

Birmingham City Council

Planning Committee

25 April 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Temporary Until September 2021	9	2019/01381/PA Land off Brunswick Road/Hertford Street Balsall Heath Birmingham Part demolition and installation of temporary two-storey demountable structure for classrooms and dining facilities with associated site access, car parking and landscaping
Approve - Conditions	10	2019/00461/PA 29-31 Broadway Avenue Birmingham B9 5LY Demolition of derelict C2 (Day Care Centre) and erection of 16 no. one bed flats (Use Class C3b) to provide residential care and supported living services with associated works and landscaping

Committee Date:	25/04/2019	Application Number:	2019/01381/PA
Accepted:	18/02/2019	Application Type:	Full Planning
Target Date:	20/05/2019		
Ward:	Sparkbrook & Balsall Heath East		

Land off Brunswick Road/Hertford Street, Balsall Heath, Birmingham

Part demolition and installation of temporary two-storey demountable structure for classrooms and dining facilities with associated site access, car parking and landscaping

Recommendation

Approve Temporary

1. Proposal

- 1.1. Consent is sought by BCC Education Skills & Infrastructure for part demolition and installation of two-storey demountable buildings/ structures for classrooms and dining facilities with associated access, car parking and landscaping.
- 1.2. Historically, the former Clifton Road Primary School) and adjoining site (St. Paul's School part of St. Paul's Community Development Trust) have been continue to be used as educational establishments (Use Class D1). The proposals include the demolition of an existing dilapidated modular building (dining hall) and freestanding single-storey annex building (recreation room) to the rear of the existing vacant school building. The proposals do not include any works to the existing vacant school building or St. Paul's school building fronting onto Clifton Road and Hertford Street, which do not form part of the application site.
- 1.3. The proposal is required to provide an Islamic education facility for secondary pupils on a temporary basis for a maximum of 360 girls for a period of two years from September 2019 whilst planning permission is secured for the development of a new permanent secondary school in Small Heath/ Bordesley Green area. A supporting statement confirms that demand for secondary school places is rapidly increasing as larger primary cohorts reach secondary age. This has resulted in additional places required in 2018/19 and beyond with some areas of the city experiencing a pressure for school places. The need for the new school has also arisen partly due to the removal of secondary provision at Al Hijrah School, which removed the only Islamic Girls' provision in the city. It is also partly due to Local Authority's statutory duty requirement to ensure that there are sufficient pupil places, promote diversity and increase parental choice through planning and securing additional provision.
- 1.4. The proposed "T-shaped" two-storey modular building would be situated on the northern part of the site. The gross internal floor space of the building would be 2,184m² in size. The application site also provides an area of play space for the proposed school and for the existing St Paul's School to the southern part of the site. The site is not large enough to accommodate sports facilities and off-site facilities will therefore be used. The overall site area is approximately 4,578 sq. metres.

- 1.5. The proposed access would be 5 metre in width from Brunswick Road frontage. There would be 6 no. car parking spaces (including 2 disabled spaces) for staff and visitors provided within the curtilage of the site. The use of this access will primarily be non-vehicular as the site will provide limited parking provision internally and no facility for internal pick/ drop off by parents in cars. There is an area dedicated for refuse & cycle storage facilities (20no. spaces) within the site.
- 1.6. The proposal has/ would result in removal of 22no. individual trees and 3no. tree groups within the site (majority to be removed within the centre of the site). The landscaping plan has been submitted that shows 12no. new trees and an evergreen hedge proposed around the perimeter of the site. A boundary treatment plan has been provided that shows 2m close boundary or 2m welded mesh fencing is proposed to the boundaries to the site with existing wall/ fence retained along Brunel Close.
- 1.7. The following documents have been submitted in support of the proposal:
- Design and Access Statement
 - Planning and Heritage Statement
 - Preliminary Ecological Appraisal
 - Bat survey
 - Bat Endoscope survey
 - Ecological Clerk of works
 - Herpetofauna Reasonable Avoidance Method Statement (RAMS)
 - Arboricultural Impact Assessment
 - Noise Assessment
 - Transport Statement
 - Sustainable Drainage Strategy
 - Geo-Environmental Assessment
 - Remediation and Verification Strategy
 - Construction Method Statement

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is situated within the grounds to the rear of the former Victorian Clifton Road Primary School and St Paul's Community Trust building. The application site is part of wider school site (Former Clifton Road Primary School). The application itself comprises two distinct areas. The southern section includes an area of hardstanding where a freestanding annex building and temporary modular building is situated to the rear of the vacant Victorian school building. The temporary modular building is in a dilapidated state. It was previously used as a dining hall and freestanding annex used as a games room. The northern section of the site is partly laid as grass with trees, scrub and a raised bed. The boundary treatment comprises of an existing wall and closed boarded fences that secure the site from Brunswick Close and no. 61 Brunswick Road and approximately 1.8 metre high welded mesh fencing along Hertford Road and Brunswick Road frontage. The application site is situated on land bounded by Clifton Road, Hertford Street, Brunel Close and Brunswick Road in Balsall Heath. The application site extends to 0.46 hectares (4,578m²) in size.
- 2.2. The surrounding area is mixed commercial and residential in character. To the south is a vacant Victorian school building which fronts onto Clifton Road, which does not

from part of the application site. A further Victorian school building to the south adjoining the site that fronts Hertford Street and Clifton Road is currently occupied by St. Paul's School (also not part of application site), which currently operates as a small independent Special Educational Needs school (SEN) for approximately 35 pupils. St. Paul's School currently uses part of the application site as an outdoor play space. Both of the Victorian buildings (former Victorian Clifton Road Primary school) and St. Paul's School are locally listed buildings (Grade B) and are considered to be a non-designated heritage asset. The site is not located within an identified Conservation Area. Along the eastern boundaries there are two-storey residential properties at Brunswick Road and Brunel Close. To the west the site is bounded by Hertford Street, where there are industrial units and an urban farm on the opposite side of the road.

Site Location

3. Planning History

- 3.1. 13-12-2002 - 2002/05263/PA - Erection of single-storey glazed link/reception block between two main buildings and creation of new main entrance off Clifton Rd. Erection of detached building to rear for community recycling base, and conversion of roof space in Clifton Rd building to create second floor for community enterprise units/offices – Approved subject to conditions.
- 3.2. 31/01/1980 – 19495004 – Partial change of use to community use and alterations to form extended general science laboratory and toilet – Approved subject to conditions.
- 3.3. 06/05/1987 – 19495007 – Development of soft play area and environmental teaching area – Approved subject to conditions.
- 3.4. 21/05/1981 – 19495006 – Erection of single-storey extension, greenhouse, creation of access road and car park – Approved subject to conditions.
- 3.5. 21/02/1980 – 19495005 – Alteration to existing vehicle/ pedestrian access to pedestrian only access and creation of new vehicle access– Approved subject to conditions.
- 3.6. 05/03/1987 – 69175000 – Erection of terrace of six 4 bedroom dwellings, parking and formation of vehicular access – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Site and Press notice displayed. Adjoining neighbours, Resident Associations and Ward Councillors consulted – two responses received from Balsall Heath Forum and one from Councillor Shabrana Hussain on behalf of Stoney Lane Residents Association (no further objection letter and petition submitted as highlighted within the representation), who object on the following grounds:
 - It would have negative impact on Balsall Heath.
 - The area is already over-developed and objects to the proposal on loss of light and over-shadowing grounds.
 - Lack of consultation with local people by the applicants for this major application.

- No details have been provided of the applicant/ agent, which are blanked out on planning application, which contravene planning laws. They are also suspicious on what the applicants true intentions are in relation to proposed use.
 - Proposed development would occupy land, which is being used as outdoor recreation space for St. Paul's School on Hertford Street.
 - Dismay to the number of trees felled on site in advance of any planning application being determined. They consider it is a presumptuous and premature action by the applicants and does not generate any support locally to the proposal
 - The temporary school will be alien insertion into Balsall Heath as permanent school is proposed in Small Heath. There would be no real investment in Balsall Heath as temporary school being merely transient.
 - Increased parking and traffic congestion from drop-off and pick-up from the school each day, in a network of residential streets, which are very congested by parked and moving vehicles.
 - Parking issues is likely to cause friction within the community.
 - Suggest that the site should not be developed and open access for all and not exclusive access/ usage rights to chosen individual(s).
- 4.2. Transportation Development – No objections subject to conditions:
- Means of access constructed in accordance with approved details
 - Cycle storage prior to occupation
 - School travel plan
- 4.3. Regulatory Services – No objections subject to conditions:
- Noise levels from plant and machinery
 - Updated noise impact assessment
 - Extraction and odour control
 - Contamination remediation scheme
 - Contaminated land verification report
 - Restriction in delivery hours
 - Lighting scheme
- 4.4. West Midlands Police – No objections subject to “Secure by Design New Schools” initiatives.
- 4.5. Severn Trent – No objections subject to disposal of foul waste and surface water flows condition.
- 4.6. West Midlands Fire Services – No objections.
- 4.7. Lead Local Flooding Authority – Requested additional information in relation to attenuation tank storage, proposed access to the attenuation tank storage and underground feature for routine Operation & Maintenance etc. These details have not been received and no objections raised subject to conditions for sustainable drainage and a drainage system operated in accordance with the approved sustainable drainage operation and maintenance plan.
5. Policy Context
- 5.1. NPPF (2019), Saved Policies within Adopted UDP (2005), Birmingham Development Plan (2017), Places for Living/ All SPG (2001), Car Parking Guidelines SPD (2012), SPD The 45 Degree Code (2006), Balsall Heath Neighbourhood Development Plan (2015)

6. Planning Considerations

- 6.1. The main considerations within the determination of this application are:
- 6.2. **Planning policy/ Principle of use** - The NPPF is clear at Paragraph 94 that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement. Furthermore, great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications.
- 6.3. Policy TP36 of the Birmingham Development Plan recognises that as the City's population grows there will also be a need for additional Primary, Secondary and Special Needs schools and college provision. It adds that proposals for the upgrading and expansion of existing schools and the development of new schools in locations where additional provision is required will be supported subject to having safe access, safe drop-off and pick-up provision, outdoor facilities for sport and recreation, and avoid conflict with adjoining uses. Balsall Heath Neighbourhood Development Plan was adopted as a Local Development Framework in 2015. The application site remains undesignated within the adopted Birmingham Development Plan and Balsall Heath Neighbourhood Development Plan.
- 6.4. Supporting statements confirm that there is a clearly established pressing need for secondary school places across Birmingham and within the catchment area of this proposed school. The permitted use of the site is education institution. The application site is owned by the Council and has been identified as a suitable and deliverable site for a secondary school on a temporary basis to meet Birmingham's identified education provision demands. The proposal will also give priority to the displaced pupils from Al- Hijrah School. I consider that the temporary permission would also allow time for the applicants to secure planning permission for the development of a new permanent secondary school in Small Heath/ Bordesley Green area. Consequently, the provision of demountable structures/ buildings on land already within permitted education use is considered acceptable and would be in accordance with policy aspirations laid within NPPF and Adopted BDP.
- 6.5. **Impact on locally listed building** – The application site is situated within the curtilage and adjacent to Category B locally listed buildings known as former Clifton Road Primary School/ St. Paul's School, which would be regarded as non-designated heritage assets. The proposal entails the demolition of a nineteenth century detached single-storey annex building and demountable building to the rear of the vacant school building. The proposal is for a temporary, two-storey school to be built within the curtilage and adjacent to the locally listed Clifton Road Schools for two years from September 2019 with perimeter landscaping and trees retained/ increased. There are no objections to the dilapidated demountable structure being demolished.
- 6.6. Supporting statements also confirm that the disused single-storey annexe building to be demolished presents health and safety and safeguarding issues to the site's users and its demolition would assist in maximising external play opportunities for school pupils. They have also highlighted that the building cannot be reused without considerable financial investment to repair to the damaged envelope and structure.

- 6.7. The Conservation Officer has reviewed the supporting information and confirms that the 19th Century annex building is a later addition to the original school building, which is not in good condition and challenging to adapt for educational use. The loss or partial loss of a non-designated heritage asset (annex building) through demolition would amount to less than substantial harm to that asset's significance. Taken within the context of the whole locally listed site, the Conservation Officer considers that whilst a degree of harm will be caused by the loss of the annexe building the level of harm would be less than substantial when balanced against the retention of the original school buildings and wider public benefits to the delivery of a future permanent provision of education within the city.
- 6.8. With regards to the impact on the setting of the locally listed building, I consider that the level of harm caused to the setting would be temporary in nature and would not have a long term impact on its surroundings. I also consider that it would be outweighed by the wider public benefits in delivery of future permanent provision of education within the city.
- 6.9. **Impact on design & character** – There have been significant negotiations during pre-application and application stage that considered a number of constraints on site including protection a significant number of existing trees, existing locally listed school building, adjoining residential occupiers, industrial units, site access, etc.
- 6.10. The location of the 'T' shaped temporary demountable structures are considered acceptable as it minimises harm to the significant heritage asset i.e. retaining former Clifton Road school and St. Paul's school building, trees along the perimeter of the site, etc. The layout makes most efficient use of the limited space on site and allows for the provision of external play area for both existing St. Paul's school and proposed secondary school facility.
- 6.11. Whilst the temporary buildings are somewhat functional and utilitarian in design, and would not be suitable for permanent retention in this location, given their set back from Brunswick Road and tree screening around the site boundaries, it is not considered that they have such a detrimental impact on the character or appearance of the surrounding area to recommend refusal.
- 6.12. **Impact on residential amenity** – I note concerns have been submitted by Stoney Lane Residents Forum with regards to light and overshadowing. Residential façade proximities are as follows: side gable of no. 61 Brunswick Road is approximately 13.5 metres to the east of classrooms; rear of no. 61 Brunswick Road is approximately 23.5 metres to the north of the enclosed staircase; Side gable of no. 19 Brunel Close is approximately 19 metres to the west of classroom block (no windows on this elevation).
- 6.13. The south facing windows would overlook onto proposed play areas and existing vacant/ St. Paul's school buildings (not part of application site). The windows to the north and west (together with external staircase) associated to the proposed temporary building would face onto public realm on Brunswick Road or Hertford Street and would not cause any direct overlooking or loss of privacy. There are windows proposed on the first floor classroom block to the east and enclosed staircase to the north facing onto no. 61 Brunswick Road and no. 19 Brunel Close. Although the separation distances are satisfactory, to re-assure local occupiers it would be conditioned that first floor windows are obscurely glazed. This would help to reduce perceived overlooking issues. The orientation of the building in relation to adjoining residential properties on Brunel Close and Brunswick Road also assists in minimising any impact. There are also existing trees along the perimeter of the site

that would be retained together with additional trees/ hedge planted as part of the landscaping scheme that would provide further protection and significantly obscures view of the proposed buildings, particularly during the summer months.

- 6.14. With regards to noise impacts, Regulatory Services have recommended conditions be imposed in relation to restrict cumulative noise level from plant and machinery, extraction and odour control details, updated noise assessment report and external lighting details, which are considered acceptable and conditioned accordingly.
- 6.15. Regulatory Services have also reviewed remediation and verification strategy supporting documents and raise no objections subject to land contamination remediation and verification report conditions. Consequently, the proposal on balance is considered acceptable subject to conditions and is unlikely to have an adverse impact on the amenity of surrounding residential occupiers to warrant refusal of this application.
- 6.16. **Impact on trees and landscaping** – I note concerns have been raised by Balsall Heath Forum regarding the removal of trees. An Arboricultural Impact Assessment has been submitted as part of supporting documents. The application site was previously used as a wildlife garden by the school and there are significant amount of trees that are of low quality (Category U & C). Overall, the proposed development required the removal of 22no. individual trees and 3no. tree groups some along the north and west with the majority in the centre of the site. The category B trees to be removed include group of pine trees an individual sycamore and cherry tree occupying the middle and rear of the site, where it would be difficult to retain due to the siting and layout of the demountable buildings. The removal of any trees were undertaken outside the bird nesting season (March to September) and did not require consent as they were not protected by any tree preservation orders. My Tree Officer has raised no objections subject to an arboricultural method statement that would include protection of retained trees on site.
- 6.17. The landscape strategy indicates replacement trees on the boundaries and represents an improvement in quality for the future and shows that there would be 12no. replacement trees on site. My Landscape Officer has reviewed the supporting plans and comments that the proposal needs to allow for more replacement tree planting and reinforce vegetation along front, residential boundaries with taller growing evergreen/ native hedge planting and opportunity for better boundary treatment. In response, I consider that conditions would be imposed to address the above comments. I also consider that the improvement in quality will strengthen these boundaries as a visual amenity and would be a material consideration in any future proposals.
- 6.18. **Impact on ecology and landscaping** – The northern section of the site is currently dominated by amenity grassland, scrub and trees with a former wildlife garden located centrally. A circular pond was also recorded in the north east of the site amongst the scrub.
- 6.19. Preliminary Ecological Assessment highlights that the pond to be removed was considered to be poor quality and not suitable for Great Crested Newts. However, as a precautionary measure, a Herpetofauna Reasonable Avoidance Method Statement (RAMS) has been submitted, which outlines the approach to site clearance that should be adopted to ensure no harm to common amphibians, which may be present on site. City Ecologist raises no objections subject to imposition of a condition to implementation of the RAMS report.

- 6.20. The desk study identified one large poplar Tree (T1) located in the northern section of the site as having high potential to support roosting bats. All other trees on site were considered to provide negligible potential to support roosting bats. Building 2 (Annex) was assessed as having high potential to support roosting bats as it contained multiple suitable features suitable. Building 1 (demountable structure) was identified as having negligible potential to support roosting bats. A detailed endoscope survey was undertaken of B2 (Annex) and one tree (T1), finding no evidence of bats, which was subsequently felled together with a number of other trees on site. A condition would be imposed for further bat survey of Building 2 (Annex) as per the recommendations of the endoscope survey, if demolition works have not commenced by April 2019, the survey updated to establish whether bats have colonised the building in the interim.
- 6.21. Other conditions recommended by the City Ecologist would include a lighting scheme, ecological enhancement measures, bird/ bat boxes and replacement trees as part of any landscaping scheme.
- 6.22. **Impact on highway safety** – I note concerns have been raised by Stoney Lane Residential Association and Balsall Heath Forum with regards to parking, traffic congestion, drop-off/ pick-up etc. It must be noted that the permitted and previous use of the site is education institution and the proposal only seeks demountable buildings to be used as classrooms and dining facility for a temporary period.
- 6.23. A Transport Statement has been submitted with this application. The proposal includes a new vehicular/ pedestrian access from Brunswick Road and 6no. on-site parking bays for visitors and people with disabilities. There are 20no. covered cycle parking spaces proposed on site. Supporting statements confirm that the main focus would be to encourage sustainable transport use. The site is within sustainable location with closest bus stops located approximately 300 to 400 metres walking distance west and north of the site on Moseley Road and Highgate Road. The proposal would provide school places for secondary age pupils, who are generally mobile and travel to attend a particular school.
- 6.24. Transportation Development have raised no objection subject to imposition of conditions to include a school travel plan, cycle storage, parking laid out prior to use, S.278/ highway works etc. Subject to the aforementioned conditions, the proposal would not be considered to raise any adverse highway safety concerns, nor would it be considered to have a detrimental impact on the surrounding road network.
- 6.25. **Impact on flooding and drainage** – There has been SuDS Strategy submitted as part of supporting statement. The application site is within Flood Zone 1 and is considered to be at low risk of flooding. The Lead Local Flooding Authority has reviewed the supporting statement and requested additional information in relation to attenuation tank storage, operation and maintenance etc. The requested details have not been received and the Lead Local Flooding Authority has recommended that these details be conditioned accordingly. I concur with this view.

7. Conclusion

- 7.1. The proposal would result in part demolition and installation of two-storey demountable buildings for classrooms and dining facilities on an existing school site for a temporary period of two years from September 2019. It is considered that the demolition of a 19th century annex building and the demountable building/ structure within the curtilage of locally listed buildings and loss of trees would be outweighed by the wider public benefits in delivery of education facility in the city on a temporary

basis whilst planning permission is sought for the development of a new permanent secondary school in Small Heath/ Bordesley Green area. The proposal is considered acceptable in highway safety and residential amenity terms. The proposal is therefore recommended for temporary approval subject to conditions.

8. Recommendation

8.1. Temporary Approval

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|----|---|
| 1 | Requires the submission of a scheme to show how the building would be removed within a timescale until September 2021 |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior installation of means of access |
| 4 | Requires the parking area to be laid out prior to use |
| 5 | Requires the submission of cycle storage details |
| 6 | Requires the submission and completion of works for the S278/TRO Agreement |
| 7 | Requires the applicants to sign-up to the Birmingham Connected Business Travel Network |
| 8 | Requires the prior submission of a detailed surface water drainage and sustainable drainage scheme |
| 9 | Requires the submission of a Sustainable Drainage Operation & Maintenance Plan |
| 10 | Requires the submission of hard and/or soft landscape details |
| 11 | Requires boundary treatment details are implemented in accordance to approved plans |
| 12 | Requires the submission of a landscape management plan |
| 13 | Requires the submission of a lighting scheme |
| 14 | Requires the prior submission of details of bird/bat boxes |
| 15 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 16 | Requires the submission of an additional bat survey if works are not undertaken by 30th April 2019. |
| 17 | Requires the development to be implemented in accordance with Herpetofauna Reasonable Avoidance Method Statement |
| 18 | Requires the submission details obscure glazing for specific areas of the approved building |
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- 19 Arboricultural Method Statement - Submission Required
 - 20 Requires the submission of extraction and odour control details
 - 21 Limits the noise levels for Plant and Machinery
 - 22 Limits delivery time of goods to or from the site
 - 23 Requires submission of noise and vibration assessment prior to occupation.
 - 24 Requires the prior submission of a contamination remediation scheme
 - 25 Requires the submission of a contaminated land verification report
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Case Officer: Mohammed Akram

Photo(s)



Figure 1: application site



Figure 2: Internal view – application site

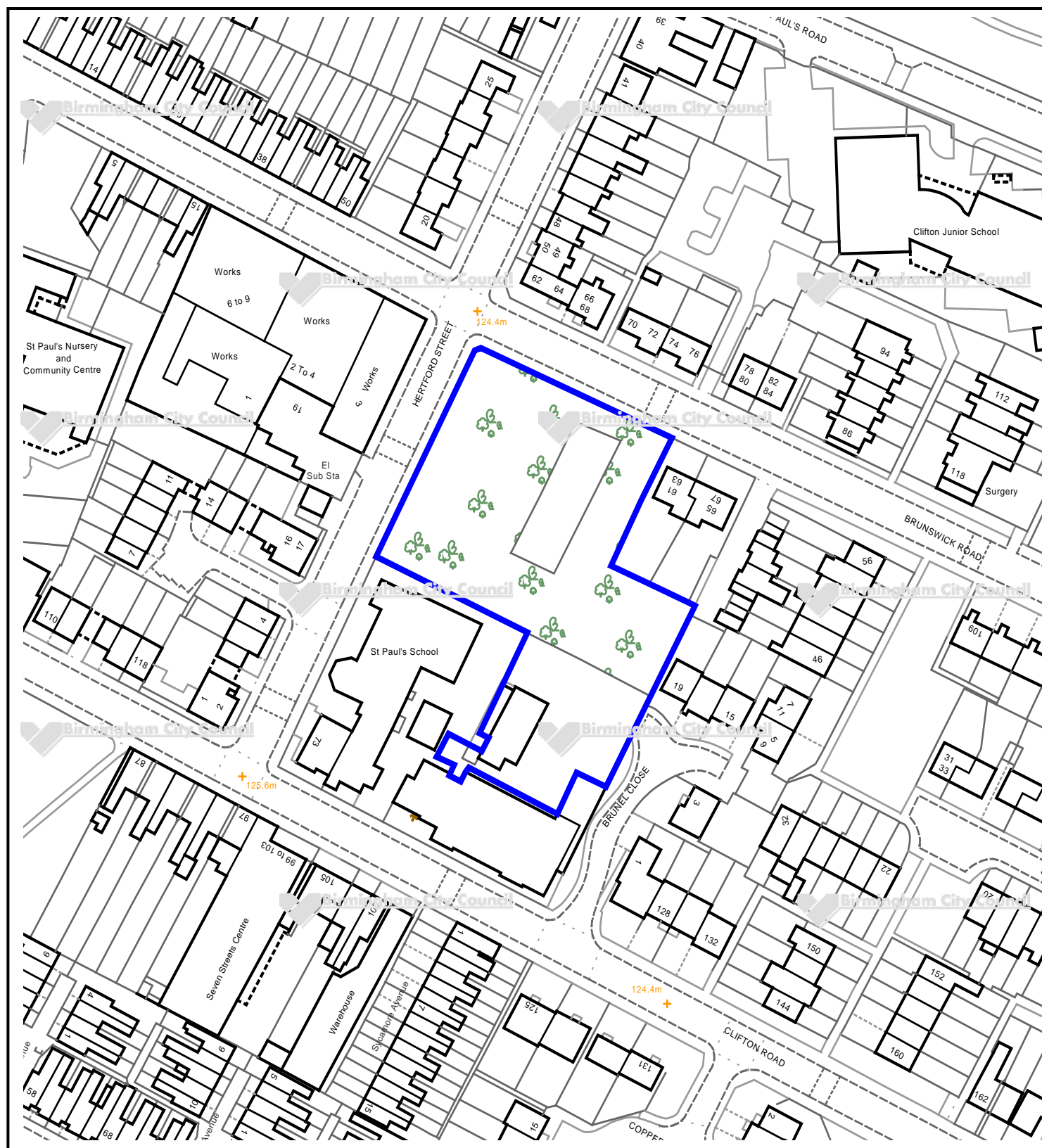


Figure 3: Annex building to be demolished



Figure 4: Demountable structure to be demolished

Location Plan



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Committee Date:	25/04/2019	Application Number:	2019/00461/PA
Accepted:	05/02/2019	Application Type:	Full Planning
Target Date:	07/05/2019		
Ward:	Heartlands		

29-31 Broadway Avenue, Birmingham, B9 5LY

Demolition of derelict C2 (Day Care Centre) and erection of 16 no. one bed flats (Use Class C3b) to provide residential care and supported living services with associated works and landscaping

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The planning application represents a revised scheme to previously approved and extant permission reference 2017/09879/PA. The previously approved development proposed the demolition of the derelict C2 Day Care Centre and erection of 14no. one bed flats (Use Class C3b) to provide residential care and supported living services with associated works and landscaping.
- 1.2. This current planning application seeks permission for an increase in the number of units from 14no. one bedroom flats to 16no. one bedroom flats. Other changes include amendments to the approved design. The access into the site would remain as previously approved from Broadway Avenue. The supporting statement confirms that the overall viability of the development had to be reconsidered which resulted in the increase of the number of units on site.
- 1.3. The proposed development would provide 4no. two storey buildings each subdivided into 4no. dwellings and serving a total of 16no. residents as an independent living service, which is to be operated by Cygnet Health Care, a separate entity to the adjoining CAS Behavioural Health Cambrian Cedars facility for people with Learning Difficulties, regulated by the Care Quality Commission. The proposal would provide independent accommodation for adults admitted from other facilities in order to provide a safe and caring environment. Each individual accommodated within one of the units would begin a personalised care pathway with support from carers and support staff that would help them to develop the necessary skills to move towards community integration in a less restricted setting. A range of living support, care and supervision would be provided to the residents.
- 1.4. The buildings would have the appearance of semi-detached, modern dwelling houses with a flat roof design and the predominant use of buff brickwork. Each house would accommodate 4no. one bed flats, two on the ground floor and two on the first floor. They would be independent from each other and accessed via their own individual front doors which are situated in the side elevation.
- 1.5. Each flat would comprise an en-suite bedroom and open plan living/ dining and kitchen area. The flats at ground floor level would have a size of 48.5 square metres

and the flats at first floor level a size of 46 square metres. The bedrooms would have a size of 13.5 square metres including a 5.4 square metre large en suite. The ground floor flats would be suitable for wheelchair access.

- 1.6. The application scheme would provide small private garden areas for each of the flats. The gardens amount to an average size of 80 square metres and would be shared by 2no. flats (ground floor and first floor). Each two buildings would also comprise a front garden area of approximately 25 square metres.
- 1.7. Overall the proposed development would provide 25no. car parking spaces. 16no. spaces (of which 6no. are disabled parking spaces) would be provided to the front of the proposed buildings, providing one space for each unit. An additional 9no. car parking spaces are situated within the north-eastern corner of the site which would likely be used by visitors and support staff to the prospective residents of the dwellings. Secure cycle and refuse storage would be provided at the eastern end of the site, adjacent to flat 8.

[Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application site comprised a former day centre with associated landscaped areas. The mid-20th Century one and two storey building was arranged in an irregular layout and comprised a flat roof design on the single storey element and a pitched roof on the two storey element. The building was in poor condition and is currently being demolished. A vehicular access was previously in place from Broadway Avenue which would have provided drop-off for visitors to the Day Centre.
- 2.2. The surrounding area is predominantly residential in character, comprising a mix of mid-century two storey terraced dwelling and late 20th century two storey semi-detached and detached dwellings in cul-de-sac arrangements. Immediately adjacent to the north of the application site lies the Cambrian Cedars facility for people with Learning Difficulties, an existing 24-bed two-storey care home.
- 2.3. The site lies around 75 metres to the north of the Ideal Village Conservation Area. The adjacent areas at Cambrian Cedars and on the opposite side of Broadway Avenue to the west are subject to extant Group Tree Preservation Orders, however the application site is not affected by protected trees. The site is listed within Part 1 of the Council's Brownfield Land Register.
- 2.4. The application site lies approximately 0.2 miles to the south east of Bordesley Green, where bus services are available between Birmingham and Solihull, alongside the facilities associated with a well-established retail parade.

[Site location](#)

3. [Planning History](#)

- 3.1. 25.01.2019 - 2018/06787/PA - Application to determine the details for condition numbers 1 (contamination remediation scheme), 3 (sustainable drainage scheme), 6 (sample materials), 7 (boundary treatment details), 8 (level details), 9 (hard surfacing materials) and 10 (hard and/or soft landscape details) attached to approval 2017/09879/PA – Approved.

- 3.2. 12.04.2018 – 2017/09879/PA – Demolition of derelict C2 Day Care Centre and erection of 14no. 1 bed flats (Use Class C3b) to provide residential care and supported living services with associated works and landscaping – Approved subject to conditions.
- 3.3. 21.08.2017 – 2017/05429/PA – Demolition of vacant derelict day centre and erection of single storey 12 bedroom care home (Use class C2) – Approved subject to conditions.
- 3.4. 01.12.2011 – 2011/06802/PA – Alterations to elevational treatment to include new timber panels and cream render elements – Approved subject to conditions.
- 3.5. 10.11.2009 – 2009/04735/PA – Demolition of elderly persons home and day centre – No Prior Approval Required.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions relating to redundant footway crossings to be removed and reinstated with full height kerbed footway, modification of the existing (retained) vehicular access, cycle parking provision, parking areas laid out on site prior to occupation and car park management plan.
- 4.2. Regulatory Services – No objection subject to conditions relating to a noise insulation scheme, contaminated land remediation and electric vehicle charging points.
- 4.3. Severn Trent – No objection subject to a condition to secure implementation of drainage details in accordance with plans submitted.
- 4.4. LLFA – No objections subject to conditions relating to the proposed drainage scheme being implemented in accordance with submitted plan and submission of as-built details.
- 4.5. Housing Development – No objections.
- 4.6. West Midlands Police – No objections.
- 4.7. West Midlands Fire service – No objections.
- 4.8. Employment Development – No objections subject to conditions in relation to a construction employment plan.
- 4.9. Highways England – No objections.
- 4.10. Site Notice displayed. Press notice advertised. MP, Ward Members, residents associations and neighbours notified. No comments received.

5. Policy Context

- 5.1. National Planning Policy Framework (2019); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005); Places for Living SPG (2001); Car Parking Guidelines SPD (2012); Specific Residential Needs SPG

(2005) and Technical Housing Standards - nationally described space standards (2015).

6. Planning Considerations

Background and Principle of Development

- 6.1. Planning Permission was first granted in August 2017 for the erection of a single storey 12no. bedroom care home (Use Class C2) under application reference 2017/05429/PA. Following this, planning permission was granted in April 2018 for the demolition of the derelict C2 Day Care Centre and the erection of 14no. one bedroom flats (Use Class C3b) to provide residential care and supported living services with associated works and landscaping under reference 2017/09879/PA. Relevant pre-commencement conditions have also been discharged with all details agreed under reference 2018/06787/PA.
- 6.2. This current planning application seeks permission for 16no. one bedroom flats, an increase of two units compared the extant permission 2017/09879/PA. Demolition works have commenced and it is understood the site is currently being cleared. It would be operated independently from the adjacent Cambrian Cedars Learning Difficulties Facility.
- 6.3. The Birmingham Development Plan refers to health care facilities in Policy TP37, stating that health care facilities should be promoted within centres and endeavours should be made to provide safe residential environments. The Birmingham Unitary Development Plan Saved Policies specifically refer to Residential Care Homes and sets out that 'proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance... residential care homes are normally most appropriately located in large detached properties set in their own grounds.' In addition, adequate amenity space to provide a satisfactory living environment should be provided. Whilst this does not strictly apply to the current application scheme, I consider the policy comprises relevant principles for the proposed use to adhere to, given its intended use and operation.
- 6.4. In addition, the use as a residential care facility and supported living service on the site has been established with the extant planning permission for 14no. units granted in April 2018 (2017/09879/PA). Therefore, I consider the principle of the development to be acceptable.

Affordable Housing

- 6.5. Policy TP31 of the BDP states that the Council will seek 35% affordable homes on residential development of 15 dwellings or more. The Council's Housing team has been consulted on the application and raises no objections. It is accepted that care and support schemes of this type can be approved without an obligation to provide affordable housing. The very nature of the schemes proposes that the units would be rented out to tenants with specific needs at a rent which is likely to equate to that of widely accepted social rent. Considering the applicant is a registered care provider and would accept referrals from the City Council, it is accepted that no affordable housing would be provided as part of the application proposals. A restrictive use condition would be imposed to any grant of planning permission to ensure the continuous use of the dwellings as single households with care provision and for no other purposes including no other purpose within Use Class C3b.

Layout and Design

- 6.6. The proposed development comprises 4no. two storey semi-detached buildings each subdivided into 4no. dwellings which would be of a modern design and appearance using two different types of brick, with a flat roof. The proposed design and appearance is considered to be acceptable and in accordance with Policy PG3 of the Birmingham Development Plan which relates to place making and design quality.
- 6.7. The proposed layout reflects the broadly residential character of the area which comprises a mix of flats, maisonettes, and terraced, semi-detached and detached houses. The individual residential plots proposed are of domestic scale with small gardens to the front and private garden areas to the rear. The gardens would be subject to boundary treatments consistent with the existing dwellinghouses within the area. Along the southern end of the site, 1m high metal railing fences are proposed which would allow for the development to relate to the existing streetscene by providing views into the site. 1.8 metre high close boarded fencing would be provided in between the proposed dwellings. The Council's Landscape Officer considers that the boundary treatments proposed are acceptable for the site and area.
- 6.8. The proposal vehicle parking to the front of the dwelling is considered to be broadly reflective of the character of the surrounding residential properties with a number of dwellings benefitting from driveway parking to the front. Given the circumstances of the prospective occupiers I consider that this would be appropriate.
- 6.9. Pedestrian access to the flats would be provided from the car parking area to the front including a wide pavement access from Broadway Avenue in the form of paving slabs. They are proposed in a natural stone colour which would appropriately relate to the proposed charcoal and natural grey parking paving slabs. I consider this to be acceptable in urban design terms.
- 6.10. Refuse storage for the proposed development will be provided to the east of flat 8 within a secured bin store serving all 16no. residential one bedroom units. It is understood that the site will be managed in conjunction with the adjacent Cambrian Cedars facility and a commercial waste agreement is to be secured following any grant of planning permission. I consider the arrangement of the bin stores, being located at the rear of the site and using close-timber boarded fencing as an enclosure, to be acceptable and appropriate for the development in terms of design.
- 6.11. Detailed landscaping proposals have been submitted with the application. The site is considered a brownfield site and until recently was occupied by a vacant building. A Planting Plan and Landscape Maintenance Plan has been provided and the Council's Landscaping Officer has confirmed there would be no objection to the proposals. There are no protected trees within the application site and it is noted that existing trees along the southern boundary of the application site will be retained which is supported.
- 6.12. The application proposals would have a positive impact on visual amenity and the general streetscene, given its most recent condition and vacant single storey building located on the site.

Residential Amenity

- 6.13. The application proposals seek to provide a residential care facility and supported living service for individuals which require support to live independently following time spent within a more traditional residential care environment.
- 6.14. The proposed accommodation would allow for an adequate level of residential amenity and a good quality residential living environment for future residents. The scheme proposes open plan lounge/ dining room and kitchen areas and en suite bedrooms. The proposal falls within use class C3b and criteria for acceptable living conditions are set out within the Nationally Described Spacing Standards. The application proposals comply with this guidance.
- 6.15. I consider the residential units secure an appropriate scale of accommodation which would address the residents' specific needs. The proposal would also be consistent with the guidance set out within policy TP27 and TP28 of the BDP which seek to secure sustainable neighbourhoods and meet the criteria for the location of new housing, as well as Saved Policies 8.28-8.30 of the UDP which addresses the impact of care homes on neighbouring residential amenity and for future residents. Whilst the units would be managed by an independent provider, they would predominantly be operated as independent residential flats. I am of the opinion that they reflect the residential character of the area.
- 6.16. The proposed development would be subject to appropriate boundary treatment which would allow for appropriate surveillance and would achieve a tranquil and attractive external environment assisting in the support of prospective residents in their independent living arrangement.
- 6.17. The separation distance to residential properties along Bordesley Close to the south of the site from the proposed care facility would be approximately 25 metres which would comply with minimum separation distances as set out in adopted guidance 'Places for Living SPG'. The existing properties to the east on Bromwich Walk would be approximately 19 metres from the flank wall of the proposed building which would also comply with the relevant guidance. There are no habitable windows proposed on the first floor side elevation of flat 16. A condition would be imposed to ensure the first floor landing windows would be obscure glazed. The proposed building would also comply with the 45 Degree Code to the nearest habitable window at 15 Bromwich Walk which is located to the south-east of the site. Due to the orientation of the buildings, I do not consider the proposals would result in overlooking issues in respect of properties on the opposite side of Broadway Avenue which are a minimum of 30 metres away. Consequently, I consider the proposal would have an acceptable impact on neighbouring residential amenity and would achieve an entirely acceptable living environment for future residents.

Highway Safety

- 6.18. The application proposal seeks to provide 25no. car parking spaces including 6no. disabled parking spaces. The parking arrangement would be accessed off Broadway Avenue.
- 6.19. Transportation Development have commented on the application and consider that secure and covered cycle storage should be provided within the application site. Discussions have taken place and communal cycle storage has been relocated from the sites' frontage to the east and rear of flat 8, adjacent to the proposed refuse storage. In addition, the application proposals allow for additional sheds within the rear garden of units 1 and 2, furthest away from the communal cycle storage. Whilst it is acknowledged that the circumstances of the prospective residents are

somewhat different, I consider that the provision and support for cycling would be conducive to foster greater independence and the provision is considered acceptable.

- 6.20. Transportation Development raise no objection to the proposals and do not consider the development would result in an adverse impact on highway safety. A number of conditions have been recommended to secure the reinstatement of redundant footway crossings to full height kerbed. Other conditions include parking areas are laid out on site and the provision of a car park management strategy.
- 6.21. It is therefore considered the proposed development would have an acceptable impact on highway safety and the recommended conditions would be reasonable and necessary in this instance.

Drainage

- 6.22. The proposed development scheme requires a drainage connection to the public sewer. The Council's Local Lead Flood Authority (LLFA) as well as Severn Trent have been consulted on the application proposals. Initially concerns were raised by the LLFA regarding the details provided in respect of SuDS and surface water runoff. Discussions were undertaken between the applicant and LLFA to secure an acceptable way forward. Subsequently the LLFA has withdrawn their objection, recommending conditions to secure implementation of the proposed drainage scheme in accordance with the details submitted and the submission of as-built details of Surface Water Drainage and Sustainable Drainage Operation & Maintenance Plan. I therefore consider the application proposals to be acceptable in respect of Drainage.

Other Matters

- 6.23. Regulatory Services have previously recommended that conditions are attached to any grant of planning permission to address any instances of contaminated land. The applicant has since provided a Geo-Environmental Report and Regulatory Services have confirmed that a condition requiring the implementation of the measures in accordance with the report is considered to be appropriate.
- 6.24. A condition to secure electric vehicle charging points has been recommended by Regulatory Services. On the basis of the communal parking proposed, I consider the provision of 2no. vehicle charging points as part of the proposed development to be appropriate. I also note that the ground floor flats would present the opportunity for electric vehicles to be charged by mains within a suitable power converter.
- 6.25. Birmingham City Council's Employment Team has recommended a condition to be attached to the grant of any planning permission for the prior submission of a construction employment plan. However, I consider that the proposal is of relatively small-scale and attaching the condition would be unreasonable, therefore not satisfying the the six tests for imposing planning conditions as set out in National Planning Practice Guidance (NPPG).

7. Conclusion

- 7.1. The application proposals seek planning permission for the erection of 4no. two-storey buildings to accommodate 16no. one bedroom flats which would be occupied on a C3(b) basis and maintained in association with the adjacent Cambrian Cedars facility. The proposed development is an amended scheme from the previously

approved scheme for 14no. one bedroom units on this site granted in 2018 and would provide an important facility to address the needs of specific individuals, having an overall positive impact on the wellbeing of people with very specific needs. It will assist in moving them forward to be more independent within the community.

7.2. The proposed development is in accordance with adopted planning policy. The proposals would be acceptable on highway safety and residential amenity. The proposal is also acceptable on design character and would make a positive contribution towards visual amenity and improve the current site conditions.

7.3. For the reasons set out above, the application is recommended for approval subject to conditions.

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 use of materials in accordance with details submitted |
| 3 | Requires boundary treatments in accordance with details submitted |
| 4 | Requires levels in accordance with details submitted |
| 5 | Requires hard surfacing and hard and soft landscape details in accordance with details submitted |
| 6 | Requires landscape maintenance plan in accordance with details submitted |
| 7 | Requires the implementation of tree protection |
| 8 | Requires the provision of cycle parking prior to occupation |
| 9 | Requires the provision of refuse storage prior to occupation |
| 10 | Requires the submission and completion of works for the S278/TRO Agreement |
| 11 | Requires the submission of a car park management plan prior to occupation |
| 12 | Requires the parking area to be laid out prior to use |
| 13 | Requires that ground contamination remediation measures are carried out in accordance with submitted details |
| 14 | Requires the submission of a contaminated land verification report |
| 15 | Requires the implementation of the proposed drainage scheme in accordance with submitted details |
| 16 | Requires submission of as-built details of Surface Water Drainage and Sustainable Drainage Operation & Maintenance Plan |
-

-
- 17 Requires the provision of electric vehicle charging points
 - 18 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
 - 19 Prevents the use from changing within the use class
 - 20 Requires the windows in the side elevation on the first floor to be obscure glazed
 - 21 Implement within 3 years (Full)
-

Case Officer: Laura Pohl

Photo(s)

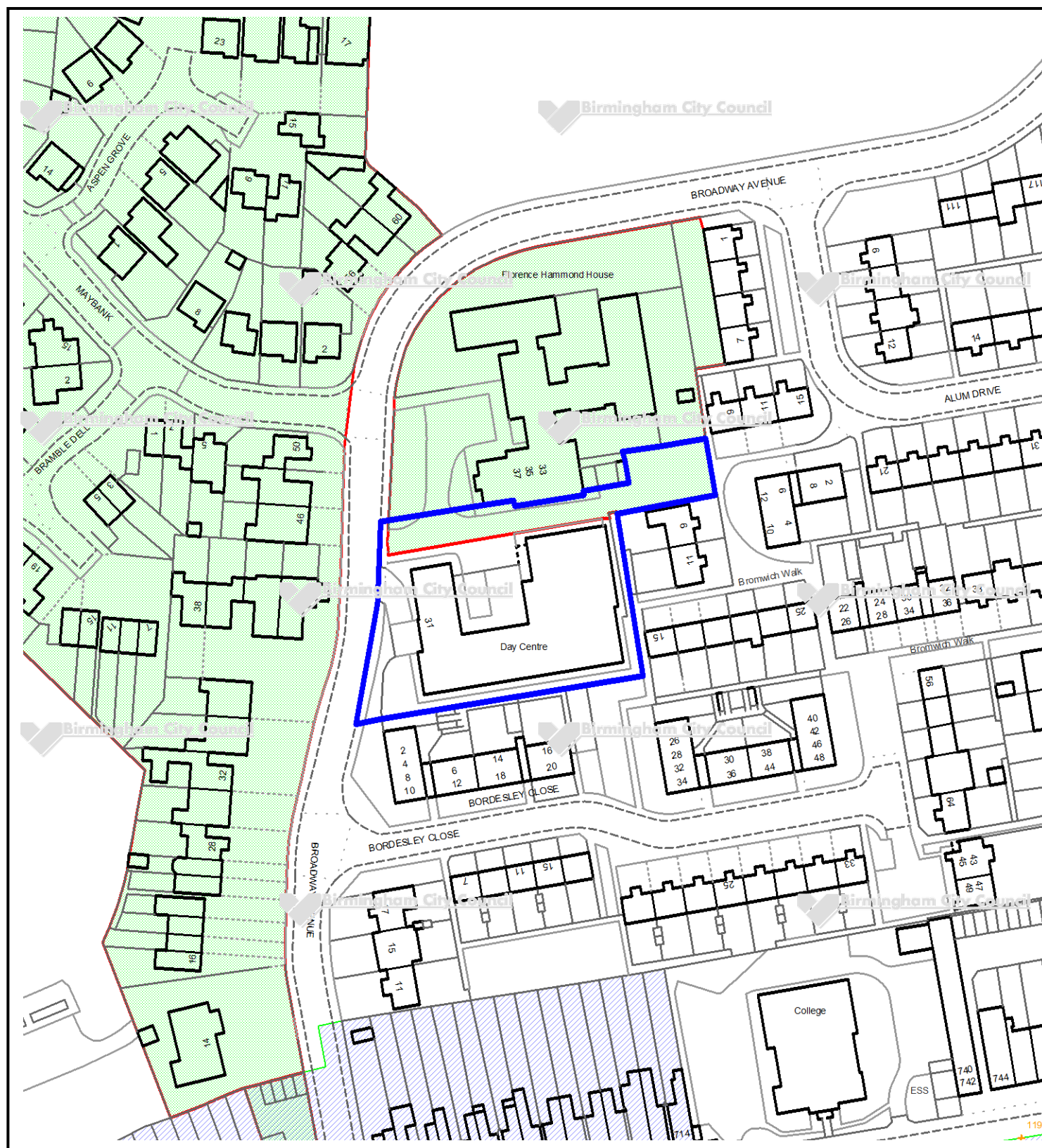


Figure 1: Application Site



Figure 2: View from Broadway Avenue towards Application Site

Location Plan



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Birmingham City Council

Planning Committee

25 April 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	11	2017/08994/PA 91 Chester Street Birmingham B6 4AE Variation of conditions number 2 (maximum noise levels); number 3 (Limits the noise levels for Plant and Machinery) and number 4 (in order to extend opening hours to:- 0600 hours to 2100 hours Monday to Friday, 0700 hours to 1800 hours on Saturday and no time on Sundays and Bank Holidays) attached to planning approval 2015/10043/PA
Approve - Conditions	12	2019/01350/PA 123 Leonard Road Birmingham B19 1JH Erection of single storey side/rear extension.

Committee Date:	25/04/2019	Application Number:	2017/08994/PA
Accepted:	23/10/2017	Application Type:	Variation of Condition
Target Date:	22/01/2018		
Ward:	Nechells		

91 Chester Street, Birmingham, B6 4AE

Variation of conditions number 2 (maximum noise levels); number 3 (Limits the noise levels for Plant and Machinery) and number 4 (in order to extend opening hours to:- 0600 hours to 2100 hours Monday to Friday, 0700 hours to 1800 hours on Saturday and no time on Sundays and Bank Holidays) attached to planning approval 2015/10043/PA

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The applicant proposes to vary conditions:- number 2 (maximum noise levels); number 3 (Limits the noise levels for Plant and Machinery) and also condition number 4 (in order to extend opening hours to:- 0600 hours to 2100 hours Monday to Friday, 0700 hours to 1800 hours on Saturday and no time on Sundays) attached to planning approval 2015/10043/PA.
- 1.2. Application 2015/10043/PA approved the change of use of the application site from Use Classes B1 with ancillary B8 to allow either a Use Classes B1 (Business), B2 (General Industrial) or B8 (Storage or Distribution) use at the site.
- 1.3. Condition 2 currently reads "Limits the maximum noise levels- The Maximum Instantaneous Noise Levels (LAFmax) from the proposed development shall not exceed the background (LA90) noise level by more than 10dB, between 1900 - 07.00hrs at any noise sensitive premises, with the exception that if the background noise level is 45dB or less, the maximum instantaneous noise level shall not exceed 55dB LAFmax. Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF"
- 1.4. This will be changed to "Limits the maximum noise levels- The Maximum Instantaneous Noise Levels (LAFmax) from the proposed development shall not exceed the background (LA90) noise level by more than 10dB between 0600 to 0700 at any noise sensitive premises, with the exception that if the background noise level is 45dB or less, the maximum instantaneous noise level shall not exceed 55 dB LAFmax. Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with policy TP 37 (health) of the BDP (2017) and the NPPF".

- 1.5. Condition 3 currently reads “Limits the noise levels for Plant and Machinery- The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF”
- 1.6. This will be changed to “The impact of the cumulative noise from all activities on the site shall not have an adverse impact when assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification. Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with policy TP 37 (health) of the BDP (2017) and the NPPF”
- 1.7. Condition 4 currently reads “Limits the hours of use- The premises shall only be open for use between the hours of 07:00 - 20:00 hours Mondays - Fridays, and between 09:00 - 14:00 hours on Saturdays and at no time on Sundays. Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework”.
- 1.8. This will be changed to: “The uses hereby approved shall only take place between 0600 hours to 2100 hours Monday to Friday, 0700 hours to 1800 hours on Saturdays and not at all on Sundays or Bank Holidays. Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with policy TP 37 (health) of the BDP (2017) and the NPPF”.
- 1.9. The application is supported by a Noise Impact Assessment.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site, which is used for the storage and distribution of interior design and building products, is set on the eastern side of Chester Street and has commercial operators to the north and south. The site is situated within Windsor Core Industrial Area. To the immediate east of the site is a canal whilst to the west, across Chester Street, are residential dwellings and a commercial operation.
 - 2.2. [Site Location and Street View](#)
3. Planning History

- 3.1. 24.01.2018- 2017/08995/PA- Application to determine the details of condition number 1 (car and cycle parking, open storage, refuse and manoeuvring areas) attached to planning approval 2015/10043/PA- approved.
- 3.2. 12.02.2016- 2015/10043/PA- Change of use from Use Classes B1 with ancillary B8 to allow either a Use Classes B1 (Business), B2 (General Industrial) or B8 (Storage or Distribution) use at the site- approved with conditions. This has been implemented through its occupation by a business that stores and distributes interior design and building products.
4. Consultation/PP Responses
 - 4.1. Surrounding occupiers, local councillors, local MP and community and neighbourhood forum notified as well as site and press notices displayed:-
 - 4.2. 14 responses received from residential occupiers (three of the respondents have sent in two responses). They raise objections to the proposal on the following grounds:-
 - Will cause disruption to sleep
 - The lorries are loud and the bright lights, horns and workers shouting to drivers are all of a concern
 - It will cause a disruption to studying
 - It will disturb the peaceful enjoyment of my home
 - It will cause increased traffic to an already busy road; the lorries are often blocking the roads
 - Do not wish to live near to a 24/7 unit, it will impact the daily lives of all residents nearby
 - Affect access to the road network in the locality
 - The existing traffic situation is an accident waiting to happen
 - Lorries are parked dangerously
 - The poor parking of vehicles already adversely affects pedestrians and people with disabilities
 - Problems with vehicles in the area would be exacerbated.
 - Object to the increased level of noise the unit will generate as the level of noise in the area is currently not excessive but the proposal will affect the ability of residents to sleep, study and enjoy the use of their property.
 - Will be seriously detrimental to the health and quality of life of students and is simply unacceptable that their health and quality of life be sacrificed in favour of the profits of the company making the application.
 - The noise is already bad enough, there is no need to make it worse.
 - There has already been several road accidents on the road as a result of poor parking.
 - 4.3. An objection has been received from Aston Brook Green who represents the 61 residential properties across Chester Road from the site. That letter of objection as well as querying the rational behind the application also includes a petition containing 118 signatures stating their objection to the proposal on the grounds will disturb the peaceful enjoyment of their homes by causing a disturbance to sleep, causing a disturbance to their ability to study and also causing increased traffic volumes and noise problems associated with parking.

- 4.4. Canal and Rivers Trust- recommend that planning permission should not be granted on the basis the submission has:-
- not considered the canal as a sensitive receptor to noise or made any assessment of the resulting noise impacts (or mitigation) to the canal corridor or its users.
 - the proposals would result in adverse levels of noise to the adjacent Birmingham and Fazeley Canal reducing its attractiveness as a leisure facility, sustainable transport route and adversely impact on the health and well being of those who use them.
 - Canals are treasured for the tranquillity they offer and in a City location such as this they offer an escape from the urban environment.
 - The submitted Noise Assessment indicates that the site is already exceeding permitted levels LA eq and LAF max. within the current submission the predicted daytime noise would result in extremely elevated noise levels to the canal.
 - The current proposals to remove noise limitations and extend opening hours at the site will lead to adverse levels of noise on the canal. This has the potential to 'sterilise' this stretch of the canal, may affect its ecological function, reduce its attractiveness as a leisure facility, sustainable transport route and adversely impact on the health and wellbeing of those who use the canal. The proposals are therefore contrary to the above policies and planning permission should be refused.
 - note that they would have been a statutory consultee on the original application, ref:2015/10043/PA, but were not consulted.
- 4.5. Transportation Development- It is considered that the proposed use of the site would not be likely to have a detrimental impact on the safe operation of surrounding streets.
- 4.6. Regulatory Services- request that if the extended hours of use are agreed the following conditions are applied:-
- 4.7. Condition 2- Limits the maximum noise levels- The Maximum Instantaneous Noise Levels (LAFmax) from the proposed development shall not exceed the background (LA90) noise level by more than 10Db, between 06:00 and 07:00 hours at any noise sensitive premises, with the exception that if the background noise level is 45db or less, the maximum instantaneous noise level shall not exceed 55db LAFmax.
- 4.8. Condition 3- The impact of cumulative noise from all sources shall not have an adverse impact when assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enactment BS4142 with or without modification.
- 4.9. Condition 4- The uses hereby approved shall only take place between the hours of 0600 hours and 2100 hours Mondays to Friday, 0700 hours to 1800 hours on Saturdays and not at all on Sundays or Bank Holidays.
- 4.10. LLFA- Given the context of the conditions being varied, the LLFA have no comment.

5. Policy Context

- 5.1. Birmingham Development Plan (2018), NPPF and NPPG.

6. Planning Considerations

- 6.1. Background- The current use of the site is for the storage and distribution of interior design and building products. The current owners have occupied the site since July 2018. This application to extend the operating hours comes from a requirement to help meet the increased operational demands placed on the occupier.
- 6.2. The proposed modifications to the conditions associated with the original planning permission give rises to a number of issues including noise and disturbance to nearby residents and potential highway impacts.
- 6.3. Noise and disturbance- The proposal would seek to extend the approved operating hours by commencing one hour earlier at 0600 hours and finishing 1 hour later at 2100 hours (Mondays to Fridays) and two hours earlier from 0700 hours and finishing four hours later until 1800 hours on a Saturday.
- 6.4. The applicant originally also requested the removal of conditions 2 and 3 as part of this application. Upon evaluation of the proposal as originally submitted (to extend the operating hours) it was considered that it would be necessary to retain and modify conditions 2 and 3 so as to try and help limit the potential for any adverse noise disturbance impact arising from the proposed extended hours. The applicant has agreed to this.
- 6.5. The noise impact assessment submitted in support of the application concludes that predicated rating levels from the operation of the use under the 'busiest foreseeable' scenarios including general on site related activities, fixed plant and indoor activities are below the Background Sound Level through the daytime and early morning periods. It further concludes that the potential for impact from early morning noise from short term intermittent noise sources has been shown to be low in context of the existing environment and therefore the potential impact from the use of the premises is therefore considered to be acceptably low and that the operation of the premises by the current occupier between the requested hours of operation would not give rise to a significant risk of disturbance for nearby residents.
- 6.6. Whilst I recognise the considerable level of opposition to the modifications sought, including that from the Canal and Rivers Trust, an evaluation of the potential noise impact of the proposal has been undertaken to evaluate the impact on sensitive noise receptors i.e. residential dwellings to the west of the site (across Chester Street). Following that evaluation it is considered that the proposed extended hours of use should be possible to operate as proposed with no significant impact (on such sensitive noise receptors).
- 6.7. Members are also reminded that notwithstanding the above assessment of the proposal and with safeguarding conditions, this does not preclude the Councils legal obligations and powers under other statutory frameworks (including nuisance provisions of EPA 1990).

- 6.8. Regulatory Services raise no objection to the extension in operating hours controlled under condition 4 subject to the retention and modification of condition 2 and condition 3. I concur with this view as no adverse noise and disturbance impact has been identified.
- 6.9. Highway impact- Transportation Development raise no objection to the proposal. I concur with this view. I acknowledge the objections received with respect to matter relating to transport/highway issues through the consultation process, however after an evaluation of the proposal which in the main relates to extending the opening hours, it is not considered that the extended operating hours would lead to any demonstrable harm relating to highway safety and that that it is considered that the proposed use of the site would not be likely to have a detrimental impact on the safe operation of surrounding streets.
- 6.10. Comment from Canal and Rivers Trust- I note the comments of objection from the Canals and Rivers Trust. In response, I note in the main their objections relate to noise exposure to users/wildlife of the canal and I am satisfied that on the controls set by the conditions would protect sensitive land uses such nearby residential. It is also noted that their comments are based on the original request to remove condition 2 (maximum noise levels) and condition 3 (limits noise levels from plant and machinery) whereas, as explained earlier in this report, the applicant has agreed to their retention with modification to allow for control over noise levels. Furthermore, because the canal itself forms the backbone of a historical transport mode for industry and the prevailing character of the land uses in the vicinity of the canal in proximity of the application site are commercial the boundary noise from commercial uses is not expected to be an uncommon feature of the locality including for canal users and wildlife. Finally, the part of the application site that abuts the canal represents a small transient point for canal users/wildlife, which adds to the weight of argument that noise from the site is not expected to be adversely affect canal users/wildlife. My Ecological advisor concurs with this view and confirms that they do not consider an ecological objection to the proposal can reasonably be sustained.
7. Conclusion
- 7.1. The proposed modification in the operating hours and associated controls on noise levels is acceptable.
8. Recommendation
- 8.1. Approve subject to conditions.

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| 1 | Requires details of car and cycle parking, open storage, refuse and manoeuvring areas agreed under application 2017/08995/PA to be continued to be provided as agreed. |
| 2 | Limits the maximum noise levels |
| 3 | Limits cumulative noise from all activities on the site |
| 4 | Limits the hours of use to between 0600 and 2100 hours Mondays to Fridays and |
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0700 and 1800 hours on Saturdays.

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

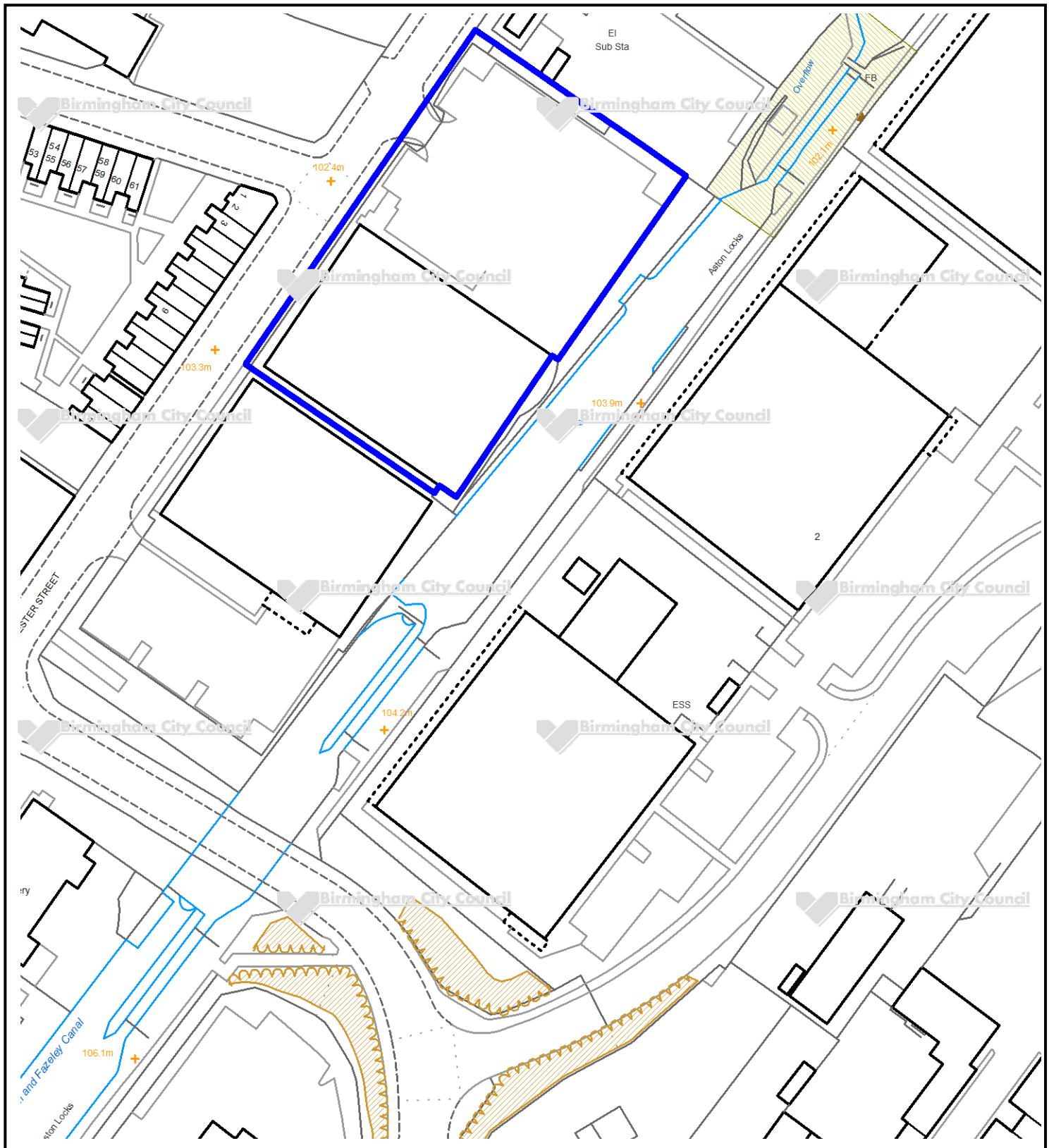
Case Officer: Wahid Gul

Photo(s)



Entrance to application site and façade facing courtyard

Location Plan



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Committee Date:	25/04/2019	Application Number:	2019/01350/PA
Accepted:	18/02/2019	Application Type:	Householder
Target Date:	15/04/2019		
Ward:	Lozells		

123 Leonard Road, Birmingham, B19 1JH

Erection of single storey side/rear extension.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Erection of a single storey side/rear extension at 123 Leonard Road, B19 1JH. The proposed extension would provide an extended lounge/dining room on the ground floor.
- 1.2. The proposed extension is designed with a mono-pitched roof and would measure 4.1m length x 2.7m width x 3.1m height to eaves, 4m height to roof ridge.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application property is a mid-terraced dwellinghouse designed with gable roof, ground floor bay window feature to the front, two storey rear wing and single storey rear extension at the end of the wing. The rear of the property features a conservatory to be replaced as part of the proposal, which measures 7.5m in length and is located within the infill space between the rear wing/single storey rear extension and the side boundary with the neighbouring property. The interior of the conservatory forms a solid wall boundary with the neighbouring property. A long and narrow garden is located to the rear and is laid out to hard and soft surface. The surrounding area is primarily residential in nature with properties of similar age and character.
- 2.2. Neighbouring property No. 121 Leonard Road is of similar architectural style and features a two storey rear wing and single storey rear extension of similar scale and design. To the rear of No. 121 is a conservatory approximately 3m in height and 8m in length. Mirroring the applicant property, the conservatory is located within the infill space between the rear wing/single storey rear extension and side boundary. The remaining rear boundary treatment to No. 121 is defined by a block wall approximately 2.75m in height.
- 2.3. Neighbouring property No. 125 Leonard Road is of similar architectural style and features a two storey rear wing and single storey rear extension of similar scale and design. The rear boundary treatment to No. 125 is defined by a panel fence 1.8m in height.

2.4. [Site Location.](#)

3. [Planning History](#)

- 3.1. 2003/07586/PA - Erection of single storey rear extension. Approved Subject to Conditions.

4. [Consultation/PP Responses](#)

- 4.1. Local councillors and the occupiers of neighbouring properties were consulted. No responses were received.

5. [Policy Context](#)

- 5.1. The following local policies are applicable:

- Places for Living (2001)
- Extending your Home (2007)
- Birmingham Development Plan (2017)
- UDP 2005 (saved policies 3.14 – 3.14D & Chapter 8)
- 45 Degree Code

- 5.2. The following national policies are applicable:

- National Planning Policy Framework (2019)

6. [Planning Considerations](#)

- 6.1. The main issues for consideration are the scale and design of the proposed development, as well as the impact on neighbour's amenity.

- 6.2. The scale and design of the proposed single storey rear extension is acceptable and meets the general principles contained within the design guide 'Extending your Home'. The proposed extension is scaled appropriately and would not form a dominant or obtrusive feature. The proposed extension would feature a mono-pitched roof which is designed to match the roof pitch of the main part of the house. Given that the proposed extension is at the rear of the property, it will have no impact on the appearance of the street scene.

- 6.3. Your committee's 45 Degree Code states that it not normally acceptable to build an extension which fills the gap to the side of an existing rear wing at older terraced properties. This is because such an extension would almost always break the 45 Degree Code in relation to the neighbouring property. Although the proposed extension would fill the gap between the side of the existing rear wing and the side boundary with No. 121 Leonard Road, given the existing conditions, the proposed extension would be acceptable in this instance.

- 6.4. By virtue of the existing situation, I do not consider that the proposed extension would cause detrimental impact to No. 121 Leonard Road. The height to the eaves of the proposed extension is 3m at the boundary with No. 121. This is the same

height as the existing conservatory at No 121, meaning that the proposed extension would not overshadow the neighbour's conservatory. The height to the roof ridge of the proposed extension increases to 4m; however this increase is gradual as it slopes away from the boundary with No. 121, thus minimising any potential negative impact on the neighbour. The length of the proposed extension is 4.1m, which is 3.9m shorter than the length of the conservatory at No. 121 (8m). The proposed extension wouldn't therefore impact the rear elevation of the conservatory at No. 121 in terms of daylight and outlook.

- 6.5. Furthermore, the existing boundary treatment to No. 121, in the section where the proposed extension would be situated is already formed of a solid boundary wall. Consequently, I do not consider that the proposed extension - which would feature a solid wall at the side boundary with No. 121 would worsen the existing situation to this neighbour. Therefore, I consider that there are insufficient grounds to refuse the application based on the potential impact on neighbour's provision of daylight, outlook and privacy. The proposal is therefore considered acceptable with regards to the impact on neighbour's amenity.

7. Conclusion

- 7.1. The proposed development complies with the objectives of the policies set out above. I therefore recommend the application is approved subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

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

Case Officer: Thomas Morris

Photo(s)



Image 1: Rear Elevation



Image 2: Existing Conservatory Interior - Solid Boundary Wall

Location Plan



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Birmingham City Council
Planning Committee 25 April 2019

Appeal Decisions Received from the Planning Inspectorate in March 2019

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Householder	25 Allcroft Road, Tyseley	Erection of single storey rear extension and front porch. 2018/05348/PA	Allowed (see note 1 attached)	Non-Determine	Written Representations
Householder	224 Moor End lane, Erdington	Installation of front dormer. 2018/04880/PA	Dismissed	Delegated	Written Representations
Householder	149 Rectory Road, Sutton Coldfield	Installation of footway crossing. 2018/09730/PA	Allowed (see note 2 attached)	Delegated	Written Representations
Advertisement	Holloway Circus, Outside Cleveland Tower, City Centre	Display of 1 internally illuminated digital advertisement hoarding. 2018/08311/PA	Dismissed	Delegated	Written Representations
Advertisement	Land at Warwick Road, Cole River Park, Sparkhill	Display of 1 internally illuminated 48 sheet and 1 internally illuminated 96 sheet digital display screens. 2018/04933/PA	Allowed (see note 3 attached)	Delegated	Written Representations
Advertisement	Adjacent Unit 2, Apex Retail Park, Highgate Middleway, Sparkbrook	Display of 1 no. x 96 - sheet LED digital advertising display. 2018/03057/PA	Allowed (see note 4 attached)	Delegated	Written Representations
Advertisement	Avery Fields, Sandon Road, Edgbaston	Retention of no. 1 non illuminated sign. 2018/06105/PA	Allowed (see note 5 attached)	Delegated	Written Representations
Residential	12 Warwick Road, Sparkbrook	Erection of two storey side and rear extension and dormer window to front to create ground floor storage space and 4no. apartments above with associated external alterations to front. 2018/04363/PA	Dismissed	Delegated	Written Representations
Residential	Land at the rear of 8 Hayfield Road, Moseley	Erection of 1 no. dwelling house and associated parking. 2018/04987/PA	Dismissed	Non-Determine	Written Representations

Birmingham City Council
Planning Committee 25 April 2019

Appeal Decisions Received from the Planning Inspectorate in March 2019

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Residential	8 Hayfield Road, Moseley	Change of use from 5 flats to a residential dwelling house (Use class C3), to include new front door entrance. 2018/04986/PA	Allowed (see note 6 attached)	Non-Determine	Written Representations
Other	Land adjacent to 224 Moor End Lane, Erdington	Minor Material Amendment to approval 2017/00030/PA for the installation of additional windows on side elevation at ground, first and second floors and installation of dormer windows to front and rear. 2018/04051/PA	Dismissed	Delegated	Written Representations
Other	Former Police Station, 191 Sheldon Heath Road, Sheldon	Change of Use of former police station (Sui Generis) to Supported Living Centre (Use Class C2). 2017/10747/PA	Dismissed (see note 7 Attached)	Delegated	Written Representations
Other	647 Stratford Road, Sparkhill	Change of use from restaurant (Use Class A3) to car wash and valeting service (Sui Generis). 2018/06674/PA	Dismissed	Delegated	Written Representations
Other	68 Harrow Road, Selly Oak	Retrospective change of use from a 6-bed HMO (Use Class C4) to a 9-bed HMO (Sui Generis). 2018/02573/PA	Allowed (see note 8 attached)	Delegated	Written Representations
Other	68 Harrow Road, Selly Oak	Change of use from a 6-bed HMO (Use Class C4) to a 8-bed HMO (Sui Generis). 2018/02572/PA	Allowed (see note 9 attached)	Delegated	Written Representations
Other	8 Edgbaston Road East, Balsall Heath	Retention of change of use from residential dwelling (Use Class C3) to 7 bed HMO (Sui-Generis). 2018/05084/PA	Allowed (see note 10 attached)	Delegated	Written Representations

**Birmingham City Council
Planning Committee 25 April 2019**

Appeal Decisions Received from the Planning Inspectorate in March 2019

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Other	269 Dawlish Road, Selly Oak	Change of use from 7 bedroom HMO to 9 bedroom HMO (Sui Generis). 2018/08237/PA	Allowed (see note 11 attached)	Delegated	Written Representations
Other	875 Pershore Road, Selly Oak	Change of use from dwelling house (Use Class C3) to 7 bed HMO (Sui Generis). 2018/03440/PA	Dismissed	Delegated	Written Representations
Other	74 Heeley Road, Selly Oak	Change of use from HMO (Use Class C4) to large HMO (sui generis). 2018/06071/PA	Allowed (see note 12 attached)	Delegated	Written Representations

Total - 19 Decisions: 8 Dismissed (42%), 11 Allowed

Cumulative total from 1 April 2018 - 126 Decisions: 89 Dismissed (71%), 37 Allowed

Notes relating to appeal decisions received in March 2019

Note 1 (25 Allcroft Road)

Non-determined application.

Appeal allowed because the Inspector concluded that the proposed development would not conflict with the Birmingham Development Plan or the National Planning Policy Framework.

Note 2 (149 Rectory Road)

Application refused because the proposed facilities for vehicle parking and manoeuvring are inadequate due to the frontage depth and would result in obstruction of the footway due to vehicle overhanging the public footway. This would be to the detriment of pedestrian and highway safety.

Appeal allowed because the Inspector concluded that the proposal would not harm pedestrian or highway safety.

Note 3 (Land at Warwick Road)

Application approved with conditions.

Appeal allowed by amending Condition 2 (Listed approved plans) and Condition 3 (Limits the intensity of the illumination) and deleting Condition 6 (Luminance Level Control Details) because it has become superfluous.

Note 4 (Apex Retail Park)

Application approved with conditions.

Appeal allowed by removing Condition 5 (Limits the approval to 5 years) because the Inspector concluded that the condition was not necessary.

Note 5 (Avery Fields)

Application refused because the proposed advertisement by reason of its design would form an overly dominant and incongruous feature that would result in an adverse visual impact on the surrounding area.

Appeal allowed because the Inspector concluded that the proposal is not harmful to the visual amenity of the area.

Note 6 (8 Hayfield Road)

Non-determined application.

Appeal allowed because the Inspector considered that the proposal would not result in any significant harm. (The Council did not contest the appeal).

Note 7 (191 Sheldon Heath Road)

The appellant's application for an award of costs against the Council was refused.

Note 8 (68 Harrow Road- 9 Bed HMO)

Application refused because: 1) The change of use to a large house in Multiple Occupation (Sui Generis) contributes to an overconcentration of such uses in the area, creating an unbalanced community and loss of amenity to the area and adjoining premises. 2) The change of use to a large house of multiple occupation has created a cramped and overcrowded living environment with insufficient outdoor amenity space which is unduly harmful to the amenity levels of the occupiers.

Appeal allowed because the Inspector considered that the modest increase in bedroom numbers does not materially change the housing mix of the area or create a cramped and overcrowded environment for occupiers.

Note 9 (68 Harrow Road – 8 Bed HMO)

Application refused because the change of use to a large house in Multiple Occupation (Sui Generis) contributes to an overconcentration of such uses in the area, creating an unbalanced community and loss of amenity to the area and adjoining premises.

Appeal allowed because the Inspector considered that the modest increase in bedroom numbers does not materially change the housing mix of the area or create a cramped and overcrowded environment for occupiers.

Note 10 (8 Edgbaston Road East)

Application refused because: 1) The change of use to non-family accommodation would have an adverse impact on the residential character of this area due to the existing concentration of non-family dwelling houses. 2) The proposal would fail to provide a good standard of outdoor communal amenity space for occupants.

Appeal allowed because the Inspector considered that overall, the proposal would not have any significantly harmful effect on the supply and balance of housing in the locality and the rear yard is of an adequate quality and size to meet the needs of the HMO occupants.

Note 11 (269 Dawlish Road)

Application refused because the change of use to a large house in Multiple Occupation (Sui Generis) contributes to an overconcentration of such uses in the area, creating an unbalanced community and loss of amenity to the area and adjoining premises.

Appeal allowed because the Inspector concluded that as the appeal building is already in use as a large HMO, the proposal would not therefore contribute to an overconcentration of HMO's in the area. The proposal would not lead to an unbalanced community or indeed a fundamental change to the character or appearance of the area.

Note 12 (74 Heeley Road)

Application refused because the change of use to a large house in Multiple Occupation (Sui Generis) contributes to an overconcentration of such uses in the area, creating an unbalanced community and loss of amenity to the area and adjoining premises.

Appeal allowed because the Inspector concluded that as the appeal building can be lawfully used as a large HMO the proposal would not therefore contribute to an overconcentration of HMO's in the area. The proposal would not lead to an unbalanced community or, taking into account the scale of the relative changes, lead to a fundamental change to the character or appearance of the area.