive work will need to be carried out, and as such require safeguarding conditions relating to this.

7.44. Some of the key areas of clarification are:

- Additional investigative work needs to be carried out to characterise made ground / contamination levels across the site, in particular to reflect the location of residential back gardens and any soft landscaped areas. The investigation needs to consider potential contamination in made ground and underlying strata.
- Boreholes used thus far were relatively shallow and failed to identify groundwater. Any potential contamination of groundwater sources has therefore not been considered. Further investigations detailed above should hence utilise, where appropriate, deeper boreholes to enable such characterisation.
- Combined gas and groundwater monitoring will need to be included (over an appropriate period) and any subsequent assessment and reporting to indicate if there is any contamination in the made ground, soil or groundwater.
- Given the close proximity of a historical landfill site to the east, additional investigation works are necessary to reflect and assess risks presented by potential gas migration from the landfill site. Assumptions of CS1 classification for ground gases is not accepted, given the short time period and results included in the data supplied (AJM/23447). Additional borehole data over an extended monitoring period is required to adequately assess ground gas conditions. This will better clarify the CS1 classification, given flow rate and corresponding CO₂ levels found in WS6 (AJM/23447).

7.45. I concur with the view of Regulatory Services and the suggested safeguarding conditions are recommended below.

Sustainability

7.46. In terms of the site's inherent sustainability credentials, it is previously developed land and so its development would allow for a contribution to the housing target for South Birmingham to be accommodated on 'brownfield' land. It would also ensure that this site would be put into long term active use.

7.47. Whilst no sustainable features are incorporated into the site development, aside from SuDs attenuation in tanks under the site; the site is located in a sustainable position that minimises the need to travel, has good public transport links and is located close to facilities. It is:

- close to Northfield District Centre;
- within reasonable walking distance of doctors surgeries, schools and other services;
- close to Bristol Road South which has high frequency bus routes, connecting to outlying areas and the city centre, and close to Station Road where Northfield Train Station is located;

7.48. I therefore consider that the proposal meets the requirements for sustainable development.

Other Issues

7.49. The proposed development is not located in a CIL charging area and as such does not attract a CIL contribution.

7.50. I note that an objection has been raised proposing the use of the site as extra train station car parking. Whilst this may be an acceptable/appropriate use for the site, it is not the proposal for which planning permission is sought and as such, is not a proposed use that can be evaluated as part of this application or a reason to refuse planning permission for the development proposed.

8. Conclusion

8.1. The proposal would provide sustainable residential development on a brownfield site, close to public transport links and local facilities. It would have limited effect on surrounding residential occupiers and the highway network. As such, the proposal is therefore supported as sustainable development and recommended for approval subject to conditions.

9. Recommendation

9.1. That planning permission is approved subject to the conditions listed below.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the agreed mobility access to be maintained |
| 3 | Requires the prior submission of a contamination remediation scheme |
| 4 | Requires the prior submission of a contaminated land verification report |
| 5 | Requires the prior submission of a sustainable drainage scheme |
| 6 | Requires the prior submission of a drainage scheme |
| 7 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 8 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 9 | Requires the prior submission a noise study to establish residential acoustic protection |
| 10 | Requires the prior submission of hard and/or soft landscape details |
| 11 | Requires the prior submission of hard surfacing materials |
| 12 | Requires the prior submission of boundary treatment details |
| 13 | Requires the prior submission of a lighting scheme |
| 14 | Requires the prior submission of a construction method statement/management plan |
| 15 | Requires the prior submission of sample materials |
| 16 | Requires the prior submission of the replacement bowling pavillion building details |
| 17 | Removes PD rights for extensions |
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- 18 Requires the parking area to be laid out prior to use
 - 19 Requires pedestrian visibility splays to be provided
 - 20 Requires the implementation of tree protection
 - 21 Requirements within pre-defined tree protection areas
 - 22 Requires tree pruning protection
 - 23 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 24 Implement within 3 years (Full)
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1: Frontage of existing Royal British Legion Club – looking north east.



Photograph 2: Existing Car Park – looking south.

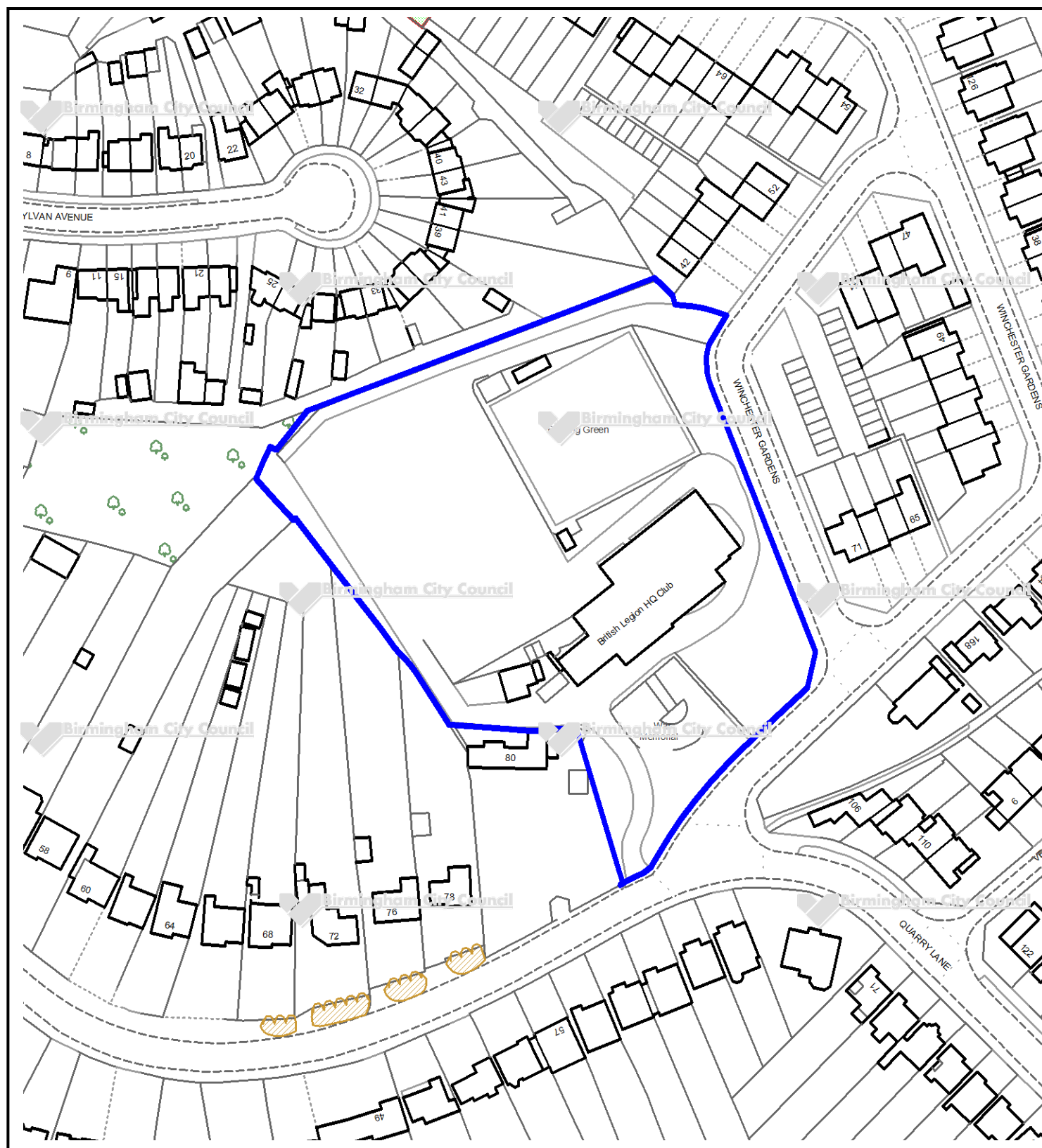


Photograph 3: Existing Access from car park onto Winchester Drive – looking west



Photograph 4: Rear of 80 Quarry Lane and the existing car park access road – looking south

Location Plan



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Report Back

Committee Date: 11/10/18

Application Number: 2017/02724/PA

Ward: Frankley Great Park

North Worcestershire Golf Course

Outline planning application, with all matters reserved except access for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi use community hub, new access points and associated infrastructure.

Applicant: Bloor Homes Western, c/o agent

Agent: Harris Lamb, 75-76 Francis Road, Edgbaston, Birmingham, B16 8SP

Recommendation

Endorse

1.0. Background

- 1.1. Members may recall that this application was considered by Your Committee, on the 31st August 2017, where members supported the officers' recommendation for refusal. Following this, the applicant lodged an appeal against this decision and a Public Inquiry is scheduled to start 2nd October.
- 1.2. Furthermore, a report was submitted to Planning Committee on 5th July where Members agreed to no longer defend reason 2 following the submission of an amended Masterplan that reduced the extent of development land, increased the public open space and reduced the maximum number of dwellings to 800.

2.0. Issue

- 2.1. The Council continues to defend the refusal at the inquiry on the basis of reason 1, but in preparing the Council's case it has been necessary to draft conditions and prepare a Legal Agreement in the event that the Secretary of State decides to uphold the appeal and grant planning permission. In the absence of such engagement, the Council would put itself in a position where the appeal may be allowed by the Inspector subject to conditions and planning obligations that the Council has not had any input into. Therefore, engaging in discussions and negotiations on potential conditions and planning obligations has been necessary to protect the Council's overall position, notwithstanding that the primary objective remains the refusal of the application on appeal. The terms of the Agreement are, in principle, unchanged from the issues put to Members in August 2017 and the obligations have remained unchanged.
- 2.2. In summary these cover;

- Affordable Housing
- Education
- Loss of Sports
- Requirement for new open space
- Loss of Open Space

3.0. Community Infrastructure Levy and Planning Obligations

- 3.1. In terms of Community Infrastructure Levy, the site is within an area defined as 'low' residential value meaning that a zero charge is set.
- 3.2. Policies 8.50-8.54, of the UDP (Saved Policies), relates to the use of Planning Obligations. This states that the Council will take all appropriate opportunities to negotiate planning obligations and will determine the type, scale and mix based on several factors including Policy, local commentary and any specific local needs. Furthermore Paragraph 56, of the NPPF, states that Planning obligations should be sought when they meet the following tests;
- Necessary to make the development acceptable in planning terms
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 3.3. The above, from the NPPF, is replicated from the 2012 Community Infrastructure Levy and these regulations resulted in the City Council creating its Infrastructure Levy Charging Schedule (ILCS) which is designed to provide funding for infrastructure through the Regulation 123 list. The ILCS sets out the City Council's infrastructure requirements to enable collected CIL money to be spent in a consolidated and considered way; this includes reference to education payments. When the ILCS was drafted it was subject to examination in public. In terms of education, the Examination Inspector agreed the list but also stated that large sites (such as NWGC), would need to consider whether a specific education provision was required to meet an unexpected peak in localised demand. Large sites, such as the subject of this report, generate a specific and substantial education requirement which would be required as a direct result of the development. This approach satisfies the CIL tests.

Affordable Housing

- 3.4. Policy TP31, of the BDP, requires affordable housing at a rate of 35% for schemes of 15 dwellings or more. The applicants have offered an on-site affordable housing provision of 35% with the following mix;
- 10% affordable rent
 - 15% intermediate Homes (including shared equity)
 - 10% Low Cost Housing for sale
- 3.5. BCC Housing Strategy have raised no objection to the proposed mix and level of affordable housing.

Education

- 3.6. Policy TP36, of the BDP, states that *“as the City’s population grows there will be a need for additional Primary, Secondary and Special Needs school and college provision”*.
- 3.7. The CIL Charging Schedule is clear that the majority of infrastructure delivery would take place through pooling of collected CIL sums and delivering the identified spend priorities in the Regulation 123 list. However, paragraph 16.1 of the Schedule, in regard to S106 payments is clear that some site specific issues may require mitigation through S106 to enable development to proceed. If a site specific on site requirement is identified, a S106 will still be required. This is reinforced in the Regulation 123 List (appendix B) which sets out that, under the title of Education/Training Projects, that the 123 list only covers projects that are not required as a direct result of a development.
- 3.8. The City’s Education Department has identified that there is an insufficient supply of primary and secondary school places in the catchment of the appeal site.
- 3.9. In terms of Primary School provision, using a pupil yield formula of 0.042 pupils per household, this has identified that the scheme generates a requirement for an on-site one form Primary School and a financial contribution towards improvement/expansion of an off-site primary school. Education colleagues have identified that Forrestdale Primary is capable of expansion and as such funding would be directed to this school. The on-site 1FE Primary School would be at capacity when 712 dwellings are occupied, meaning that once 713 dwellings are occupied the additional off-site capacity becomes required. As such it has been agreed with the applicants that a multiplier would be calculated for all dwellings proposed for phases that include and exceed the total number of 712 dwellings to ensure that a sum is generated, on a phase by phase basis, to deliver the additional primary school places above those provided on site.
- 3.10. The trigger points for delivery would be set at;
- The on-site 1FE Primary School would be built and ready for occupation upon the occupation of 200 dwellings and before the occupation of 201st dwelling.
 - The off-site primary school contribution (using the formula) would be paid prior to the commencement of the final phase or the commencement of the 750th dwelling (whichever is the sooner).
- 3.11. The offered secondary school sum, also calculated using the formula, (being around £3M for 800 dwellings), would be directed towards Colmers Secondary School, which is currently a 7FE and would be expanded to an 8FE. This sum is required to be paid prior to the occupation of the 200th dwelling.
- 3.12. The proposal satisfies the Council’s requirements for adequate provision of education and satisfies Policy TP36, of the BDP, and Policy 8.50-8.54, of the UDP, (Saved Policies) and paragraph 56 of the NPPF. The identified sums are also CIL compliant as they clearly set out defined infrastructure projects that would be directly and reasonably required by the proposed scheme.

Loss of Open Space

- 3.13. The proposal would result in the loss of private open space. The loss of open space is considered by Policy TP9, which states that the loss will only be agreed if the land is shown as surplus; or if it would be replaced by a similar piece of open space; or where a small part is lost to enhance the remaining section; or where the scheme is for alternative recreation use where the benefits clearly outweigh the loss.
- 3.14. The Council consider that the loss was acceptable provided that the scheme was supported by the provision of on-site open space, and compensation for the loss of the sporting facility through investment in alternative sports. Compensation for the loss of open space was calculated on the basis of the cost to the City of laying out new open space and uses a figure of £15 per sqm. With the revised Masterplan (of 800 dwellings), the loss of open space to development is reduced and now proposed as 17.9ha, excluding the 2ha school site. This would generate a slightly reduced compensation sum of £2,685,000 for 800 dwellings.
- 3.15. The applicants have offered 10.95ha (950 dwellings) or 12.45ha (800 dwellings) of public open space on site and consequently the requirement for new on-site POS would be exceeded, the remainder contributes towards the compensation package.
- 3.16. The applicant's open space assessment identifies a need for some public open space provision in the area. The report has discovered gaps in the provision of open space to the east of the site and gaps in the provision of children's play to the north. As the proposal includes the provision of public open space, of over 2ha, it would contribute towards rectifying the identified gaps within the surrounding 3km area. The Assessment also identified there was a local deficiency for children's play in the north of the site. The offered on-site provision would address this.
- 3.17. For 800 dwellings, 4.8ha of the offered open space would be required by Policy TP9 (2ha per 1000 population), the remaining 7.65ha is offered as partial compensation for the loss of open space and would increase the local quantum of existing public open space. The proposal would provide an area of new public open space to meet the needs of the new residents and provide further public open space, to meet current deficiencies identified by the Open Space Assessment.

Loss of Sports

- 3.18. Policy TP11, of the BDP, refers to the loss of sports facilities. The Council and Sport England have previously acknowledged that the site is surplus to Golf, however it was not considered surplus to all sports, consequently the loss of the sporting use requires compensation for its loss with mitigation that can be considered to be of similar value to the community.
- 3.19. During the course of the application, Sport England requested funding for the provision of enhanced football facilities in the form of two 3G Artificial Grass Pitches and associated facilities, car parking and changing. The current Playing Pitch Strategy was adopted in June 2017. This sets out the sporting needs in the area and also identified football as being underprovided locally and requiring investment.

- 3.20. Simultaneously, as set out above, BCC Local Services calculated that the loss of public open space for sporting use was £15 per sq.m. This equates to the cost of the Council to lay out new pitches of a similar size elsewhere. On the basis of the area of development covering 17.9 ha (179,000m² @ £15.00/m²) the level of compensation was calculated as £2,685,000. It was also determined, by the Council, that this sum should be directed towards the provision of sporting use rather than open space as a substantial level of POS was being provided by the scheme. This approach is consistent with Policy TP9 which states that *“developer contributions could be used to address the demand from new residents on other types of open space such as allotments and civic spaces”*.
- 3.21. The Playing Pitch Strategy identifies the sporting needs in different parts of the City and the quality and quantity of local provision. It also appraises existing pitches and identifies where these could be improved and upgraded. The site is within area 3 (consisting of the Northfield, Selly Oak and Edgbaston constituencies) and this area is identified as principally lacking football facilities. Discussions with Sport England, Leisure Services and Strategic Sports Officers (and indirectly with the Football Association) have identified that the following requirements are the priority areas for sports improvement in area 3;
- Artificial Grass Pitch at Senneleys Park (£830,000).
 - Infrastructure improvements at Senneleys Park (including land-forming, car parking/access improvements) and Investment in adjacent pitches (£300,000).
 - Artificial Grass Pitch at Bartley Green Community Leisure Centre (£750,000).
 - Woodgate Valley Country Park - 4 team changing room at (£600,000).
 - Woodgate Valley pitch improvements £150,000.
 - Total value £2,630,000.
- 3.22. The Council is satisfied that these measures can be delivered in compliance with the Playing Pitch Strategy and would satisfy the type and range of compensation envisaged for the loss of sporting use/open space on the application site and for the delivery of new sporting activity for the new occupiers of the site.

The requirement for open space

- 3.23. The requirement for open space is derived from Policy TP9, of the BDP, which explains that new residential development will be required to provide open space in line with the standard of 2ha per 1000 population. Colleagues in Leisure Services have provided a calculation for 950 dwellings. This is based on an average of 3 people per dwelling and can show that the scheme would require 5.7ha for 950 dwellings and 4.8ha for 800 dwellings.
- 4.0. Recommendation
- 4.1. To endorse the content of this report, and agree to the Council entering into a S106 Agreement to secure the planning obligations described in more detail above. In summary these would consist of;

- 35% on-site affordable housing with the following mix of; 10% affordable rent, 15% intermediate Homes (including shared equity) and 10% Low Cost Housing for sale.
- An on-site 1FE primary school and a payment of an off-site contribution in accordance with the formula set out above for the additional primary school requirement that would not be provided on site.
- A secondary school off-site financial contribution of circa £3 million in accordance with the formula set out above.
- Provision of on-site open space (up to 12.45 hectares).
- Loss of Sports compensatory off-site financial contribution of £2.63 million (index linked).

Author: Ben Plenty

Committee Date:	11/10/2018	Application Number:	2018/03392/PA
Accepted:	27/04/2018	Application Type:	Demolition Determination
Target Date:	11/10/2018		
Ward:	King's Norton South		

Nos. 25-31, 42-48, 49-55, 61-67, 70-76, 82-88 and Blocks 33 & 35
Gildas Avenue, Kings Norton, Birmingham, B38

Application for prior notification of proposed demolition of existing flats,
houses and maisonette blocks.

Applicant:	Birmingham City Council 1 Lancaster Circus, Birmingham, B2 2GQ
Agent:	Acivico Building Consultancy Ltd Louisa House, 92-92 Edwards St, Birmingham, B2 2AQ

Recommendation

Prior Approval Required and to Approve with Conditions

1. Proposal
 - 1.1. This application is made under the provision of Part 11 of the Town and Country Planning (Generally Permitted Development) Order 2015 and seeks a determination as to whether prior approval is required for the method of demolition and site restoration of Nos. 25-31, 42-48, 49-55, 61-67, 70-76, 82-88 and Blocks 33 & 35 Gildas Avenue. 36 units in total are proposed to be demolished.
 - 1.2. The method of demolition would be by 360 degree mechanical machine with suitable attachments. All spoil and rubble produced as a result of the demolition would be recycled where possible. Any hazardous materials would be disposed of at an appropriately licensed waste disposal facility.
 - 1.3. The applicant has stated that the site would be protected by 1.8m high chain link fencing set back 2.0m from the pavement. A 0.4m high timber trip rail would be located at the site perimeter
 - 1.4. The proposed works would be carried out in phases. This application originally sought consent to demolish 25-31, 37-67, 20-48, 70-102 and Blocks 33 & 35 Gildas Avenue and Blocks 1, 3, 5 and 7 Bentmead Grove, however due to bat related issues, this application is now only for the properties to be demolished during the first phase: Nos. 25-31, 42-48, 49-55, 61-67, 70-76, 82-88 and Blocks 33 & 35 Gildas Avenue. The other properties to be demolished will be done so at a later date and a separate application will be submitted for these.
 - 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application sites relates to residential dwellings, flats and maisonettes. The properties have gable end roof designs and are rendered cream. Most of the properties are set back from the highway by small grassed areas to the front.
- 2.2. The site lies within the Kings Norton Pool Farm estate which is part of the Kings Norton Three Estates. The area is identified in Policy PG32 of the BDP as a major housing regeneration area where redevelopment is proposed to create a sustainable neighbourhood and deliver long-term social, economic, physical and environmental improvements, in accordance with the Kings Norton Planning Framework.
- 2.3. [Site Location Plan](#)

3. Planning History

- 3.1. None relevant.

4. Consultation/PP Responses

- 4.1. Transportation Development – no objection.
- 4.2. Regulatory Services – no objection subject to a condition relating to a demolition management plan.
- 4.3. Ecologist – no objection subject to a condition relating to compliance with the submitted bat survey.
- 4.4. Requisite site notices have been displayed by the applicant, and residents associations and local Ward Councillors have been notified. No responses have been received

5. Policy Context

- 5.1. The following local policies are relevant:
- The Birmingham Development Plan (BDP) 2017
 - Kings Norton Planning Framework
- 5.2. The following national policies are relevant:
- National Planning Policy Framework (NPPF) 2018
 - Town and Country Planning (General Permitted Development) Order 2015

6. Planning Considerations

Principal of development

- 6.1. This application seeks a determination as to whether prior approval is required for the demolition of 36 residential properties (24 properties and 12 flats) on Gildas Avenue. The issues to be considered with this type of application are solely the method of demolition and means of restoring the site.
- 6.2. The buildings are to be demolished as they are surplus to requirements. The proposed method of demolition of this site is through 360 degree mechanical

machine with suitable attachments. This proposal is consistent with demolition applications approved elsewhere in other parts of the City.

- 6.3. Following the works, the area around the demolition site would be enclosed with 1.8m high chain link fencing located 2m from the pavement with 0.4m high timber trip rail located at the perimeter of the sites. These would appropriately enclose the site following the demolition. All spoil and rubble produced as a result of the demolition would be recycled where possible. Any hazardous materials would be disposed of at an appropriately licensed waste disposal facility.

Transportation and highway safety

- 6.4. Transportation have raised no objections to the proposal subject to the appropriate permits being in place prior to the commencement of works, as the works would have an impact on the public highway.

Residential amenity

- 6.5. Regulatory Services have raised no objection to the application, subject to conditions for restricted working hours and for a demolition method statement/management plan to be submitted to and approved by the local authority prior to any development taking place. The management plan should include the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, construction hours, noise control devices, delivery routeing, the erection and maintenance of security hoarding including decorative displays and facilities for public, viewing, where appropriate, wheel washing facilities, measures to control the emission of dust and dirt during construction, a scheme for the recycling/disposing of waste resulting from demolition and construction works.

Ecology

- 6.6. The application originally sought prior approval to demolish 82 properties on Gildas Avenue and Bentmead Grove. However, an initial bat survey for some of these properties showed that they had a high suitability for roosting bats, which meant that three nocturnal bat surveys were needed. As some of the properties were not accessible for a full survey, and as others were found to have high suitability, the City's Ecologist considered that all properties should be fully surveyed prior to consent to demolish, and that it would not be appropriate to have conditions attached requiring surveys. Therefore, this application now relates to 36 residential units at Nos. 25-31, 42-48, 49-55, 61-67, 70-76, 82-88 and Blocks 33 & 35 Gildas Avenue.
- 6.7. These 36 properties had three nocturnal bat surveys completed (two dusk emergence surveys and one dawn return survey) during July and August 2018. The City's Ecologist is satisfied that the surveys were carried out by suitably qualified and experienced surveyors and followed good practice guidance. The findings showed that no bats were recorded emerging from, or returning to, any of the buildings during the three surveys. Based on these results, there is no evidence to suggest that bats are currently roosting in any of the buildings surveyed. Common pipistrelles were recorded commuting across the site and foraging in areas of open space and gardens adjacent to the properties surveyed. Noctule bats were recorded commuting across the site on a few occasions. During some of the dusk surveys, common pipistrelles were recorded very soon after sunset, suggesting that bats are roosting in properties in close proximity to those which were surveyed.

- 6.8. The City's Ecologist considers that based on the results of the survey, bats do not currently represent a constraint to the demolition of the properties at Gildas Avenue (25-31, 42-48, 49-53, 61-67, 70-76, 82-88, blocks 33 and 35) and demolition can take place without the need for specific bat mitigation measures. However, if demolition has not commenced by June 2019, updated surveys will be required before demolition takes place, to ensure that the bat roost status of the properties has not altered. The Ecologist has stated that in the unlikely event that bats are discovered during the works which take place before June 2019, all works should cease and an experience bat worker should be contacted for advice.
- 6.9. Finally, the City's Ecologist notes that the report makes two recommendations in relation to future development of the site - to implement an ecologically sensitive lighting scheme that minimises disturbance to bats and to provide habitat enhancements for bats (bat boxes, "bat-friendly" landscape planting). These recommendations should be addressed as part of future development proposals for the site.
- 6.10. A condition has been attached to this prior notification application requiring that the demolition take place in accordance with recommendation R1 of the bat survey 'Nocturnal Emergence and Dawn Re-entry Surveys report (Middlemarch Environmental, 31/08/2018; ref. RT-MME-128637)'. Based on the response received from the City's Ecologist and with the implementation of this condition, I am satisfied that the proposal would not result in harm to bats.

7. Conclusion

- 7.1. The proposed method of demolition and site clearance is acceptable. Demolition would enable and facilitate the wider redevelopment of the site. In order to protect the amenity of local residents during demolition and safeguard any potential bats at the site. Prior Approval is required, and consent can be granted, subject to conditions.

8. Recommendation

- 8.1. Prior approval required and to approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the demolition to take place in accordance with Recommendation R1 of the bat survey |
| 2 | Requires the prior submission of a construction method statement/management plan |
-

Case Officer: Caroline Featherston

Photo(s)



Properties on Gildas Avenue

Location Plan



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Report back following Site Visit 04 October 2018

Committee Date:	27/09/2018	Application Number:	2017/07893/PA
Accepted:	15/09/2017	Application Type:	Full Planning
Target Date:	10/11/2017		
Ward:	Hall Green North		

1200 Stratford Road, Hall Green, Birmingham, B28 8HN

Demolition of existing building and erection of a drive-thru restaurant (Use Class A3/A5) with associated car parking, access, servicing, landscaping and ancillary works

Applicant: Kentucky Fried Chicken (Great Britain) Ltd
C/o Agent
Agent: Savills
Innovation Court, 121 Edmund Street, Birmingham, B3 2HJ

Recommendation

Approve subject to Conditions

1. Proposal
 - 1.1. [Link to Documents](#)
 - 1.2. Planning permission is sought for the demolition of a small office building associated with the existing car sales use of the site (Sui-Generis) and the replacement erection on the site of a single storey drive-thru restaurant building (Use Classes A3/A5) with associated car parking, vehicular access and landscaping.
 - 1.3. The proposed drive-thru building would be sited towards the south western end of the site, fronting on to and perpendicular to, Stratford Road. The single width drive-thru lane would operate in a clockwise direction around the building. A new two way vehicular access off Welby Road would be created adjacent to No. 5 Welby Road. It would provide access to tarmacadam car parking areas along the north eastern and eastern parts of the site. Block paving would be laid in between the proposed drive-thru building and car parking/vehicular access areas, with soft landscaping laid to all the site boundaries, including Stratford Road.
 - 1.4. The proposed drive-thru building would be set back from Stratford Road by 8.4m. It would measure 20.5m in length, and a maximum of 13.5m in width. It would be rectangular in shape, with a small sized order kiosk attached to its northern elevation. The gross internal floor area would be 186sqm in size. The proposed building would have a low angled mono-pitched roof, with a height of 5.1m at its front end (west) reducing in height down to 4.5m at its rear end (east). The roof would oversail the building on all sides, to a maximum of 2.5m at its front end, with a fascia comprising of grey powder coated aluminium. It would comprise of red facing brickwork with its base in blue facing brickwork. The central section of north and south facades would be clad in horizontal composite timber effect cladding panels. The front (west) elevation of the proposed building would comprise of glazed curtain walling.

- 1.5. The two existing vehicular accesses/footway crossings into the site - one off Welby Road and one off Stratford Road - would be removed and a new two way vehicular access would be created 10m along Welby Road from its junction with Stratford Road. The new access would measure 15.5m at its widest where it joins Welby Road, and 6m in width within the site. A new footpath link would be created from the application site to Stratford Road, providing direct pedestrian access to the front doors of the proposed building.
- 1.6. Turf would be laid around site boundaries, with the widest landscaped strip being located at the junction of Welby Road and Stratford Road. Six new trees would be planted on the site, five along the boundary with neighbouring residential properties.
- 1.7. The front boundary treatment to Stratford Road would comprise of 0.7m high brick wall. A new 2.5m high acoustic fence would be installed along the remaining site boundaries.
- 1.8. 13 new lighting columns would be installed within the site and around its perimeter, with all columns having a height of 6m, the exception being the two columns proposed to be installed adjacent to the rear garden of No. 5 Welby Road which would measure 5m in height.
- 1.9. 14 full time and 26 part time jobs would be created as part of this development.
- 1.10. Proposed opening hours would be 1030-2300 hours daily.
- 1.11. A maximum of 50 covers would be accommodated within the proposed restaurant building.
- 1.12. Three leylandii trees would be removed in the northern corner of the site adjacent to No. 5 Welby Road.
- 1.13. The site area is 0.19ha. The development would not attract a CIL contribution.
- 1.14. An advertisement application has been submitted in conjunction with this planning application - for the display of 6 internally illuminated, 3 externally illuminated and 10 non-illuminated signs associated with the proposed drive-thru restaurant (2017/07911/PA).
- 1.15. A Transport Assessment, Travel Plan, Planning Statement, Noise Assessment, Lighting Scheme, and extraction and ventilation details have been submitted to support this planning application.

2. Site & Surroundings

- 2.1. The application site is located on the junction of Stratford Road (A34) and Welby Road. It is located within the Primary Shopping Area of an established centre, namely The Parade, Hall Green Neighbourhood Centre. Hall Green Railway Station is located opposite the site to the north.
- 2.2. The site comprises of tarmacadam hardstanding and is used for car sales (sui generis). There are two existing vehicular accesses/footway crossings into the site - one off Welby Road and one off Stratford Road. There is a small, single storey, brick-built office building located immediately adjacent to No. 5 Welby Road. The

site boundaries to Stratford Road and Welby Road comprise of low brick boundary walls with railings and the remaining site boundaries comprise of close boarded timber fencing. The site is generally level but with some dropping away at the boundaries towards adjacent residential uses.

- 2.3. Immediately adjoining the site to the north east is No. 5 Welby Road, a semi-detached dwellinghouse, with its rear garden extending along the length of the north east site boundary. Immediately adjoining the site to the east is the rear garden of No. 181 Brooklands Road, a semi-detached dwellinghouse. Immediately adjoining the site to the south is Southdell Garages – an M.O.T/service/car sales centre, with its single storey workshop building located to the rear of the site. The surrounding area is a mix of commercial and residential, with Stratford Road being commercial in character and Welby Road being residential in character. Immediately opposite the application site is 1199 Stratford Road, which is a Grade C locally listed building.

2.4. [Site location](#)

3. [Planning History](#)

- 3.1. 19.03.87 - 60412001 – Continuation of use of land for open car sales – Approved Subject to Conditions
- 3.2. 2017/07911/PA - Display of 6 internally illuminated, 3 externally illuminated and 10 non-illuminated signs associated with the proposed drive-thru restaurant – Awaiting determination

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objections, subject to conditions, on the basis of additional investigations, Stage 1 Road Safety Audit, CCTV survey and amended access design plans.
- 4.2. Regulatory Services – No objection – Subject to conditions requiring submission of details of the acoustic barrier fence to be provided; restriction on rating levels for cumulative noise from all plant and machinery; and that hours of use shall only be open for customers between the hours of 10:00-23:00 Sundays to Thursdays and 10:00-00:00 Fridays and Saturdays, and deliveries between 10:00 and 16:00 only.
- 4.3. West Midlands Police - No objection
- 4.4. Birmingham Public Health – No response received
- 4.5. Severn Trent Water – No objection – Subject to a condition requiring details of drainage
- 4.6. Network Rail – No objection – Recommend a number of measures to be agreed separately with Network Rail in respect of demolition works, piling works, earthworks, surface water, Risk Assessment and Method Statement, and Basic Asset Protection Agreement
- 4.7. Local occupiers, Ward Councillors, MP, four local schools/colleges, and resident associations notified. Site notice displayed - 48 letters of objection (including some

multiple submissions) and 1 letter of general comment received from local residents raising the following relevant concerns:

- Already more than 10% hot food takeaways on Parade. Would not comply with Council's Shopping and Local Centres SPD
- No need/demand for more A5 uses, already enough in area, including KFC 2 miles away
- Existing small businesses on The Parade would lose custom
- Close proximity to schools and College would encourage pupils/students to eat fast food – undermine City's strategy to tackle obesity
- Welby Road is a narrow, heavily trafficked, residential road, unsuitable for volume of traffic created by proposal
- Three accidents have occurred in past year at busy junction of Welby Road/Stratford Road. Difficult turning, long waits to turn, 'keep clear' markings not obeyed, bus lane
- Insufficient number of car parking spaces would be provided on site. Would result in tailbacks spilling on to highway when cars queue up waiting to order
- On-street parking on Welby Road already from Train Station visitors/pick-up – would become worse and could result in blocking of emergency vehicles
- Discrepancies with Transport Assessment, e.g. TA made prior to development of 43 properties in Welby Road, current car showroom use is not typical comparison as generates little traffic, Other KFCs sites at Bloxwich and Walsall are not comparable to application site
- Tesco/Greggs complex nearby has already increased parking and driving problems in area
- Increase in litter
- Cooking odours would harm residential amenity
- Noise and disturbance, particularly from late night visitors and noise from refuse/delivery lorries, would harm residential amenity
- Loss of privacy for neighbours
- Increased light pollution from signage would affect residential amenity
- Increase in air pollution e.g. cars left running
- Increase in crime
- Increase in anti-social behaviour. Already such issues in locality
- Area already suffers from rats. This would increase.
- Proposed development offers nothing to the community
- Proposed building would be an eye-sore, lighting columns/grey and glass walls/red advertising – not in keeping with local area

Councillors Jenkins (formerly Hall Green, now Moseley) and Clements (formerly Hall Green, now Bournville and Cotteridge), plus former Councillor Bowles – Object – They raise the following concerns:

- Location of the site and the likely, and unwelcome, increase of traffic at a major road junction which is already extremely busy;
- Negative impact on residents on Welby Road where the entrance to the drive-through restaurant would be located;
- Negative impact of another fast-food outlet adjacent to Hall Green Parade, which is already the location of numerous other fast-food premises. Concerned that the addition of a drive-through KFC would exceed the 10% limit on hot food takeaways specified in the supplementary planning document for local centres;
- Risk of littering. The site is very close to Hall Green Parade which is already a hot-spot for littering;
- Noise problem for the houses that adjoin the site

- Within 400m of this site are 4 Schools and 1 College, which will not improve obesity levels of students.

Cllr Jenkins has also submitted a 53 signature petition objecting on the same grounds as listed above.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2031
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Shopping and Local Centres SPD
- Places for All SPG
- Car Parking Guidelines SPD

The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

6.1. I consider the key planning issues to be assessed are: the impact of the proposal on the local centre; the impact on health; the design of the proposed development; and the impacts on traffic and highway safety; noise; crime/anti-social behaviour; litter; and lighting.

Impact on Local Centre

6.2. Policy TP21 of the BDP explains that local centres will be the preferred locations for retail, office and leisure development and for community facilities. The application site is located within a local centre, being within the Primary Shopping Area of The Parade Hall Green Neighbourhood Centre.

6.3. Policy TP24 and Policy 4 of the Shopping and Local Centres SPD explains that “in order to avoid an over-concentration of hot food takeaways (A5 use) within Neighbourhood Centres no more than 10% of units within the centre or frontage shall consist of hot food takeaways. Applications for a change of use to A5 within the centre will normally be refused where this figure has been or will be, exceeded.”

6.4. The Council's latest survey of the Neighbourhood Centre (updated in April 2018, and further updated by current records) reveal that 7 units, or 8.33% of units within the Centre, are in A5 use. With the addition of the proposed development this would rise to 8 units, or 9.76% of units, within the Centre being in A5 use. This would be below the 10% threshold for the Centre and would therefore comply with Policy TP24 and Policy 4 in this respect. There are no other A5 units within the immediate frontage that includes the application site, and this part of the policy would therefore be satisfied.

6.5. Additionally the proposal is for a mixed A3/A5 facility, rather than a wholly A5 use. The applicant has submitted additional information on the intended split between A3 and A5 - the A5 element would comprise 20.6m² of the total 186m² (equating to some 11% of the gross internal floor space), the relevant areas being the extent of the drive two thru windows, and part of the counter area where A5 customers would enter, place and collect orders before leaving the building. At this location, the

applicant also considers it reasonable to assume a 55% to 45% trading split in favour of people eating in the store against takeaway. This assumption is based on their experience of similar establishments in similar locations.

- 6.6. Both Policies 4 and 5 of the SPD also advise that for A3/A5 applications account should be taken of the type and characteristics of other uses in proximity to the application site, the size and type of the unit, and the proximity of the site to dwelling houses. The key consideration here is the proximity of the site to dwelling houses and the effect this would have on residential amenity, which I shall discuss elsewhere in this report.
- 6.7. Policy 5 of the Council's Shopping and Local Centres SPD encourages new A3/A5 uses within Neighbourhood Centres subject to avoiding an over-concentration or clustering of such uses as to have an adverse impact on residential amenity. There are no adjoining A3/A4/A5 uses to the site, in fact the nearest such use within the Centre is No. 1158 Stratford Road, some 225m to the north. Therefore no cumulative adverse impact would arise as a result of clustering of such uses.
- 6.8. I note the concerns of local residents in respect of there being no need/demand for further hot food takeaways in the area, and that the proposal would adversely affect existing small businesses in the area. However, the broad remit of the planning system is not to restrict consumer choice or protect existing commercial operators.
- 6.9. The proposed development would be located on a commercial site, which fronts a major road and is located within a commercial frontage and Neighbourhood Centre. It would acceptably comply with the above policies and therefore would not have an adverse impact on the vitality and viability of The Parade Hall Green Centre.

Health

- 6.10. I note the objections received with regards to the fact that the proposal would undermine the City's strategy to tackle high obesity levels. As the proposal would comply with the Shopping and Local Centres SPD (guidance in part produced by the City Council to tackle obesity levels) in that The Parade Hall Green Neighbourhood Centre would not have more than 10% of units in A5 takeaway use it cannot be argued that there is an oversupply of A5 takeaway uses in this locality.
- 6.11. With regard to the location of the proposed development being in close proximity to South and City College (approximately 90m to the south west) and Hall Green Junior and Infant School (approximately 400m to the south) I note no responses have been received from these schools. I also note no response has been received from Birmingham Public Health. I consider the Junior and Infant School is located a reasonable distance from the site and would not expect pupils to frequent the proposed development. In contrast I am in no doubt that the proposed development would be frequently used by South and City College students, but these pupils are aged 16+ and therefore arguably have a greater understanding of healthy eating and some of these pupils will be of adult age. Given the lack of any objections received, and the lack of any specific national or local planning policies relating to proximity of A5 uses to schools, I do not consider that the proposal could be refused on health grounds.

Design

- 6.12. Policy PG3 of the BDP explains that "All new development will be expected to demonstrate high design quality, contributing to a strong sense of place." It goes on

to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.

- 6.13. The proposed building would be viewed as an isolated feature in the streetscene, with open space remaining on either side of it. As it would not be immediately viewed in the context of other buildings I consider the single storey scale of the proposed building (replacing an existing single storey building on the site), and its modern design, would be appropriate for this site. It would generally follow the building line of the two storey parade to the south.
- 6.14. Concerns were originally raised with the Applicant regarding the appearance of the proposed development, with the grey utilitarian cladding facades of the proposed building not reflecting the local vernacular. Amended plans have subsequently been submitted which propose replacing the grey cladding with red brickwork (plus timber cladding as a secondary material to break up the elevations), which I consider provides a more robust, quality material that better responds to the local vernacular. The glazed facade on to Stratford Road would provide an active frontage to the street, which is positive. Although the material palette could be simplified further I do not consider the proposal could be refused on design grounds.
- 6.15. The main entrance door of the proposed building would be accessed via a new footpath link off Stratford Road, which would improve the permeability of the site to pedestrians. Following Officer advice, a low brick wall has been added to the boundary of the site with Stratford Road replacing proposed timber fencing. New landscaping to the site frontage would provide a green frontage.
- 6.16. My City Design Officer has raised no objection to the proposal. I consider that the siting, scale and appearance of the proposed building would be acceptable, and in keeping with the character of the surrounding area.

Traffic and Highway Safety

- 6.17. Policy TP38 of the BDP states that “The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.” One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.18. Further to discussion with the applicant and transport consultant, Transportation Development have investigated the most recent revised access detail and associated highway modification. Following a review of the Stratford Road/Welby Road CCTV survey, a further refinement of the proposed site access/egress (via Welby Road), and associated modification of the Stratford Road/Welby Road priority junction has been undertaken, and has now also been considered within an independent Road Safety Audit (Stage1) process.

- 6.19. Transportation confirm that, in addition to the previously submitted evidence relating to quantum of on-site parking and on-site servicing provision/site layout, they raise no objection to the site access/highway modification subject to a range of detailed conditions.

Noise

- 6.20. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.21. The submitted Noise Assessment confirms that continuous noise level measurements were made at the site between a Friday-Monday period in May 2017. The noise measurements were taken at a location adjacent to the rear garden of the nearest residential property No. 5 Welby Road, at a height of 2.5m above ground. It was found that noise levels throughout the survey were dominated by road traffic sources on Stratford Road.
- 6.22. The Noise Assessment advises that the plant and machinery associated with the proposed development e.g. extraction fans and condenser units can be designed and controlled (by way of a planning condition) so as to not exceed the existing typical background noise climate; which would be 45 dB during the daytime and a rating level of 35 dB at night.
- 6.23. The Noise Assessment advises that measurements of customer activity and associated noise levels from drive-thru facilities at similar sites have been obtained – these are principally four events: - arrival of a customer vehicle, the ordering of the food, followed by payment and collection, and the movement along the access road to depart the site. It explains that peak noise levels are generated by the acceleration of the vehicle away from the order/collection windows. Using the forecasted customer vehicles at the site, it advises that the noise levels predicted to arise from ‘drive thru’ activity would fall within the WHO guideline values for daytime and night time noise and are generally below the existing noise climate.
- 6.24. Finally, the Noise Assessment has looked at noise generated from car parking on the site. It advises that during peak trading hours, with installation of the proposed 2.5m high acoustic fence, the predicted car park noise levels would be below both the existing ambient noise climate and the WHO guideline noise values. It advises that predicted customer car parking activity noise levels would comply with the WHO daytime guideline values, but would likely exceed night time guideline values – although not to the extent where it would result in significant adverse impacts on residential amenity.
- 6.25. Regulatory Services have raised no objection to the proposed development. They confirm that there has been no noise complaint received for any KFC site and only one complaint in respect of a McDonalds drive thru site which related to noise from customers parking up there during the night with loud music playing in vehicles. They have advised that safeguarding conditions should be attached to any consent requiring submission of details of the acoustic barrier fence to be provided, restriction on rating levels for cumulative noise from all plant and machinery, and restriction on hours of use and delivery hours.

- 6.26. Regulatory Services have advised that the customer intercom (not specifically mentioned in the Noise Assessment but which the Applicant has confirmed has been taken into account in the Noise Assessment) would be located along the southern end of the site and the adjoining premises is a car repair business. As such they advise that this aspect would unlikely generate a significant noise impact.
- 6.27. The Applicant originally proposed opening hours until midnight on Friday and Saturdays evenings. However, following Officer concerns they have agreed to reduce opening hours until 11pm daily. This is generally in line with opening hours for other restaurants/hot food takeaways and KFC 'drive thru's', and would ensure noise is kept to a minimum during normal sleeping hours. Furthermore, on Officer advice the Applicant has also incorporated telescopic bollards on entry to the site so that these would prevent the car park being used by unauthorised vehicles outside of trading hours.
- 6.28. The Applicant has confirmed that delivery hours would be restricted to between 10:00-16:00 hours (i.e. so that they do not coincide with peak traffic or trading hours). I consider deliveries would be set against relatively high background noise levels during these hours and as such would not harm residential amenity. A condition could be attached to any consent to secure these delivery hours.
- 6.29. Whilst I understand the concerns of local residents with regard to potential noise and disturbance issues, given the conclusions of the Noise Assessment, the advice of Regulatory Services, the existing commercial use of the site, and the fact that safeguarding conditions could mitigate identified issues, I have no evidence that the proposed development would have a significant adverse impact on the amenity of the nearest residential occupiers on Welby Road and Brooklands Road such as to warrant refusal of the application on those grounds.

Crime/Anti-Social Behaviour

- 6.30. Whilst I note the concerns of local residents that the proposed development would result in an increase in anti-social behaviour and crime within the locality West Midlands Police have raised no objection to the proposed development. Crime data for 2017 reveals that there are usually either one or two incidences of reported anti-social behaviour in or around Hall Green Railway Station per month, which does not suggest an excessive level. The Applicant has confirmed that they would operate CCTV, and this could be secured by way of a condition. Should any anti-social behaviour occur it is likely to be located towards the Stratford Road end of the site rather than the end of the site which adjoins residential properties. A closing time of 11pm would also prevent any night time anti-social behaviour. Given the above I do not consider the proposal could be refused on the grounds of resulting in a material increase in anti-social behaviour.

Litter

- 6.31. I note local residents concerns with regard to an increase in litter (and increased rodent activity resulting from this). The Applicant has explained that they have a litter picking programme within their grounds including provision and regular emptying of litter bins (minimum 4 times daily but otherwise, as necessary). The proposed plans identify bins to be sited within the store and shows four bins to be provided within the site. Outside the site the Applicant has advised that it employs litter picking programmes including regular patrols during daylight hours within the vicinity of the site and "quick litter picks" during darker hours. Litter picks are carried out at least four times a day during summer months and three times a day during

darker times of the year. I therefore do not consider there would be grounds to refuse the application on this basis.

Lighting

- 6.32. The Applicant has submitted lighting calculations and an isolux plan to demonstrate light overspill as requested by Officers to address local residents concerns. They have reduced the height of the two new lighting columns proposed to be located along the garden boundary with No. 5 Welby Road from 6m in height to 5m in height and the lighting head on these columns would be tilted to an angle of 15 degrees. Backshields would also be applied to these column lights to direct the light coverage away from the rear garden. Within the rear garden of No. 5 Welby Road the submitted isolux plan demonstrates that the effect would be 1 lux or less (this is effectively equivalent to bright moonlight). This would also be compliant with BS EN 12464-2:2007 Light and Lighting which provides guidance on lighting levels that may be considered obtrusive in different character. Notwithstanding the above, the proposed development must also be seen in the context of the existing development on the application site which includes at least four taller lighting columns with flood lights that provide security for the car sales. I am therefore satisfied that the proposed lighting would not adversely affect the amenity of the nearest residential occupiers at No. 5 Welby Road and Nos. 179 and 181 Brooklands Road.

Other Issues

- 6.33. I note concerns with regard to potential cooking odours adversely affecting residential amenity. However, I am satisfied that the Applicant, as a responsible national operator, will be using the latest and most appropriate means of extraction to manage cooking odours. The extract duct would be located at least 20m from the nearest rear garden at No. 183 Brooklands Road. I am therefore satisfied that cooking smells would not harm residential amenity, subject to an appropriate condition for extraction equipment design and maintenance.
- 6.34. I also note the concerns of neighbours in respect of loss of privacy as a result of the proposal. However, the proposed building is single storey in height and given the proposed installation of a new 2.5m high acoustic boundary fence to neighbouring rear gardens there would be no overlooking issues which would result in loss of privacy.
- 6.35. Local concerns are expressed with regard to an increase in air pollution affecting residential amenity as a result of the proposal. However, with the installation of the proposed acoustic boundary fence to neighbouring rear gardens, plus the intervening planting bed of a minimum 1.5m in depth, I consider car fumes should not have a material adverse impact on the amenity of adjoining residential occupiers. I also acknowledge previous site use for car sales and observe the absence of objection from Regulatory Services on air quality grounds.
- 6.36. Finally, a locally listed building is located opposite the site at 1199 Stratford Road. However the character and appearance of the immediate locality is mixed, both commercially and residentially, and it is not considered that the proposal will adversely affect heritage assets. Networks Rail's response is noted and its content has been shared with the applicant for advisory purposes.

7. Conclusion

- 7.1. The proposed development would be in accordance with policy objectives and criteria set out in the BDP and the NPPF. I consider the scheme would be acceptable in terms of its design, scale, layout, access and landscaping along with car parking provision on site. There would be no adverse impacts on the viability and vitality of the local centre, the health of the local population, the amenity of adjoining residential occupiers or local traffic and highway safety. Therefore I consider the proposal would constitute sustainable development and recommend that planning permission is granted.

8. Recommendation

8.1. Approve Subject to Conditions

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a construction method statement/management plan |
| 3 | Requires the prior installation of means of access |
| 4 | Prevents occupation until the turning and parking area has been constructed |
| 5 | Requires the prior submission of details of pavement boundary |
| 6 | Requires the prior submission of entry and exit sign details |
| 7 | Requires the prior submission of a parking management strategy |
| 8 | Requires the provision of cycle parking prior to occupation |
| 9 | Requires the delivery and service area prior to occupation |
| 10 | Requires the parking area to be laid out prior to use |
| 11 | Requires any gates to be set back |
| 12 | Requires the dedicated use of access and egress points |
| 13 | Requires the prior submission of details of a delivery vehicle management scheme |
| 14 | Requires the prior submission and completion of works prior to occupation for the S278/TRO Agreement (for works pursuant to the Road Safety Audit) |
| 15 | Requires the prior submission of a drainage scheme |
| 16 | Requires the prior submission of hard and/or soft landscape details |
| 17 | Limits the noise levels for Plant and Machinery |
| 18 | Limits the hours of use, 1000-2300 hours. |
| 19 | Limits delivery time of goods to or from the site (10:00-16:00 only) |
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20	Requires the prior submission of acoustic barrier details
21	Requires the prior submission of sample materials
22	Requires the prior submission of level details
23	Requires the prior submission of extraction and odour control details
24	Requires the prior submission of a lighting scheme
25	Details of bin store
26	Implement within 3 years (Full)

Case Officer: Tracy Humphreys

Photo(s)

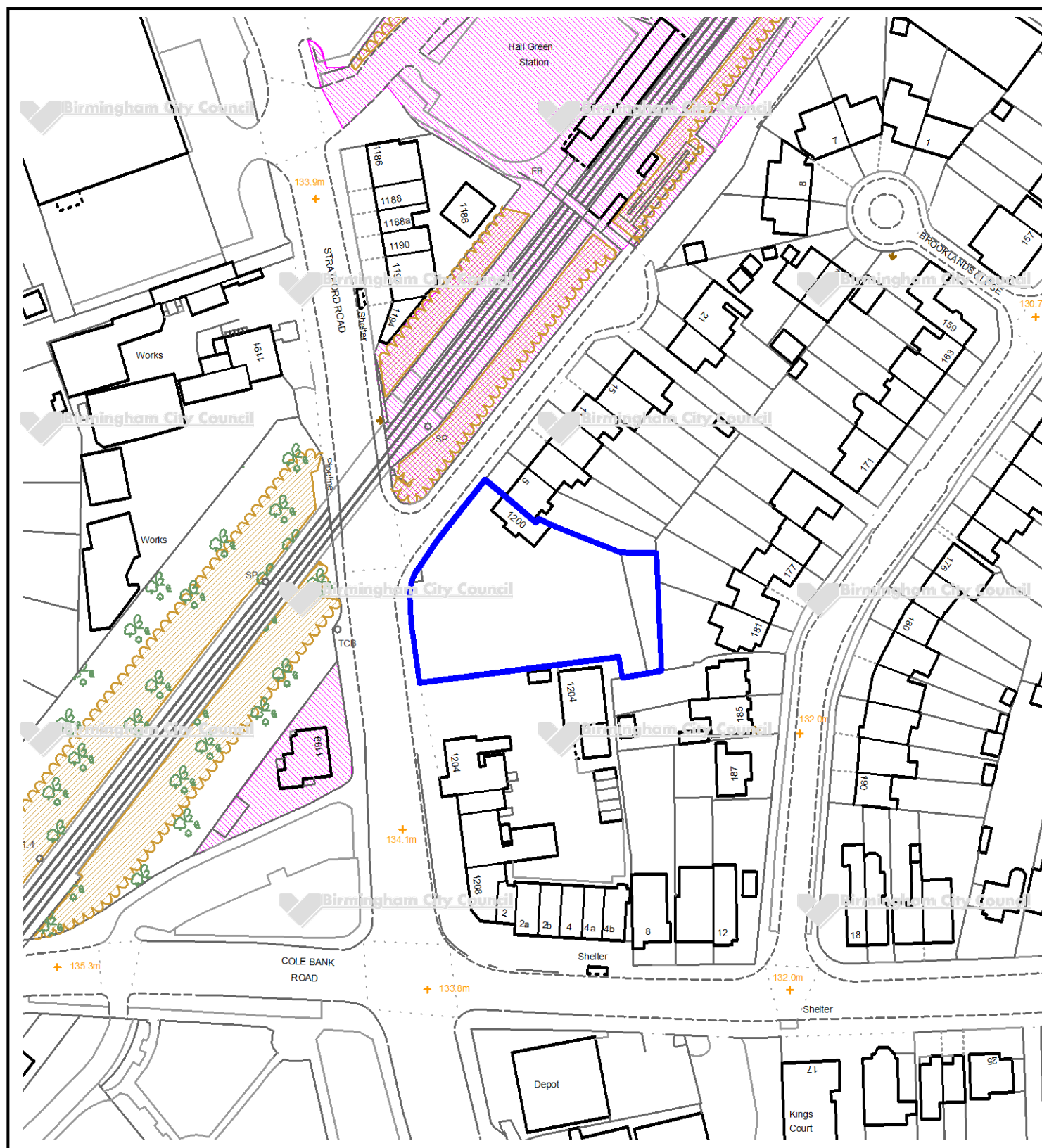


Figure 1 – Existing access to car sales off Welby Road



Figure 2: View of northern site boundary with Welby Road

Location Plan



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