

Birmingham City Council

Planning Committee

12 September 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	9	2018/10455/PA Boldmere Centre St Michaels Road Sutton Coldfield Birmingham B73 5SY Provision of 85 bed care home, 45 no. senior living apartments, community hub (Use Class C2) and associated facilities.
Approve – Conditions	10	2019/00637/PA Plot 5, Advanced Manufacturing Hub Land bounded by Priory Road and Aston Hall Road Aston Birmingham B6 Site remediation works including demolition of existing employment use buildings

Committee Date:	12/09/2019	Application Number:	2018/10455/PA
Accepted:	24/01/2019	Application Type:	Full Planning
Target Date:	25/04/2019		
Ward:	Sutton Vesey		

Boldmere Centre, St Michaels Road, Sutton Coldfield, Birmingham, B73 5SY

Provision of 85 bed care home, 45 no. senior living apartments, community hub (Use Class C2) and associated facilities.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This planning application seeks consent for the erection of a new building complex to provide a care home, senior living apartments and associated community facilities (Use Class C2). The proposed care home element would comprise of 85 no. beds whilst the senior living apartments would comprise of 45 no apartments. The proposal also includes car parking, new access from St Michaels Road, private amenity space and landscaping and associated engineering works.
- 1.2. The scheme consists of two separate but connected activities; a 'traditional' care home to the rear portion of the site and the senior living apartment element located to the front portion of the site fronting St Michaels Road. Community facilities, which would comprise of a library, cinema suite, community room, gym, lounges and bistro/restaurant, (totalling approx. 850sq.m of floorspace) would be located centrally within the site for use by all residents, whether residing within the care home or the senior living apartments. Furthermore, all residents would have access to domiciliary care such as personal care (dressing/washing etc.), medical care, and provision of meals, security services, chiropody, hair/beauty, laundry, housekeeping, maintenance services, IT assistance, social activities and concierge. The applicant has also indicated that the community facilities would also be available for use by local residents who do not reside within the proposed scheme, although a community use agreement/statement has not been provided with the application outlining the detail of such access.
- 1.3. The care home element would provide 85 no. single bedrooms (22-24sq.m), each with en-suite shower rooms. This part of the building would be 'S-shaped', principally three storeys when viewed externally and positioned to the rearmost part of the site facing the rear of properties associated with Cofield Road and Boldmere Road and the central garden atrium.
- 1.4. There would be 45 no. senior living apartments, consisting of 11 no. one bed units and 39 no. two bed units. The one bed units would provide between 54.3sq.m and 60sq.m of internal floorspace whilst the two bed units would provide between 75sq.m and 86.5sq.m of internal floorspace. These would provide the lowest level of care and the most independent form of living. This part of the building would be 'L' shaped and would be 2.5 storeys with accommodation within the roof space fronting

St Michaels Road. All care home bedrooms and apartments would be served by lift access to each floor. The applicants consider that the activities (i.e. care home and senior living apartments) would fall within the C2 use class with domiciliary care services being provided/available 24 hours a day, 7 days a week to all residents.

- 1.5. The site is generally rectangular in nature with buildings proposed to be arranged around the perimeter of the site addressing St Michaels Road (south), the rear of commercial properties fronting Boldmere Road (east) and the rear of properties fronting Cofield Road and Warden Road (north). The scheme as a whole aims to create a 'community' feel with a central, sunken garden area with landscaped, green amenity space to the rear of care home and community facility buildings.
- 1.6. The site would be accessed from St Michaels Road on its south western boundary with associated on-site car parking totalling 90 no. spaces primarily provided underground (although 7 no. spaces would be provided at surface level adjacent to the site's access – 5 no. of which would be disabled bays). The applicant has indicated that 60 no. spaces would be provided for the senior living apartments and 30 no. spaces for the care home element.
- 1.7. In terms of design and architecture, the proposal would consist of 1 no. building encompassing a footprint (including basement parking) of approx. 3400sq.m and designed in a manner that it would appear as two distinct blocks with a central atrium/entrance block that comprises primarily of the community facilities at ground and basement level with accommodation at ground, first and second floors. In addition commercial kitchen and laundry facilities would be located within the roof space above the care home element. The external façade of the building would be brick and render with a mansard roof to the St Michaels Road elevation and hipped, pitched roof elsewhere.
- 1.8. The submission is supported by a Transport Statement, Planning Statement, Design and Access Statement, Air Quality Assessment, Energy and Sustainability Statement, Noise Assessment, Flood Risk Assessment, Ecological Appraisal and a justification report for the C2 use class.
- 1.9. [Link to Documents](#)
2. [Site & Surroundings](#)
 - 2.1. The site is currently vacant following the demolition of the Boldmere Adult Education Centre. The site is located within the suburb of Boldmere in northwest Birmingham and measures approx. 0.68ha. The site can currently be accessed from St Michaels Road and is bounded to the south by this road and also Warden Road to the north. The site is also bounded by residential rear gardens to the west (Wedmore Road), Cofield Road/Warden Road and a Scout Hut to the north and the rear of commercial properties that front Boldmere Road to the east.
 - 2.2. Properties to the south of the site are residential in character, across St Michaels Road which are two storey semi-detached dwellings whilst to the west of the site are modern residential dwellings comprising of two storey houses and 3 storey town houses. The site itself is flat with no significant level changes and with limited vegetation and trees found on the site.
 - 2.3. [Site Location Plan](#)
3. [Planning History](#)

- 3.1. 2017/00688/PA – Prior Notification of proposed demolition of former education centre and nursery school – Approved, subject to conditions – 02/03/17.
4. Consultation/PP Responses
- 4.1. Residents, Resident Associations, Councillors, MP consulted. Site notice erected, Press notice made.
- 4.2. 18 letters of objection have been received from local residents on the following points;
- Area is already saturated with similar developments.
 - How and who will the shared community facilities be made available for?
 - Bin store position adjacent to existing residential garden boundary.
 - Overlooking and loss of privacy.
 - Potential for loss of light and shading.
 - Increase in parking and traffic congestion.
 - Scale and height of development is too great for a residential area.
 - This proposal will add to the already overstretched services, water & sewerage, electricity, gas, doctor's surgeries.
 - Loss of grassed area and maintenance issues for adjoining Scouts site.
 - Increase in noise and disturbance, smells, dust and vibration.
 - Adverse impacts upon property values.
- 4.3. 3 letters of support have been received from local residents on the following points;
- Revisions to the scheme throughout the planning process, primarily related to scale of the building and its positioning and site layout have improved the proposal over that originally submitted.
- 4.4. Cllr Rob Pocock – Following comments received;
- This is a major development which has been subject of considerable engagement with the Boldmere Futures Partnership who have convened two constructive public meetings with the developers, well attended by local residents. The developers have also met further with local Councillors as part of this engagement.
 - The revised scheme marks a substantial improvement on the original submission so far as residential impact and amenity are concerned. It is also welcome that local residents will have access to certain amenities within the new site. It will be helpful if it can be clarified, or conditions set, as to the nature of this access, times of day, security etc.
 - There will be a significant amount of traffic generated into the site, and also the risk of resident or visitor parking in neighbouring roads. It will be essential for a traffic management and parking scheme to be implemented as part of the development, to mitigate the risk of excessive vehicle movements into and out of the site and parking on the public highway surrounding the site. This needs to ensure that residents, visitors, staff and deliveries use the onsite parking provision and do not cause dis-amenity to local residents.

- 4.5. Cllr Louise Passey (Royal Sutton Coldfield Town Council) – “I have grave concerns about the potential heavy traffic that this application will cause. Has consideration been made in regard to how the current traffic system will be altered to allow this application to go ahead? The area already has a school nearby and I believe that the current parking/traffic issues will be made worse”.
- 4.6. Transportation Development – No objection, subject to conditions;
- Necessary highway works, including construction of footway crossing/bell-mouth, reinstatement of any redundant footway crossing(s), any work relating to any street furniture/statutory undertakers' apparatus, any work related to lighting, to be agreed with Highway Authority and all necessary consents, licenses, permits or agreements have been completed or obtained in respect of such measures at the applicant's expense. The development shall not be occupied until all such measures have been substantially completed in accordance with the approved details
 - Pedestrian visibility splays of 3.3m x 3.3m x 600mm to be incorporated / maintained at the proposed vehicular access.
 - The gradient of driveway not to be steeper than 1:12.
 - Provision of secure and covered cycle storage.
 - A contribution of £20,000 or an appropriate condition for the applicant to enter into an agreement / arrangement to fund Traffic Regulation Order along St Michaels Road.
 - The proposed 'senior living apartments' to remain in use as 'senior living apartments' only, as proposed.
 - Parking spaces to be formally marked out on site and parking & vehicle circulation areas not to be used for any other purpose.
 - Any impact on any highway tree to be subject to approval of BCC Highways.
- 4.7. Regulatory Services – No objection subject to conditions;
- Air quality assessment,
 - Extraction and odour control details,
 - Noise Levels for plant and machinery,
 - Noise insulation scheme,
 - Lighting scheme,
 - Construction method statement,
 - Contamination remediation scheme,
 - Contaminated land verification report,
 - Low emission vehicle parking,
 - Vehicle charging points.
- 4.8. Severn Trent Water – No objection, subject to condition to secure appropriate foul and surface water drainage details.
- 4.9. Lead Local Flood Authority (LLFA) – No objection, subject to conditions;
- Prior submission of a Sustainable Drainage Scheme for foul and surface water.
 - Prior submission of a Sustainable Drainage Operation and Maintenance Plan.
- 4.10. West Midlands Police – No objection and outlines the proposals ability to obtain 'Secure By Design Accreditation New Homes'.

- 4.11. Leisure Services – No objection.
- 4.12. West Midlands Fire Service - There does not appear to be access for a pump appliance to within 45 metres of all points within the buildings. Water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK. The approval of Building Control will be required to Part B of the Building Regulations 2010.
- 4.13. Environment Agency – No comments to make.

5. Policy Context

- 5.1. Birmingham Development Plan (2017), Birmingham UDP (saved policies 2005); Car Parking Guidelines (2012) SPD. Places for All (SPG). Places for Living (SPG). Specific Needs Residential Uses (SPG). 45 degree code. National Planning Policy Framework (2019).

6. Planning Considerations

Principle of Development

- 6.1. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. Recently the NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new development, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF 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 previously developed (brown-field) sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling.
- 6.2. The application site was previously used as an adult education centre. The site, which comprised of a large single storey building, has since been cleared. The site was also the subject of a development brief so as to provide informal guidance on what may be deemed acceptable in terms of future uses for the site. The development brief makes reference to a variety of uses including education, community use, leisure uses, health facilities and housing with specific reference made to the provision of “housing for disabled people and/or older peoples accommodation (e.g. care home / retirement village)” and also provides general design principles for future proposals.
- 6.3. In this case, it is considered that the proposal generally accords with the aspirations laid out within the development brief in terms of use. Furthermore, the site was identified within the 2019 Strategic Housing Land Availability Assessment (SHLAA) as being suitable for future residential development and is located within a predominantly residential area, close to local facilities and well served by local public transport options.
- 6.4. The application is described as a C2 (residential care) use. It is noted that the scheme provides two distinct levels of care ranging from fully dependant to mostly

independent. The mostly independent part consists of 45 no. 'Senior Living Apartments' and would provide limited care.

- 6.5. The applicants have provided evidence within their submission that both offerings would fall within the C2 use class. The applicant has identified that the site would be operated by 'MACC' who are an established provider of care facilities and operate similar sites across Birmingham. They state that care would be available to all occupants of the care home and senior living apartments through a domiciliary care service and that all occupiers would have to meet a 'needs assessment' by the operator to ensure that they meet the qualifying criteria for a unit. These restrictions would also include a minimum age restriction, for the units to be made available for leasehold only and for the occupants to have a need for care. The applicant has indicated its acceptance for the proposal to be subject to conditions to restrict occupants to 60 years of age and above.
- 6.6. Furthermore, the applicant has indicated that the majority of its occupants of care homes, and senior living apartments are much older than this. The applicant has also offered that the requirement, for occupiers care needs to be assessed on entry, could be secured by condition to ensure they properly qualify for entry. The applicants have stated that the development proposal, as a whole, forms one distinct planning unit and that the care home along with the senior living apartments offer a choice of care accommodation.
- 6.7. Previous legal advice provided on similar schemes throughout the city along with recent appeal decisions take the view that for similar activities (i.e. care apartments), the LPA should consider the balance between C3 and C2 uses and have identified that for a use to fall within Class C2, LPAs generally require developers/care providers to provide a minimum number of hours of personal care per week for occupiers of the extra care units (i.e. senior living apartments), often in the region of a minimum of 2 hours per week. It would appear that that where extra care units are part of a larger care community where all residents have to be meet minimum age requirements (in this case 60 years old) and are required to pay care charges for services beyond those available to residential dwellings, they can comprise C2 use accommodation. Furthermore, previous legal advice on the matter has concluded that the use of conditions to limit the use is appropriate if officers are satisfied that sufficient care would be offered.
- 6.8. In this case, the applicant has stated that the most independent units would still be subject to a specific care package which would include (but would not be limited to) assistance with feeding, bathing, dressing, non-physical care and emotional and psychological support and any other matters that the residents need assistance with (i.e. the care plan would be personal to the individual). The applicants have also offered for the LPA to include conditions that ensure the units would be made available for leasehold only (avoiding potential open market sale to non C2 use) and that a minimum age limit of 60 years old be applied. I consider that the nature of the care provided and the layout of the site would create a facility that would function in a fully integrated manner as one planning unit. I am satisfied that the use would fall within the C2 use class, subject to the minimum age and leasehold restriction conditions. As such I do not consider that affordable housing policy or public open space policy, associated with C3 dwellings, would be necessary in this case.
- 6.9. In terms of care home saved policy paragraph 8.28-8.30, of the UDP, provides policy on Residential Homes falling within the C2 Use Class and identifies that proposals should not cause demonstrable harm to residential amenity of nearby occupiers through noise and disturbance. The policy also states that "*proposals*

should not prejudice the safety and free flow of traffic in the adjoining highway. The provision made for access for service and emergency vehicles and car parking facilities for staff, residents, and visitors will be taken into account, but these factors will be considered in conjunction with issues such as the retention of adequate outdoor amenity space and site features which contribute to the character and appearance of the area.” It also requires care homes to provide a minimum of 16sqm of outdoor amenity space per resident.

- 6.10. It is noted that the development proposal also seeks to provide a variety of community facilities to include a cinema suite, library, gym, bistro, lounges, etc. the applicant has indicated that such facilities would be made available to all residents, regardless of whether they reside within the care home or the senior living apartments. Furthermore, the applicant has indicated that these community facilities would also be made available to the general public, albeit those of a similar age bracket to residents of the site (i.e. over 60 years of age). However, no details on the specific details of access times and potential access restrictions have been provided within the application submission, a point raised by local residents in comments received. This is considered to be a valid material consideration in the determination of the application. Whilst the provision of access for local residents is welcomed it is considered appropriate to impose a condition requiring the submission of a community access/use statement so as to fully understand and secure appropriate levels of access that also work in conjunction with residents of the care scheme.
- 6.11. It is considered that the principle of a residential accommodation in the form of a care home and senior living apartments is acceptable given the sites sustainable location subject to detailed consideration of design, highway impacts, residential amenity impacts and ecology.

Design, Scale and Layout

- 6.12. Policy PG3, of the BDP, seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments, make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, saved policy 3.14 of the UDP, identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context. Paragraph 124 of the NPPF (2019) states that “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities.”
- 6.13. The scheme consists of a partial perimeter block development which addresses St Michaels Road and the rear elevations of Boldmere Road buildings to the east and Cofield Road buildings to the north. The proposed vehicular and pedestrian accesses along with a significant proportion of senior living apartments would overlook and be taken from St Michaels Road, providing a high level of natural surveillance and creating interest and activity around the frontages. Furthermore, the ground floor apartments would also benefit from their own private ‘front gardens’, mirroring the plot formation of ‘traditional’ house types along St Michaels Road which is supported.
- 6.14. The proposed scale along this principal elevation is 2.5 storeys which comprises of one building. The proposal would create a variety of roof forms and help create a multi-layered frontage, with set-back areas within the elevation and a small number

of balconies at first floor level which in turn would provide visual interest. Furthermore, the provision of a mansard roof is proposed reflecting a nearby commercial building fronting Boldmere Road. Amendments to the roof plane and scale of glazing at second floor level have been undertaken so as to reduce the building's impact, in terms of scale and built form, upon St Michael's Road which the City Design Officer is happy with. The proposed materials, focussing on brick and render with roof tiles to the mansard roof element would suit the local variety of architectural styles in the local area and help to add interest and variety to the design which is also supported.

- 6.15. The care home building would be located within the confines of the site with limited views from Cofield Road behind existing built development and would be of a 3 storey scale with a large hipped, tiled roof and a 4 storey lift shaft structure (no taller than the main building) clad in Trespa Zinc Yellow Cladding. The main part of the care home building would also utilise brick and render for external walls and along with the Trespa Cladding and grey Aluminium windows and doors, providing a cohesive continuation in appearance throughout the scheme which is welcomed. My City Design Officer has offered advice on amendments at both pre-application stage and during the assessment of the current planning application and offers no objection to the scheme as currently submitted.
- 6.16. In terms of outdoor amenity space I note that the scheme would provide approx. 1200sq.m of landscaped gardens, 255sq.m of below ground level 'Garden Atrium' space and the 7 no. private gardens (approx. total of 270sq.m) associated with the ground floor apartments (no. 9-15) fronting St Michaels Road. Such provision amounts to a total provision of approx. 1725sq.m which equates to 13.2sq.m per bed-space or senior living apartment. I am satisfied that this space is adequate for the needs of the residents as it would be well located in safe, quiet areas of the site and would also offer a variety of garden areas to enjoy, including sitting areas, paths for walking and a 'working garden' area for residents to garden if they wish.

Residential Amenity

- 6.17. The scheme would replace a currently vacant site, which was previously occupied by a single storey building complex used as an adult education centre, with a residential use which is considered to be a similar use in terms of noise generation. I also note that the majority of car parking on site would be undertaken underground away from surrounding residential uses and as such the impact to residential amenity in terms of noise and disturbance from such activity would be much reduced than surface level parking provision which is supported.
- 6.18. The application has been submitted with a Noise Assessment, and whilst my Regulatory Services Officer is of the view that that the assessment does not fully accord with their approach, the data obtained from it when assessed with existing data held by the council suggests that any noise impacts can be adequately addressed through appropriate mitigation, in this case maximum noise levels for plant and machinery and to ensure that all windows, any other glazed areas and external doors to habitable rooms provide a weighted sound reduction index ($R_w + C_{tr}$) of at least 26dB and that any ventilation to habitable rooms shall be provided by means of acoustic vents achieving weighted element normalised level difference ($D_{n,e,w} + C_{tr}$) of at least 32dB, secured by planning condition. I agree with this approach.
- 6.19. The application has been accompanied by an Environmental survey that outlines details regarding air quality associated with demolition and construction. However,

insufficient information and mitigation has been put forward regarding plant/equipment, car park extraction and combustion sources and a scheme for the mitigation of the air quality impacts (including discharge heights and arrangements for stacks or vents). As such, my regulatory services officer has requested the imposition of conditions to secure an air quality assessment to fully consider the impacts of those points along with the provision of details of the extract ventilation and odour control equipment. Furthermore, it is considered appropriate to secure a suitable construction management plan. I agree with such conditions which I consider to be required to secure an appropriate standard of development and to ensure that a suitable level of residential amenity is maintained.

- 6.20. It is noted that the site is currently vacant with the previous buildings already demolished. The site has yet to be remediated and as such is considered reasonable to impose conditions securing an appropriate land contamination scheme and verification that the site is free from contaminants given the site's proposed use as a sensitive receptor (i.e. residential), a view shared by Regulatory Services.
- 6.21. In terms of separation distances, the proposal was amended after submission following concerns raised regarding insufficient separation distances and potential for overlooking to the rear gardens of properties associated with Wedmore Road. The subsequent amendments saw the building relocated and reoriented so that that sufficient separation distances are achieved (i.e. 5m per storey (15m in total) apart from a pinch point, found between the buildings western elevation and side wall of no. 11 Wedmore Close of 400mm. However, this point in isolation is not considered sufficient to warrant refusal and would not adversely impact upon overlooking to existing residents of Wedmore Road.
- 6.22. The separation distance between building fronts along the St Michaels Road frontage is 25m. This achieves the minimum distance between building frontages for 2 storey buildings, for which the existing dwellings along St Michael's Road are. However, there is a shortfall of 2.5m for the 3 storey minimum separation distance. The Places for Living SPG does not provide a minimum guide for buildings of 2.5 stories and therefore the greater of the two measurements is used. However, in this case, it is considered that the design of the building with a mansard roof (i.e. with no roof above the windows) with windows set back and reduced in scale sufficiently mitigates the limited harm caused by the 2.5m shortfall upon the streetscene and is not deemed to be significant to warrant refusal on this point alone. Furthermore, the proposal reflects the established building line and Places for Living expresses that this standard will be more strictly applied at the rear than the front.
- 6.23. The proposed refuse stores are shown as being located adjacent to the site's entrance and the rear garden boundaries of properties of Wedmore Road. Objections have been received from local residents who are concerned that the noise experienced with the collection of refuse from this location and the associated odour generated from the complex's refuse would adversely impact upon the enjoyment of existing residential gardens. I consider this to be a valid concern and recommend that a condition is applied so as to require details of the refuse stores to explore their design and enclosure including any noise and odour mitigation measures, and for them to also be relocated away from shared residential boundaries should this be required.

Transportation Issues

- 6.24. The NPPF states that “when setting parking levels LPA’s should take into account the accessibility of the site, the type, mix and use, access to public transport, local car ownership and the overall need to reduce high emission vehicles”. It is considered that the site is situated in a sustainable location with good access to public transport (Train and Bus) that provides access to both Sutton Coldfield Town centre and Birmingham city centre whilst Boldmere neighbourhood centre is within walking distance of the site (approx. 350m along Boldmere Road).
- 6.25. The applicant has submitted a Transport Statement (TS) for the proposal which has used the TRICS database for the trip generation exercise. It is noted that some of the selected sites from the TRICS database are edge of town centre sites which would not be compatible to the site location. However, the transportation officer is of the view that the proposal would unlikely result in an increase in traffic to/from the site significantly compared to the previous use as an adult education centre.
- 6.26. BCC current parking guidelines specify maximum parking provision of 1 space per 3 bed spaces for care-homes and 2 no. spaces per residential unit (200% provision for residential). Therefore, the specified maximum parking provision for the proposal in accordance with the Car Parking Standards SPD would be 118 no. spaces (28 no. for care-home & 90 no. for apartments).
- 6.27. The amended Transport Statement and the submitted plans outline that the scheme would provide 30 no. spaces (including 2 disabled parking spaces) (maximum standards seek 28 no.) for the care-home and 60 no. spaces (133%) for the senior living apartments. The Transportation Officer raises concerns that the proposed level of parking provision for the senior living apartments might not cater fully for the demand. However, the proposed apartments are ‘senior living apartments’, which may generate a slightly lower level of parking demand, a point agreed with the Transportation Officer. Furthermore, the site can be considered as being in a sustainable location, having reasonably good levels of accessibility to public transport with bus services accessible from Chester Road and Jockey Road, which are within reasonable walking distance from the site. Furthermore, Wylde Green railway station is also within reasonable walking distance from the site and local facilities within Boldmere Local Centre is within an easy walk from the site (approx. 350m). Waiting is also unrestricted along most parts of St Michael’s Road in the vicinity of the site.
- 6.28. Whilst consulted on the proposal, the Local Highway Engineer has referred to the high level of parking demand within the area due to the school and nursery as well as Mossy Bank and the recreation area, a concern raised by a number of local residents. They go on to state that there is also parking demand from local residents including those on Boldmere Road who live in terraced properties without the depth of fore garden to park on their frontage or apply for a dropped kerb. As such a lot of this parking takes place on St Michaels Road and Cofield Road. The officer has requested that a contribution of £20,000 from the applicant for a Traffic Regulation Order and associated traffic calming measures to improve and regulate parking along St Michaels Road and other measures required locally should be considered.
- 6.29. However, the requirement to secure financial contributions through the planning system and therefore the current application should only be secured in order to mitigate issues caused by the development proposal. As the Highway Officer has stated, the parking and traffic issues already exist due to existing uses in the locality and on the basis that the site provides appropriate onsite parking in accordance with the Car Parking Guideline SPD, I do not consider the request for a financial contribution to address existing parking/traffic issues to be appropriate in this case.

- 6.30. However, I note that some local residents are particularly concerned about parking generally, particularly if the facilities are available to the general public. Whilst the matter of onsite parking provision is considered sufficient for residents use, the applicant has not yet confirmed the scope of community access (to be secured by a separate planning condition). I am satisfied that the imposition of a condition to secure a parking management strategy, would fully manage the parking demands of the scheme with potential public use taken into account within the site's proposed parking provision.
- 6.31. Regulatory Services have requested that electric vehicle charging points are provided onsite, with no fewer than 10% of non-dedicated parking spaces to be provided with electric vehicle charging points for electric/low emission vehicles so as to reduce CO2 emissions and in accordance with policies TP5 and TP43 of the BDP 2017. I consider such a request to be appropriate in this case.

Trees & Ecology

- 6.32. Policy TP7, of the BDP, reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains. Whilst the application is not the subject of a tree preservation order (TPO), a site directly adjacent to the rearmost portion of the site is the subject of TPO 537. However, the proposed works would not adversely impact on any existing protected trees within this TPO.
- 6.33. The Tree Officer has stated that only two important trees feature in relation to the proposed development. These include the roadside lime tree which is a local authority asset within the public highway and a maturing Corsican pine located in the far north east corner of the application site. It is noted that a revised landscaping plan has been submitted (June 2019) which indicates better treatment for the Corsican pine with a no-dig specification for any surfacing work inside its root protection area (RPA) which the tree officer considers to be acceptable. I agree with this approach.
- 6.34. The Tree Officer has also outlined their preference for the pedestrian access to the building from St Michaels Road on the basis that there may be a future conflict with the root protection area of the existing street tree. However, the pedestrian access to the senior living apartments is considered to be an important aspect to the schemes integration within the streetscene in terms of positive design and residential amenity aspects. As such, it is considered appropriate to impose a planning condition to ensure that appropriate root protection measures and if required appropriate construction methods to ensure that the health of the street tree is maintained.
- 6.35. The NPPF, at paragraph 170, requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline whilst policy TP8 of the Birmingham Development Plan requires all development, where relevant, to contribute to enhancing Birmingham's natural environment.
- 6.36. The existing site has already been cleared and the previous building has been demolished. It is noted that the site currently comprises of predominantly ephemeral vegetation, which can provide ecological value to pollinators. With this in mind, my ecologists have raised no objection to the proposal subject to a scheme, secured by planning condition, of ecological enhancement measures, to demonstrate how the

proposed plans will enhance the site's biodiversity and ecological value. I agree with such an approach.

Flooding and Drainage

- 6.37. The application site is located within flood zone 1 (least likely to flood) and is not located within close proximity (in excess of 500m) to local watercourses. The application has been submitted with a Drainage Strategy and Surface Water Management Pro-forma. The overall scheme has been assessed by the Lead Local Flood Authority (LLFA) who has raised no objection subject to conditions to require a sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan. I concur with these findings.

Other Matters

- 6.38. I note that the Fire Service has commented that the scheme would require a sprinkler system as there is not access for a pump appliance to within 45m of all points of the building. The specifics of this would be designed and agreed in discussion through a Building Regulation application and therefore beyond the scope of the planning application.
- 6.39. The application has been submitted with both Energy and Sustainability Statements which outline how the proposed development intends to maximise energy efficiency and the use of low carbon energy. The submission has indicated that the proposed building would be constructed using a 'fabric first' approach which seeks to secure high levels of thermal efficiency, low air permeability and reduced thermal loss which in turn would then reduce energy demand. In addition, the proposal would also utilise low energy LED lighting on PIR sensors, high efficiency gas fired boiler system to provide heating and hot water and smart metering so as to increase residents awareness of energy use. The applicant has also indicated that a variety of renewable energy technologies and communal heating networks have been explored, including solar photo-voltaic and solar hot water which are considered feasible and are to be explored further whereas the site is located too far from existing communal/district heating schemes to be suitable in this case.
- 6.40. The Sutton Coldfield West Scout Group has objected to the proposal, primarily on the basis that they would lose the loss of an adjacent grassed area to their scout hut for Scout activities and maintenance of their hut, but which falls within the application site. Whilst this is regrettable, this is a private matter between two landowners and falls outside the remit of the planning application determination. Furthermore, comments have been received from local residents who are concerned that the proposal would result in a reduction of property values. This also falls outside the remit of the planning application assessment.

Community Infrastructure Levy

- 6.41. The Council has adopted CIL charging. However, the proposed care home, senior living apartments and other care related residential components would attribute a zero charge in this case.

7. Conclusion

- 7.1. The proposal, for a care village, is acceptable. The scheme would provide dedicated housing for residents requiring varying levels of care in a high quality facility providing a range of services. The site is well located and represents sustainable

development in a residential location well served by public transport and addresses the public realm with a suitable, contemporary solution.

8. Recommendation

8.1. Approve, subject to conditions.

-
- | | |
|----|----------------------------------------------------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the submission of a contaminated land verification report |
| 4 | Requires the prior submission of a drainage scheme (foul and surface drainage) |
| 5 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 6 | Requires the prior submission of a sustainable drainage scheme |
| 7 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 8 | Requires the submission of hard and/or soft landscape details |
| 9 | Requires the submission of boundary treatment details |
| 10 | Requires the submission of a lighting scheme |
| 11 | Requires the prior submission of a construction method statement/management plan |
| 12 | Requires the submission of sample materials |
| 13 | Requires the prior submission of level details |
| 14 | Requires the submission of a CCTV scheme |
| 15 | Requires the submission of a community access agreement |
| 16 | Requires the submission of details of refuse storage |
| 17 | Requires the apartments to be leasehold only. |
| 18 | Sets a minimum age of residents of 60 years old |
| 19 | Requires the submission of a parking management strategy |
| 20 | Requires the implementation of tree protection |
| 21 | Requires the submission and completion of works for the S278/TRO Agreement |
| 22 | Prevents occupation until the turning and parking area has been constructed |
| 23 | Requires the submission of cycle storage details |
-

-
- 24 Requires pedestrian visibility splays to be provided
 - 25 Driveway gradient not to be steeper than 1:12.
 - 26 Requires the provision of a vehicle charging point
 - 27 Requires provision of Air Quality Assessment
 - 28 Requires the submission of extraction and odour control details
 - 29 Limits the noise levels for Plant and Machinery
 - 30 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
 - 31 Implement within 3 years (Full)
-

Case Officer: Christopher Wentworth

Photo(s)



Fig 1. View from St Michael's Road towards rear of properties of Boldmere Road.



Fig 2. View along St Michael's Road and its junction with Wedmore Road.

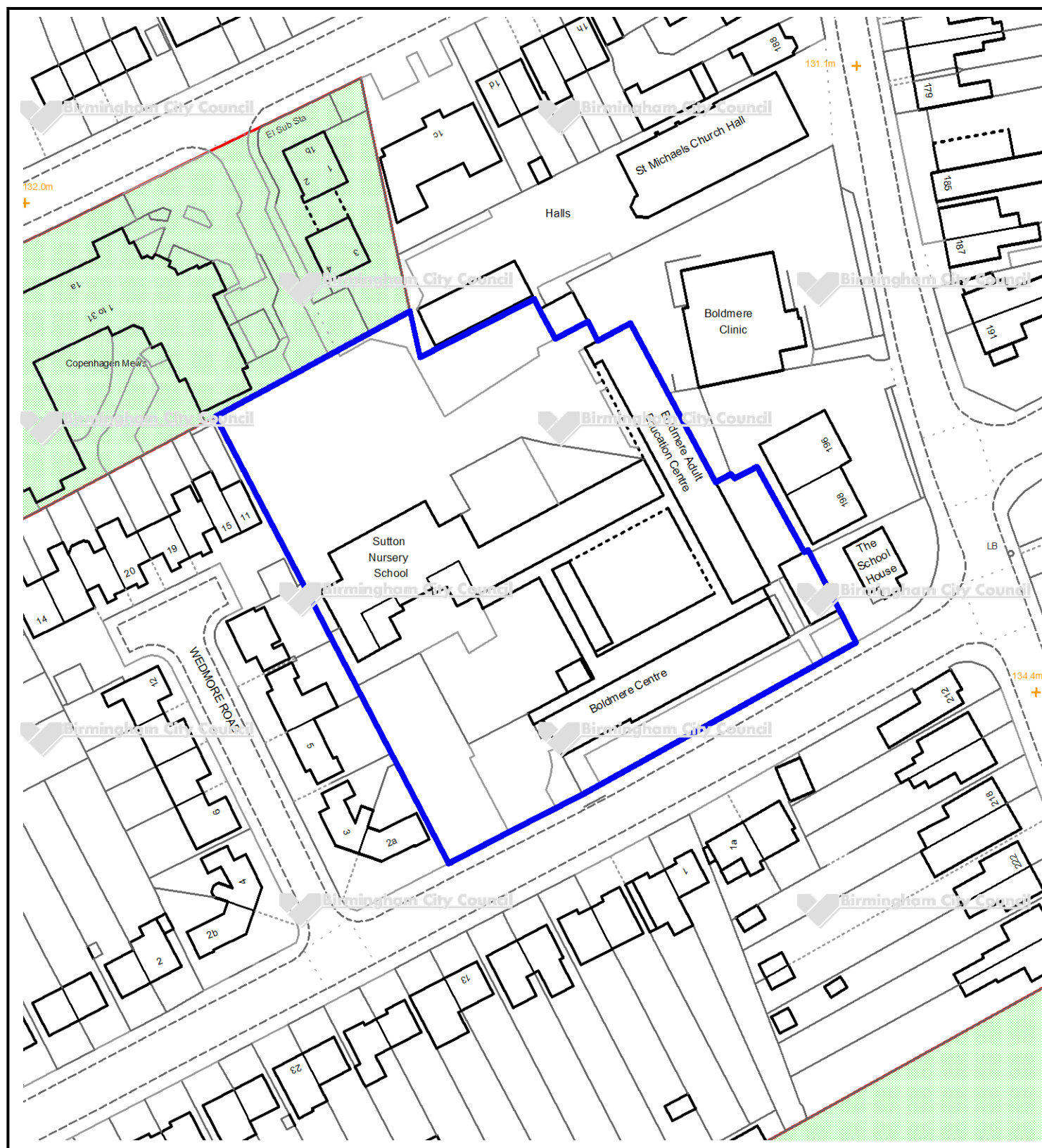


Fig 3. View from St Michael's Road across site to properties of Wedmore Road and Cofield Road.



Fig 4. View of site from Boldmere Road at junction with St Michael's Road.

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	12/09/2019	Application Number:	2019/00637/PA
Accepted:	25/01/2019	Application Type:	Full Planning
Target Date:	19/04/2019		
Ward:	Nechells		

Plot 5, Advanced Manufacturing Hub, Land bounded by Priory Road and Aston Hall Road, Aston, Birmingham, B6

Site remediation works including demolition of existing employment use buildings

Recommendation

Approve subject to Conditions

1. Proposal

1.1. The application proposes site remediation works including demolition of employment use buildings and clearance of the site to form a development platform for future employment uses. The buildings have also been subject to a prior notification for demolition (2018/06873/PA).

1.2. The proposed remediation works comprise the demolition of existing buildings, site clearance works, decontamination works, and placement of hardcore material to create a development platform. The following documents have been submitted in support of this application: Site Plan, Topographical Survey, Reclamation plan, Geo-Environmental Desk Study, Geo-Environmental Report, Remediation Strategy, Flood Risk Assessment and Ecological Appraisal. A revised Remediation Strategy was submitted during the consideration of the application following completion of the clearance of the site.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1 The site covers an area of 0.99 ha and is considered brownfield in flood risk terms as it was previously occupied by commercial units. The site is bounded by Priory Road to the north and west; and by Aston Hall Road to the east and south. The site does not adjoin any other buildings. The nearest residential dwellings are located 55 metres to the south east. The site falls within a larger area that has been identified as potentially acting as a regional investment site within the Newtown, Aston and Lozells Area Action Plan. The site is labelled as Plot 5 on the Advanced Manufacturing Hub Masterplan.

2.2 [Site Location](#)

3. Planning History

3.1 2018/06873/PA - Application for prior notification of proposed demolition of existing buildings Prior Approval Required and to Approve with conditions.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection. The site investigation identified that three of the five made ground across the site were contaminated with asbestos and the report outlines a remediation strategy for this and landscaped areas which is accepted. The conclusion that the site falls within CS1 for ground gas is not accepted and we would expect the site to be dealt with in accordance with a CS2 categorisation. The presence of contamination does not preclude development of this site with suitable remediation but does not accept the current remediation strategy. As the application is effectively only for the demolition (which has been completed) and remediation have no objections to make, subject to conditions to require further remediation scheme and land verification report.
- 4.2. Environment Agency – No objections subject to conditions relating to precautions of unidentified contamination, and the requirement of a verification report. An informative to be applied.
- 4.3. Nearby properties, community groups and Ward Councillor consulted and site notice posted. No comments have been received as a result of this consultation exercise.

5. Policy Context

- 5.1 Birmingham Development Plan (BDP) (2017), Saved Policies Birmingham Unitary Development Plan (2005), Aston, Newtown and Lozells Area Action Plan (AAP) (July 2012), NPPF (2019)

6. Planning Considerations

- 6.1. The proposed development has been considered in light of the following issues:
- 6.2. Principle – The site is identified as being located within the Aston, Newtown and Lozells Area Action Plan area, a Regional Investment Site and Core Employment Area. As such the proposed works to facilitate the redevelopment of the site are in line with the policies of the BDP and are considered acceptable.
- 6.3. Flood Risk – The submitted Flood Risk & Drainage Review concludes that the site is at very low risk of flooding from rivers, surface water, sewers, overland flows, groundwater and reservoir failure. The Environment Agency has no objections to the works in relation to flood risk and I consider that the scheme is acceptable in that regard.
- 6.4. Contamination – The amended Remediation Strategy advises that there will need to be some remediation relating to asbestos, including supplementary investigation of any unexpected contamination identified during groundworks, requirement for clean cover where hardstand is not utilised, and requirements for protection of water supply pipes. A verification report is to follow and this will be conditioned accordingly. The Environment Agency has no objections subject to conditions and informatives. The Regulatory Services Officer has a similar view advising that the remediation as submitted is not sufficient for the future development of the site but has advised that this can be dealt with by condition as the reports are sufficient for the demolition works.
- 6.5. Ecology – The Ecological Appraisal notes that the site is at low risk to protected species. My Ecologist has advised that the grassed areas are of limited ecological value but as part of the wider environment it is of some biodiversity value especially when associated with the peripheral trees and scrub. The buildings have been assessed for roosting and a single emergence survey undertaken which yielded no

bats. The master plan shows some soft landscaping post development and details of ecological enhancements will be considered as part of a detailed application for the site's redevelopment.

- 6.6. Highways – It is considered that, due to the nature of the proposals and the land available, there would be no adverse impact on highway safety.

7. Conclusion

- 7.1. The proposed demolition of the buildings is considered acceptable as it will facilitate the creation of future employment development of the site in line with the Policies of the BPD, the RIS and the Area Action Plan. The scheme of remediation is to improve the site's environmental qualities and make the site safe for future uses and as such is acceptable subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|----------------------------------------------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of a contamination remediation scheme prior to redevelopment |
| 3 | Requires the submission of a contaminated land verification report |
| 4 | Requires the submission of unexpected contamination details if found |
| 5 | The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission. |
-

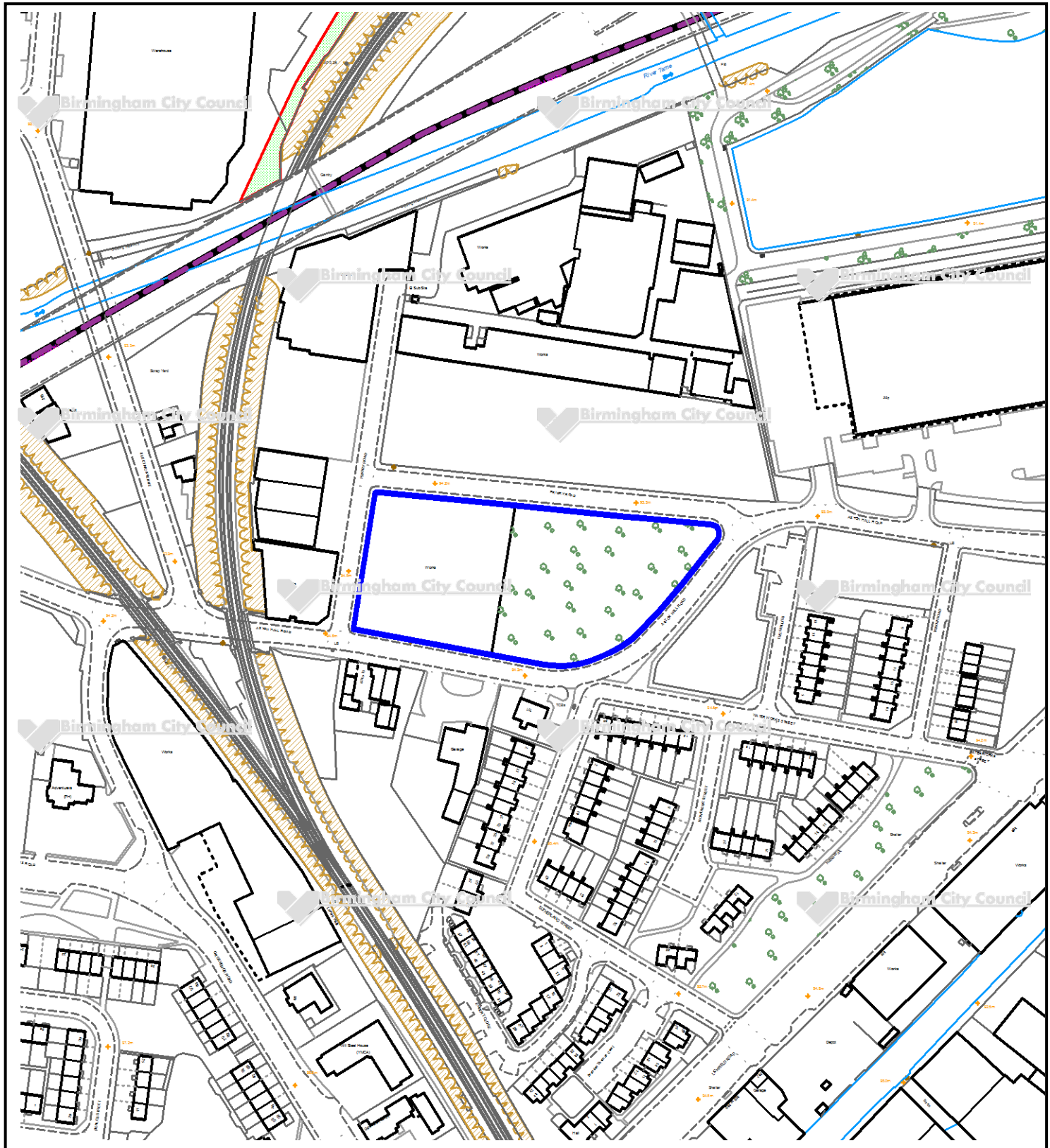
Case Officer: Karen Townend

Photo(s)



Photo 1- View from Aston Hall Road

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

12 September 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 – Conditions	11	2019/04307/PA Former Starbank Primary School (Annexe) 256 Hob Moor Road Small Heath Birmingham B10 9HH Demolition of existing buildings and erection of three storey secondary school building, sports hall and outdoor sports facilities together with associated infrastructure works to include parking, landscaping & boundary works
Approve – Conditions	12	2019/04567/PA Former Hallmoor School Hallmoor Road Kitts Green Birmingham B33 9QY Proposed demolition of existing school buildings and erection of new, one and two storey new school building for up to 140 SEN pupils, multi-use games area (MUGA), car park, amended vehicular access, landscaping and associated engineering works.

Committee Date:	12/09/2019	Application Number:	2019/04307/PA
Accepted:	21/05/2019	Application Type:	Full Planning
Target Date:	13/09/2019		
Ward:	Small Heath		

Former Starbank Primary School (Annexe), 256 Hob Moor Road, Small Heath, Birmingham, B10 9HH

Demolition of existing buildings and erection of three storey secondary school building, sports hall and outdoor sports facilities together with associated infrastructure works to include parking, landscaping & boundary works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The proposal for the demolition/ removal of existing buildings and erection of three storey secondary school building, sports hall and outdoor sports facilities together with associated infrastructure works to include parking, landscaping & boundary works.
- 1.2. The proposal would result in demolition of existing two-storey former school building fronting onto Hob Moor Road. In addition, the proposal would result in demolition of existing disused single-storey and two-storey demountable buildings and outhouse.
- 1.3. The proposed secondary school would be a four-form entry for girls with a maximum of 600 pupils and 67 full-time equivalent staff. This proposal would replace an existing temporary education facility based on Brunswick Road/ Clifton Road in Balsall Heath for which planning permission was granted in April 2019 (application reference: 2019/01381/PA), which will be operational until Spring/ Summer 2021.
- 1.4. The scheme proposes two buildings, the main school building would be three storey in height, which has an adjoining indoor sports hall which is lower than the main building and features a single storey connection. The proposed gross internal floor space of the buildings is approximately 5,044m². The maximum height would be approximately 12 metres. The school includes a number of classrooms, including specialist rooms for food technology, Specialist Education Needs, Information Technology and Resistant Materials as well as science labs and music rooms. The school also includes a main hall, dining hall, library, kitchen, toilets as well offices and meeting rooms for staff and visitors.
- 1.5. The proposed buildings would be flat roof and materials are predominately brick with cladding to sports hall. The main entrance would be double height and set back into the building to create visual connection for staff, pupil and visitors. The windows are designed to incorporate ventilation units and to ensure adequate daylighting to maximise passive ventilation purposes and to ensure quality teaching spaces. The

window units are positioned with regularity and purpose, creating a contemporary aesthetic which breaks up the brick facade.

- 1.6. The proposal would provide outdoor sports facilities with Artificial Grass Pitch for football, two multi-use games areas which both have provision for netball, basketball, tennis and volleyball. The proposed Artificial Grass Pitch will be floodlit. The 4-court indoor sports hall would provide a floor area of approximately 600 sq. metres. There is also a soft informal grassed area of open space to the rear. As the northern, eastern and western edges of the site have steep slopes these areas have been retained as open space and enhanced with landscaping.
- 1.7. The proposed demolition of existing two-storey building would result in access arrangements on Hob Moor Road retained with separate pedestrian access created. The existing shared access to the adjacent Eco Park would be maintained and upgraded and a circulation area provided to ease traffic movement in and out of the site and provide drop-off facilities. The proposal would provide 41 car parking spaces (include 3 accessible spaces), 1 minibus space and 7 car drop off/pick-up spaces. There is also provision for 35no. cycle hoops to accommodate 70no. cycle parking spaces, which would be situated in close proximity to the main school building entrance.
- 1.8. A landscaping plan has been submitted to show additional planting in the form of native trees and shrubs which would be provided to sides of proposed access and the rear garden boundaries with no. 248-254 Hob Moor Road. The established existing trees and shrubs to the northern, eastern and western edges of the site would be retained and enhanced the maintain to character of the area and separation to existing Eco Park. A total of 18no. trees would be removed and there would be 32no. replacement trees provided as part of the landscaping scheme. Other soft landscape areas are proposed to include soft informal play to the rear of the site.
- 1.9. All existing boundary treatments with adjacent properties will be retained, including along the established access from Hob Moor Road. There would be 1.8m railing fence proposed along main access. The school grounds would be secured using a 2.4 metre high weld mesh fence. 3 metre welded mesh fencing is proposed across all MUGA's and Artificial Grass pitch. The refuse storage, sprinkler tank, substation and pumping stations would be enclosed by a close boarded timber fence at 1.8m.
- 1.10. The following documents have been submitted in support of the proposal:
 - Planning and Heritage Statement
 - Design and Access Statement
 - Transport Statement
 - Flood Risk Assessment and Drainage Strategy
 - Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment
 - Reptile Survey
 - Great Crested Newt Habitat Suitability Index Assessment and EDNA Survey
 - Dusk Emergency & Dawn Re-entry Bat Survey
 - Tree Survey and Arboricultural Impact Assessment
 - Construction Management Plan prepared by Morgan Sindall
 - External Lighting Scheme
 - Sustainable Design Energy Statement
 - Noise Assessment
 - Air Quality Assessment; and
 - Desk-Study and Ground Investigation Report

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the north side and rear of 248-254 & 260-268 Hob Moor Road. There are a number of vacant buildings on site to include single-storey and two-storey demountable structures and a dilapidated garage building on site. The application site includes no. 256-258 Hob Moor Road, which is a two-story vacant detached neo-Georgian former school building. The playing fields are overgrown, unused and not publically accessible. The area of hardstanding was previously used as a playing area, which is currently occupied by two modular structures. The northern, eastern and western edges of the site slopes steeply. Currently the site has a single access from Hob Moor Road frontage, which is shared with the Eco Park Environmental Centre. Total site area is 16845 sq. metres. The application site was known as Starbank Primary School Annex for Year 5-7 pupils on temporary basis whilst planning consent was approved and implemented for permanent school building on former Waverley School site on opposite side of Hob Moor Road. The temporary facilities operated from 2010 up until 2016/2017.
- 2.2. The surrounding area is predominantly residential in character. To the north and west, beyond the existing school playing field, are Yardley Green Allotments. To the east, beyond existing temporary school buildings, is a green space occupied as an 'Eco Park'. To the south, Hob Moor Road comprises predominantly 2-storey residential properties, together with a place of worship opposite the site access on the corner of Hob Moor Road and Fosbrooke Road.
- 2.3. There are a number of existing schools within the locality including Starbank School situated on opposite side of Hob Moor Road and Starbank Road, St Bernadette's Primary School on Hob Moor Road and Waverley School to the north situated on Yardley Green Road adjacent to Yardley Green Allotments.

[Location Map](#)

3. Planning History

Application site

- 3.1. 15/05/1952 – 00029002 – Improved access to technical college – Approved subject to conditions.
- 3.2. 07/02/1985 – 00029003 – Use of building as training workshops – Approved subject to conditions.
- 3.3. 07/02/1985 – 00029003 – Use of buildings as workshops – Approved subject to conditions.
- 3.4. 10/09/1987 – 00029004 – Change of use from community centre to primary school annexe – Approved subject to conditions.
- 3.5. 19/09/1991 - 1991/03458/PA – Regrading of playing field, installation of inception drains and reinstatement as playing fields – Approved subject to conditions.

- 3.6. 18/10/2010 - 2010/02678/PA - Installation of 2 no. double temporary classrooms and 1 no. temporary kitchen for one year with alterations to existing side access road and provision of new area of hardstanding – Temporary 1 year permission.
- 3.7. 16/09/2011 - 2011/03956/PA - Renewal of temporary planning approval reference 2010/02678/PA and siting of one additional demountable classroom above existing classroom for a temporary period of 2 years, and installation of external staircase – Temporary 2-year permission.
- 3.8. 22/08/2014 - 2014/03904/PA - Installation of 2 no. single storey inter-linking temporary buildings and 1 no. single storey inflatable building to accommodate secondary school provision for Year-7 pupils – Temporary 1 year permission.
- 3.9. 21/08/2015 - 2015/03119/PA - Retention of existing single storey and 2-storey temporary buildings and a single storey inflatable building and installation of a new first floor interlinking temporary building to provide further classroom facilities and provision of new substation – Temporary 1 year permission.

Adjoining site (Eco Park)

- 3.10. 15/06/2018 - 2018/02479/PA - Demolition of existing buildings and the erection of a single storey building for the use as educational and office facility (Use classes B1/D1) with associated works – Approved subject to conditions.
- 3.11. 28/06/1990 - 1990/01954/PA – Continued use of polytunnel, greenhouses, portacabins, watertank, and poultry house and access – Temporary approval.

4. Consultation/PP Responses

- 4.1. Site and press notice displayed. Adjoining residents, Resident Associations, Ward Members and MP consulted – No responses received.
- 4.2. Environment Agency – No objections.
- 4.3. West Midlands Police – No objections subject to “Secure by Design” New Schools initiatives.
- 4.4. Education & Skills Directorate – Support the application as it relates to the provision of the new Eden Girls Leadership Academy.
- 4.5. Skills and Employability, Education and Skills Directorate – No objections subject to construction employment plan condition or obligation within S.106 Legal Agreement.
- 4.6. West Midlands Fire Services – No objections. Advisory highlighting that there is a sprinkler tank included in the project, which is a requirement under BB100 current Government guidance for new build/refurbished schools.
- 4.7. Severn Trent – No objections subject to disposal of foul waste and surface water flow condition.
- 4.8. LLFA – No objections subject to Sustainable Urban Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan.

- 4.9. Leisure Services - No objections to the proposals for the new secondary school but would want to see evidence that the provision of the artificial sports pitch and the MUGAs are sufficient for an intake of 600 pupils. The loss of the natural turf playing field is a concern as it has provided in the past for two grass football pitches and more recently (2016) a running track. If Sport England agrees that the Artificial Grass Pitch is adequate replacement for the grass pitches then no off site contribution for sports, community and recreational facilities is required. If however there is insufficient compensation for the loss of playing field through the Artificial Grass Pitch, Leisure Services reserve the option of seeking compensation for the loss.
- 4.10. Transportation Development No objections subject to conditions:
- Construction method statement/ management plan to include measures to prevent mud on highway to be implemented in accordance with approved details
 - Means of access – construction
 - Siting/ design of Means of Access
 - Parking Management Strategy
 - Delivery and service area completion
 - Car parking areas laid out
 - Cycle storage details
 - School Travel Plan
 - Electric vehicle charging points
 - S.278/ TRO Agreement in relation to funds to relocate bus stop, etc.
- 4.11. Sport England – No objections subject to conditions:
- Lighting scheme for Artificial Grass Pitch.
 - Hours/ days of use for Artificial Grass Pitch restricted from 0800-2200 hours Monday to Saturday and 0800-0800 hours on Sundays and public holidays.
 - Design and specification of sports hall.
 - Community use agreement
- 4.12. Regulatory Services – No objections subject to following conditions:
- Contamination Remediation Scheme
 - Contaminated Land Verification Report
 - Noise Levels for Plant and Machinery
 - Extraction and Odour Control
 - Lighting scheme
 - Restrict the multi-use games area and associated floodlighting opening times 09:00 to 20:00 hours Mondays to Fridays and 10:00 to 17:00 hours Saturdays, Sundays and Public holidays
 - Restrict the Artificial Grass Pitch and associated floodlighting opening times 0800 to 2200 hours Mondays to Saturday and 0800-0800 hours on Sundays and Public holidays
 - Provision of a vehicle charging point

5. Policy Context

- 5.1. NPPF (2019), Adopted BDP (2017), Saved Policies within UDP (2005), SPG Places for All (2001), SPD Car Parking Guidelines (2012), SPD Sustainable management of urban rivers and floodplains (2007); SPG Places for Living/ All (2001);
6. Planning Considerations
 - 6.1. The main considerations within the determination of this application are:
 - 6.2. **Principle of the Development** - Paragraph 94 of the NPPF highlights that it is important that a sufficient choice of school places are available to meet the needs of existing and new communities. It goes on to state that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. In particular this paragraph emphasises that local planning authorities should give great weight to the need to create, expand or alter schools through decisions on applications.
 - 6.3. Policy TP36 (Education) of the adopted Birmingham Development Plan supports the provision of new schools subject to the following criteria:
 - 6.4.
 - Safe access by cycle and walking as well as by car and incorporate a school travel plan; Safe drop-off and pick-up provision;
 - Provide outdoor facilities for sport and recreation; and
 - Avoid conflict with adjoining uses.
 - 6.5. Policy TP11 encourages sport facilities within the City's educational establishments, which can readily be used by the community to provide a useful contribution towards the city's recreational and leisure requirements. This is further supported by policy TP37 of the BDP to help tackle obesity and encourage physical activity.
 - 6.6. There have been a number of planning consents granted for the application site to be used for education use and playing fields since 1987. The most recent consent was for retention of demountable structures to be used to provide temporary teaching accommodation, where the Local Planning Authority considered that the permanent retention of the temporary buildings would be inappropriate, as the site should ultimately be developed by the erection of suitable permanent buildings.
 - 6.7. The proposal is for erection of permanent school buildings with associated outdoor play facilities to accommodate a maximum of 600 pupils on site. There is an identified shortfall of secondary school places for girls in South Birmingham that will only rise in the future. Supporting statements confirm that there is a clearly established pressing need for secondary school places across Birmingham and within the catchment area for this proposed school. The application site has been identified as a suitable and deliverable site for a secondary school for girls to meet Birmingham's identified education provision demands. The proposal will also give priority to the displaced pupils from Al- Hijrah School. This proposed girl school would replace a temporary facility located on Brunswick Road, Balsall Heath. The sport facilities would also be made available for community use. In light of the above, the principle of the development for a permanent school at this site is supported.
 - 6.8. **Open space & playing fields** – NPPF paragraph 97 identifies that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.9. Policy TP9 of the BDP sets out that playing fields will be protected and will only be considered for development where they are either shown to be surplus for playing field use, taking account of the minimum standard of 1.2 hectares per 1000 population, through a robust and up to date assessment and are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size. There is a third circumstance but not applicable in this instance where an application is for an indoor or outdoor sporting facility that outweighs the loss.
- 6.10. The Council's Playing Pitch Strategy has been adopted in 2017 and does not include application site, though this does not affect its status as playing field.
- 6.11. Sport England is a statutory consultee on planning applications affecting playing field land. Sport England confirms that it will oppose the grant of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or part of the playing field, unless one of five exceptions applies. Exceptions E4 and E5 are considered to be most relevant to this application. E4 – "The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development". E5 – The proposed development is for an indoor or outdoor sports facility, the provision of which would be sufficient benefit to the development of sport so as to outweigh the detriment caused by the loss of the playing field or playing fields".
- 6.12. There have been significant negotiations between applicant and Sport England to address concerns in relation to loss of grass pitches and replacement with Artificial Grass Pitch, sports hall and MUGA's for all year round sports. The current playing pitches are private and not accessible by the community. The proposed facilities would be designed to meet the needs of the proposed school and would be available for community use during evenings and weekends. All of these facilities could be used simultaneously and offer at least the same or better level of sports provision as the existing grass pitches. There is also provision of modern new indoor sports hall facility built, with access to the Artificial Grass Pitch and MUGA, which would be subject to community use agreement to enable out of hours sports facilities to be used by the community.
- 6.13. Further requested details from Sport England were considered acceptable in relation to the MUGA but further details subject to condition are required for the indoor sports hall. Sport England confirmed that they were satisfied with the proposal and raised no objections subject to a number of conditions to include lighting to Artificial Grass Pitch, community use agreement and hours of operation to ensure that additional capacity could be provided for community use during autumn/ winter months. Consequently, I consider that the improvements to the quality, quantity and accessibility of facilities to be provided would be of sufficient benefit to the development of sport for the school and wider community and complies with

paragraph 97 of NPPF, policy TP9 and TP11 of the BDP and Sport England's policy Exceptions to include Policy E4 and E5 as highlighted above.

- 6.14. **Loss of non-designated heritage asset** – The proposed development would result in demolition of an existing two-storey building fronting Hob Moor Road for traffic safety and highway capacity reasons. It would facilitate vehicle/ pedestrian access and internal drop off together with parking. The main access route is also required to be dual use with the Eco-Park which shares this access onto Hob Moor Road.
- 6.15. The vacant neo-Georgian two-storey former school building that fronts onto Hob Moor Road is proposed to be demolished to provide a car park and drop-off/ pick-up area for the proposed school. My Conservation Officer has raised concerns to the demolition to this non-designated heritage asset as he regards this as a good quality building that is worthy of retention and capable of re-use.
- 6.16. The building to be demolished is not a statutory or locally listed building and it is not identified on Birmingham's Historic Environment Record. The building is also not situated within Conservation Area. It would be regarded as a non-designated heritage asset and therefore the significance of the building need to be considered. The buildings architectural value and merit in the existing street scene amongst the semi-detached housing nearby on Hob Moor Road.
- 6.17. Supporting statements outline detailed concerns of the applicants that the building is in poor condition, unsuitable for modern education use and the effect this could have on the delivery of education outcome. A number of issues include the location of the existing building sits outside the secure line for the proposed school, inadequate size of classrooms/ hall below minimum standard, inadequate floor to ceiling heights, etc. There are also significant concerns in relation to accessibility as the building is neither Equality Act or Building Regulation Compliant, but its retention would also severely compromise the ability to create separate safe pedestrian/ cyclist/ vehicular accesses and manoeuvring, and would reduce the available land for outdoor play to levels that are unacceptable. This loss has to be weighed up against the fact that, if it remains, the school site would be highly compromised with an inadequate access, with compromised traffic impacts, with compromised outdoor play space and with no visibility to the main new school building from Hob Moor Road. I consider that the two-storey building to be demolished is not fit for purpose of meeting modern educational and social needs of the children who would attend it. Consequently, the harm would be less than substantial and as such the proposal has been weighed up against the public benefits to be delivered as per requirement of NPPF and BDP, principally the provision of a new permanent secondary school for which great weight is placed through planning policy.
- 6.18. Taking into consideration the above comments and local significance of the building, I recommend that a building recording survey be undertaken prior to any works associated with the stripping and demolition of the former school building. This should equate to a Level 3 survey as identified in the Historic England volume entitled 'Understanding historic buildings: a guide to good recording practice' (2006). This approach is supported by the National Planning Policy Framework (NPPF) para 199 which states that '*...they [Local Planning Authorities] should also require developers to record and advance understanding of significance of any heritage asset to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.*'

- 6.19. **Impact on design and character** – The proposed school building would be set back from the site entrance on Hob Moor Road frontage, which assists with accommodating access and drop-off/ pick-up areas to the school and adjoining echo park. The proposed building would be modern in appearance and would be three-storey in height stepped down to equivalent two-storey sports hall building. The front entrance would be aligned with the approach from Hob Moor Road, which would be double height and recessed into the building in order to create visual connection with its users and the wider area. The palette of materials would be predominately brick with part cladding to reflect the appearance of the immediate area. Although, part of the building would be marginally taller in height than the existing two-storey residential properties on site, the scale and massing would not be excessive within its context as it takes opportunity of the site levels, which are considerably lower than residential properties on Hob Moor Road frontage. My City Design colleagues have raised no objection to the proposal. Consequently, I consider that the proposal would improve the character and appearance of the site and overall area.
- 6.20. **Impact on Ecology (Bats & birds)** - The Preliminary Ecological Assessment found potential roosting features for bats, triggering a preliminary roost assessment. The PEA concluded that the brick building fronting Hob Moor Road has a high potential for roosting bats. City Ecologist requested that further dusk emergence and/or dawn re-entry surveys are undertaken during the bat emergence/re-entry survey season to determine the presence/absence of roosting bats within the building prior to any demolition of the building.
- 6.21. The dusk emergence and dawn re-entry bat surveys were undertaken and confirmed that no bats emerged from or re-entered the brick built building and only a small amount of bat activity was recorded on site during the surveys. Two bat species were identified during the second dusk survey: common pipistrelle and noctule. One bat species was recorded during the dawn survey: common pipistrelle. The surveys concluded that there are no bat roosts present in the brick built building to be demolished, and as such the proposed works may proceed as scheduled subject to imposition of construction ecological mitigation plan condition.
- 6.22. The surveys also highlight that the site needs to be cleared. The City Ecologist has recommended that it should be undertaken outside of the bird nesting season (March-August) and if this is not possible, then any removal should be checked by an ecologist prior to any works commencing on site. The City Ecologist has recommended that a condition be imposed requiring a construction ecological mitigation plan.
- 6.23. There are a number of existing trees to be retained, together with new tree and shrub planting proposed. The City Ecologist has raised no objections, subject to ecological enhancement/ biodiversity measures to increase the value of the site for bats. This is to include the provision of bat boxes and suitable plant species which will include to attract wildlife as well as provision of sensitive lighting.
- 6.24. **Impact on Ecology (Great Crested Newt)** - A Great Crested Newt Habitat Suitability Index (HIS) Assessment has been undertaken for all ponds identified within 500m of the proposed development site. The results provide confirmation that great crested newts were not present within the Ponds. Therefore, it is not considered that the development proposals would impact upon the favourable conservation status of this species.
- 6.25. **Impact on Ecology (Reptiles & Terrestrial mammals)** – The PEA identified potential habitat for reptiles, requiring a Reptile Survey to be undertaken of suitable

habitats within the proposed development site, which was completed between 28th May and 26th July 2019. The survey found no incidences of reptiles on site. However it did recommend that if a reptile were to be discovered on site during development, works should cease immediately and a qualified ecologist should be contacted, which would be conditioned under a construction ecological mitigation plan. Other mitigations for any suitable reptile habitat lost during the redevelopment of the site could be compensated through enhancement provided as part of soft landscaping scheme and ecological enhancement strategy in line with the recommendations in the reptile survey.

- 6.26. With regards to terrestrial mammals, a construction ecological mitigation plan condition would be imposed in line with recommendations as set out in section R8 of the PEA for any excavations which needs to be left overnight to be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape and any open pipework with an outside diameter of greater than 120 mm be covered at the end of each work day to prevent animals entering/becoming trapped.
- 6.27. **Impact on ecology (Invasive weeds)** – The PEA has recorded Japanese Knotweed on site. There were two areas of Japanese knotweed recorded to the northern corner and southern of the site adjacent to the garage building. A condition is imposed requiring a method statement for the clearance to reflect established best management practices for the treatment of these invasive species.
- 6.28. **Impact on trees and landscaping – An Arboricultural Survey and Arboricultural Impact Assessment** have been submitted. The proposal shows the removal of 18no. trees, three group of trees and partial removal of four tree groups with opportunity for 32no. replacement trees together with shrub planting as a form of mitigation throughout the site. Majority of trees identified for removal were of poor condition or low retention value. The survey identifies that none of the trees present on site are protected by a Tree Preservation Order. There is an impact with the removal of trees in the proposed access arrangement from Hob Moor Road in order to create in/out circulation route and internally within the curtilage of the site, which are category 'B' & 'C' trees (low quality), where my Tree Officer notes that suitable mitigation is offered in the landscaping plan that places a screen of new trees on the frontage that would offer public amenity value. The boundary trees are mostly unaffected, maintaining continuity for surrounding properties. A total of 32no. replacement trees would be provided on site, which would provide adequate canopy cover subject to a condition for landscaping strategy for suitable mitigation of species. My Tree Officer has raised no objections subject to imposition of tree protection/ Arboricultural method statement condition.
- 6.29. Amended landscape plans have been provided with minimum 2 metre wide landscaping beds along the full length of both sides of the entrance/ car park areas and sides and rear of adjoining residential boundaries of no. 248-254 Hob Moor Road. The Landscaping Strategy agreed by my Landscape officer demonstrates that retained trees together with a number of trees proposed (32 in total) within the soft informal areas of the site, the proposed car park area and at the site frontage that would make long term contribution to the landscape character of the site and overall area in amenity and biodiversity terms.
- 6.30. **Impact on residential amenity** - The southern boundary of the site is adjacent to the rear gardens of the existing residential properties fronting Hob Moor Road. The proposed layout would ensure a sufficient separation distance of approximately 56 metres between the proposed indoor sports hall and rear of property no. 254 Hob Moor Road (approximately 23 metres separation distance to rear gardens) and a 61

metre distance between the main school building and rear of property 260 Hob Moor Road (approximately 23 metres separation distance to rear gardens) as shown in the Design and Access Statement. The proposed school buildings would also be situated on lower ground level compared to the existing residential properties on Hob Moor Road. There are also existing outbuildings to the rear of some of the adjoining properties. The existing landscaping along the boundaries with the properties would be retained and enhanced where possible. Overall, it is considered that the proposals will protect the amenity of the existing dwellings and complies with standards as laid out within SPG Places for Living.

- 6.31. A Noise Assessment has been submitted in support of the application. The report does not raise any concerns regarding the level of noise from the proposed development and the residential properties to the south at Hob Moor Road. Supporting statements confirm that any plant provision would be housed both internally within the ground floor plan as well as on the lower roof to the centre of the building to minimise the impact to the elevations. This also allows easy access for maintenance which mitigates risks of falling from height. Regulatory Services have raised no objections subject to a number of conditions to restrict cumulative noise levels from plant and machinery, extraction and odour control details etc.
- 6.32. In terms of sports use, the Artificial Grass Pitch and MUGA's would be situated to the rear of the site behind the main school building and sports hall. There would be various boundary treatments to secure school, sport pitches and residential boundaries to protect the amenity of adjoining residents. The application site include floodlighting to Artificial Grass Pitch and Sport England and Regulatory Services have recommended that the operational hours are restricted to 2200 hours Monday to Saturday and 2000 hours on Sundays and Bank Holidays. Regulatory Services have also recommended imposition of a condition to restrict the multi-use game area from 09:00 to 20:00 hours Mondays to Fridays and 10:00 to 17:00 hours Saturdays, Sundays and Public holidays. I concur with this view and conditions are attached accordingly.
- 6.33. An Air Quality Assessment has been received in support of the application. The Assessment considers the potential for impacts to occur during both the construction and operation phases of the development, and the exposure of nearby residents and future occupants of the site to air pollution. Regulatory Services have raised no objections to the proposal as there will be no significant effects on air quality during construction and operation on site.
- 6.34. **Impact on highway safety** – The proposal is for a permanent school for 600-pupil and 67 staff on land within the grounds of the former Starbank School Annex. The proposed use would make use of existing footway crossing from Hob Moor frontage, which would be 6 metres in width and will then widen to provide circulatory access route, car parking spaces, drop-off/pick-up spaces and vehicle circulation area within the site. Access to the adjacent Eco Park site would also be retained. There would be separate pedestrian/ cyclist access together with footpath created along the western boundary of the site from Hob Moor frontage. There would be a total of 38no. staff car parking spaces, 3no. disabled spaces, 7no. drop off spaces, one mini-bus space and 70no. cycle spaces provided within the curtilage of the site. The car parking and cycle provision would be in accordance with SPD Car Parking Guidelines.
- 6.35. The temporary school site at Clifton Road/ Brunswick Road would provide the basis for the School Travel Plan to be developed for the application site. The numbers of children attending the school would be increased on a year by year basis before

reaching its full capacity. As with all schools, the short term effects of arrivals and departures at the start and end of the day is the time when most potential conflicts arise. The school propose to implement a managed drop off arrangement within the parking area and this will assist in mitigating the potential effect of cars parking on the adjoining highway. This would allow for the introduction and implementation of a robust school travel plan and car park management which can be secured by appropriately worded conditions. Supporting statements confirm that a Travel Plan subject to imposition of a condition would ensure that the applicants work with Behavioural Change team of BCC to identify set of measures to manage parking at peak time of the day on Hob Moor Road or Fosbrooke Road. The implementation of a school travel plan and the rebalancing of the catchment area as the proposed school settles into the community would provide further opportunities to influence the mode of transport and thereby the potential effects of those arrival and departure effects. The Travel Plan would also be subject to review process to ensure parking management measures are monitored and updated at appropriate times.

- 6.36. Transportation Development have reviewed supporting documents and consider that the proposed development in terms of the volume of trips that could be generated and considered that the impact of the trips associated with the school would not have an adverse impact on highway safety within the immediate area. They have raised no objections subject to a number of conditions to include S.278/ TRO Agreement to fund for the re-location of bus stop, car parking management plan, etc. Consequently, I consider that the proposal is unlikely to have an adverse impact on highway safety within the immediate vicinity of the site.
- 6.37. **Impact on flooding and drainage** – Flood Risk Assessment and Drainage Strategy have been submitted as supporting document. The application site is situated within Flood Zone 1 and overall risk of flooding is low. Severn Trent have raised no objections subject to imposition of a condition in relation to foul waste and surface water. The Council as Local Lead Flooding Authority have reviewed information and consider that further information is required in relation to the drainage of the Artificial Grass Pitch at a later stage, hydraulic calculation for final scheme to include discharge rates, attenuation storage, finished floor levels etc. and confirmation of the discharge rate from Severn Trent may affect the final drainage design from the site. They have raised no objections to the revised details subject to a number of conditions in relation to Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan. I concur with this view and consider the proposed development would not have an adverse impact on existing drainage or result in additional risk of flooding.
- 6.38. **Sustainability** – A Sustainable Design Energy Statement includes a range of sustainability measures which contribute towards a high quality, energy and resource efficient building that meets the local and national ambitions for sustainable development. The proposed development incorporates a “fabric first” approach and includes passive design measures to reduce energy demand as well as the provision of highly efficient mechanical services, minimising the energy use and carbon dioxide emissions. There are also climate change adaption measures such as flood risk measures, enhancement of biodiversity, overheating addressed through ventilation strategies, sustainable construction through recycling, material choice and water conservation.
- 6.39. **Other issues** - I note the comments raised by West Midlands Fire Service, the majority of which are generic comments covered under Building Regulations and as such, are not planning issues. Supporting statements confirm that the proposed

development would meet all the requirements as outlined by West Midlands Fire Services and Building Regulations.

- 6.40. West Midlands Police have raised no objection to the proposal subject to advisory for the scheme to be implemented taking into consideration 'Secure by Design' initiatives in relation to crime and public safety.
- 6.41. Employability, Education and Skills Directorate have requested a construction employment plan condition. I concur with this view.

7. Conclusion

- 7.1. The proposed secondary school for girls would represent a significant investment that would assist in meeting the education needs of the City's growing population. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. I consider that the proposed school would offer an inspiring educational establishment, delivering a step change in the standard of school and sports provision within Bordesley Green area. The new sports hall and Artificial Grass Pitch in particular would offer significant benefit to the community. The scheme is acceptable in terms of its design, amenity, highways, flooding/ drainage and ecology. The proposal is therefore recommended for approval subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the submission of a contaminated land verification report |
| 3 | Limits the noise levels for Plant and Machinery |
| 4 | Requires the submission of extraction and odour control details |
| 5 | Limits hours of operation for MUGA (0900-2000 hours Monday to Friday and 1000-1700 hours on Saturday, Sundays and Public Holidays). |
| 6 | Limits hours of operation for Artificial Grass Pitch (0800-2200 hours Monday to Saturday and 0800-2000 hours Sundays and public holidays) |
| 7 | Requires submission of design and specification of the sport hall |
| 8 | Requires submission of community use agreement |
| 9 | Requires the provision of a vehicle charging point |
| 10 | Requires the submission of a lighting scheme |
| 11 | Requires the prior submission of a sustainable drainage scheme |
| 12 | Requires the prior submission of a drainage scheme |
-

-
- 13 Requires Construction Method Statement/ management plan to be implemented in accordance with details submitted
 - 14 Requires the submission of details to prevent mud on the highway
 - 15 Requires the prior installation of means of access
 - 16 Requires the submission of the siting/design of the access
 - 17 Requires the submission of details of pavement boundary
 - 18 Requires the submission of a parking management strategy
 - 19 Requires the delivery and service area prior to occupation
 - 20 Requires the parking area to be laid out prior to use
 - 21 Requires the applicants to sign-up to the Birmingham Connected Business Travel Network
 - 22 Requires the submission of cycle storage details
 - 23 Requires the submission and completion of works for the S278/TRO Agreement
 - 24 Requires the submission of entry and exit sign details
 - 25 Arboricultural Method Statement - Submission Required
 - 26 Requires the prior submission of a method statement for the removal of invasive weeds
 - 27 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 28 Requires the prior submission of Construction Ecological Mitigation Plan
 - 29 Requires the submission of hard and/or soft landscape details
 - 30 Requires the submission of hard surfacing materials
 - 31 Requires the submission of boundary treatment details
 - 32 Requires the submission of a landscape management plan
 - 33 Requires the prior submission of level details
 - 34 Requires prior submission of building recording survey for 256 Hob Moor Road
 - 35 Requires the submission of sample materials
 - 36 Requires submission of Local Employment Strategy prior to occupation
 - 37 Requires the scheme to be in accordance with the listed approved plans
-

38	Implement within 3 years (Full)
----	---------------------------------

Case Officer: Mohammed Akram

Photo(s)



Figure 1: Application site



Figure 2: Existing access arrangement to application site

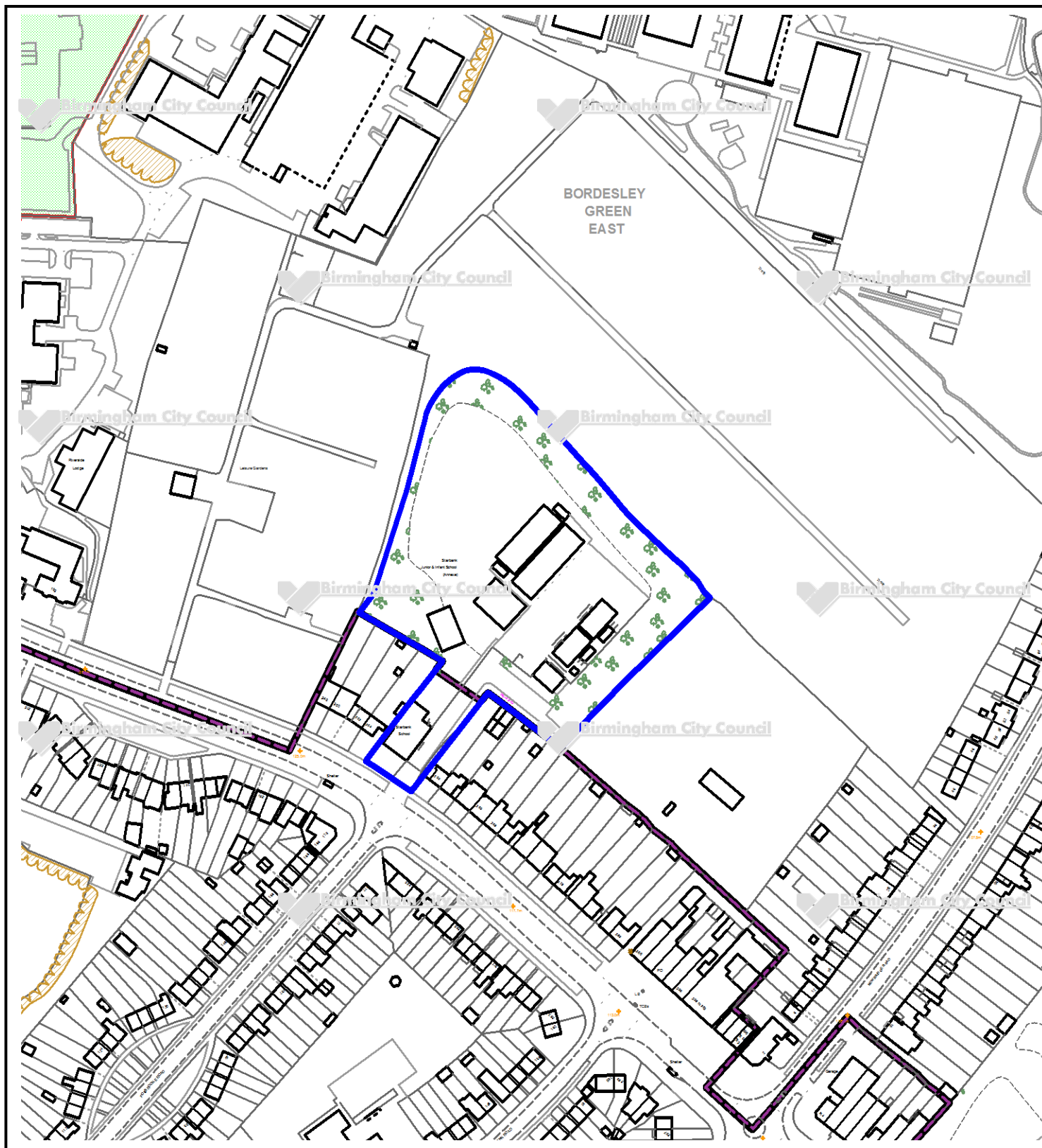


Figure 3: Application site - Internal view



Figure 4: Internal view – demountable buildings to be demolished

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	12/09/2019	Application Number:	2019/04567/PA
Accepted:	30/05/2019	Application Type:	Full Planning
Target Date:	29/08/2019		
Ward:	Glebe Farm & Tile Cross		

Former Hallmoor School, Hallmoor Road, Kitts Green, Birmingham, B33 9QY

Proposed demolition of existing school buildings and erection of new, one and two storey school building for up to 140 SEN pupils, multi-use games area (MUGA), car park, amended vehicular access, landscaping and associated engineering works.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This is an application to redevelop the site of the former (currently vacant) Hallmoor Special Needs Educational (SEN) School. The proposal involves the demolition of the existing buildings at the site and the erection of a new school to provide new and improved educational facilities for the City Council's own Skilts SEN School located within Redditch.
- 1.2. The proposed school will provide up to 140 primary age places for SEN boys only, from the Birmingham area. The applicant has advised that 90% of the children will be picked up from their homes and driven to the school in mini buses and that 100 members of staff are to be employed.
- 1.3. The proposed development will consist of a one and two storey building surrounded by hard play areas, an unlit multi-use games area (MUGA), areas of landscaping, a driveway (incorporating mini bus waiting area), a 78-space parking area and 5 minibus parking spaces. The majority of the classrooms are to be located at ground floor. The existing vehicular access into the site from Hallmoor Road is to be widened and the site is to be enclosed by 2.4m high fencing. Existing trees along the boundary with neighbouring properties are to be retained.

[Link to Documents](#)

2. Site & Surroundings

- 2.1 The site lies within a residential area and is bounded to the north by the rear gardens of properties on Hurscroft Road and to the west by the gardens of properties on Ridpool Road and vicarage. To the south on the opposite side of Hallmoor Road are houses and an area of open space. The Hallmoor Road frontage has a grassed embankment along its length and the remainder of the site is set at a lower level in relation to Hallmoor Road.

[Site location](#)

3. Planning History

- 3.1. None relevant to the assessment of the application. The former school at the site provided SEN education for 4-15 year olds until June 2015 until it was transferred to the Mirfield Centre in September 2015.

4. Consultation/PP Responses

- 4.1 Transportation Development - No objection, subject to the imposition of the following conditions:

- Construction Method Statement/Management Plan;
- Measures to prevent mud on highway;
- Means of Access;
- No occupation until turning and parking area constructed;
- Siting/Design of Means of Access;
- Parking Areas Laid Out;
- Cycle Storage Details;
- Car Park Management;
- The school to sign up to Birmingham Connected Business Travel Network;
- s278/TRO Agreement for works along Hallmoor Road

- 4.2. Lead Local Flood Authority – No objection subject to conditions requiring the development to be carried out in accordance with the submitted Sustainable Drainage Assessment and the submission of a Sustainable Drainage Operation and Maintenance Plan

- 4.3. Regulatory Services – No objection subject to the imposition of a condition requiring the submission of a Contamination Remediation Scheme

- 4.4. Severn Trent Water - No objection subject to the imposition of a condition requiring the submission of drainage details.

- 4.5. Education Services – Recommend the imposition of a construction employment condition.

- 4.6. West Midlands Police – No adverse comments.

- 4.7. Local residents and Ward Councillors have been notified and a site notice displayed. No representations have been received in response to the consultation exercise.

5. Policy Context

National Planning Policy Framework (NPPF) 2019
Birmingham Development Plan (BDP) 2017
Saved 2005 UDP Policies
Car Parking Guidelines SPD
Places For All SPG

6. Planning Considerations

6.1. The determining issues in the assessment of the application are:

- Principle;
- Access/parking;
- Design/layout;
- Residential amenity;
- Trees;
- Ecology;
- Flood risk

Principle of development

6.2. The applicant has advised that the existing building at the site does not meet current design standards for new schools; as such new facilities are required in order to provide up to date infrastructure. The NPPF advises (paragraph 94) that local planning authorities should give great weight to the need to create schools to ensure that a sufficient choice of school places is available to existing communities. Policy TP36 (Education) of the BDP encourages the provision of new education facilities subject to the provision of safe access, safe drop-off/pick-up provision and outdoor sport and recreation facilities. Developments should avoid conflict with adjoining uses. The principle of a new educational facility at this site is acceptable within the context of this local and national planning policy support.

Access/Parking

6.3. The principle source of transport to the school will be by mini bus. The existing vehicle access into the site is to be widened and will remain the sole access point. Two pedestrian accesses are to be provided.

6.4. The Car Parking Guidelines SPD requires the provision of 1 parking space per two members of staff, drop off facilities and a management plan. Sufficient parking provision is proposed in relation to the stated staff numbers and the development incorporates a 'drop off' area for mini buses. A Travel Plan has been submitted which has been assessed by Transportation Development and is considered to be acceptable. A management plan can be sought by condition. The proposal therefore complies with Policy TP44 of the BDP (Traffic and Congestion Management) which requires that new developments support the delivery of a sustainable development agenda.

Design/Layout

6.5. The scale of the proposed building is considered to appropriate within the context of the post war semi-detached housing which surrounds the site. The design is

relatively simple yet contemporary, the building being constructed predominantly of brickwork with elements of cladding. The development will improve the appearance of the site and enhance the character of the wider area and in this respect complies with the aims of the Places for Living SPG and BDP Policy PG3 (Place Making) and Saved UDP Policy 3.14 (The Design of New Development) which require that all new development should demonstrate high design quality and enhance the City's environment.

Residential Amenity

- 6.6. The proposed building has been designed so that the two storey elements are located at sufficient distance from surrounding residential properties and not directly facing them to ensure that it would not be harmful to existing outlook or result in loss of privacy. The single storey element of the building would be sited approximately 31m from the rear of properties on Ridpool Road, the first floor distance being approximately 45m. There are no windows at first floor facing Hurscroft Road and the nearest part of the first floor is approximately 22m from houses there. Along with separation distance, existing trees within the site and gardens of neighbouring properties will ensure that the development would not have any adverse impact on residential amenity in this respect. The orientation of the building relative to existing housing will also help to ensure that there would be no loss of privacy within gardens or impact on existing outlook. The applicant has advised that the proposed MUGA will not be used outside of school hours and as such there would be no undue noise impacts.

Trees

- 6.7. None of the existing trees at the site are protected by a TPO. The development will involve the loss of three of the trees - one from along the site frontage (Category B), one from the Ridpool Road boundary (Category B), and the other from further within the site (Category C). The loss of these trees is necessary to facilitate the development and would not have any adverse effect on the visual amenity of the area given that the vast majority of the existing trees are to be retained, which will help to assimilate the development into its surroundings and screen views between the site and surrounding properties. Replacement trees/ shrubs will be provided and appropriate landscaping conditions have been attached.

Ecology

- 6.8. Policy TP8 (Biodiversity and Geodiversity) of the BDP requires that development proposals be supported by information to enable an assessment to be made of the impact on important species or their habitat. A bat mitigation strategy has been submitted which recommends various mitigation measures, such as the erection of bat boxes prior to the demolition of the building with roosting features. The implementation of the recommendations in the bat mitigation strategy can be secured by nonstandard condition. Biodiversity enhancements can be sought by condition in the form of bird boxes and wildlife-friendly landscaping.

Flood Risk

- 6.9. The site lies within Flood Zone 1. In accordance with the requirements of Policy TP6 (Management of Flood Risk) information has been submitted to demonstrate that the site is at low risk of flooding.

7. Conclusion

- 7.1. The proposal would provide improved educational facilities within the City and would make a positive contribution to the character of the area. As such the proposal complies with the relevant policy documents referred to in Section 5 above.

8. Recommendation

- 8.1 Approve with conditions.

-
- | | |
|----|----------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Foul and surface water drainage |
| 3 | Sustainable drainage |
| 4 | Sustainable drainage maintenance |
| 5 | Requires the prior submission of a contamination remediation scheme |
| 6 | Requires the submission of a contaminated land verification report |
| 7 | Requires the prior submission of level details |
| 8 | Requires the submission of hard and/or soft landscape details |
| 9 | Requires the submission of hard surfacing materials |
| 10 | Requires the submission of boundary treatment details |
| 11 | Requires the submission of a landscape management plan |
| 12 | Construction Employment Plan |
| 13 | Requires the prior submission of a construction method statement/management plan |
| 14 | Requires the submission of details to prevent mud on the highway |
| 15 | Requires the prior installation of means of access |
| 16 | Prevents occupation until the turning and parking area has been constructed |
| 17 | Requires the submission of the siting/design of the access |
| 18 | Requires the parking area to be laid out prior to use |
| 19 | Requires the submission of cycle storage details |
| 20 | Requires the submission of a car park management plan for disabled spaces |
| 21 | Requires the applicants to join Travelwise |
-

-
- | | |
|----|---------------------------------------------------------------------------------------|
| 22 | Requires the submission and completion of works for the S278/TRO Agreement |
| 23 | Requires the prior submission of a method statement for the removal of invasive weeds |
| 24 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 25 | Ecological Management Plan |
| 26 | Landscape and ecological management plan |
| 27 | Lighting |
| 28 | Development in accordance with Ecological Appraisal |
| 29 | Bat mitigation |
| 30 | Requires the submission of sample materials |
| 31 | Implement within 3 years (Full) |
-

Case Officer: Faisal Agha

Photo(s)



Photo 1 – Existing school building



Photo 2 – View along part Hallmoor Road frontage

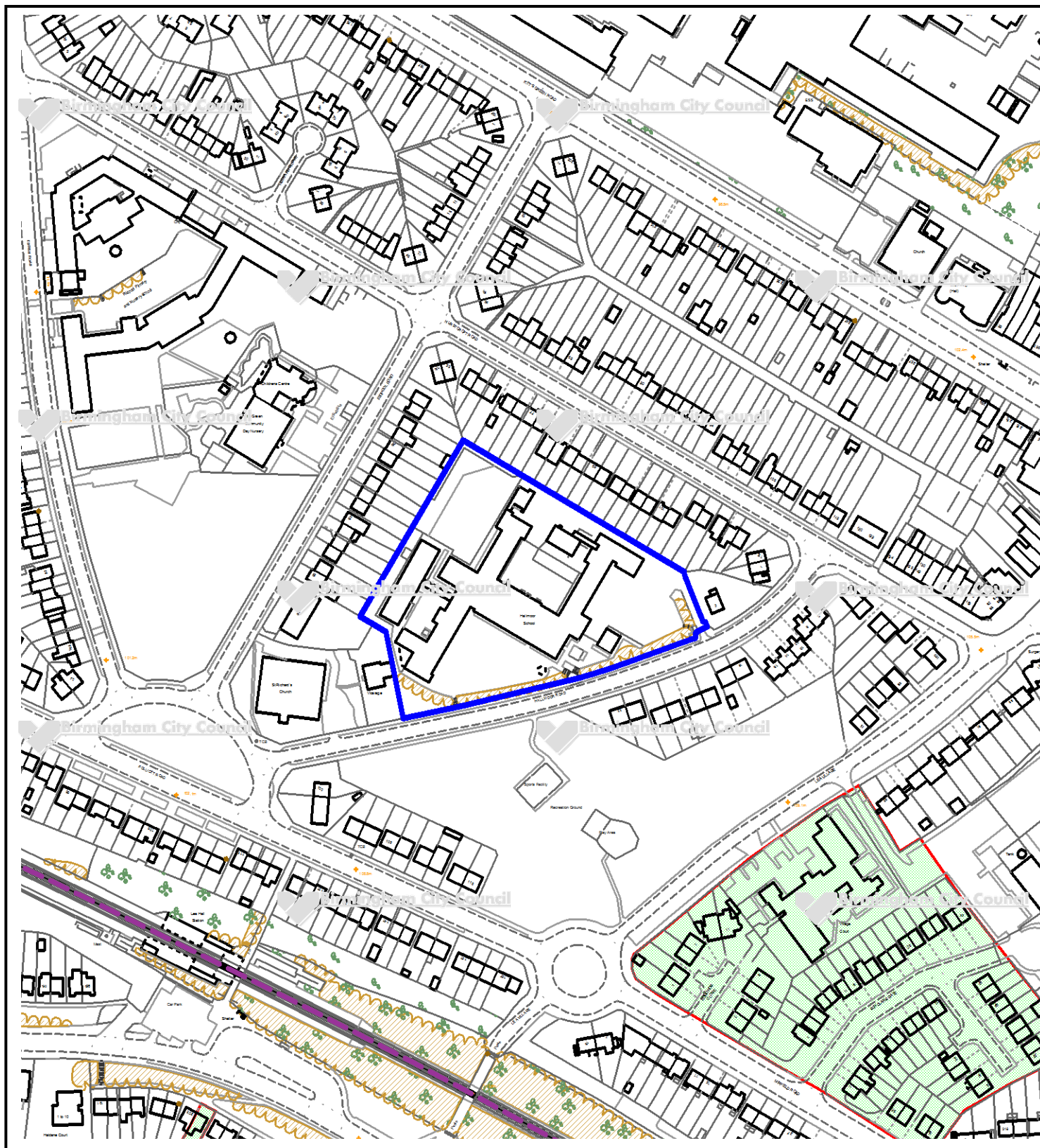


Photo 3 – View towards houses on Ridpool Road from within the site



Photo 4 – View towards houses on Hurscroft Road from within the site

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

12 September 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	13	2019/03026/PA Land off Kings Road Kings Heath Birmingham B14 Proposed development for the erection of 47 residential units, new vehicular access, landscaping and other associated infrastructure works.
Approve – Conditions	14	2019/06019/PA Highbury Hall 4 Yew Tree Road Moseley Birmingham B13 8QG Listed Building Consent for repairs to the tiled roof over the Main Hall and North Wing, internal repairs in the North Wing at first and second floors and dry rot treatment
Approve – Conditions	15	2019/03112/PA Land to the rear of 30 Russell Road Moseley Birmingham B13 8RE Erection of 1 no. dwelling house with associated parking and landscaping
Approve – Conditions	16	2019/04498/PA 300 Robin Hood Lane Hall Green Birmingham B28 0EG Erection of two storey side and rear and single storey rear extensions

Committee Date:	12/09/2019	Application Number:	2019/03026/PA
Accepted:	25/04/2019	Application Type:	Full Planning
Target Date:	13/09/2019		
Ward:	Brandwood & King's Heath		

Land off Kings Road, Kings Heath, Birmingham, B14

Proposed development for the erection of 47 residential units, new vehicular access, landscaping and other associated infrastructure works.

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. Planning permission is sought for erection of 47 residential units consisting of the following mix:
 - 19 x 3 bedroom, 5 person houses;
 - 18 x 2 bedroom, 4 person houses; and
 - 10 x 1 bed, 2 person flats
- 1.2. The scheme is a 100% affordable housing scheme with all properties available for affordable rent. The properties include semi-detached and terraced houses and also maisonettes. All properties are 2 storeys in height and are of traditional red brick and tile construction. Although some properties include elements of render at first floor level. The properties have a mix of hipped and gable end roofs.
- 1.3. A single access is proposed off Kings Road. A total 68 parking spaces are proposed with each property having a minimum of one space. Of the 68 spaces 13 would be designated as visitor spaces.
- 1.4. This application is supported by a Planning Statement, Design and Access Statement, Transport Assessment, Energy Statement, Preliminary Ecological Appraisal, Sustainable Drainage Assessment and Arboricultural Report.
- 1.5. Site area: 0.85 ha. Density 55.03 units per hectare.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a T-shaped area of scrubland that is relatively flat, sloping at a gentle gradient from west to east. The site is surrounded by primarily residential development. Terraced properties on Kings Road are located to the west and terraced properties on Sycamore Terrace are located to the north of the application site. To the east there are flats and 3 storey supported living accommodation and to the south there is a more recent infill residential development (Mercia Drive) and a children's play area.

2.2. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. 1991/03515/PA - Erection of 16 dwelling houses construction of parking areas, access road and means of access to highway – withdrawn
- 3.2. 2001/01503/PA - Extension of public open space, erection of 12 dwelling houses and construction of garages, parking areas, access road and means of access to highway – Refused on 21/06/2001
- 3.3. 2000/04409/PA - Extension of public open space, erection of 12 dwellinghouses and construction of garages, parking areas, access road and means of access to highway – dismissed on appeal on 21/08/2001
- 3.4. 2007/07726/PA - Construction of 25 dwellinghouses, 19 apartments, garages, parking areas and means of access to highway – Refused on 11/03/2008 on the grounds that it would prejudice the comprehensive development of the whole site, a failure to deliver any affordable housing or provide open space.

4. [Consultation/PP Responses](#)

- 4.1. Regulatory Services – No objections subject to conditions regarding the submission of, contamination remediation scheme and contaminated land verification report and the provision of a vehicle charging point.
- 4.2. Transportation Development – No objections subject to conditions requiring submission of a construction management plan, completion of S278 works, provision of pedestrian visibility splays and secure and sheltered cycle storage.
- 4.3. West Midlands Police – No objection
- 4.4. Severn Trent Water – No objection subject to condition for scheme of foul and service water drainage.
- 4.5. Fire Service – No objection
- 4.6. Lead Local Flood Authority – No objection subject to condition requiring sustainable drainage scheme and an operations and maintenance plan
- 4.7. Education Services – A contribution of £188,452.22 is required to improve local schools
- 4.8. Leisure Services – Off-site public open space requirement of £183,275 required.
- 4.9. Housing – No objection to the mix and tenure of units proposed.
- 4.10. Site notice posted, local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. 41 objections have been received raising the following matters:
 - Loss of privacy;
 - Increased traffic;
 - Ecology damaged prior to the submission of the planning application;
 - Removal of further trees and hedgerows;

- Insufficient parking is proposed and much need on street parking on Kings Road will be lost thereby increasing parking on Kings Road;
- Kings Road is used a 'rat run' and proposal will only increase highway safety concerns;
- Development does not take into account additional parking that will occur in Kings Road once the new train stations on the Camp Hill Line are open;
- Cars parked on Kings Road regularly get 'clipped' this will increase in the future;
- Further increase in road rage incidents;
- Better traffic management needed on Kings Road;
- Increased risk of flooding;
- Negative impact on house prices;
- Increased noise and air pollution;
- Increased crime and anti-social behaviour;
- Harmful impact on the elderly residents within Pineapple Place;
- No capacity for additional children in local schools;
- Proposal amounts to an over-development of the site;
- Further tree and hedge planting should be proposed; and
- Disruption during building phase with increase mud, dust and debris;
- Impact on existing boundary treatments; and
- Previous houses on the site were demolished due to subsidence

4.11. A petition has been submitted by Councillor Mike Leddy which has been signed by 33 local residents. This raises objections on the following grounds:

- Reduced privacy for the residents of Pineapple Place;
- Vulnerable residents will be at greater risk of crime and anti-social behaviour; and
- Damage to valuable amenity that is Pineapple Place and older people in the local area

4.12. Comments have been submitted jointly by Councillors Mike Leddy and Lisa Trickett raising the following matters:

- Insufficient consultation;
- Difficulty accessing information on the Council website;
- Concerns over parking provision;
- Construction traffic is a major worry for local residents; and
- Need for further housing is acknowledged;

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan 2005 (Saved Policies)
- Birmingham Development Plan (2017)
- Places for Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Car Parking Standards SPG

5.2. The following national policy is applicable:

- NPPF – National Planning Policy Framework (2019)

6. Planning Considerations

- 6.1. Principle
- 6.2. The NPPF defines the three dimensions of sustainable development as being economic, environmental and social. The NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF 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 NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.3. Policy TP28 of the BDP, requires new housing to be; outside flood zones 2 and 3 (unless effective mitigation measures can be demonstrated); served by new or existing infrastructure; accessible to jobs, shops and modes of transport other than the car; capable of remediation; sympathetic to historic, cultural or natural assets; and not in conflict with other specific policies of the plan. In summary the site is in a good location to deliver sustainable development and substantially boost the supply of housing. The site has also been identified as suitable for housing within the Strategic Housing Land Availability Assessment (SHLAA).
- 6.4. Design
- 6.5. 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.
- 6.6. Kings Road is a residential area generally consisting of mainly terraced properties but a greater mix of house types is found on the surrounding streets. A single access is proposed into the site with a pair of semi-detached dwellings fronting onto Kings Road either side of the access. The proposed dwellings on Kings Road are a similar scale and design to that of surrounding properties. The corner properties (units 2 and 3) have windows at ground and first floor level on their side elevations to provide visual interest within the cul de sac. Therefore the creation of this cul de sac will integrate into the street scene once complete.
- 6.7. The dwellings within the cul-de-sac are all two storey properties but are a mix of terraces, semi-detached houses and maisonettes. The dwellings have a mix of hipped and gable end roofs. The designs of the brick and tile properties are relatively simple however I consider that the scheme pays sufficient regard to the site’s context to sit comfortably within its surroundings. No objection is raised to the scheme by the City Design Officer.

- 6.8. In summary it is considered that the overall design of the proposed scheme would be acceptable and in keeping with the character of the local area.
- 6.9. Residential Amenity
- 6.10. The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are provided for the occupiers of new dwellings and retained for the occupiers of adjacent properties.
- 6.11. The proposal is surrounded by residential development on all sides. The closest properties are No's 17 and 39 Kings Road which are located either side of the proposed dwellings fronting onto Kings Road. Plots 1-4 sit broadly in line with No's 17 and 39 ensuring that there is no breach of the 45 degree code. The side elevations of plots 1 and 4 contain no windows to prevent a loss of privacy occurring. Plots 5 and 6 (maisonettes) are within 4.7m of the rear garden of No. 17 however the facing elevation contains no windows ensuring that a loss of privacy cannot occur. Adjacent plots 7 and 8 do contain windows on the elevation looking towards plot 17. However, the existing boundary treatments will ensure that no issues arise from the ground floor windows. The nearest first floor window has been obscurely glazed and from the other window the angle is considered to be fairly oblique meaning the garden of No. 17 is not substantially affected. Plot 47 retains a distance of 6m from the boundary with the rear garden of number 39 however the proposed dwelling is angled away from No. 39 preventing direct overlooking from occurring.
- 6.12. The rear elevation of plots 18, 19 and 20 look towards the side elevation of No. 13 Kings Terrace. No. 13 has a single small window on the side elevation at second floor level serving the loft space which is utilised as a study which is not considered to be a main habitable room. In addition as plots 18, 19 and 20 do not have windows above first floor level there would not be clear views between the proposed development and the side window in No. 13. The rear elevation of plots 21 and 22 retain a distance of 12.5m from the boundary with No. 13 ensuring that the garden is not overlooked.
- 6.13. Blocks of maisonettes and an elderly care facility (Pineapple Place) are located to the east of the application site on Hambury Drive. However No.'s 35 and 37 Hambury Road have blank side elevations ensuring that no loss of privacy can occur. A distance of 19m is retained between the rear elevation of the care facility and rear facing elevation plot 27. It is acknowledged that there is a shortfall against the guidance within the Places for Living SPG which is 21m. However, as the shortfall is minor the harm arising from the single dwelling is not significant in the context of this major scheme.
- 6.14. Plots 28 has a blank side elevation facing the care facility ensuring that the private amenity space is not overlooked. A distance of 13m is retained from the blank side elevation of the property to the rear elevation of Pineapple Place ensuring that the development would not appear over-bearing.
- 6.15. Plot 37 is located directly adjacent to No. 18 Hazelwell Drive. As the building line within Hazelwell Drive has been followed no breach of the 45 degree code would occur. The rear of plots 37-41 face the rear of No.'s 37 – 47 Kings Road (odds). A minimum distance of 21m is retained between the facing rear windows of these properties ensuring that the Proposal complies with the distances within the Places for Living SPG. The proposed dwellings have rear gardens of at least 10m in depth ensuring that the gardens of the Kings Road properties are not overlooked.

- 6.16. There are many examples on the edge of the site of proposed two storey dwellings having back gardens which are 10m deep. If rear dormers were added to these properties overlooking would occur as the 15m separation would not be achieved. It is therefore recommend that permitted development rights that allow alterations and extensions to the roof are removed.
- 6.17. As set out within the Places for Living SPG flats require 30sqm of amenity space whilst 2 and 3 bedroom houses require 52 and 70sqm respectively. Of the 37 dwellings only 6 fall short of the relevant requirement. Of these 6 dwellings 2 are 2 bedroom properties and the shortfall is a maximum of 2sqm which is insignificant. The 4 No. 3 bedroom properties have shortfalls of 1, 4, 6 and 12sqm. It is clear that a garden of 58sqm is fairly modest for a 3 bedroom property (plot 3) however the garden could only be increased in size through the loss of a parking space which would be undesirable when parking concerns have been raised by a number of contributors. On balance this shortfall is considered to be acceptable.
- 6.18. For the 10 flats a private amenity space of 300sqm should be provided. In this instance 160sqm has been provided. However, taking account of the close proximity and accessibility of open spaces at Kings Heath Park, Hazelwell Park and the play area adjacent to the site on Hazelwell Drive this is considered to be acceptable.
- 6.19. Concerns have been raised over the potential for crime and anti-social behaviour. The introduction of 47 dwellings on a vacant parcel of land provides increased activity and natural surveillance which greatly reduces the vulnerability of the rear gardens that share a boundary with the application. Importantly West Midlands Police have no objection to the scheme.
- 6.20. The Nationally Described Space Standards (NDSS) are not yet adopted in Birmingham but they do provide a good yardstick against which to judge proposals, to ensure that the accommodation is of sufficient space to provide a comfortable living environment for the intended occupiers. The table below sets out how each house type compares to the NDSS.

House Type & No. of Units	Number of bed spaces (persons)	Proposed Internal Floor Area (square metres)	Minimum Floor Area (Nationally Described Space Standards)	Shortfall (square metres)
2 x Blackthorn (Ground)	1b 2p	47	50	-3
2 x Blackthorn (First)	1b 2p	54	50	+4
3 x Hazel (Ground)	1b 2p	46	50	-4
3 x Hazel (First)	1b 2p	58	50	+8
1 x Chestnut	2b 4p	75	79	-4
17 x Ivy	2b 4p	68	79	-11
19 x Cedar	3b 5p	82	93	-11

- 6.21. As can be seen in the table above the majority of house types fall short of the NDSS however the Planning Statement confirms that the sizes for all the housing units are based on the Housing Quality Indicator (HQI), which incorporates required design standards for affordable housing providers who receive funding through different programmes. These slightly smaller homes have been accepted on a range of other affordable housing schemes across the city including Land at former International School (2016/07628/PA) and Land off Cooks Lane (2016/09889/PA). It would be inconsistent to reach a different outcome in this case and therefore the size of the accommodation is therefore on balance acceptable.
- 6.22. In summary, the proposal does not have an undue amenity impact on the occupiers of adjacent properties and creates an acceptable living environment for the proposed occupiers.
- 6.23. Transportation
- 6.24. Policy TP38 of the BDP requires that development proposals support and promote sustainable travel and TP44 requires new development to support the delivery of a sustainable transport network.
- 6.25. Each unit has been provided with a minimum of one parking spaces with a total of 68 spaces provided for the 47 properties, which amounts to an overall provision of 144%. Whilst concerns have been raised regarding overspill parking, the site is in a sustainable location close to the centre of Kings Heath where frequent bus services are available.
- 6.26. Concerns have also been raised regarding traffic flow and highway safety within Kings Road currently with many believing that development would greatly worsen the situation. Transportation have highlighted that the supporting Transport Statement concludes that 20-25 two way trips would be expected during peak hours. This works out as a movement every 2.4-3 minutes during the busiest periods. This impact would not be significant upon the surrounding highway network. It also important to add that planning conditions and legal agreements should utilised to address harm arising from a particular scheme and not existing issues. The Transportation Officer raises no objection subject to the completion of S278 works. The package of works would include the creation of bellmouth, tying in of pedestrian route and reinstatement of any redundant footway crossings. Further conditions have been requested requiring the submission of a construction management plan, provision of pedestrian visibility splays and secure and sheltered cycle storage. These conditions should help to minimise the impact of the development during the construction phase and encourage travel by sustainable modes. In summary there are no reasons to resist the proposal on transportation grounds.
- 6.27. Ecology
- 6.28. The Council has a duty to consider the impact of any proposal on protected species. A Preliminary Ecological Appraisal was undertaken by the applicant which identified the potential for badgers to have utilised the site historically. A detailed badger survey was therefore undertaken but there was no evidence of any active badger setts on the site. The Council's Ecologist raises no objection to the scheme subject to the provision of bat and bird boxes. The landscape plans submitted show the provision of 12 bat/bird boxes which satisfy this requirement.
- 6.29. Landscape and Trees
- 6.30. Prior to the submission of the application much of the vegetation was cleared from the site. As no trees on the site were covered by a TPO the applicant was entitled to

undertake such works. The remaining trees consist of 7 category C trees, 2 grouping of small category C trees and a single category B tree (wellingtonia). These are all located on the boundary or adjacent to the boundary of the site. The trees are not of the highest quality and consequently the Tree Officer considers that they are not a constraint to the development. The 2 small groupings of category C trees plus 3 further category C trees are to be removed. The category B tree is shown to be retained. The Tree Officer has raised no objection subject to a condition requiring the submission of arboricultural method statement. A detailed landscaping scheme has been provided that shows a mix of native trees, shrubs and hedgerows within the site. In total 39 trees are to be planted which results in the net again above the current situation. The scheme is therefore acceptable from a trees and landscaping perspective.

6.31. Financial Contributions

6.32. Due to the size of the scheme contributions towards both affordable housing and public open space are required. A 100% affordable housing scheme is proposed which comfortably exceeds the 35% requirement within Policy TP31 of the BDP. A contribution of £183,275 has been requested by Leisure Services to improve and maintain open space facilities at Kings Terrace Play Area and Kings Heath Park. These contributions have been agreed with the applicant and will be secured in a S106 agreement.

6.33. The site does not fall within a high value area and therefore CIL payments are not required.

6.34. The development is therefore making a substantial contribution to local infrastructure and services.

6.35. Other Considerations

6.36. Concerns have been raised over the impact of the development on house prices however this is not a material planning consideration.

6.37. Some adjoining occupiers have raised concerns over the impact on their existing boundary treatment. Where such boundaries are in the ownership of adjoining homeowners, the developer would require consent from the owner before altering such boundary treatments. Appropriate boundary treatments have been proposed around the periphery of the site to secure privacy and create a safe environment.

7. Conclusion

7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The scheme is acceptable in terms of its design, amenity, highways, landscape and ecology considerations. It would contribute towards the city's housing requirements. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

8. Recommendation

8.1. That consideration of planning application 2019/03026/PA be deferred pending the completion of a planning obligation agreement to secure the following:

- a) The on-site provision of a minimum of 35% affordable housing, all of which will be affordable rent;

- b) Off-site open space contribution of £183,275 to improve and maintain facilities at Kings Terrace Play Area and Kings Heath Park; and
 - c) Payment of a monitoring and administration fee associated with the legal agreement of £6414.65
- 8.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 3rd October 2019 the planning permission be refused for the following reasons:
 - a) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and NPPF.
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 3rd October 2019, favourable consideration be given to this application subject to the conditions listed below agreement.

1	Requires the scheme to be in accordance with the listed approved plans
2	materials to be used in accordance with materials plan
3	Requires the prior submission of a sustainable drainage scheme
4	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
5	Requires the implementation of hard and soft landscape details
6	Requires the prior submission of a construction method statement/management plan
7	Requires the submission and completion of works for the S278/TRO Agreement
8	Requires the provision of cycle storage
9	Requires pedestrian visibility splays to be provided
10	Requires the implementation of a landscape management plan
11	Requires the prior submission of a contamination remediation scheme
12	Requires the submission of a contaminated land verification report
13	Arboricultural Method Statement - Submission Required
14	Removes PD rights for roof additions and alterations
15	Implement within 3 years (Full)

16	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
----	--------------------------------------------------------------------------------------

Case Officer: Andrew Fulford

Photo(s)

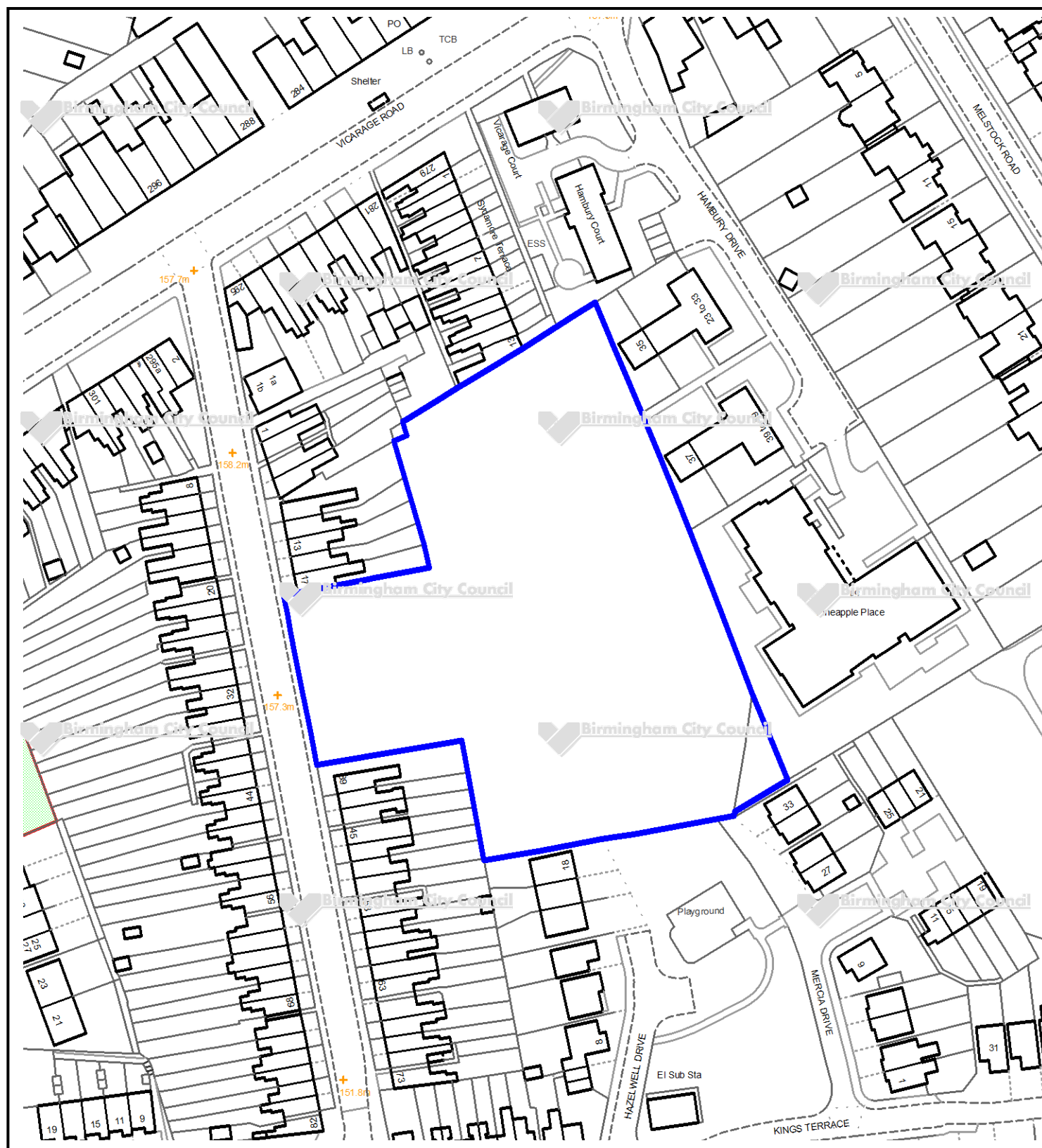


Photo 1: View east into application site from Kings Road



Photo 2: View from Sycamore Terrace looking south across the application site

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	12/09/2019	Application Number:	2019/06019/PA
Accepted:	18/07/2019	Application Type:	Listed Building
Target Date:	12/09/2019		
Ward:	Moseley		

Highbury Hall, 4 Yew Tree Road, Moseley, Birmingham, B13 8QG

Listed Building Consent for repairs to the tiled roof over the Main Hall and North Wing, internal repairs in the North Wing at first and second floors and dry rot treatment

Recommendation

Approve subject to Conditions

1. Proposal

1.1. This application seeks Listed Building consent for repairs to tiled roof over the Main Hall and North Wing, internal repairs in the North Wing at first and second floor and dry rot treatment.

1.2. A period of prolonged water ingress has led to substantial dry rot. A series of repairs are proposed to treat the damage and prevent future damage. These repairs include:

- Roof tiles of the North Wing lifted and reinstated over a breathable membrane
- Roof tiles of the Main Hall removed and replaced
- Brickwork at the top of the existing chimney removed and top capped and ventilated
- Existing lead covered dormer removed and replaced with a conservation style roof light, to allow visual inspection of the main roof
- Replacement of existing felt flat roofs with single ply membrane
- Internal dry rot removed and damaged ceilings, floors and joinery repaired to match the existing

1.3. The proposed works are to take place in conjunction with previously approved Listed Building consent for roof repairs and chimney removal to the North Wing, asbestos removal, lead guttering valley replacement to the Main Hall and refurbishment of northern rooflights, repairs to lincrusta wallpaper and replacement of southern frieze murals in the main gallery under planning ref: 2019/08855/PA.

1.4. The application is supported by a Design and Access Statement, Heritage Statement and Bat Survey Report.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The property is located on the southern side of Yew Tree Road, Moseley and is an imposing Grade II* listed building set within extensive landscaped grounds which also comprise a Grade II Historic Park and Garden. It is currently on Historic England's at Risk Register. Chamberlain House to the east is also Grade II listed and in use for educational purposes. Britannic Park residential development lies to the north of the site and the Moseley Conservation Area lies further beyond that to the north.
- 2.2. [Site Location](#)
3. [Planning History](#)
 - 3.1. Various planning consents granted in 1983 for use of the premises for civic and private events, cultural activities and associated residential use.
 - 3.2. 17/09/1998 – 1998/02462/PA - Listed building consent for the installation of Pulnix beam towers for external security protection - Approved subject to conditions
 - 3.3. 29/05/1998 – 1998/01006/PA - Listed building consent for the installation of Nine External Security Cameras on the Building and Provision of Three Monitors and a Video Recorder for the Internal of the Building - Withdrawn.
 - 3.4. 23/05/2019 - 2018/08855/PA - Listed Building Consent for roof repairs and chimney removal to the North Wing, asbestos removal, lead guttering valley replacement to the Main Hall and refurbishment of northern rooflights, repairs to lincrusta wallpaper and replacement of southern frieze murals in the Main Gallery – Approved subject to conditions.
4. [Consultation/PP Responses](#)
 - 4.1. Historic England – Highbury Hall is currently on Historic England's Heritage at Risk Register, we have been in discussions with the local authority and other partners over the building's current condition towards find a solution. Fully supportive of the proposed works.
 - 4.2. The Gardens Trust – Do not wish to comment on the proposal.
 - 4.3. The Moseley Society - Full support of this application and hope that the long-overdue repairs can be carried out without further delay.
 - 4.4. The Victorian Society – No comments received.
 - 4.5. Local Councillors and Residents Association(s) notified. Press and site notice posted. No neighbour or public participation comments received.
5. [Policy Context](#)
 - 5.1. Relevant Local Planning Policy:
 - Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)

- Conservation through Regeneration SPG
- Grade II* Listed Building and Grade II Historic Park and Garden;

5.2. Relevant National Planning Policy

- National Planning Policy Framework (NPPF) 2019
- Planning (Listed Buildings and Conservation Areas) Act 1990

6. Planning Considerations

- 6.1. Paragraph 190 of the National Planning Policy Framework (NPPF) refers to a need to assess the significance of a proposal on any heritage asset and paragraph 192 states that in determining applications, the local planning authorities should take into account the desirability of sustaining and enhancing heritage assets.
- 6.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.3. Policy TP12 of the Birmingham Development Plan states that great weight will be given to the conservation of the City's heritage assets.
- 6.4. Policy TP8 of the Birmingham Development Plan states that damage to protected species should be minimised and mitigating measures should put in place.

Impact on Heritage Assets

- 6.5. As the building is a Grade II* listed building within the grounds of a Grade II Historic Park and Garden, a Heritage Impact Assessment has been submitted with the application. Paragraph 189 of the NPPF requires the LPA to ensure that an applicant describes the significance of any heritage assets affected, including any contribution made to their setting. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation. The Heritage Impact Assessment (HIA) identifies the significance of the building and its setting. I consider the level of detail within the HIA is proportionate to the asset's importance.
- 6.6. Historic England are in support of the application and recognise the importance of the works in order to preserve the building. The City's Conservation Officer is similarly in support of the application, subject to conditions requiring a full suite of materials (to include: joinery details, rainwater goods, roofing and flashing) to be submitted to and approved in writing by the LPA. In accordance with the expectations of the NPPF and BDP Policy TP12 the, I consider the scope of the works would have a considerably beneficial effect in repairing weather damage to this important Grade II* listed building and contributes towards sustaining and enhancing the heritage asset of Highbury Hall into the future.

Ecology

- 6.7. A preliminary ecological appraisal/preliminary roost assessment was completed in September 2018 for emergency repairs under the 2018/08855/PA application. The

assessment found the building to have high suitability for roosting bats. A further re-entry survey was carried out between 20th May and 19th June 2019 and the findings have been submitted with this application. The City's Ecologist has reviewed the latest bat survey and has stated that based on the results, there is no evidence that bats currently use the building for roosting and therefore raises no objection to the proposed works. However, the City's Ecologist has noted that the submitted bat survey does not specify the period of time for which the results are valid and therefore advises that if works have not commenced within 12 months (i.e. by May 2020), an updated bat survey should be completed to ensure that the bat roost status of the building has not changed and this should be secured via condition. I consider this condition to be necessary.

- 6.8. As the building repairs would reduce the suitability of the building for bat roosting by removing the access points, to compensate for the loss of bat roost opportunities, the City's Ecologist has suggested replacement roosting features in the form of tree mounted bat boxes to be installed in the parkland surrounding the building. I consider this to be appropriate and recommend attaching a condition for bat boxes to be installed.
- 6.9. As a precautionary measure, the City Ecologist has also requested that an informative is attached to any consent advising contractors of the procedure to be following in the event bats are discovered during roofing repairs. Such informative has been attached.

7. Conclusion

- 7.1. The current proposals are considered appropriate to the restoration and enhancement of this important heritage asset, whilst securing the adequate protection of protected species. As such, the proposed works would allow the heritage assets conservation in accordance with BDP and NPPF policy.

8. Recommendation

- 8.1. Listed building consent is granted subject following conditions:

-
- | | |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of details of bird/bat boxes |
| 3 | Requires the submission of a full suite of materials to be submitted to and approved in writing by the local planning authority prior to their use. For the avoidance of doubt the materials submitted shall include: joinery details (skirting boards, architraves, flooring); rainwater goods; roofing; and flashing. The development shall be implemented in accordance with the approved details and thereafter maintained. |
| 4 | Further Bat Survey |
| 5 | Implement within 3 years (conservation/listed buildings consent) |
-

Case Officer: Laura Reid

Photo(s)

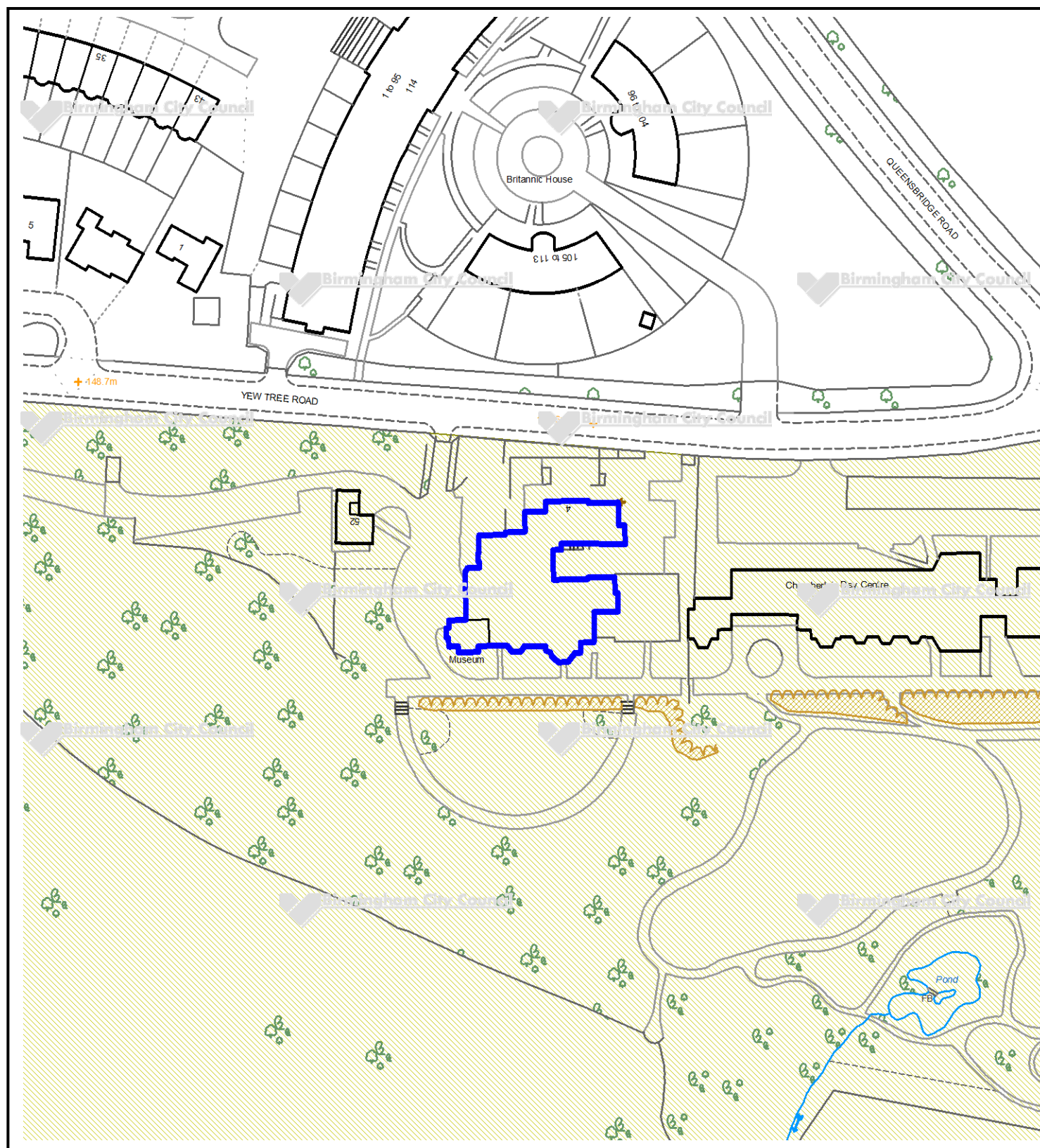


Figure 1 – Highbury Hall



Figure 2 – Aerial view of Main Hall and North Wing

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	12/09/2019	Application Number:	2019/03112/PA
Accepted:	02/05/2019	Application Type:	Full Planning
Target Date:	27/06/2019		
Ward:	Moseley		

Land to the rear of 30 Russell Road, Moseley, Birmingham, B13 8RE

Erection of 1 no. dwelling house with associated parking and landscaping

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application seeks planning consent for the erection of 1 no. dwelling house with associated parking and landscaping at land to the rear of 30 Russell Road, Moseley.
- 1.2. The proposed dwelling would measure 5.8m in height to eaves, 9.5m to roof ridge, 12.2m in width and would be 'L' shaped with a two storey rear wing projection measuring 7.9m in length and 5.4m in width. The dwelling would be constructed with facing brickwork and interlocking plain roof tiles and features apex gables with a two storey canter bay window and oriel bay window to front.
- 1.3. The internal layout would consist of an open plan kitchen/living room area, a dining room, utility, boiler room and WC on the ground floor and three double bedrooms (two with en-suite), a family bathroom and a bedroom/study on the first floor. There would be an integrated garage to the left hand side. There would be 306.2 sq.m. of private amenity space to the rear bound by 1.8m high fencing.
- 1.4. The property would front The Russell's with a driveway leading to the front of the property with two parking spaces.
- 1.5. A Design and Access Statement and Arboricultural Impact Assessment have been submitted.
- 1.6. The proposed development would not attract a CIL contribution.
- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a large piece of grassland forming the rear private garden of 30 Russell Road. The site is bound by tall trees and is accessed of a private road from The Russells. Part of the site falls within the boundary of the Moseley Conservation Area.
- 2.2. The surrounding area is predominantly residential in character. Properties within The Russells are typically two stories in height with projecting gables and attached

flat roof garages. The nearest residential property to the site is No. 5 The Russells which is a Arts and Crafts style large detached dwelling.

Site Location

3. Planning History

- 3.1. 2017/04353/PA – Erection of one dwellinghouse – Withdrawn.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection subject to electrical vehicle charging.
- 4.2. Transportation Development – No objection.
- 4.3. West Midlands Police – No objection, the Applicant may wish to consider crime prevention advice and measures contained within Secured By Design.
- 4.4. Severn Trent Water – No objection however recommends that the Applicant to contact them as there may be public sewers recently adopted under the Transfer of Sewer Regulations 2011.
- 4.5. Site notice displayed, local ward councillors/MP and surrounding occupiers notified and 7 objections received from neighbouring occupiers regarding:
- Increase in traffic and parking demand
 - Scale, mass and design of dwelling
 - Loss of trees
 - Impact on refuse collections
 - Accessibility for Emergency Services
 - Increase in noise and dust litter from building work
 - Impact on water system
 - Access to private road
 - Loss of privacy
 - Loss of property value
 - Insufficient and inaccurate Tree Survey's submitted with the application
 - Loss of light
 - Living conditions for future occupiers due to Trees on site

Russell Road Residents' Association – Welcome the design of the proposal, however the size of the dwelling has potential to lead to further congestion and on-street parking. Concerned about the loss of trees and impact on air quality.

The Moseley Society – Proposed design has improved however the area cannot accommodate more vehicles. Increased parking within The Russells creates difficulties for refuse collections. If permission is given a Section 106 Agreement should be required to consult residents in the Russells about an acceptable solution to current parking problems and agreed solution.

5. Policy Context

- 1.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017

- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Places for Living SPG
- Mature Suburbs SPD
- Car Parking Guidelines SPD

- 1.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) 2019

6. Planning Considerations

- 6.1. The main considerations in the determination of this application are whether the principle of residential use would be acceptable on the site; the scale, sitting and design of the proposed development, the impact of the proposal on the amenity of neighbouring residents; the living conditions for future occupiers; the impact on highway safety and parking, and the loss of trees.
- 6.2. The National Planning Policy Framework (NPPF) 2012 seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. 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 NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.3. Policy PG3 of the BDP states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context.
- 6.4. The 45 Degree Code and Places for Living SPG provide design guidance and set guidelines for residential development to ensure all new development respects the appearance of the local area and does not adversely affect neighbouring amenity.

Principle of Development

- 6.5. With respect to the location of new housing, Policy TP28 of the BDP states that new residential development should be located in areas outside of flood zones 2 and 3, should be adequately serviced by existing or new infrastructure and should be accessible to jobs, shops and services.
- 6.6. The application site is located within an established residential area, in a low flood risk zone (Flood Zone 1), is well serviced by existing infrastructure and services are accessible from the site. As such I consider the principle of residential development in this location to be acceptable.

Scale, Sitting and Design

- 6.7. The application site is located within a residential area characterised by detached properties that sit in large garden plots; primarily in the Edwardian and Arts and

Craft's styles. This road features newer detached properties from the late 70s and 90s with a garage and parking to the front with modest gardens. At the request of the Planning Officer, amended plans were received which removed the electrical opening gates to the site. I note concerns have been raised by the City's Urban Designer who recommended a more modern approach to the design. The proposed dwelling has been designed to reflect the architectural styling and detailing of the area, in the Arts and Crafts style. As such I consider it to be in keeping with the character of the area.

- 6.8. The layout of the proposed scheme is consistent with the residential properties within the area; properties are set back beyond substantial driveways with private amenity space to the rear. The proposed dwelling sits on a relatively large plot, is of an appropriate scale and massing and would broadly follow the pattern of development set by the adjacent dwellings; being stepped back between No. 3 and No. 5 The Russells.
- 6.9. A condition has been attached requiring the submission of sample materials, to ensure that the materials used in the external surfaces of the dwelling are acceptable. As such, I am satisfied that the siting, scale, massing and design of the proposed dwelling would be in keeping with the character and appearance of the area and would have an acceptable impact upon the wider visual amenity of the area.
- 6.10. The City's Landscaping Officer has raised no objection to the proposal and has recommended that further details of proposed landscaping, land levels and details of hard surfaces is secured by way of condition. Such conditions have been attached.
- 6.11. The City's Conservation Officer has been consulted on the proposal and considers the development to cause no harm to the Moseley Conservation Area.

Impact on Future Residential Amenity

- 6.12. The Government's Technical Housing Standards require at least 7.5 sq.m. for a single bedroom and at least 11.5 sq.m. for a double bedroom. All proposed bedrooms would comply with this standard (including the study if it were to be used as a bedroom). In terms of the overall internal floor space, the Government's Technical Housing Standards requires 115 sq.m. for a 4 bedroom, 7 persons, two storey dwelling. The proposal exceeds this standard as 212 sq.m. of internal floor space is provided. The proposed dwelling would have a garden area of approx. 306.2 sq.m. which would comply with the minimum recommended private amenity space guidelines of 70 sq.m., as set out in the Council's Places for Living SPG. I am therefore satisfied that the living conditions for the future occupiers of the proposed dwelling would be acceptable.
- 6.13. Following the proposed development, 446.43 sq.m. of private rear garden space would remain at 30 Russell Road, therefore causing no harm to their residential amenity.
- 6.14. I note concerns have been raised by a neighbouring occupier regarding the impact that the trees to be retained on the site may have on the residential amenity of the future occupiers. Given the positioning of the Cherry tree and the distance of the Beech trees in relation to the proposed dwelling, I do not consider that these trees would have a detrimental impact upon future residential amenity.

Impact on Existing Neighbouring Residential Amenity

- 6.15. I note the concerns of local objectors in respect of loss of privacy and overlooking as a result of the proposed development. The proposed windows in the side elevation facing the boundary to No. 5 The Russells comply with the recommended 10m set back overlooking distance to the rear garden of No. 5 as set out in the Council's Places for Living SPG. The proposed windows in the side elevation facing the boundary to No. 3 The Russells would light non-habitable spaces and as such would be condition to be fitted with obscure glazing and their opening controlled, to avoid overlooking. In addition to this, in order to further protect neighbours residential amenity, I recommend a condition is attached to remove permitted developments for the insertion of new windows (dormer windows included).
- 6.16. As the development complies with the 45 Degree Code and the remainder of the numerical guidelines set out in 'Places For Living' SPG and 'Extending Your Home' Design Guide, I am satisfied that subject to safeguarding conditions, the proposed development would cause no detrimental impact on neighbours light, outlook or amenity.

Highway Safety and Parking

- 6.17. The Council's Car Parking Guidelines SPD recommends a maximum of two parking spaces per dwelling in this location as such the proposal would comply with this standard, as there are two off-street parking spaces proposed.
- 6.18. Local residents have raised concerns regarding the potential increase in traffic and parking demand on the area. Transportation Development have been consulted on the proposal and consider that it is not expected that traffic and parking demand at this location would significantly differ to that currently generated, as there is adequate off-street parking provided. In line with Transportation Developments views, I conclude that the proposal would not have an adverse impact in terms of highway safety or parking.
- 6.19. The access road to the site is a private road and the use of this road to serve the proposed dwelling is a private matter and issues relating to this cannot be taken into consideration. I note concerns have also been raised regarding refuse collection and access for emergency vehicles. Transportation Development have not raised any concerns relating to these matters.

Loss of Trees

- 6.20. There are 8 trees located within the periphery of the site (Beech, Cherry, Apple and Yew) which fall within B and C category and are covered by Tree Protection Order (TPO 494). A group of Leyland Cypress are located to the rear of the site, towards No. 30 and fall outside of the TPO.
- 6.21. The submitted Arboricultural Impact Assessment (ABI) has identified that the erection of the proposed dwelling would result in the removal of a Cherry tree, a Leyland Cypress and two Apple Trees; all of which are Category C. The City's Tree Officer has reviewed the ABI and its findings and has stated that as none of the affected trees provide a strong public amenity, on balance the removal is acceptable.
- 6.22. The remainder of the Trees would be protected and retained. The City's Tree Officer has requested that a condition is attached to require the development to be

undertaken and maintained in accordance with the submitted Tree Protection Plan. I consider this to be necessary to ensure the protection of the Trees on the site.

- 6.23. Concerns have been raised about the accuracy of the information submitted regarding the ABI and its associated information. An updated ABI and associated plans have been submitted and this information has been reviewed by the City's Tree Officer who has raised no concern.

Other Matters

- 6.24. Severn Trent Water have been consulted on the application and require no drainage conditions and consider the proposal to have no impact on the water system.
- 6.25. In regards to concerns raised regarding the building of the proposed dwelling, I consider that the building of one dwelling would not generate a large amount of noise or dust to substantially affect the residential amenity of existing residents and such building works would be a temporary process.
- 6.26. I note concerns have been raised relating to impact on property value. This is a non-planning matter and would not be considered in the assessment of this proposal.
- 6.27. Regulatory Services have also requested that a condition is attached for the provision of a vehicle charging point, we presently only attach such a condition for flatted developments.

7. Conclusion

- 7.1. I consider that the siting, scale and appearance of the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed dwelling would contribute to meeting the city's need for more housing. The proposed dwelling would provide satisfactory living accommodation for future occupiers and would have a limited impact on the amenity of adjoining occupiers or on highway safety and parking. Therefore, I consider that the proposal constitutes sustainable development and recommend the application is approved subject to conditions.

Recommendation

- 7.2. Approve subject to conditions:

-
- | | |
|---|---------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of hard and/or soft landscape details |
| 3 | Requires the submission of hard surfacing materials |
| 4 | Arboricultural Method Statement and Tree Protection Plan - Implementation |
| 5 | Removes PD rights for new windows |
| 6 | Requires the submission of sample materials |
-

-
- | | |
|---|---------------------------------------------------------------------------------------------|
| 7 | Requires the submission details obscure glazing for specific areas of the approved building |
| 8 | Implement within 3 years (Full) |
-

Case Officer: Laura Reid

Photo(s)



Rear garden of 30 Russell Road

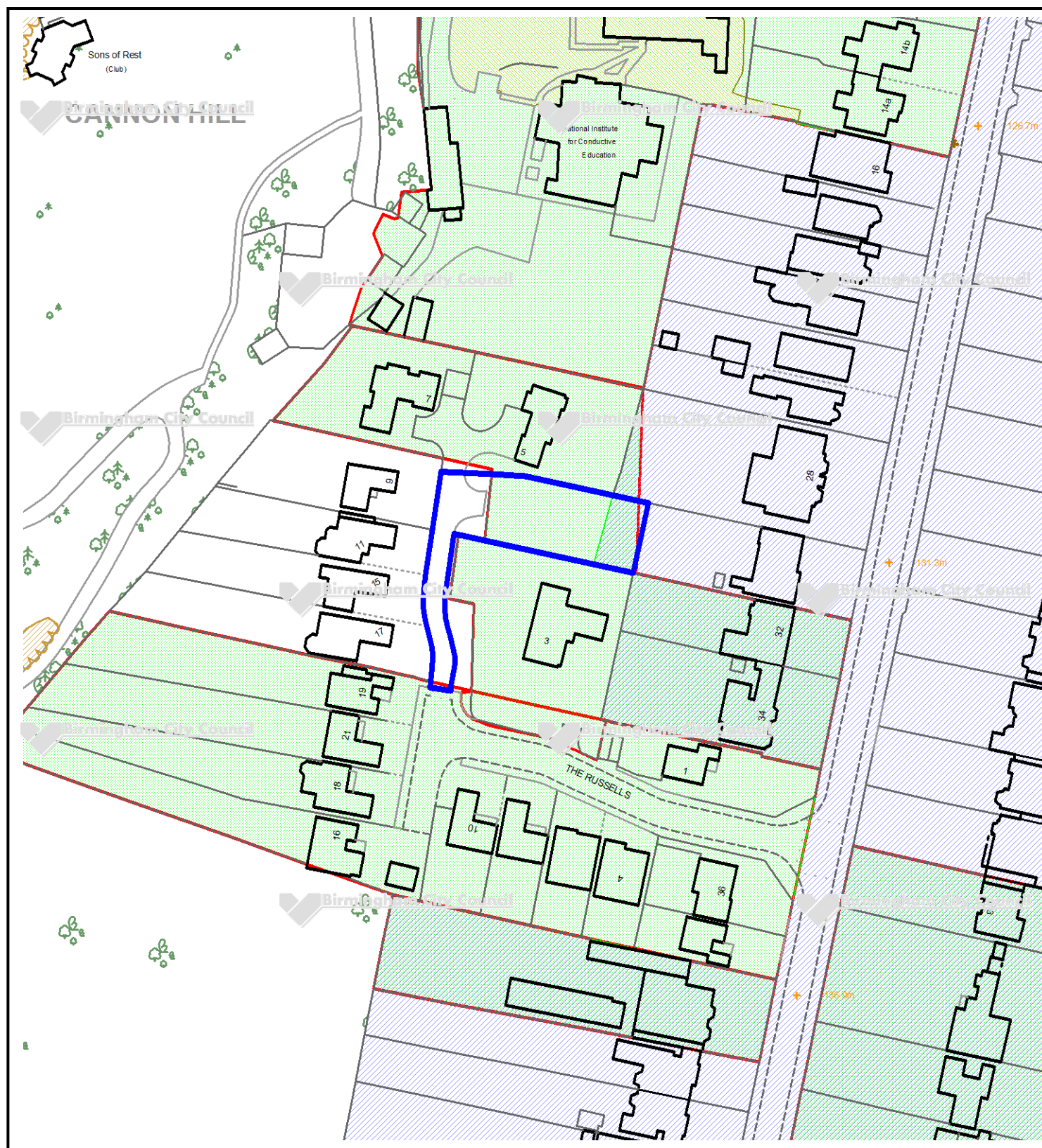


Site entrance from The Russells



Adjacent dwellings – The Russells

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	12/09/2019	Application Number:	2019/04498/PA
Accepted:	28/05/2019	Application Type:	Householder
Target Date:	23/08/2019		
Ward:	Hall Green South		

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

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

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Consent is sought for the erection of two storey side and rear and single storey rear extensions. The proposed extensions would accommodate two additional first floor bedrooms, and bathroom, and at ground floor a larger kitchen/dining room as well as study and utility rooms.
- 1.2. This is a re-submission of the previously refused application 2018/05505/PA. In this re-submission, the amendments are that the two storey side and rear extension has been set away from the side boundary with no. 302 Robin Hood Lane by approximately 0.25m, the first floor element of the two storey side and rear extension has been reduced in length from approximately 10.1m to approximately 9.8m, the front proposed single storey's roof has been raised, the roof of the proposed two storey side and rear extension has been reduced in height from approximately 1.8m to approximately 1.7m, the single storey rear extension's roof has been converted from a mono-pitch to a dual pitch which has reduced the height of the side wall adjoining no.302 Robin Hood Lane from approximately 3.9m to 2.8m, and the ground floor front extension's proposed door and window have been replaced with a wider window, and no door.
- 1.3. Councillor Timothy Huxtable has requested that application be referred to Planning Committee.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application property is a traditional semi-detached white rendered property, with a gable end feature to the front and flat roof garage to side. The rear of the site has a long linear garden which is bounded by approximately 1.8m high fencing. The application site is located in a residential area comprising of properties which are similar in appearance. The topography of the site slopes down from south-east to north-west.

[Site Location](#)

3. Planning History

- 3.1. 2018/04990/PA - Erection of 6.0 metre deep single storey rear extension. Maximum height 4.0 metres, eaves height 3.0 metres - Prior Approval Required and to Refuse - 25/07/2018.
- 3.2. 2018/05505/PA -Erection of two storey side and rear and single storey rear extensions – Refused - 24/01/2019

Reason 1 - The overall size and scale of the proposed rear extensions are out of scale with the existing building and would be out of context with the surrounding properties. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Extending Your Home adopted as a Supplementary Planning Document, and the National Planning Policy Framework.

Reason 2 - By virtue of its size and sitting the proposed rear extensions would substantially reduce the level of sunlight/daylight and would appear unduly overbearing to the users of the private rear amenity space of the adjoining property no.302 Robin Hood Lane. As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C and 8.39-8.43 of the Birmingham UDP 2005, and the National Planning Policy Framework.

4. Consultation/PP Responses

- 4.1. Neighbouring properties and local Ward Councillors have been consulted.
- 4.2. One objection was received from a local councillor regarding the following:
 - The size and scale of this application is inappropriate for the locality and would be of an overbearing nature to neighbouring properties.
 - The proposed extension substantially exceeds the building line to the rear of the property.
 - Out of keeping with the character of the neighbourhood.
 - The current application does not seem to be materially different from that which was previously refused under delegated powers (2018/05505/pa) and differs only very, very slightly (reductions of 250 mm, 300 mm and change to a sloping roof) to the original application.
- 4.3. Two objections received from neighbouring residents regarding the following:
 - Accuracy of submitted drawings – The first and fundamental objection is that the drawings are significantly inaccurate in terms of where the boundary lines between 300 and 302 Robin Hood Lane lie. As a consequence, the scale and footprint of the proposed development is inaccurate.
 - Scale of development – This new Planning Application seeks permission for an identical development to that which was previously refused, save for the reduction of the width of the development by 250mm. In light of the above refusal reason, it cannot possibly be true that a mere reduction in width by 250mm has brought the building within an appropriate scale in the context of the surrounding properties.
 - Scale of development - It remains that the scale and massing of the proposed development is entirely inappropriate in its surrounding context. The proposed side and rear 2 storey elevation running for what is effectively 40+ foot in

length by some 27+ foot in height at its tallest point, with the continuing addition of a single story building (a further 10+feet by 13+feet in height) forming one overall span, of solid wall over the entire length of the fence line.

- Loss of light – As above, a mere reduction in width by 250mm when compared to the previous scheme will have little to no betterment in terms of light levels lost to number 302 Robin Hood Lane. It remains that the proposed development will be unduly overbearing as per the above refusal reason. Clearly this development will be removing the current light levels from the rear garden, casting darkness and shadow on a permanent basis. The submitted drawings fail to depict the glass-panelled rear access door to 302 Robin Hood Lane, as well as the existing first floor side window. These represent important sources of light to the rooms within the south-eastern half of 302 Robin Hood Lane as they are the only natural light source. The two-storey side and rear element of the proposal would completely obscure any light which enters these window and door, resulting in detriment to the amenity of number 302. In general design terms, it is considered that the scale of the proposed development represents overdevelopment which would be incongruous with the existing residential dwellings within the area.
- Loss of light - The proposed development also fails to take into consideration the topographical differences between the two properties. Number 300 Robin Hood Lane is approximately 2 feet higher than the adjacent property at 302. This difference will further exacerbate the overbearing effect of the proposed development, making the height difference even more pronounced, creating greater impact.
- Boundary treatment alterations– The proposed development indicates the part removal and part relocation of a boundary fence in order to facilitate the development. Land registry documents indicate that the shared boundary is joint responsibility of both no.300 Robin Hood Lane and the adjoining property. The adjoining owner does not provide consent for this fence to be removed but should in fact be reinstated in the agreed new location as outlined by the Chartered Boundary Survey
- Party wall alterations - The proposed development appears to include the demolition/alteration of the two existing garages between no.300 & no.302 Robin Hood Lane. This wall contains a number of important utilities including boiler and associated pipework. Therefore, should this wall be damaged or removed, this would cause major disturbance and cost implications to the owner of no.302.
- Impact upon trees and hedges – Significant mature landscaping exists along the shared boundary between the two properties including extensive hard landscaping. Due to the proposed scale of the development, it is expected substantial excavations in creating the necessary footings, it would be reasonable to expect there could be some significant impact upon these elements by the development and, the hard landscaping and mature shrubs/ tree shown, could result in significant damage to the structure and integrity of both.
- Construction traffic, highways and parking – The access to the driveway of the application site is narrow, as such; construction vehicles will be unable to access the drive and instead may encroach upon the drive of no.302. Construction vehicles will be forced to park on the road immediately adjacent the site which will hamper vehicular visibility when entering and exiting the site.
- There are no fundamental differences between the current plans, and the previous plans.

- The site is on the inside of a falling curve in the road which is lined on both sides with mature trees. Despite a speed limit of 30mph most traffic is usually in excess of this, and as a result it is felt that the number and size of builders/contractors vehicles could cause serious problems.
- The situation regarding parking, how many vehicles will need to access the site and where will they park? Roadside parking is not ideal for reasons already mentioned plus Robin Hood Lane is a bus route and frequently used by emergency services. If grass verges are to be used they will of course deteriorate.
- Concerns regarding the health and wellbeing of a neighbouring occupant.
- The changes to the amended plans are not entirely clear
- The changes to the amended plans are minor, and therefore the previous reasons for refusal still stand

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Places for Living SPG 2001
- Extending Your Home 2007
- 45 Degree Code

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF) 2019

6. Planning Considerations

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

6.2. The main issues for consideration in the determination of this application are the impact on the residential amenity of neighbouring properties and the scale, mass and design of the proposal, and therefore the impact on visual amenity. The previous reasons for refusal are also material considerations.

6.3. All planning applications are assessed against planning policy in order to evaluate whether the details of each application are acceptable. The policies relevant to this application include, PG3 of the Birmingham Development Plan, which states all new development will be expected to be designed to the highest possible standards, noting it should reinforce or create a positive sense of place. Saved policy 3.14 of the Birmingham Unitary Development Plan seeks to ensure that the development would be in keeping with the existing building and sympathetic to the appearance of the surrounding area. The NPPF, similarly, emphasises the importance of good design. In addition, policies also seek to protect the amenity of existing residents in respect of light, outlook and privacy.

6.4. The Council's 'Extending Your Home' SPD states that extensions should be smaller than the main part of the dwelling and should fit in comfortably within the character of the area. Concerns were raised by a neighbour regarding the scale of the development, and this formed reason 1 of the previous refusal. The proposed two storey side and rear extension would be subordinate in height and set back from the building's principal elevation. The side extension would have a gable roof design which matches the existing roof design. Furthermore, the existing dwelling's footprint

is approximately 84 sq.m, and the proposed footprint would be approximately 106 sq.m. Some amendments have been made to the previous refused application by way of reductions to the first floor element of the two storey side and rear extension which has been reduced in length by 0.3m, the first floor side element has been moved closer to the principal elevation, the roof of the two storey rear extension has been reduced by 0.10m, the two storey side and rear extension has been set away from the boundary with no.302 Robin Hood Lane by 0.25m, and the single storey rear extension's roof has been converted from a mono-pitch to a dual pitch. These reductions have addressed the previous concerns of the overall scale, and size of the proposal compared with the existing house, and surrounding area, and other extensions that the City has approved. Although the objectors consider these may be minor amendments to the proposal, we consider that cumulatively they are acceptable, and do not warrant sufficient reasons for refusal.

- 6.5. The proposal complies with the Council's 45 Degree Code with respect to the adjoining properties no.298 & no.302 Robin Hood Lane. Concerns were raised by a neighbour regarding the loss of light, and this formed reason 2 of the previous refusal. The proposal is considered acceptable in terms of loss of light/outlook to the first floor side facing window of no.302 as this window is to a non-habitable room, the side-facing door at ground floor level which is not a window, and the rear facing window at the single storey side extension which serves a garage/ utility area which is a non-habitable room/ space. In the previously refused application, the application was refused due to the scale of the side extension, and proximity to the boundary with no.302 Robin Hood Lane. The scale of the side extension has been reduced, on balance the amended proposal would be acceptable. In accordance with the submitted plans, the two storey side and rear extension has been set away from the boundary with no. 302 Robin Hood Lane by approximately 0.25m, the first floor element at the rear of the two storey side and rear extension has been reduced by 0.3m and moved forward, and the roof of the proposed two storey side and rear extension has been reduced from 1.8m to 1.7m. Given that these amendments have been made to the proposal at the side and rear of the property, officers consider the amended proposed development would not reduce the level of sunlight/daylight and would not appear unduly overbearing to the users of the private rear amenity space of the adjoining property no.302 Robin Hood Lane. Furthermore, the rear garden of no.302 Robin Hood Lane is approximately 50m in length from their ground floor rear extension, and therefore we consider that it would not be affected by the proposed extensions. On balance these amendments would overcome the above concerns from the previously refused application 2018/05505/PA in terms of impacts to sunlight/ daylight and overbearingness to the adjoining property at no.302 Robin Hood Lane.
- 6.6. The proposal development would extend towards mature landscaping along the side boundary of no.302 Robin Hood Lane and towards a small conifer tree within the ownership of no.302 Robin Hood Lane. While it is acknowledged that there is potential for the proposed development to cause harm to the conifer tree and mature landscaping, there is no statutory tree protection order in this location and the conifer tree and mature landscaping does not provide public visual amenity to support a tree preservation order. The applicant is advised to take arboricultural advice regarding the effect of building works on the stability for the conifer tree for which they would be liable.
- 6.7. The public participation responses received in relation to boundary and party wall alterations are not material planning considerations and have no bearing on the decision making for this application. The concerns raised over potential traffic and

parking disruptions during the construction period are temporary in nature and therefore no long term harm would be experienced.

7. Conclusion

- 7.1. This re-submission has addressed by way of its amendments the reasons for refusal in the refused application 2018/05505/PA. The overall size and scale of the proposed side and rear extensions would be considered acceptable, and would not be out of scale with the existing dwelling and out of context with properties in the surrounding area. The rear extensions would not substantially reduce the level of sunlight/daylight or appear unduly overbearing to the users of the private rear amenity space of the adjoining property no.302 Robin Hood Lane.

8. Recommendation

- 8.1. Approve subject to conditions

-
- | | |
|---|--------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the materials used match the main building |
| 3 | Requires the obscure glazing for specific areas of the approved building |
| 4 | Implement within 3 years (Full) |
-

Case Officer: Abbas Sabir

Photo(s)

Figure 1 – Front Elevation



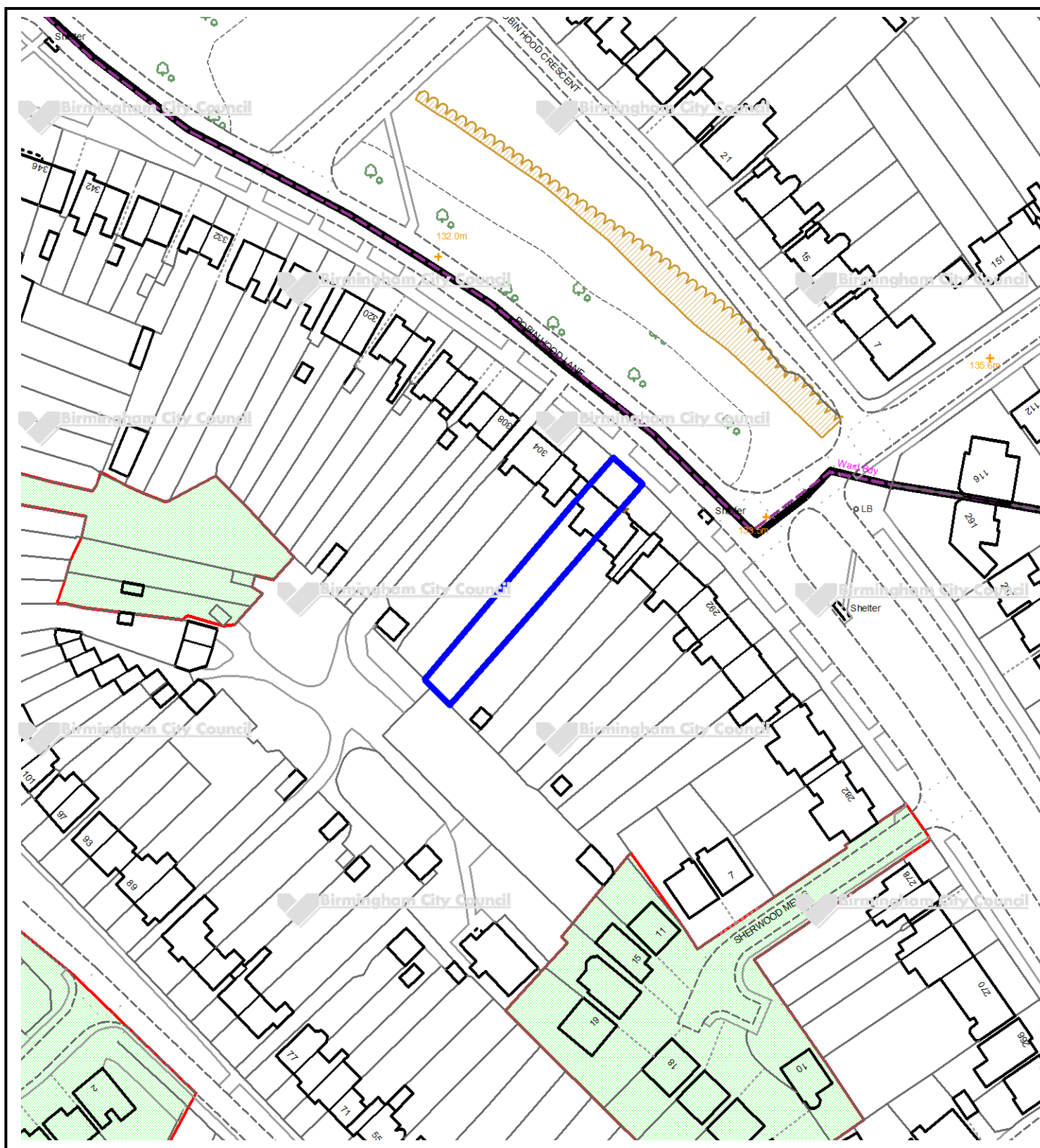
Figure 2 – Side Gap between Application Dwelling on LHS, and no.302 Robin Hood Lane on RHS



Figure 3 - Rear Elevations – Application Dwelling to RHS, and no.302 Robin Hood in the centre of the image



Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010