

# **Birmingham City Council**

## **Planning Committee**

**27 October 2016**

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>
Defer – Informal Approval	8	2016/04804/PA  2A Frederick Road Selly Oak Birmingham B29 6PB  Demolition of existing office building and erection of 48 bed student halls of residence with associated parking access and landscaping.
Approve - Conditions	9	2016/07120/PA  113 Lordswood Road Winfield House Quinton Birmingham B17 9BH  Demolition of existing building and erection of 7 no. residential dwellings with associated access improvements, landscaping and groundworks
Determine	10	2016/05855/PA  262 Vicarage Road Kings Heath Birmingham B14 7NH  Change of use from residential dwelling (Use Class C3) to HMO (Use Class Sui Generis)
Approve - Conditions	11	2016/05861/PA  112 Southam Road Land at the rear of Hall Green Birmingham B28 0AD  Erection of 1 detached dwelling house

Approve - Conditions

12

2016/06514/PA

68 Oxford Road  
Moseley  
Birmingham  
B13 9SQ

Erection of two storey rear, single storey rear  
and single storey forward extensions and  
installation of dormer window to front

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Committee Date:	27/10/2016	Application Number:	2016/04804/PA
Accepted:	05/07/2016	Application Type:	Full Planning
Target Date:	31/10/2016		
Ward:	Selly Oak		

2A Frederick Road, Selly Oak, Birmingham, B29 6PB

Demolition of existing office building and erection of 48 bed student halls of residence with associated parking access and landscaping.

Applicant:	Markey Construction Unit Q1, Quadrant Distribution Centre, Quadrant Way, Hardwicke, Gloucester, GL2 2RN
Agent:	BM3 Architecture Ltd 28 Pickford Street, Birmingham, B5 5QH

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1. This application is for demolition of an existing 2 storey, detached office building and redevelopment of the site with purpose-built student accommodation. The scheme proposes a single, 3 storey block to accommodate a total of 48 students within a series of 'cluster' units and 13 studios.
- 1.2. The block would be sited in a similar position to the existing building that it is replacing, set back slightly from the building line along Frederick Road, but would have a wider footprint and extend further into the site, with a 31m angled rear wing running parallel with Bristol Road.
- 1.3. The building would be of a contemporary design, with a predominantly flat roof, with sloping projections over stair cores (maximum height 10.5m). It would be constructed in brick, with some substantial areas of white render at 1<sup>st</sup> and 2<sup>nd</sup> floor level and grey cladding on key elements, including entrances and stair cores. The block would be in elevated position when viewed from Bristol Road (adjacent to its southern boundary), as the land banks up at this point, with the site partially obscured by mature trees.
- 1.4. Internally, the accommodation would comprise:
  - At ground floor – 2 no. 'clusters', 3 no. studios (two disabled-compatible), plant room and bin stores.
  - At 1<sup>st</sup> floor – 2 no. clusters and 5 studios
  - At 2<sup>nd</sup> floor – 2 no. clusters and 5 studios
- 1.5. Each cluster would contain either 5, 6 or 7 bedrooms, sharing a communal lounge/kitchen dining area. The rooms would be 15sqm and contain a single bed, purpose-built storage, desk and shower room/WC. The communal facilities within

each cluster would measure between 35.8sqm and 38sqm. The studios would be slightly larger (20sqm – 24sqm) and incorporate a kitchenette.

- 1.6. There would be two entrances for residents on the south side of the building, with separate stair cores serving the main building and the 'wing'. The proposed path along this southern side continues for the full length of the building to allow access to a rear amenity area. A secondary pedestrian route would be retained on the north side to allow for direct access to the plant room, binstores and cycle stores on this side of the building.
- 1.7. 2 no. parking spaces would be provided on the Frederick Road frontage, primarily for use at the start/end of term (when students move in/out). 12 no. secure cycle spaces are also proposed.
- 1.8. The communal amenity space would measure approximately 250sqm and would be screened by an existing substantial conifer hedge beyond the site's north-west boundary and trees to its south and east sides. There are no existing trees within the site.
- 1.9. The proposal has been amended since it was originally submitted. The main changes include the rationalisation of the building heights (and increase in number of units from 47 to 48 as a result), internal re-configuration, alterations to elevations and palette of materials.
- 1.10. Site Area: 0.11ha
- 1.11. The application was supported by a Planning Statement (incorporating Student Needs Assessment), Design and Access Statement, Noise Survey, Preliminary Ecological Appraisal, Transport Statement, Drainage Strategy and SUDS Appraisal, and Tree Report/Protection Plan.
- 1.12. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is located at the far south end of Frederick Road, Selly Oak and has boundaries to both Bristol Road (which runs parallel to the south) and Harborne Lane (to the east). The site is elevated from Bristol Road/Harborne Lane, situated at the top of a bank with mature tree cover, extending up from back of pavement on both these road frontages and hedging at the site boundary. The rear of the site is enclosed by a substantial coniferous hedge on the Frederick Road side. There is a low wall across part of the frontage, with a vehicular access to the site on the south side of this.
- 2.2. The site is currently occupied by a two storey, brick structure, previously used as offices but vacant for some time. It is of a flat-roofed design and incorporates solid roller shutters to front windows
- 2.3. The site is at approximately the same level as adjacent properties on Frederick Road. These properties include facilities associated with the Christian Life Centre (offices and community hall), immediately adjacent to the north at no. 2, and The Bear and Staff public house/hotel to the west on the opposite side of Frederick Road. The road terminates in a turning head (enclosed by a low wall) at this point, which prevents through-access onto Bristol Road for vehicles. The turning head has double-yellow lines, the rest of the road has no such restrictions.

- 2.4. This end of Frederick Road is otherwise predominantly residential in nature, although it does provide an access to St Mary's Church of England Primary School (between no.s 9 and 11). There is a further school (Cherry Oak) at the north end of the road, along with a number of industrial/warehouse units set behind no.s 70-78, with the rear of the old bus depot (now Access Storage) beyond.
- 2.5. The site is located at the edge of Selly Oak centre, outside of the defined District Centre but within the area included in the Wider Selly Oak SPD. There are residential properties on Harborne Lane to the north. There are predominantly commercial uses around the junction of Bristol Road and Oak Tree Lane (opposite to the south), with some residential and the site of the former Selly Oak Hospital beyond.
- 2.6. The area to the east is also predominantly commercial along the main Bristol Road frontage (mainly retail units, some with residential above), with Sainsburys, Battery Retail Park and the Birmingham Battery site closest to the application site. Opposite Sainsburys, on the south-east side of Bristol Road, is a new purpose-built student accommodation block, and there a number of other student schemes within the centre further to the north.

#### [Location](#)

### 3. Planning History

- 3.1. 15<sup>th</sup> May 2014. Pre-application enquiry 2014/03371/PA. Pre-application enquiry for student development. Advised further consideration should be given to need, number of units, tree impacts, potential overlooking and management plan.
- 3.2. 11<sup>th</sup> November 2015. 2015/04372/PA. Demolition of existing office building and erection of 3 bed student halls of residence with associated parking, access and landscaping – withdrawn.

### 4. Consultation/PP Responses

#### **Consultation Responses**

- 4.1. Transportation – no objection, subject to conditions in respect of footways crossings, cycle storage, Construction Management Plan and Car Park/Moving-In Management Plan. A S106 contribution would be appropriately applied to Frederick Road, Rachel Gardens and Lodge Hill Road.
- 4.2. Regulatory Services – no objection, subject to conditions in respect of contamination/ remediation and noise mitigation.
- 4.3. West Midlands Police – no objections.
- 4.4. West Midlands Fire Service – no objection, subject to adequate water supplies and access for fire service vehicles.
- 4.5. Severn Trent – no objection subject to a condition requiring drainage details.

- 4.6. Local Lead Flood Authority (LLFA) – accept in principle, the proposed strategy during next stage of design but suggest further exploration of potential to utilise SUDS should be undertaken. Additional information required, but satisfied that this can be secured through conditions.

## **Public Participation**

- 4.7. Adjacent occupiers, Councillors, M.P. and residents associations notified and site/press notices posted. 49 objections received, summarised below.
- 4.8. Objection received from Steve McCabe M.P:
- Selly Oak is already heavily populated with student accommodation. Several student flat schemes being built currently. Queries whether there is a policy to restrict numbers of student developments. No evidence to demonstrate demand/need.
  - Area will not benefit from proposal, Constituents have concerns about changes to their neighbourhoods.
  - This is a residential road, with a special needs primary school. Proposal will worsen existing on-street parking problems at drop-off/pick-up school times. Considers 2 parking spaces and 12 cycle parking spaces to be inadequate.
- 4.9. 48 objections received in respect of original scheme and amendments, including representations from Frederick Road and Rachel Gardens Residents Association, Community Partnership for Selly Oak, Friends of Selly Oak Park, and individual householders. Comments on original scheme:
- Changing nature of area through over-dominance of student accommodation. Already numerous student units and other large schemes being built nearby. Need a student housing plan for the area. Further 'studentification' will not maintain a balanced community;
  - Fall in owner occupied and more renting/buy to let;
  - All of the local amenities cater for student needs;
  - Promotion of families is what is needed and affordable housing. Some families feel like they are being pushed out. Not suitable to have student housing so close to a school – student could be a bad influence on children;
  - Could increase public order offenses – close to public house;
  - Having students in the area could be intimidating
  - Detrimental effect on local, permanent community – inappropriate in traditional residential road;
  - No community engagement;
  - Change of use from B1 to C1 does not accord with local SPD, which calls for housing to attract/retain employees of university/hospitals. Key worker accommodation would be more appropriate or small office units;
  - Density/number of storeys too high. Height/footprint should be reduced (max 2 storey) and more parking provided;
  - Students do use cars and will bring them to the site. Parking already an issue: 2 schools, staff, visitors, parents, Job Centre users. Parking and car use is already dangerous for children and could get worse;
  - Parking should be one space for two students;
  - Bin stores should be relocated;
  - Proposals appear to reduce access to Christian Life Centre (CLC) car park. Have an easement, which proposed boundary would impact upon (access for 25 years – may have possible right of way);

- Units overlook private homes and CLC which is used as a nursery/for kids clubs. Potential loss of light;
- Drainage should be connected to Bristol Road (Frederick Road cannot accommodate additional flows). Inconsistencies with drainage drawings;
- Out of character with streetscene. No active frontage to Frederick Road and very narrow access to units. Residents do not want a 'landmark building';
- Impact on trees;
- Queries whether works to Bristol Road junction taken into account;
- Comments made on submitted Planning Statement (incorporated above);
- Increased noise, congestion and pollution;
- Students do not have the incentive to take part in community life/activities as they are short term residents;
- Noise level during construction;
- Proposed frontage (bin area/car park) not in keeping with dwellings in the street, which have gardens, hedges, trees and flowers;

4.10. Comments in respect of amendments:

- Question over access to the re-located bin store;
- Smoking shelter on the boundary to the CLC car park – not the best location, near to children's play area and car park;
- Concerns over anti-social behaviour (the pub);
- Query whether re-designed scheme would it overlook the CLC park/play area?
- Concerns about the amount of run-off water soaking into the ground from the development;
- Confusion over the number of flats being proposed.

5. Policy Context

- 5.1. UDP (2005), Pre-Submission Birmingham Development Plan (2031), Car Parking Guidelines SPD (2012), Shopping and Local Centres SPD (2012), Places for All SPG (2001), Specific Needs Residential Uses SPG (1992), Wider Selly Oak SPD (2015), NPPF.

6. Planning Considerations

Principle of Student Accommodation

- 6.1. Paragraph 14 of the National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with the development plan without delay. Paragraph 17 states "Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value."
- 6.2. The Birmingham UDP contains no specific policies in respect of purpose built student accommodation. However, the Pre-Submission Birmingham Development Plan (BDP), at policy TP32, has a set of criteria for off-campus development which includes; a demonstrated need for development; a good location in relation to the educational establishment, local facilities and public transport; that the development would not have an adverse impact on the local neighbourhood or residential amenity; the scale and massing of the building is appropriate and the design and layout of the accommodation would create a positive living experience.

- 6.3. The application site does not have any land use designation within the Wider Selly Oak SPD. It is outside of the defined District Centre and, as such there is no loss of in-centre office floorspace and my Strategy colleague therefore raises no objection in principle to the proposal. The Wider Selly Oak SPD acknowledges the attractiveness of Selly Oak for student accommodation and identifies some (larger) sites for potential purpose-built provision. At the same time, it reiterates the policy requirement in the Pre-submission BDP for accommodation to be well related to the educational establishment that it serves.
- 6.4. There are high concentrations of students living in Houses in Multiple Occupation (HMOs) in Bournbrook. This puts pressure on this area and both the quality of life for existing residents and the residential environments have been adversely affected. The Wider Selly Oak SPD acknowledges that whilst purpose built accommodation can still bring large numbers of students into an area, it can help minimise adverse impacts on areas that are over-populated with students by freeing up HMOs for potential reversion to family housing, thereby restoring a more balanced community and helping with certain local services such as take up of school places.
- 6.5. The application is supported by a Marketing Report produced by Bilfinger GVA (dated April 2016). The Report sets out the most important figures around the higher education sector in Birmingham, as follows: there are in excess of 59,000 full-time students in the five institutions, of which the University of Birmingham (UoB) has 23,455. Of these, 10.1% are overseas students, and 8.1% are mature students. First-year undergraduate and post-graduate international students are guaranteed University-supplied living accommodation. The five universities in Birmingham supply 13,171 bed spaces for the approximately 59,000 full-time students, leaving some 46,000 bed spaces to be found elsewhere. Many rent in the private sector, some live at home. Private-market, purpose-built student accommodation provides some 5,014 bedrooms.
- 6.6. The Marketing Report notes that the demand for purpose-built student accommodation is in-part driven by increasing numbers of applications to the city's higher education institutions, with the UoB seeing a strong increase in recent years, particularly from international students. This group has a high tendency to choose purpose-built accommodation, including for reasons of security, location and facilities. The Report foresees this sector continuing to grow as global student mobility increases yet further. The Report considers that although public transport to the city centre (and therefore to three of the other universities) is good, this development proposal would most likely service UoB students. It notes the number of new purpose-built student accommodation developments in the city centre. Finally, the Report considers that the site would also appeal to key sector workers from the nearby QE hospital campus.
- 6.7. I note local objectors' concerns regarding the over-supply of student accommodation and associated impacts in creating an unbalanced community. However, I consider that Selly Oak will always likely be a popular location for students to live in because of its close proximity to the University and I am satisfied the submitted information adequately demonstrates that there is further demand.
- 6.8. Whilst the character of Frederick Road is predominantly that of traditional family dwellinghouses, I do not consider that an alternative residential use, to accommodate 48 students, would have such an impact on local character and amenity that the application should be resisted.



- 6.9. Whilst this site is not immediately adjacent to the University campus, it fronts the main Bristol Road, which would provide easy access through either walking cycling or public transport. In addition, it has a similar relationship (in terms of distance) to approved student schemes on Bristol Road to the northeast and on the Birmingham Battery site. As such, I consider the application site is in a suitable location to provide for purpose built student accommodation, being a brownfield site in close proximity to the University and local services/amenities, including Selly Oak District Centre and would, consequently, achieve sustainable benefits. Current planning policy does not restrict the provision of student accommodation at this site and therefore I consider such development would be acceptable in principle.

### Transportation

- 6.10. Paragraph 32 of the NPPF states that decisions should take account of whether: “The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; Safe and suitable access to the site can be achieved for all people; and Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”
- 6.11. Paragraphs 6.49A to 6.51B of the Birmingham UDP set out policies in relation to car parking provision. The key points of the UDP in relation to car parking provision in new developments are as follows:
- Provision should be adequate for all transport needs.
  - Account should be taken of local factors, such as availability of public transport and public car parking.
  - Proposals which may generate significant on-street parking in residential areas will be required to contribute to parking management measures.
- 6.12. The Council’s Car Parking Guidelines SPD recommends a maximum of 1 space per 5 beds and a minimum of 1 cycle space per 4 beds for purpose built student accommodation. There is no minimum parking provision requirement.
- 6.13. The submitted Transport Statement suggests that the development would actively discourage students from bringing cars (prohibited by the lease agreement), and this is reflected in the proposed provision of only 2 no. parking spaces, which would be for visitors and primarily used at the start/end of term when students move in/out.
- 6.14. The Statement acknowledges that a “Moving in Management Strategy” will be required. The key elements of this are outlined - phased arrivals, on-site management and arrival strategy. Arrivals would be phased over a period of two consecutive weekends, with hourly timeslots allocated throughout those days (avoiding times busiest with the nearby school). An on-site team would be present throughout this operation, including site manager, check-in staff and baggage attendants. Students would be advised of the arrival strategy – procedure upon arrival.
- 6.15. The TA identifies that parking on and around the site would be regularly monitored and students found bringing the cars to the site would be issued warnings in respect of the terms and conditions of their lease and potentially removed for breach of contract.

- 6.16. Secured, covered cycle stands would be provided for 12 cycles.
- 6.17. The proposal would comply with the Council's Car Parking Guidelines SPD by providing just 2 no. parking spaces (disabled provision) and an appropriate level of secure cycle parking (12 spaces for 48 residents). In addition, there are frequent bus services along both Bristol Road and Harborne Lane (with bus stops immediately adjacent to the site on both these road frontages) and along Oak Tree Lane to the south (less than 0.9 miles).
- 6.18. In the light of the above, your Transportation Officer raises no objection subject to conditions and a S106 contribution for potential parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders and/or local highway improvement measures in Frederick Road, Rachel Gardens and Lodge Hill Road and I concur with this view.

#### Scale, Layout and Design

- 6.19. Paragraph 56 of the NPPF states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Policies in the Birmingham UDP, Places for Living SPG and Places for All SPG also give significant weight to achieving high quality design which recognises local character and distinctiveness.
- 6.20. The proposal was the subject of ongoing discussions with City Council Officers and has been significantly amended both prior to its formal submission and during the consideration of the application.
- 6.21. The existing building is of no architectural merit. It is of a simple, flat-roofed, brick design and incorporates solid roller shutters to its front windows. As such, there would be no objection to its removal, as it currently appears as an incongruous feature in the streetscene.
- 6.22. This site is prominent within the local area. It has a frontage to Bristol Road at its junction with Harborne Lane and Oak Tree Lane (a major traffic light junction), and is in an elevated position (although partially screened by mature trees at this point). The submitted Design and Access Statement states that the scheme has been designed to provide a 'positive landmark' building in reflection of the potential impact at this important corner. It proposes a building that is considered to possess its own distinct character but which is still sensitive to its context.
- 6.23. Properties on Frederick Road are predominantly two storeys, of traditional design, and of brick construction (with some elements of render). The proposed block is three storeys high and, as such, larger than the properties immediately adjacent and the building that it would replace. However, I would concur with the view that the proposal is of an appropriate scale/mass for this prominent location, where the road terminates, particularly taking into consideration the scale of the Bear and Staff public house (opposite) and other more substantial (2 ½ and 3 storey) properties fronting this stretch of Bristol Road.
- 6.24. The scheme was amended (in response to Officer concerns) to be more sympathetic to the character of Frederick Road. Changes included the introduction of an alternative palette of materials (predominantly brick and render) and revisions to window patterns on the front elevation to better reflect elements evident in the existing streetscene.

- 6.25. The scheme has been designed to provide surveillance/activity to street frontages. The majority of the individual study bedrooms have windows orientated towards the south or east. The internal layout has been designed to provide communal kitchen/living spaces at the far end of the block, to overlook the proposed amenity space, and shows corridors on the north side of the rear wing at the point closest to the rear of the existing adjacent property on Frederick Road.
- 6.26. I note local concern about overlooking of neighbouring properties, in particular facilities associated with the Christian Life Centre (CLC) immediately adjacent. However, the existing building does have windows orientated in this direction and the office/community use (the CLC) would not generally be afforded the same level of privacy as a residential occupier might reasonably expect. In addition, there is a substantial coniferous hedge along the neighbouring boundary that would prevent potential overlooking from any windows with the exception, perhaps, of those on the top floor. Notwithstanding this, it is acknowledged that the proposed block does extend further to the rear than the existing building and, in response to the concerns raised in this regard, the scheme has been orientated away from this side (as described to above). In addition, the windows to the corridor (facing the community hall and associated car park) could be obscured with frosted glazing (to be secured through an appropriate condition).
- 6.27. The block is sufficient distance from other residential units to ensure no adverse impact on existing amenity through loss of light or privacy. As such, I am satisfied that the development would have an acceptable relationship to existing properties in the immediate vicinity.
- 6.28. In the light of the above, I am satisfied that the proposal meets policy requirements in terms potential impact on residential amenity and in respect of the proposed scale and massing of the building and its relationship to the surrounding area.

#### Living Conditions for Prospective Occupiers

- 6.29. The Council's Specific Needs Residential Uses SPG (1992) recommends that a single bedroom within purpose built student accommodation should measure a minimum of 6.5sqm in size. Each proposed cluster flat study-bedroom would have an internal floorspace of 15sqm and the studios would have an internal floorspace of between 20sqm – 24sqm. The communal areas within the clusters, at 35.8sqm and 38sqm, are relatively generous, with furniture layouts provided to demonstrate the accommodation of kitchen, dining and lounge facilities. Two ground floor bedrooms would have limited outlook (towards the northern, rear boundary), but I do not consider this to be a drawback sufficient to withhold consent for the wider scheme. The applicant has also provided additional information in respect of other student schemes that the company currently operates successfully across the country, all of which offer similar accommodation, including study bedrooms of a comparable size.
- 6.30. A communal garden area (approximately 250sqm) is proposed to the rear of the block. Whilst not extensive, this area is considered sufficient to provide a suitable setting for the building and opportunities for occupiers to take advantage of the outdoor space. I also note that there are other facilities in the vicinity of amenity value, including the new substantial areas of open space/sports facilities to be incorporated at the Selly Oak Hospital site (to the south), Selly Oak Park and the University campus.

- 6.31. In the light of the above, I am satisfied that the proposal meets policy requirements in terms of creating a positive living experience for future occupiers.

#### Landscaping

- 6.32. There are no trees or features of landscape value within the site, which is predominantly hard surfaced around the existing building. There are mature trees adjacent to both the south and east boundaries (outside the site), which were the subject of a Tree Survey. The Survey identified 6 no. individual trees and one group. These are predominantly Category A and B and include London planes, an oak, acer, hawthorn, and fruit trees. The Survey recommends an arboricultural report to include an impact assessment, method statement and tree protection plan.
- 6.33. The proposed new block has been sited to avoid impacting on these trees - shown to be outside their canopies. A Tree Protection Plan has been submitted, but this covers the demolition phase of development only. Your Tree Officer has raised no significant issues with the proposal, except to encourage care with regard to the street trees outside the site. He recommends the imposition of a condition to require an Arboricultural Method Statement for works within the site where the new surfaces/soft landscape are to be implemented. This will involve the careful removal of tarmac surfaces and replacement footpaths/planting. I concur with this view.
- 6.34. My Landscape colleague requested amendments to the scheme as originally submitted, particularly in respect of the proposed frontage treatment. The amended plans show the relocation of bin stores to the rear of the site and incorporation of an area of landscaping in front of the building. He advises that landscaping, boundaries and surfacing treatment should be the subject of conditions, which I have attached.

#### Ecology

- 6.35. A Preliminary Ecological Appraisal (PEA) was submitted in support of the application. Your Ecologist notes the location of the site on a busy section of road, which is particularly well-lit and has high levels of noise and disturbance. The existing building is proposed for demolition, but offers negligible potential for bats. However, the shrubbery and mature trees at the site's boundaries offer some potential for breeding birds. The PEA identified that birds were nesting in the area and on site, and a recommendation is made for further survey work if site clearance is to be undertaken within the March to September nesting period.
- 6.36. The submitted Landscape Management Plan indicates retention of the main area of shrubs/trees(outside the development site) and enhancement of the remaining soft landscape areas with a range of native and ornamental trees, shrubs and bulbs. Your Ecologist is satisfied that there would appear to be very little ecological impact from the redevelopment of the site and, as such, raises no objection to the proposal. An informative is recommended to highlight the requirements of the Wildlife and Countryside Act 1981 (as amended) in respect of nesting birds.

#### Other Issues

- 6.37. Regulatory Services raised no objection subject to the imposition of conditions in respect of contamination/remediation and noise mitigation measures and I concur with this view.
- 6.38. The development would be liable for Community Infrastructure Levy (CIL), which I calculate to be in the region of £109,900.

- 6.39. I note the concerns of the adjacent occupier regarding rights of access to their existing car park at the rear, including an easement over land taken into application site boundary. However, this is a civil matter and not for consideration through the planning process. This concern has been brought to the attention of the applicants, who have confirmed that the correct certificate ('A') has been submitted and that, in their view, there is no requirement for notice to be served on any other party.
- 6.40. With regards to the aforementioned car park access, I note that the proposed building is in a similar position to the existing in terms of its relationship to the side boundary, but that a fence would now enclose a small area to the side beyond this. However, I am satisfied that this would not prohibit access to the existing car park at the rear of the adjacent property. Your Transportation Officer has raised no concerns in this respect.

## 7. Conclusion

- 7.1. I consider the development of this site for purpose built student accommodation would be acceptable in principle, given this is a brownfield site in a highly sustainable location close to the University of Birmingham campus. There are unlikely to be any material increases in traffic and parking on nearby residential roads and in a worst case scenario the s.106 financial contribution would adequately mitigate such an impact. The scale and appearance of the proposed development, in its amended form, would be acceptable and would sit comfortably in the streetscene. There would be no significant impact on the amenity of neighbouring residential occupiers and the development would provide an acceptable living environment for future occupiers. The proposal would support the function of the University of Birmingham as a key provider of employment, culture, and learning in the City. Therefore I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

## 8. Recommendation

- 8.1. Approve subject to a Section 106 legal agreement.
- I. That consideration of application no. 2016/04804/PA be deferred pending the completion of a suitable Section 106 legal agreement to require:
- a) A contribution of £15,168 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) to be paid prior to the implementation of the approved development. The fund would be used towards parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders and/or local highway improvement measures in Frederick Road, Rachel Gardens and Lodge Hill Road.
- b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- II. In the event of the above Section 106 Legal Agreement not being completed to the satisfaction of the Local Planning Authority on or before 27<sup>th</sup> October 2016, planning permission be REFUSED for the following reason:-

- a) In the absence of a financial contribution towards parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders and/or local highway improvement measures in Frederick Road, Rachel Gardens and Lodge Hill Road the proposal would conflict with Paragraphs 8.51-8.53 of the Birmingham UDP 2005, Policy TP43 of the Pre-Submission Birmingham Development Plan, the Wider Selly Oak SPD and the National Planning Policy Framework.
- III. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 legal agreement.
  - IV. In the event of the S106 Legal Agreement being completed to the satisfaction of the Local Planning Authority on or before 27<sup>th</sup> October 2016 favourable consideration be given to application no. 2016/04804/PA, subject to the conditions listed below:

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|----|--|
| 1  | Requires the prior submission of a contamination remediation scheme                                |
| 2  | Requires the prior submission of a contaminated land verification report                           |
| 3  | Requires the scheme to be in accordance with the listed approved plans                             |
| 4  | Requires details of noise mitigation measures  |
| 5  | Requires the prior submission of a sustainable drainage scheme                                     |
| 6  | Requires prior submission of a sustainable drainage scheme (Operation and Maintenance)             |
| 7  | Requires the prior submission of hard and/or soft landscape details                                |
| 8  | Requires the prior submission of hard surfacing materials  |
| 9  | Requires the prior submission of earthworks details  |
| 10 | Requires the prior submission of a landscape management plan                                       |
| 11 | Requires the prior submission of a construction method statement/management plan                   |
| 12 | Requires the prior submission of sample materials  |
| 13 | Requires the prior submission of level details   |
| 14 | Requires the prior submission of details of refuse storage   |
| 15 | Requires windows to corridors on north elevation to be obscure glazed with top-opening lights only |
| 16 | Requires the prior submission of cycle storage details   |
| 17 | Requires footway crossing to City Specification  |
-

- 
- 18 Details of student management plan for pick up/ drop off at start/end of terms
  - 19 Arboricultural Method Statement - Submission Required
  - 20 Limits the approval to 3 years (Full)
- 

Case Officer: Alison Powell

## Photo(s)



Frederick Road Streetscene, application site on right-hand side



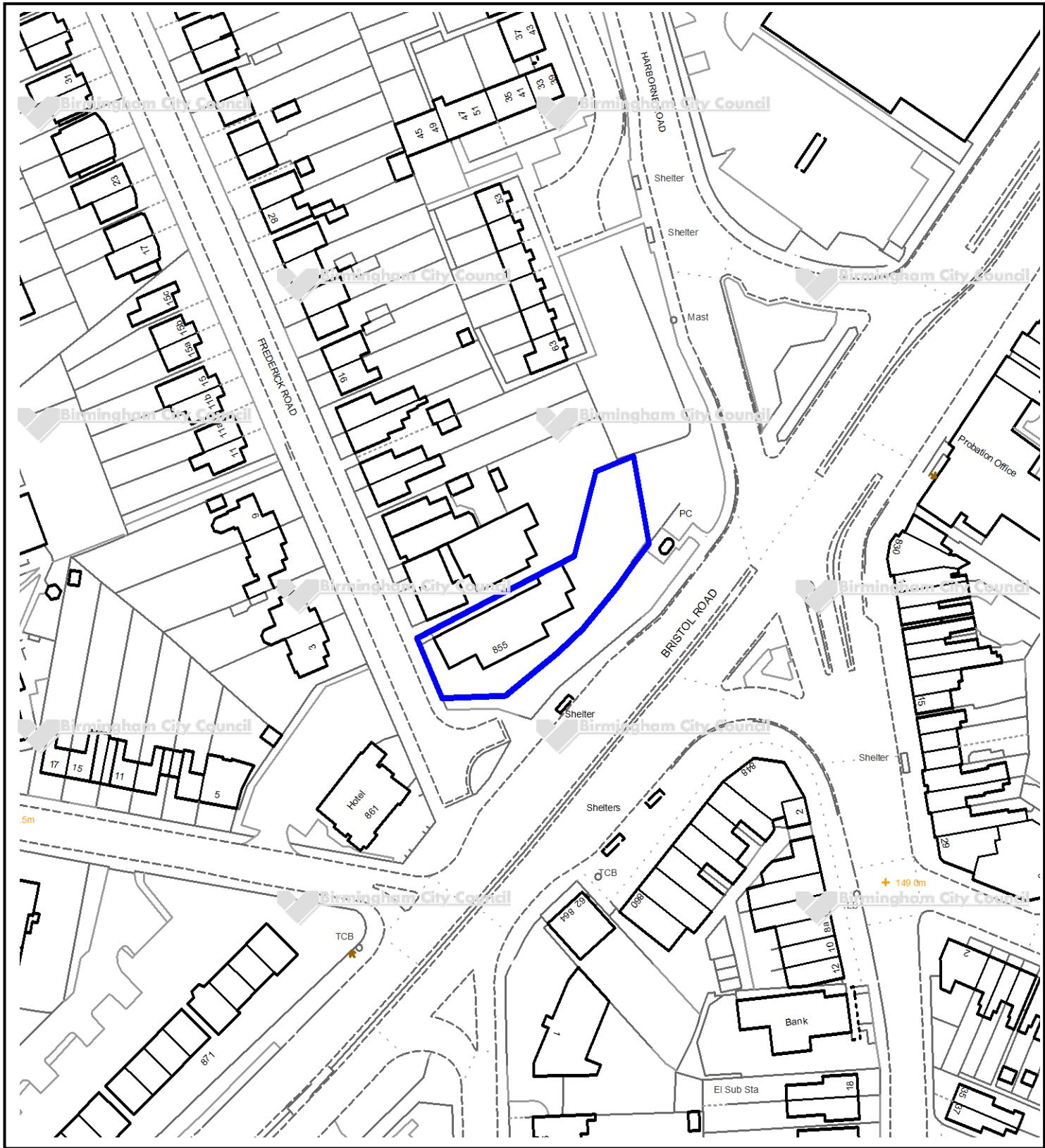
Rear (north) boundary of application site, looking west to Frederick Road. Christian Life Centre access in centre of photo, with its building (no. 2a Frederick Road) to right hand side.





Rear of Site (east elevation)

Location Plan



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Committee Date:	27/10/2016	Application Number:	2016/07120/PA
Accepted:	01/09/2016	Application Type:	Full Planning
Target Date:	27/10/2016		
Ward:	Harborne		

113 Lordswood Road, Winfield House, Harborne, Birmingham, B17 9BH

Demolition of existing building and erection of 7 no. residential dwellings with associated access improvements, landscaping and groundworks

Applicant:	Lordswood Road Developments Ltd c/o The Agent
Agent:	Pegasus Planning Group Unit 5a And 5c The Priory, London Road, Canwell, Sutton Coldfield, Birmingham, B75 5SH

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application seeks planning permission for the demolition of a 12 bed residential institution and the erection of 7 no. residential dwellings.
- 1.2. The dwellings would be 2 ½ to 3 storeys and would be arranged as two groups of semi-detached properties and one group of three terraced houses.
- 1.3. Each dwelling would have five bedrooms, with bedrooms ranging in size from 17.5sqm to 7.8sqm. Each house would be 196sqm in floorspace. Each house would have a garden of at least 11.9m long. Rear gardens would range in size from 142sqm to 75sqm.
- 1.4. In terms of architecture, the houses would be of a broadly traditional design with pitch tiled roofs and a render finish. Interest would be added through the addition of some vertical timber panelling above front doors. Each house would also have a projecting brick bay which would then also act as a balcony to a first floor bedroom window. Each house would have a brick chimney. The second floor would be expressed in one of two ways for each house. For example, for both of the semi-detached pairs, one side consists of a tall gable end with a window within the apex, and the other half consists of two pitched roof dormers within a roof slope.
- 1.5. In layout terms the houses would be arranged as a staggered row with some variance in the frontage setback to add interest. The site would have one access, reusing the existing arrangement next to no.115, which would lead into a linear car park, with 200% parking provision, arranged in a row behind a retained front boundary hedge.
- 1.6. The application has been made with a Design and Access Statement (including shadow diagram) and an Ecological Assessment.

1.7. Amended plans have been received that show the side windows removed and show adequate individual house bin storage in rear gardens.

1.8. Site area 0.19ha. Density 37 dph.

1.9. [Link to Documents](#)

## 2. Site & Surroundings

2.1. The existing building, Winfield House, consists of 12 bedsits with a communal kitchen at ground floor. This was used by students of Queen Alexandra College. The existing building is two storey and fills 2/3rds of the frontage with built form. The site is near to the junction of Lordswood road and Crosbie Road and therefore the southeastern boundary of the site is adjacent to the end of rear gardens of houses that front onto Crosbie Road. The northwestern boundary is adjacent to a detached house of 115 Lordswood Road and there is a small cul-de-sac (Springavon Croft) to the north of this. To the rear of the site, the northeastern boundary is a parcel of land, maybe a former paddock or orchard associated with 33 Crosbie Road. The site is generally flat.

2.2. The local area is residential in character, consisting of detached, semi-detached and terraced houses of various styles and ages.

2.3. The site is 400m to the northwest of Harborne High Street. The site is within the Harborne Ward but Lordswood Road acts as the boundary to the Quinton Ward, to the west of the site.

## 3. Planning History

3.1. No planning history.

## 4. Consultation/PP Responses

4.1. Residents, Residents Associations, Councillors and MP consulted. Site Notice erected.

4.2. Councillor Gregson – *"I am councillor for the Quinton ward; the opposite side of Lordswood Road to this proposed site which is in Quinton ward. Local residents have contacted me with concerns about this planning application and I writing to record those concerns:*

- The design and size of the proposed development does not accord with the character of the area.*
- The proposal would constitute over development of the site - it seems incredible that seven properties are proposed.*
- There is inadequate provision within the plans for parking for those who would live in the proposed development - the lack of parking is already a serious issue in the area.*
- Residents have concerns about the loss of privacy which the development could entail for them in their homes.*

*I would ask the Planning Committee to look carefully at these points in considering this application."*

- 4.3. Councillor James McKay – Supports the objections made by several residents. He has asked that the application be considered by Planning Committee rather than be a delegated matter.
- 4.4. The Harborne Society – Comment that the height of the dwellings is out of keeping with adjacent buildings and is too high in what is the narrowest section of Lordswood Road; The number of dwellings proposed is over intensive and would lead to an undesirable massing on the site; To avoid the appearance of a car park at the front of the site the existing mature hedge should be retained; The proposed parking area is insufficient to allow for turning, reversing and passing of vehicles; Delivery and service vehicles would have difficulty accessing the frontage, particularly waste collection vehicles which would need to be off road for the number of wheelie bins associated with the development.
- 4.5. 17 Objections received, from 10 local addresses with the following concerns;
- Overbearing and detrimental to the context of the neighbourhood. The proposed development, with its Juliet balconies and wood cladding, take on the appearance and scale more suited to city centre sites of high density and is not respectful of the surrounding residences. The street pattern, building line and rhythm of the proposed buildings are out of scale and therefore un-neighbourly due to the design and architectural style being out of keeping and over-bearing in appearance.
  - The design of the proposed development does not afford adequate privacy for the occupants of adjacent residential properties, particularly with regard to our right to the quiet enjoyment of garden amenities. We believe that the proposed development would have a dominating impact on us and our rights to the quiet enjoyment of our property. (Article 8 of the Human Rights Act)
  - The seven proposed houses amount to ‘cramming’ and would significantly alter the fabric of the area in what is a low density and established mature neighbourhood.
  - Inadequate parking and access. Inadequate parking and access, the proposal will not easily accommodate 14 cars in the layout proposed, allow for passing or turning, or allow for visitors, deliveries and overspill.
  - Poor design and non-compliance with BCC Mature Suburbs Guidance, the design is inappropriate in its local context and street pattern and fails to take opportunities available for improving the character and quality of this traditional part of Harborne.
  - Loss of light
  - Lack of adequate refuse storage for up to 21 wheelie bins
  - There is a party wall on the boundary with 115 Lordswood Road that needs to be addressed that has already been raised directly with the developers but no response has occurred. There are also concerns in regard to the impact on their foundations.
  - The boundary line to 115 is inaccurate
  - Overlooking from the proposed side windows
  - The objections to the current development are so strong that should an application be approved, we shall challenge the planning permission through both a Statutory and judicial review and if necessary through the European Convention on Human Rights (ECHR) under article 1.
- 4.6. Consultation Responses

- 4.7. Transportation – No objection, subject to conditions to secure that the footway crossing to be constructed to City specification and that a pedestrian visibility splay of 3.3m x 3.3m x 600mm high is incorporated into the access.
- 4.8. Regulatory Services - No objection, subject to the following conditions; a noise assessment to determine the correct noise attenuation for glazing, contamination survey and provision is required for one vehicle charging point.
- 4.9. West Midlands Police – No objection.
- 4.10. Severn Trent Water – No objection subject to a drainage condition.
- 5. Policy Context
- 5.1. Birmingham UDP (2005); Draft Birmingham Development Plan; Places for Living (2001) SPG; Car Parking Guidelines (2012) SPD, Mature Suburbs (2008) SPD.
- 5.2. NPPF (2012), NPPG (2014)
- 6. Planning Considerations
- 6.1. Principle
- 6.2. 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 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 brown-field 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 TP27, of the draft BDP, requires new housing to be; outside flood zones 2 and 3\*; be served by new or existing infrastructure; be accessible to jobs, shops and modes of transport other than the car; be capable of remediation; be sympathetic to historic, cultural or natural assets; and not conflict with other specific policies of the plan.
- 6.4. The site is in flood zone 1 (least likely to flood) and is not contaminated to an extent in cannot be remediated. The site is within an established residential area in a suburb in close proximity of the city for cycling. The site also provides good access to public transport. I consider that the principle of residential use for this site is acceptable in locational terms.
- 6.5. Design
- 6.6. Design guidance within Places for Living (SPG) encourages good quality accommodation in attractive environments. It contains a series of urban design

principles with emphasis to assessing context and responding positively to local character.

- 6.7. Mature Suburbs (SPD) states that new housing can have a significant impact on local distinctiveness on the character of an area and that new development must be of 'good design' resulting from a good understanding of the local character and circumstances. It states that design should determine density and not vice versa. It concludes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.
- 6.8. The proposed dwellings are a combination of semi-detached houses and a row of three terraced houses. They are contemporary in design with a traditional form (tiled roof) to relate to the local vernacular. Materials include brick, render and some timber cladding which adds further interest. The scale is a combination of 3 and 2 ½ storeys, the majority of the local housing stock is two storey but there are also some examples of 3 storey in the local area (such as with the terraced houses of Springavon Croft- 15m to the north) and 2 ½ storeys on Wentworth Road (further to the north).
- 6.9. In terms of character, mindful of Mature suburbs criteria, the local area consists of a range of house types, some frontages have been converted to hard-standing, but the majority are landscaped gardens with a brick boundary or hedge front enclosure. The proposal would retain the front hedges and enlarge the existing vehicle access to limit the number of new driveways needed to access Lordswood Road and consequently retain the character of the frontage.
- 6.10. In terms of density, a study of local density shows that 35-41 Crosbie Road (0.24ha) has a density of 17dph, 3-13 Court Oak Road (0.25ha) has a density of 24, Springavon Croft (0.32ha) has a density of 50, and 66-80 Lordswood Road (0.64ha) has a density of 12.5. The scheme proposes a density of 37dph, this is therefore of medium density (being between 30-40dph) and is in character with the local context which ranges from 17 to 50dph. Paragraph 5.25C, of the UDP, sets down criteria for new housing development. This requires the Local Planning Authority to take into account locational suitability, accessibility of the site and consideration of impact on infrastructure. Paragraph 5.38 seeks that new housing development achieve densities of at least 40 dwellings per hectare, 50 within centres or adjacent to main transport corridors and over 100 within the city centre. Therefore whilst the density is below the required 40dph, I consider that the lower figure takes into account the character of the local area and is therefore acceptable.
- 6.11. Impact on Residential Amenity
- 6.12. In November 2015, the Government introduced National Space Standards and explained to Local Planning Authorities that these Standards could only be used if adopted through a formal Development Plan adoption process. Although not yet adopted by BCC, the standards are nevertheless a useful yardstick. The proposed dwellings are a minimum of 134sqm and would easily exceed the national standard for five-bedroomed houses (196sqm), and for bedroom sizes.
- 6.13. All proposed dwellings satisfy the garden sizes set out in Places for Living. In terms of separation distances the houses would sit on relatively large plots, Places for Living requires 5m per storey to prevent overlooking into adjacent rear gardens. This would therefore expect gardens to be 15m. However, the rear elevations include a single storey section meaning that the first and second floor windows are set back by 2.5m meaning that separation distances from second floor rear windows and the



rear boundary is between 21.8m (plot 1) and 15.4m (plot 5). In terms of impact on houses of Crosbie Road, no37 Crosbie Road has a garden length of 33.4m and therefore satisfies the minimum distance of 15.5m for separation to the side walls of proposed development, sought in Places for Living. I am therefore satisfied that the scheme satisfies Places for Living guidelines.

- 6.14. The adjacent property to the north of the site, 115 Lordswood Road, is a detached house with a single storey side extension and garage. This house has a first floor side window which serves a landing, the rear of the house has an 8.5m long rear extension. The nearest proposed house to this boundary is plot one. The main rear elevation, of the proposed house for Plot One, is set back from the principal rear wall of no. 115 by 8.5m. Therefore the main rear wall of the proposed house would effectively be aligned with the rear elevation of the single storey rear extension. As such the scheme would not affect ground floor rear windows of no.115 as the existing single storey extension would be between the ground floor windows of the main house and the nearest proposed house. The nearest first floor rear window, on no.115, is a box bay window, the 45 degree code shows that line should be taken from the centre point of the window, this line clears the rear wall of the proposal and as such satisfies the code. The side window at no. 155, at first floor, does not serve a habitable room. I do not consider the proposal would dominate the rear garden of no.115, due to the presence of its own single storey rear extension. As such I am satisfied that this relationship is acceptable.
- 6.15. The resident of no.115 raised a query in regard to boundaries in their objection letter. A site visit, by the case officer, revealed that the red lined boundary was 0.3m nearer to the southern (flank) wall of no.115 than can be achieved within the ownership of the applicant. The applicant has consequently made a minor revision to the red-lined boundary to pull the northern boundary redline away from the neighbour's flank wall and maintain an existing and established fence/boundary line. I am satisfied that this ownership query has been resolved.
- 6.16. The submitted shadow diagrams show that the shadow impact of the proposed scheme is largely similar to that formed by the existing building. Some overshadowing would occur to the rear garden of no.115 in Spring and Autumn (11am to 3pm) but this is not considered to vary significantly from the existing situation. I also note that no.115 has a single storey rear extension that would also contribute towards overshadowing its own garden, and there are mature boundary trees that would also contribute in a similar way.
- 6.17. Transportation
- 6.18. Policy TP37 of the draft BDP requires development proposals to support and promote sustainable travel and Policy TP43 requires new development to support the delivery of a sustainable transport network.
- 6.19. The proposed parking would be reached via a single point of access, the houses would have two allocated parking spaces, in a continuous row along the front boundary. It is noted a bin storage area has been included close to the site access. Parking on street at this location is largely unrestricted, although a short length fronting the site is limited due to a bus stop. The regular outer circle bus runs along here throughout the day.
- 6.20. There are no objections from Transportation officers to the proposed development as they do not expected traffic and parking demand would notably significantly alter from the existing arrangement. The vehicular access would need to be widened and



constructed to heavy duty specification with adequate pedestrian visibility incorporated. It is noted sufficient vehicular visibility has been demonstrated on the submitted site layout drawing. Due to the level of on-site parking, overspill parking, beyond the site would be unlikely to occur. However, unrestricted on-street options are available if there is some visitor demand. In addition there are good public transport links.

6.21. Trees and Ecology

6.22. No trees are affected by the proposal, as 4 or 5 mature trees on the southeast boundary were removed in advance of the application being made.

6.23. In terms of ecology, Policy TP8 of the draft BDP, states that “development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured”. This is also reinforced at paragraph 118 of the NPPF.

6.24. The submitted ecological assessment has concluded that there are no significant constraints. The ecology report notes no evidence of badger setts, but does identify two badger ‘push-throughs’ on the south-eastern and north-eastern boundary fences, which lead into neighbouring gardens. This suggests that badgers do move through the site on occasion during their nocturnal foraging activities. The approximate locations of the access points are on the south-eastern boundary of the rear garden of plot 7 and the north-eastern boundary of the rear garden of plot 6. The boundary treatments for these two plots (including the internal boundary between the two rear gardens) need to ensure that a mammal access route is maintained, and provide for hedgehog access points in boundary fencing. These two issues can be addressed via a boundary treatment condition. For bats, an initial assessment of roost potential was carried out - the exterior of the building was inspected, along with hedgerows and trees, no constraints to development were identified.

6.25. The ecological report recommends several measures to be undertaken during construction to mitigate against an impact on mammals, birds and general wildlife. My ecologist considers the ecological report is satisfactory and recommends three conditions to cover these issues, namely; implementation of the mitigation within the ecological report, ecological enhancement measures, and wildlife-friendly boundary fences, which I have attached.

6.26. Sustainability

6.27. The scheme would locate new residential development within an area with good public transport linkages and not distant for local centre of Harborne. The drainage strategy would ensure that the scheme would not contribute to off-site flooding.

6.28. CIL Calculation and Heads of Terms

6.29. This site is within the high residential value, as identified in the Community Infrastructure Levy (CIL) calculation document, attributing a rate of £69 per sqm. The total floor-space of the development is 786sqm (after the existing 292sqm is excluded although this has been vacant since Spring 2015) and as such this development generates a CIL sum of £54,234.

7. Conclusion

7.1. The proposed scheme for 7 dwellings would deliver new housing in an area with good access to public transport. The proposal would provide sustainable development in an existing residential area with access to public transport and within close proximity to the city centre.

7.2. The proposal would not affect residential amenity.

8. Recommendation

8.1. That planning permission be granted subject to the following conditions;

- 
- 1 Requires the prior submission of a sustainable drainage scheme
  - 2 Requires pedestrian visibility splays to be provided
  - 3 Requires the prior submission of hard and/or soft landscape details
  - 4 Requires the prior submission of boundary treatment details
  - 5 Requires the prior submission of sample materials
  - 6 Secures noise and vibration levels for habitable rooms
  - 7 Requires the prior submission of a contamination remediation scheme
  - 8 Requires the prior submission of a contaminated land verification report
  - 9 Requires the prior submission of chimney details
  - 10 Requires the construction measures in the ecological mitigation plan
  - 11 Requires the prior submission of a scheme for ecological enhancement measures
  - 12 Requires the implementation of front hedge protection
  - 13 No-Dig Specification required
  - 14 Removes PD rights for side windows
  - 15 Requires the scheme to be in accordance with the listed approved plans
  - 16 Limits the approval to 3 years (Full)
- 

Case Officer: Ben Plenty

## Photo(s)



Fig 1 Front of site, looking east.



Fig 2. Looking west, rear of 115 Lordswood Road



Fig 3. Looking south towards rear gardens of 41-33 Crosbie Road



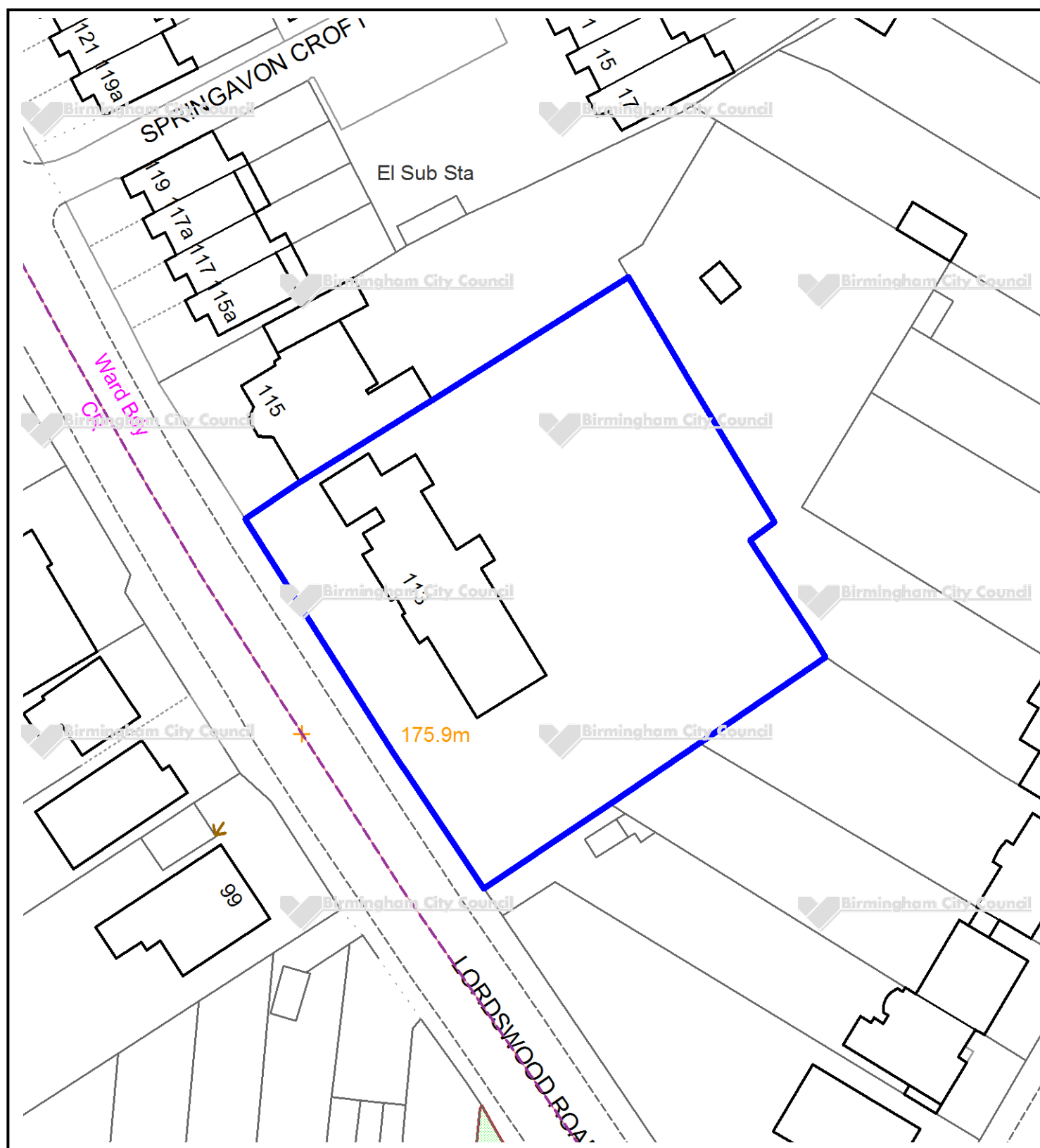
Fig 4. looking east from first floor rear windows



Fig 5. looking southeast from first floor rear windows



## Location Plan



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Committee Date:	27/10/2016	Application Number:	2016/05855/PA
Accepted:	16/08/2016	Application Type:	Full Planning
Target Date:	11/10/2016		
Ward:	Bournville		

262 Vicarage Road, Kings Heath, Birmingham, B14 7NH

Change of use from residential dwelling (Use Class C3) to HMO (Use Class Sui Generis)

Applicant:	Mr Faiz Ul-haq 262 Vicarage Road, Kings Heath, Birmingham, B14 7NH
Agent:	PlanningDesignBuild Wildings Building, 864 Washwood Heath Road, Ward End, Birmingham

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Recommendation  
**Determine**

**Report Back**

- Members will recall that the above application was reported to Planning Committee on 29<sup>th</sup> September 2016 and was deferred to allow the applicant to improve the numbers of bathrooms and kitchens within the building.
- Original plans had one bathroom, WC and kitchen on the ground floor; one bathroom and WC on the first floor; and a bathroom at second floor. Revised plans have now been received to respond to Members' request. There are now two bathrooms, a WC and kitchen on the ground floor; one bathroom; a shower room; WC and kitchen on the first floor; and the bathroom on the second floor remains. Both additional bath/shower rooms and the extra kitchen have been created from space originally designed for storage and from slight amended room layouts. I do not consider the loss of the storage areas does not have any significant impact on the overall proposal. As such, I now request that members determine the application.
- In addition, a further objection has been received from Cllr Leddy who objects for the following reasons;
  - The timing of the application (summer holidays) would have discouraged any adverse comments from neighbours.
  - An HMO is out of keeping.
  - Owners of adjoining properties, have spent considerable amounts of money on their own properties, which would not have been the case had they known a HMO would be created next door.
  - Provision for the parking of vehicles for such a size HMO is totally inadequate.

These objection points are addressed in the original report below, apart from the comment about the timing of the application submission. I note that the Local Planning Authority has no control over when or what applications are submitted at any point in time, and that a good number of representations have been received.

4. A further 6 letters of objection have also been received from surrounding occupiers, including from the manager of the adjacent extra care housing for the elderly opposite on Hanbury Drive. Objections raised are;
  - A multi occupancy dwelling will be detrimental to the appearance of the area.
  - This will be detrimental to the safety of vulnerable people in the area.
  - There will be an increase in traffic and parking, with difficulties for medical and emergency vehicle access
  - There is already supported-housing nearby (adults with learning difficulties), as well as the elderly care home.
5. Two letters in support of the application have also been provided by the Applicant, from two local estate agents. They welcome the introduction of this type of accommodation as they state there is a demand for such in this area, and that it will be good quality accommodation. The Applicant also requested it be noted that residents would have their own fridge in each room, I do not consider this has any bearing on the decision to be taken.

### **Original Report**

#### **1. Proposal**

- 1.1. Planning permission is sought for the change of use from a dwelling house (Use Class C3) to a 11-bed house in multiple occupation (Sui Generis) at 262 Vicarage Road, Kings Heath.
- 1.2. The ground floor would consist of four bedrooms, a living room, kitchen, bathroom and toilet. The first floor would consist of four bedrooms, bathroom and toilet. A further three bedrooms and bathroom would be provided at second floor. No external alterations are proposed.
- 1.3. To the front of the property there would be car parking for approximately three cars, accessed off Vicarage Road.
- 1.4. A rear garden of approximately 255sqm is provided to the rear.
- 1.5. Amended plans have been received that have reduced the number of bedrooms proposed from 13 to 11.

[Link to Documents](#)

#### **2. Site & Surroundings**

- 2.1. The application site is located on the north eastern side of Vicarage Road, Kings Heath. The property is a large extended detached property set within a substantial plot, within a row of larger properties all of varying architectural styles extending eastwards along Vicarage Road. The surrounding area has a mixed commercial/residential character, with predominantly family housing provided to the north and opposite; however there is a retail parade adjacent the property extending westwards along Vicarage Road.
- 2.2. The property itself is brick built with pebble dash render on its frontage. A driveway to the front is enclosed by a 2m high brick and timber fence.



- 2.3. To the rear there is a large private garden area.

[Location map](#)

3. Planning History

- 3.1. There are no relevant planning applications. However, an enforcement case of note is;
- 3.2. 2013/0803/ENF Erection of large dormer to the rear and side property. The dormer requires planning permission as it is not been constructed with materials to match the existing house, being white upvc, tile hanging would have been appropriate. However, no application was received and it was determined not expedient to pursue any further action. Case closed.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection, subject to a condition to provide secure and sheltered cycle storage.
- 4.2. Regulatory Services – No objection.
- 4.3. West Midlands Police – No objection.
- 4.4. Letters of notification have been sent to surrounding occupiers; local residents associations; Bournville Ward Councillors; Planning Committee members from the Selly Oak Constituency and the MP for Selly Oak. A site notice has also been posted.
- 4.5. Steve McCabe MP – Objects to the proposal, noting that the property is described on the application form as two storeys, however has three floors of accommodation. In addition he considers a thirteen bedroom HMO at this location would be out of place and notes that there is no indication of the owner's intention with regards to how the property would be occupied. He has further concerns about the size of the HMO and its facilities, with just one kitchen proposed and no details of parking provision.
- 4.6. A further twenty-eight letters of objection have been received from surrounding occupiers objecting to the proposal on the following grounds.
- One Kitchen for thirteen people is not enough.
  - Facilities in the property are not adequate.
  - Over intensive use of the property.
  - Not enough parking.
  - Impact to road safety.
  - Unacceptable levels of traffic noise
  - Increase in crime rate in the area.
  - No fire escape is proposed.
  - Problems with drainage.
  - Concerns raised about likely socio-economic status of occupants.
  - Increase in anti-social behaviour.
  - Visual impact of the development is unacceptable.
  - Lack of community spirit.

- Devaluation of property
- Work has taken place on the roof without permission

## 5. Policy Context

5.1. The following local policies are relevant.

- The Birmingham Unitary Development Plan (2005)
- Pre-submission Birmingham Development Plan (2013)
- Places for Living SPG (2001)
- Residential Uses (Specific Needs) SPG

5.2. The following national policy is relevant.

- The National Planning Policy Framework (2012)

## 6. Planning Considerations

6.1. The main considerations in the determination of this application are the impact of the proposal on residential amenity, visual amenity, highway safety and parking and whether the principle of the proposal is in accordance with policies of the Development Plan.

6.2. Applications for change of use to Houses in Multiple Occupation need to be assessed against criteria in Paragraphs 8.23-8.25 of UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality.

### 6.3. **Cumulative Impact**

This is a large extended detached property, set within a large plot. The surrounding area has a mixed residential and commercial character, consisting of mainly family dwellinghouses, occasionally interspersed with other tenures, including flats opposite on Hambury Drive and a well-established and used parade of shops to the immediate west of the site. Given that there are few other residential uses outside of family housing, the change of use of this property would not detrimentally impact on the character of the area, as family house would remain the predominant use. Therefore, there would not be any significant cumulative impacts on the surrounding area. The site is close to local transport links and amenities and therefore the principle of changing to a house in multiple occupation is acceptable. Furthermore the house does not lie in an Area of Restraint or Article 4 area.

### 6.4. **Visual Amenity**

There are no external changes proposed and therefore there would be no impact on the visual amenity of the area.

### 6.5. **Occupants' Residential Amenity**

The eleven bedrooms measure between 7.5sqm and 20sqm. A mix of single and double bedrooms, such as proposed would meet the needs of people on shorter terms tenancies and therefore, and the proposal would offer a range of bedroom sizes. Furthermore, the internal layout as proposed would allow easier conversion back to a family dwelling, should the opportunity arise in the future. A rear garden of approximately 255sqm is provided. Three bathrooms are provided, one to each

floor, resulting in a ratio of 4.3 occupants per bathroom. The kitchen provided is over 20sqm and could provide the appropriate amount of kitchen space needed for such a use, the living room would be 27sqm, and the house therefore provides a significant amount of communal space within the building. I note a store room would provide additional storage space, for washing and other domestic activities if required. I do not concur with the objections raised that the property would have a lack of essential amenities for occupants.

**6.6. Neighbouring Residential Amenity**

Due to the layout and large scale, detached nature of the property, it is considered that there would not be any noise disturbance to neighbouring occupiers. I note no objection has been received from Regulatory Services.

**6.7. Highway Safety and Parking**

There are no Transportation objections to the proposed change. It is not expected traffic and parking demand generated by the proposal would differ significantly to that of the 8 bedroom single dwelling. Off street parking is offered as existing, with three driveway spaces being available. The Car Parking SPD does not have any specific standards for HMO uses. The most likely use of this property would be student accommodation for which a guideline of 1 space per 5 beds is stated; therefore it is considered that the parking provided would meet demand and accords with the adopted policy. In addition, on-street options are available and regular buses run within reasonable walking distance of this site, along Vicarage Road, throughout the day. Secure and sheltered cycle storage is proposed within a storage room to the side of the front elevation in order to encourage alternative modes of travel.

**6.8. Other Matters**

Concern has been raised about the property having three floors of accommodation and being described as a two storey property on the submitted application form. I also note the request for information about the intended occupation of the property. Whilst I note these concerns, these matters are not material considerations. The plans clearly show the extent of the proposal and a site visit has confirmed that these are correct.

- 6.9. In regards to the works to the roof that has previously taken place, the enforcement investigations concluded that the erection of dormer windows to the rear and side of the property required planning permission based purely on the fact that the materials used did not match the existing building (render and tile) being upvc cladding to the gable end. In all other respects, in terms of size, siting and scale the works would have been 'permitted development'. Unfortunately, no planning application was submitted to regularise this, despite advice from the Local Planning Authority that planning permission would be forthcoming as the dormers do not cause a detrimental visual impact. To this end, it was determined not expedient to pursue any further action in this particular instance as the visual amenity to the surrounding area was not detrimentally harmed. As such, the dormers are considered to be an established part of the building envelope and the NPPF is clear that you should not take enforcement action solely to regularise unlawful development; harm must be established.

**6.8. Community Infrastructure Levy**

The proposed development does not attract a CIL contribution.

**7. Conclusion**

7.1. The proposed change of use would not result in any harm to visual or residential amenity or highway safety and parking. The proposal accord with guidance contained within the Birmingham Unitary Development Plan and National Planning Policy Framework providing an alternative residential accommodation in a highly sustainable location and therefore is considered acceptable. The proposal constitutes sustainable development.

8. Recommendation

8.1. Approve subject to conditions.

---

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

2 Limits the approval to 3 years (Full)

---

Case Officer: James Mead

## Photo(s)



Photograph 1: Front of application property



Photograph 2: Rear of application site.



## Location Plan



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Committee Date:	27/10/2016	Application Number:	2016/05861/PA
Accepted:	27/09/2016	Application Type:	Full Planning
Target Date:	22/11/2016		
Ward:	Hall Green		

112 Southam Road, Land at the rear of, Hall Green, Birmingham, B28 0AD

Erection of 1 detached dwelling house

Applicant: Mr Raymond Price  
The Desert, Bucknell, Shropshire, SY7 0AH  
Agent: Nigel Bullimore A.R.I.C.S  
1 Charles Road, Solihull, West Midlands, B91 1TR

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for the erection of a two storey, four bedroom detached dwelling on the land to the rear of 112 Southam Road, Hall Green.
- 1.2. The proposed dwelling would front onto and have vehicular access from Southam Close. The proposed dwelling would be set back approximately 7.1m from the pavement. The proposed dwelling would have a rectangular footprint and would measure 8.6m in width x 10.9m in length. The dwelling would have a dual pitched roof with two front facing dormer windows. The overall height of the proposed dwelling would be 7.5m, with a maximum eaves height of 2.8m to the front and 4.6m to the rear. The front elevation of the proposed dwelling would have an appearance similar to a dormer bungalow with an integrated garage. The proposed dwelling would be finished with front facing brickwork, concrete roof tiles and upvc doors and windows. A 1.8m high timber fence has been proposed around the side and rear boundaries of the site.
- 1.3. At ground floor the dwelling would have a lounge/ dining room, kitchen, toilet and an integral single garage. At first floor there would be a bathroom and four bedrooms, including bedroom with an en-suite bathroom. The proposed bedroom sizes range from 14.6m<sup>2</sup> to 15.6m<sup>2</sup>. A rear garden would be provided measuring approximately 119m<sup>2</sup>.
- 1.4. There is a multi- stemmed sycamore tree (Category C) located in the northern corner of the site adjacent to the boundary with No. 10 Southam Close. The Tree is located on public highway and is protected by TPO No. 1173. A Tree Survey has been submitted within the scheme and plans indicate that the tree is proposed to be removed.
- 1.5. There would be two off road parking spaces provided in addition to the integral garage.

- 1.6. This application is a resubmission following two previous planning refusals for the site under planning applications No. 2015/06226/PA and 2015/09231/PA.
- 1.7. The proposed development would not attract a CIL contribution.

[Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is located to the northwest of No. 112 Southam Road and is comprised of land which was previous within the rear garden of No. 112 Southam Road. The site is currently vacant and enclosed on all sides by a 1.8m close board fence. Southam Close slopes away down from Southam Road, and the highway also sits at a lower level than the site itself. This produces a steep grass verge between the application site and the highway.
- 2.2. The surrounding area is residential in character comprising of predominantly dormer bungalows dating from the 1960's. Adjoining the site to the northeast at No. 8 and 10 Southam Close is a recent development of two semi- detached, two storey property.

[Site Location Plan](#)

## 3. Planning History

- 3.1. 24/09/2015 - 2015/06226/PA - Erection of new 4 no bedroom detached house – Refused for the reasons that the proposal would not be in keeping in the surrounding area and it would have an adverse impact on the amenity of the occupiers of No.114 Southam Road.
- 3.2. 06/01/2016- 2015/09231/PA- Erection of 1 dwelling house- Refused for the reasons that the proposal would have an adverse impact on the amenity of the occupiers of No. 114 Southam Road. Appeal dismissed.
- 3.3. The adjoining site to the northeast also has the following relevant planning history:
- 3.4. 30/06/2005 - 2005/01658/PA - Demolition of buildings, erection of 4 dwellinghouses and garages, construction of parking areas and construction and alteration of means of access to highways – Approve subject to conditions
- 3.5. 06/09/2007 - 2007/03154/PA - Erection of two detached dwellings – Approve subject to conditions

## 4. Consultation/PP Responses

- 4.1. Transportation Development- No objection subject to a condition for the incorporation of visibility splays into the scheme.
- 4.2. Regulatory Services- No objection subject to a condition for the submission of a Noise Insulation Scheme.
- 4.3. Severn Trent Water- No objection subject to a condition for the submission of foul and surface water drainage plans.



- 4.4. West Midlands Police- No objection.
- 4.5. Neighbouring occupiers, residents associations and Ward Councillors notified and a Site Notice displayed. Five letters of objection and one letter of comment received from occupiers on Southam Road and Southam Close. These letters outline the following concerns:
- Scheme would have over dominant impact on street scene,
  - Cause issues of overlooking,
  - Lack of parking and access for emergency vehicles,
  - Concerns over the maintenance of shared boundaries,
  - Concerns over loss of privacy,
  - Concerns over loss of light,
  - Issues over the design and size of the proposed dwelling being out of character with the area,
  - Drainage concerns,
  - Loss of wildlife from the site,
  - Over stretching local School and Doctors services.

## 5. Policy Context

- 5.1. Relevant Local Planning Policy:
- Birmingham UPD (2005),
  - Pre- submission Birmingham Development Plan 2031,
  - Places for Living SPG,
  - Mature Suburbs SPD,
  - Car Parking Guidelines SPD,
  - Tree Protection Order 1173.
- 5.2. Relevant National Planning Policy:
- NPPF (2012).

## 6. Planning Considerations

### *Background*

- 6.1. The National Planning Policy Framework states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Furthermore it states planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings” (paragraph 17). This is reflected in paragraph 5.20 of the Birmingham UDP which acknowledges the existing good quality residential environments as one of the City’s greatest assets which should be maintained and protected, stating that “Proposals for new residential development should therefore be carefully designed, so that they do not detract from the character of the surrounding area”. Paragraph’s 3.8, 3.10, 3.14 and 3.14A-D set out the City’s environment strategy and design requirements for new development. The Places for Living SPG and Mature Suburbs SPD provide more detailed guidance on local character and design.

- 6.2. The application site is land which was previously part of the rear garden to no.112 Southam Road and the garden area has already been sub-divided by the erection of a fence. The principle of development on this site was established to be acceptable during the consideration of planning application 2015/06226/PA and this was reiterated in planning application 2015/09231/PA. The principle of development of the site is considered to be acceptable because the proposed plot size would be commensurate with the existing plots in Southam Close, therefore complying with guidance in Mature Suburbs SPD.
- 6.3. Planning application 2015/06226/PA was refused for two reasons. The first was that the scale, mass and appearance of the proposed dwelling would have been out of keeping with the existing streetscene. The second reason for refusal was that the scale of the proposed dwelling and its nearness to the rear garden of No.114 Southam Road would adversely affect the amenity of the occupiers of No.114. The resubmission of the scheme under planning application 2015/09231/PA overcome the first issue through redesigning the scheme to create a scheme more in character with the surrounding area. However, the second reason for refusal had not been overcome leading to the refusal of the application. This decision was upheld at appeal.
- 6.4. The main considerations in the determination of this application are the siting, scale and appearance of the proposed dwelling, impact of the proposal on the amenity of existing and future residents, trees, and highway safety and parking.

*Siting, Scale and Appearance*

- 6.5. I consider the proposed plot size to be in keeping with those in Southam Close, complying with guidance in Mature Suburbs SPD. Mature Suburbs SPD advises that new buildings should respect established building lines and set back distances from the highway. The proposed dwelling would follow the building line as per the dwellings at Nos. 8 and 10 Southam Close and therefore the siting of the proposed dwelling is acceptable.
- 6.6. With regards to scale and massing, Mature Suburbs SPD advises that the frontage width, height, depth and massing should be in keeping with those in the area. The wider area does have different styles of properties, but Southam Close consists primarily of semi-detached dormer bungalows dating from the 1960s. The frontage width of existing properties in Southam Close ranges from approximately 6.5m to a maximum of 10m. The proposed dwelling would have a front width of approx. 8.6m which is in keeping with the surrounding area. The proposed dwelling would have an overall height of 7.5m which is taller than the existing dormer bungalows within the cul-de-sac. However, the recent development at No. 8 and 10 Southam Close has an overall height of 7.5m and is set at a higher level than the application premise. Therefore, whilst the proposal would have a slightly greater overall height than most existing dwellings along Southam Close, I consider the more recent adjacent development has set a precedent for development with a slightly greater height and the difference in height would not be particularly noticeable in the street scene, particularly as the proposed dwelling would have a height in between that of both neighbouring properties.
- 6.7. The design of the proposed dwelling makes reference to the architectural form of the surrounding area, with the design created to reflect the existing dormer bungalows in Southam Close. This includes the addition of two flat roof dormer windows at first floor on the front elevation and the lower eaves height on the roof at the front

elevation. Overall, the proposal is acceptable in terms of siting, scale and appearance and it would not appear out of character with the street scene.

#### *Living Conditions*

- 6.8. The proposed bedrooms and internal floor sizes all exceed the minimum sizes as suggested within the 'Technical Housing Standards- Nationally Described Space Standards' (although not yet adopted by BCC, they are a useful guide). The proposed garden area would measure approx. 119m<sup>2</sup> which would exceed the 70m<sup>2</sup> minimum guideline set out in Places for Living SPG. Overall, a good standard of residential amenity would therefore be provided for future occupiers.

#### *Impact on Residential Amenity*

- 6.9. The rear elevation of the proposed dwelling would be located 23m from the facing rear elevation of no.112 Southam Road and would be set back 10.2m from the rear boundary between the two properties. Given the proposed development complies with minimum separation and setback distances I do not consider the amenity of the occupiers of No. 112 Southam Road would be adversely affected by the proposed development through loss of light, dominance, inter-visibility between windows or overlooking. At the front of the site, although the dwelling would sit at a higher level than No.14 Southam Close, I do not consider it would have an unreasonable effect on the amenity of the occupiers of this dwelling given the separation distance.
- 6.10. In regard to the relationship with No. 114 Southam Road, under the two previous refusals the proposed dwelling was previously sited 0.8m from the boundary adjoining to No. 114 Southam Road. In the current scheme the proposed dwelling has been reduced in width by 1m which results in the proposed dwelling being set 1.8m from the adjoining boundary with No. 114 Southam Road. The Appeal Inspector noted the side gap between no. 10 Southam Close and the application site, which the proposal would now match. I consider that the reduction in width and the corresponding set back of the property from the adjoining boundary mitigates the negative impacts of the proposed dwelling on the rear garden of No. 114 Southam Road. This increased gap would also reduce the pressure on boundary vegetation, which the Appeal Inspector also noticed. A landscaping condition would require the matter of landscaping to be looked at in more detail, with consideration of retention and/or replacement vegetation.
- 6.11. Whilst the proposed dwelling is located on land which is higher than that adjacent at no. 114, the proposed dwelling is being cut in to the site to reduce the dominance of the proposed dwelling to surrounding residential amenity. I have received a comment from the neighbour at No. 114 but they do not raise concerns in respect of the impact of the proposed dwelling on their outlook or privacy – their issue of comment is boundary landscaping. Overall, although the metre reduction in width is not a very significant amount, I do consider it now tips the balance in favour of the proposal. I consider this mitigation overcomes the previous reason for refusal.

#### *Trees*

- 6.12. There is a multi- stemmed sycamore tree (Category C) located in the northern corner of the site adjacent to the boundary with No. 10 Southam Close. The Tree is located on public highway and is protected by TPO No. 1173. In order to ensure that there is acceptable highway visibility for access to the proposed development's off road parking this tree would need to be removed. My Tree Officer is satisfied that the tree is not of such quality that it should be retained. The tree is a highway tree and the

Highways Tree Officer is satisfied that the tree can be removed. However, they require that the tree must be replaced on a two for one basis to be planted by Highways at the Applicant's expense within the surrounding local area. Therefore, I have attached a condition to ensure the replacement of the tree with two new trees at the Applicant's expense.

#### *Highways Safety and Parking*

- 6.13. I note concerns from objectors in regard to parking issues within the local area. However, parking in Southam Close is unrestricted and regular bus routes run within reasonable walking distance of the site. In addition, the scheme is proposing two off road car parking spaces in addition to an integral garage. Transportation Development raise no objection and are satisfied that an adequate level of parking is provided within the scheme subject to the incorporation of visibility splays within the scheme to ensure safe access and egress from the proposed driveway. I concur with this view and have attached this condition accordingly.

#### *Other Matters*

- 6.14. Regulatory Services raise no objection to the proposal subject to a condition requiring a noise insulation scheme. However, I do not think such a condition would be necessary given the site is located within a residential area and not near any significant sources of noise.
- 6.15. I note objectors comments in relation to drainage connections for the proposed dwelling. However, Severn Trent Water have raised no objection to the development subject to the submission of drainage plans for the disposal of foul and surface water flows to be submitted. I concur with this view and have attached the condition accordingly.
- 6.16. West Midlands Police have raised no objection to the proposed development.
- 6.17. I note objectors comments in regards to the loss of wildlife from the site. However, given the small size of the site and its location within a residential location I do not consider that the loss of the site would result in a detrimental impact on wildlife within the area.

### 7. Conclusion

- 7.1. I now consider the proposed dwelling has adequately addressed previous reasons for refusal and would not result in an adverse impact on the amenity of occupiers at No. 114 Southam Road. Additionally, the proposed development would provide good living conditions for its occupiers, and there would be no harm to the visual amenity of the surrounding area and highway safety and parking. An extra dwelling would contribute to the city's housing supply. As such, I consider that the proposed development constitutes sustainable development and the application is recommended for approval subject to conditions.

### 8. Recommendation

- 8.1. Approve subject to conditions.

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires the prior submission of sample materials
  - 3 Requires pedestrian visibility splays to be provided
  - 4 Requires the prior submission and completion of works for the S278/Highway Agreement
  - 5 Requires the prior submission of hard and/or soft landscape details
  - 6 Requires the prior submission of hard surfacing materials
  - 7 Requires the prior submission of boundary treatment details
  - 8 Requires the prior submission of level details
  - 9 Requires the prior submission of drainage plans
  - 10 Limits the approval to 3 years (Full)
- 

Case Officer: Sophie Long

## **Photo(s)**



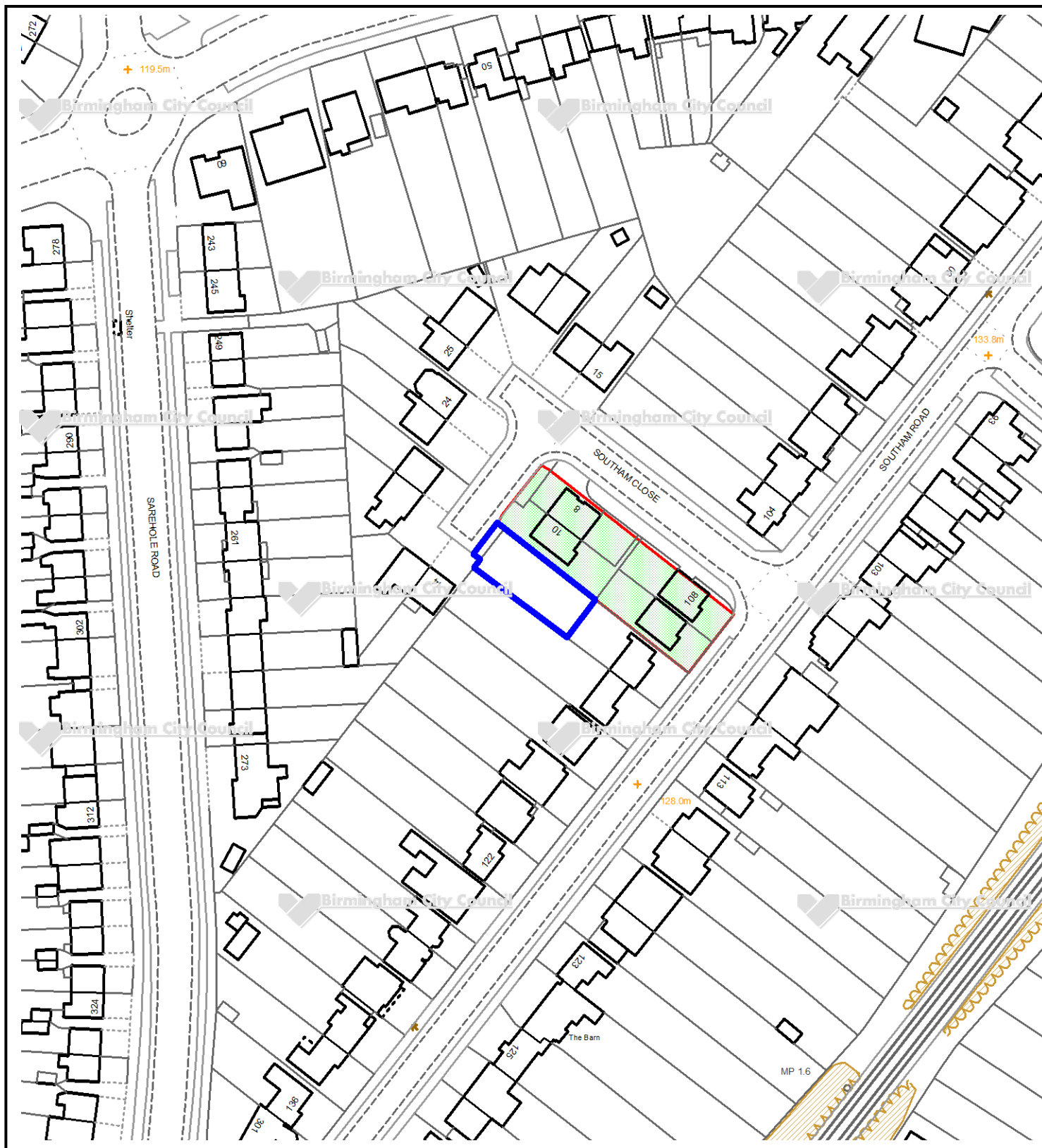
**Figure 1- Image of the Site from Southam Close**



**Figure 2- Rear of No. 112 Southam Road and boundary with No. 114 Southam Road**



## Location Plan



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Committee Date:	27/10/2016	Application Number:	2016/06514/PA
Accepted:	03/08/2016	Application Type:	Householder
Target Date:	28/09/2016		
Ward:	Moseley and Kings Heath		

68 Oxford Road, Moseley, Birmingham, B13 9SQ

Erection of two storey rear, single storey rear and single storey forward extensions and installation of dormer window to front

Applicant: Mr & Mrs Stephen Metcalfe  
68 Oxford Road, Moseley, Birmingham, B13 9SQ  
Agent: Highbury Design  
Highbury House, 11 Holt Road, Studley, B80 7NX, Warwickshire

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for the erection of a two storey rear, single storey rear and single storey forward extensions and installation of dormer window to front.
- 1.2. Following discussions with the agent, the scheme has been amended to remove the two storey rear extension adjacent to No. 70 and reduce the depth of the single storey rear extension.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a detached property located within a residential street comprising a mixture of property designs and scales. The property is located within the St Agnes Conservation Area and is one of several mid-20<sup>th</sup> century properties within the street scene. The property is designed with a pitched roof and gable end features to the front and rear elevations, with a cat slide roof and flat roof dormer window to the front elevation. The rear garden is enclosed by close boarded fencing and is mainly laid to grass. The property is set at a slightly higher ground level than neighbouring properties.
- 2.2. The neighbouring property No. 70 Oxford Road is a detached property designed with a pitched roof and gable end feature to the front with a cat slide roof and dormer window alongside. There is a single storey element to the rear elevation with a curved window facing into the rear garden. There is a kitchen window to the side elevation facing onto the application site. The property is set at a slightly lower level, of approximately 35cm, with a 1.8m close boarded fence along the side boundary.
- 2.3. To the adjacent side No. 66 is a large detached property designed with a half hipped roof design and bay windows to the front elevation. The property has been

previously extended with a single storey rear extension with a hipped roof design. There is a patio area to the rear of the property, with the remainder of the garden laid to grass. The rear garden is enclosed by close boarded fencing.

2.4. Site Location

3. Planning History

3.1. No planning history

4. Consultation/PP Responses

4.1. Neighbouring properties and local ward Councillors have been consulted and site and press notices have been displayed. Three responses have been received from the occupiers of No's 66, 70 and 130 Oxford Road raising the following concerns:

- Loss of light and outlook to side facing kitchen window to No. 70
- Proposed extensions fail to meet the Council's 12.5m distance separation guidelines contained within 'Places for Living' Supplementary Planning Document
- First floor front extension may breach the Council's 45 Degree Code policy
- Extensions would have an adverse impact on the views from rear windows
- Concern over design and appearance of front extension and closing the gap between the properties, adversely affecting the Conservation Area streetscene
- Concern over construction and foundations for extensions

4.4 Comments received from the Moseley Society raising concerns over the impact of the first floor side extension on the Conservation Area, design, gap between the application property and neighbouring property No. 70, scale of the rear extensions and possible light pollution from the conservatory roof to the neighbours. Alternative plans could provide a satisfactory solution.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan (Adopted 2005)
- Pre-Submission Birmingham Development Plan (2013)
- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (Adopted Supplementary Planning Document 2007)
- St Agnes Conservation Area

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale and design of the proposed extension, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties' amenities.
- 6.2. Following discussions with the agent, the scheme has been amended to remove the two storey rear extension adjacent to No. 70 and reduce the depth of the single storey rear extension.
- 6.3. The proposed single storey rear extension would breach your committee's distance separation guidelines contained within 'Extending your Home' and 'Places for Living' Supplementary Planning Document from the side facing kitchen window of No. 70 Oxford Road. A distance of 12.5m is required between one and two storey windowed elevations and flank walls opposite. As proposed a distance of approximately 3.2m would be obtained between the existing ground floor kitchen window to the side of No. 70 and the proposed extension. The originally-proposed two-storey extension from this location has been removed and the single storey extension reduced in size and fitted with glazing to the side and rear elevations with a glazed roof lantern above to allow light to pass through. Therefore when taking into account the existing 1.8m close boarded boundary fencing together with the introduction of glazing to the side, rear and roof of the extension, which allows some light to pass through to the window, I do not consider that the impact on the neighbouring occupiers in terms of light or outlook would be sufficient to sustain a refusal of the application. A condition has been attached to ensure the side windows are fitted and maintained with obscure glazing, which would prevent any overlooking issue with the neighbouring property (notwithstanding the 1.8m tall boundary fence).
- 6.4. To the other side, the proposed single storey rear extension would fail to meet 12.5m distance separation guidelines from the side facing kitchen/dining room window to No. 66 Oxford Road (which would be approximately 5m away). However there is another window providing an additional source of light to this room, facing down the garden, that would be unaffected by the proposal so I do not consider there would be a detrimental impact on the occupiers of the neighbouring property.
- 6.5. All other distance separation guidelines would be met. The proposed development would comply with your Committees' 45 Degree Code policy in respect to the nearest habitable room windows to neighbouring properties.
- 6.6. The scale and design of the development, as amended, is in keeping with the original dwelling house and would not compromise the existing character and architectural appearance of the property. As such the development would comply with the design principles contained within the design guide 'Extending your Home Supplementary Planning Document.
- 6.7. The development is located within the St Agnes Conservation Area. The scheme has been amended to reflect the comments from the Conservation Officer. The design and scale of the proposal would have an acceptable impact and would not harm the character and appearance of the Conservation Area.
- 6.8. The proposed development does not attract a CIL contribution.
7. Conclusion

7.1. I consider that the proposed development complies with the objectives of the policies outlined above. As such the development would not cause sufficient effect on neighbours' amenity to warrant a refusal of the application.

8. Recommendation

8.1. Approve subject to the following conditions

- 
- |   |   |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans                            |
| 2 | Requires the prior submission of sample materials   |
| 3 | Requires the Juliette balconies to be inward opening  |
| 4 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 5 | Limits the approval to 3 years (Full)   |
- 

Case Officer: Leah Russell

## Photo(s)



Photo 1: Front elevation



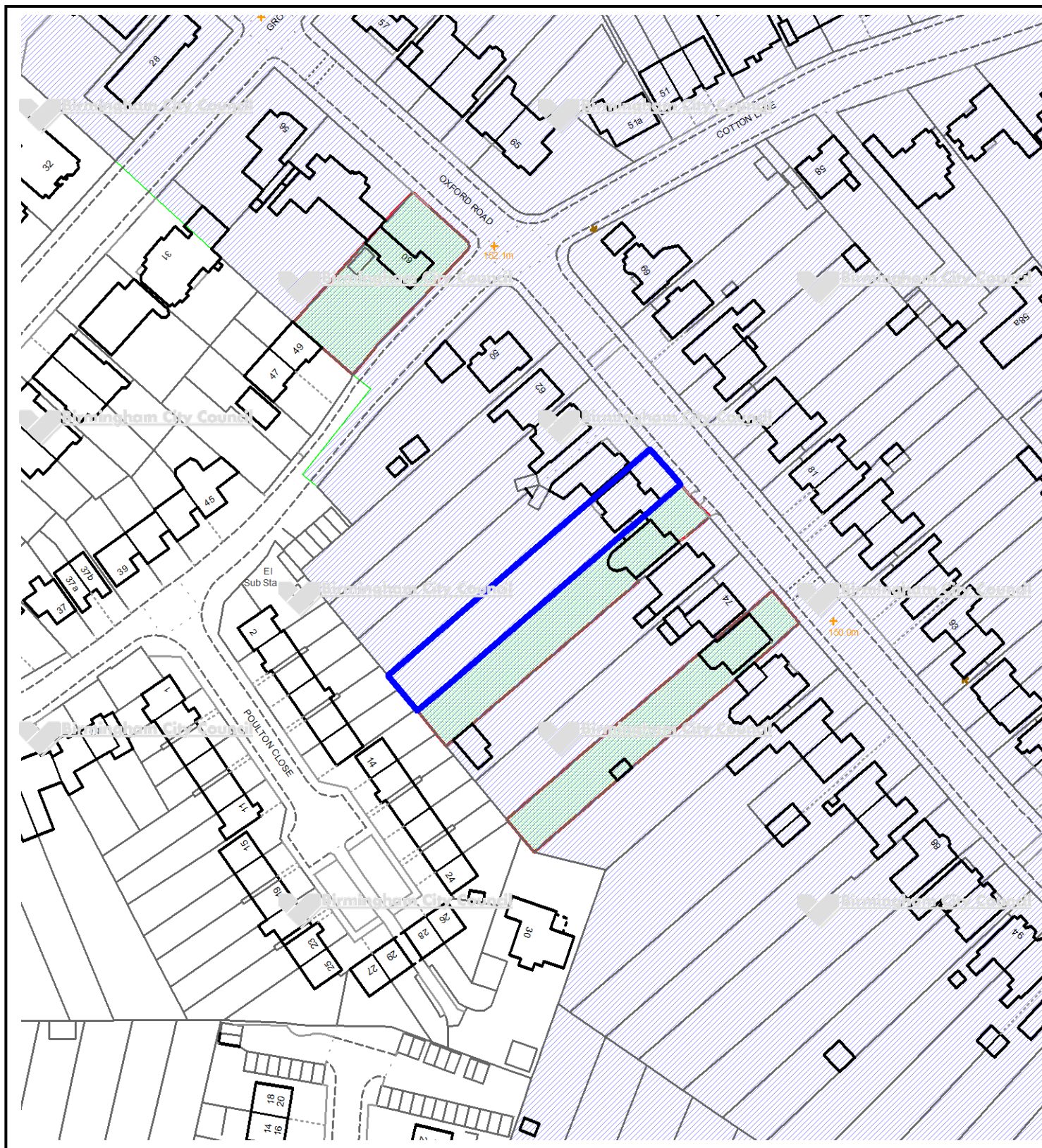
Photo 2: Rear of application site from No. 66 Oxford Road





Photo 3: Rear of application site from No. 70 Oxford Road

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**27 October 2016**

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>
Defer – Informal Approval	13	2016/01518/PA  Former Beaufort Sports & Social Club 89 Coleshill Road Hodge Hill Birmingham B36 8DX  Outline application for erection of up to 40 dwellings with access to be determined and all other matters to be reserved for future consideration
Approve - Conditions	14	2016/05853/PA  Heartlands Nursing Home 50 Broadstone Road Birmingham B26 2BN  Demolition of existing care home and erection of a 3 storey 66 bed care home (C2) with vehicular access off Broadstone Road
Approve - Conditions	15	2016/04050/PA  42 Silver Birch Road Erdington Birmingham B24 0AS  Change of use of residential dwelling to 4no.self-contained one and two bed flats (C3) for occupation by blind/visually impaired people and associated alterations

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Committee Date:	27/10/2016	Application Number:	2016/01518/PA
Accepted:	24/02/2016	Application Type:	Outline
Target Date:	15/11/2016		
Ward:	Hodge Hill		

Former Beaufort Sports & Social Club, 89 Coleshill Road, Hodge Hill, Birmingham, B36 8DX

Outline application for erection of up to 40 dwellings with access to be determined and all other matters to be reserved for future consideration

Applicant:	Marstons PLC c/o agent
Agent:	Cerda Planning Vesey House, 5-7 High Street, Sutton Coldfield, Birmingham, B72 1XH

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1. Outline consent is sought for the re-development of the site for up to 40 residential dwellings. The application has all matters to be reserved apart from access.
- 1.2. The application includes an illustrative plan that shows perimeter blocks along Coleshill Road with new loop road arrangement within the site. The proposal also includes a new service road that would run parallel to Coleshill Road and would allow all of the mature trees along the frontage to be retained. The plan also shows that all dwellings are arranged so that they either face onto the adjoining Brockhurst public open space or the existing Coleshill Road or proposed internal access road. Supporting statements confirm that a mixture of detached and semi-detached two-storey dwellings with associated parking or garages would be provided. There would be 200% parking provision for each of the dwellings across the entire site. A balancing pond would be provided adjacent to the internal access road to allow surface water to drain towards the eastern part of the site. The illustrative plan also shows that there would be two cul-de-sacs to the rear of the proposed internal access road and a pedestrian access route to the centre of the site from Coleshill Road frontage.
- 1.3. The proposal would provide a financial contribution of £96,600 towards the loss of two bowling greens and £208,000 for the loss of five tennis courts and off-site commuted sum through means of a Section 106 Agreement towards the improvement and maintenance of existing public open space. There would also be 35% affordable housing provided on site, which would equate to 14 affordable units that would also be secured through the S.106 agreement.
- 1.4. Site area: 1.30 Hectares. Density: 30.76 dwellings per hectare

- 1.5. The demolition of the existing former Beaufort Sports and Social Club and clubhouse buildings were subject to separate applications, which have been determined with a recommendation that no prior approval is required for their demolition.
- 1.6. The following documents have been submitted in support of the proposal:
  - Design and Access Statement
  - Planning Statement
  - Ecological Appraisal
  - Bowling Green Sequential Assessment
  - Arboricultural Survey and Plan
  - Transport Statement
  - Flood Risk Assessment and Sustainable Urban Drainage Statement

[Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is a triangular shaped part cleared former Beaufort Sports and Social Club site situated on Coleshill Road. The total site area is 1.38 hectares. The application site is arranged in two parts with the western part occupied by the former Beaufort Sports and Social Club building together with a large area of hard standing that was used for parking purposes. The eastern part of the site contains two Bowling Greens together with a disused grassed area that previously contained five tennis courts. The site is enclosed by a buffer of trees along Coleshill Road frontage, where a Tree Preservation Order was made and served on 26<sup>th</sup> July 2016. The site levels generally fall from the central area of the site to the eastern and south-western boundaries. There are two existing accesses on the southern boundary along Coleshill Road frontage to the site.
- 2.2. The surrounding area is predominately residential in character. The properties on Coleshill Road are predominantly two-storey semi-detached and detached dwellings. Brockhurst playing fields bound to the north of the application site. The Fox and Goose District Centre as defined by the Shopping and Local Centres is situated immediately to the west of the application site that provides local amenities and includes two large supermarkets.

[Location Map](#)

## 3. Planning History

- 3.1. 28/04/2016 - 2016/01566/PA - Application for prior notification of proposed demolition of wooden pavilion and stand – No prior approval required.
- 3.2. 15/04/2015 2015/01740/PA - Application for prior notification of the proposed demolition of the Beaufort Sports and Social Club - No prior approval required.

## 4. Consultation/PP Responses

- 4.1. Press and site notices displayed. Adjoining neighbours, Ward Councillors and MP consulted – three letters of objection received. Three from adjoining neighbours, who object on the following grounds:

- Increased noise and dust from the development.
  - Outlook concerns as the site provides an open view of bowling greens and would be replaced by proposed dwellings and roof tops.
  - Social housing proposed would devalue property values within the area.
  - Landowners contributed to the closure of the social club by an increase of rent with little notice given to the tenant.
  - Loss of jobs in the area associated with the closure of the social club.
  - Bowling greens was not financial viable as the landowners were increasing rent and wanted housing at the site.
  - Bowling greens were very well used by the local community.
  - Landowners have demonstrated a lack of care for the community and planning department should make provision for a community/ recreational facility maintaining the bowling green in its current location and this area.
  - High density of development, which undermines the character of the local area. There is scope to reduce the number of dwellings or merge plots within the site.
- 4.2. One letter of support from a neighbour, who raises the following points:
- In favour of more residential dwellings to be built on Coleshill Road.
  - Request that the mature trees lining the front of the proposed development are retained with additional landscaping provided.
  - Financial donation/ penalty are required for public realm improvements in and around the Fox and Goose shopping area.
- 4.3. Transportation Development – It has been agreed that the westernmost access road is removed, with a single access remaining to the eastern part of the site. This is considered acceptable together with carriage width as outlined within the illustrative plan. The spacing between the junctions on the opposite side of Coleshill Road and the proposed access is also acceptable. They have recommended that the following conditions are attached:
- siting/ design of means of access,
  - details of pavement boundary,
  - pedestrian visibility splays; and
  - highway works for reinstatement of redundant footway crossing, formation of new bellmouth agreement, traffic regulation orders etc.
- 4.4. Regulatory Services – No objections subject to land contamination, acoustic noise insulation to windows and doors and electric vehicle charging points.
- 4.5. Leisure Services – Object to the loss of the former Tennis courts and bowling greens on this site unless appropriate financial contribution payable for the loss as follows:
- |                                 |           |
|---------------------------------|-----------|
| Loss of 5no grass tennis courts | = £70,000 |
| Loss of the two bowling green   | = £96,600 |
| Off-site Public Open Space      | = £63,000 |
| Toddler Play area               | = £75,000 |
|                                 | -----     |
| Total                           | £304,600  |

The financial contribution for the loss of tennis courts and off-site public open space contribution would be used towards the provision, improvement and or maintenance of POS and play facilities in Stechford Hall Park. The financial contribution for the loss of bowling greens would be spent on provision or improvements to the remaining twin crown green regional/ sub-regional facility at Portland Pavilion, City Road.

- 4.6. BCC Local Lead Flooding Authority – No objections subject to a condition requiring a sustainable drainage operation and maintenance plan.
- 4.7. Environment Agency – No objections
- 4.8. City Ecologist – No objections to the proposal subject to conditions that takes into consideration the following:
- The hedgerow fronting on to Coleshill Road should be retained and enhanced by gapping up with native species, mature limes/ oak trees should be retained wherever possible.
  - Internal fencing to gardens should allow for hedgehog access to and from and between gardens.
  - Planting schemes should seek to incorporate species listed on the RHS “Perfect for Pollinators” list. Suggest at least 50% of species planted; and additional tree planting to replace those lost to development.
  - Incorporation of bird nesting boxes into the dwellings
  - Ecological/ biodiversity enhancement measures as highlighted within the report
- 4.9. Sport England – They have made a number of representations on the application. Sport England is a non-statutory consultee in this case as the site not considered to form part of, or constitute, a playing field. Initially, they liaised with the Crown Green Bowling Association and objected to the proposal as it conflicted with the objective to protect facilities in that it would result in a loss of a regional/ sub regional crown bowls facility. There is also lack of evidence of any exceptional circumstances. They summarised that the objection would be withdrawn if the site was either proven to be surplus to requirements for crown bowling green bowling or any compensation, should the loss be justified go to the remaining twin crown bowling green facility at Portland Pavilion. One of the improvements that could be made is to create a new purpose built club house as the existing club house is in dire condition.
- 4.10. The agents together with written correspondence from the owners of Portland Pavilion have confirmed that they are happy to accept the funds of £96,600 and it would be used to refurbish the existing or build a new clubhouse, which should not be restricted to bowls as the primary use of the sports ground is for cricket and football. Sport England, Council's Leisure Services and Development Planning have considered this is acceptable subject to a schedule of works prepared and agreed with the compensation allocated and spent on Portland Pavilion as part of S.106 agreement.
- 4.11. Education – Awaiting comments

## 5. Policy Context

- 5.1. NPPF (2012), Adopted UDP 2005, Draft Birmingham Development Plan (2013), Places for Living SPG (2001), Mature Suburbs SPD (2006?), Car parking Guidelines SPD (2012), Affordable Housing SPG (2001), Public Open Space and New Residential Development SPD, Asset of Community Value (ACV)

## 6. Planning Considerations

- 6.1. The main considerations within the determination of this application are:

- 6.2. **Loss of open space and bowling green/ tennis courts** – NPPF paragraph 74 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.
- 6.3. Bowling greens and tennis courts are classed by Birmingham City Council in the UDP as playing fields. The UDP policy 3.57 advises that their development will not normally be allowed particularly in areas which fall significantly below the standard 1.2ha playing field provision per 1000 population. Where, in exceptional circumstances, permission is granted for the development of a playing field this will be subject to the provision of equivalent long-term recreational community benefit. Planning permission will not be granted for development simply because a playing field has fallen out of use and become derelict.
- 6.4. Policy TP9 of the draft BDP sets out that playing fields will be protected and will only be considered for development where they are either shown to be surplus to 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.
- 6.5. The Council's Playing Pitch Strategy is currently being reviewed and does not deal with tennis courts and bowling greens in any case. In any event, the bowling greens to be lost are not surplus to requirement and there is no need to assess it against Council's Playing Pitch Strategy. The applicant has agreed in line with paragraph 74 of NPPF and TP9 of the Draft BDP, to provide compensation which is at least as good as if not better in terms of quantity, quality and accessibility.
- 6.6. A Bowling Green Sequential Assessment has been submitted in support of the application, which states that the Beaufort Sports and Social Club and two Beaufort and Foden Bowling Clubs all ceased to operate and were no longer viable in 2015. The assessment in terms of quantity identified that there were 17 other bowling greens within the surrounding areas that include 7 within a 6 miles radius with the closest being Ward End Conservative Bowling Club situated approximately 1 mile from the site. The Bowling Green Assessment does not take into account one Bowling Green that is situated approximately 150 metres away from the application site within Stechford Hall Park on the opposite side of Coleshill Road, which up until recently has not been maintained due to cuts in funding by the Council. Leisure Services have also confirmed that there has been no expression of interest from the community or bowling clubs for the Bowling Green at Stechford Hall Park. The Bowling Green Sequential Assessment confirms that the site continues to remain unused and derelict and that has caused increase problems for the area in the form of travellers occupying the site and provides little in the way of wider benefits. The Foden Bowling Club ceased to operate with all of their members joining Marston

Green club under their name. The Beaufort Bowling Club also ceased to operate, which was largely due to the age profile of its members.

- 6.7. Sport England have confirmed that the proposal would result in the loss of a twin crown bowling green site, which are sites used for regional and sub-regional crown green competitions. The application site is one of two sites with twin crown bowling greens in Birmingham with the other being Portland Pavilion, Portland Road, Ladywood. There are a number of sites within the city together with ones identified within the Bowling Green Sequential Assessment that are single crown bowling greens. Portland Pavilion has been identified as an appropriate beneficiary for the compensatory sum for the loss of the bowling green facility at Beaufort Sports and Social Club. The applicant has liaised with the owners of Portland Pavilion Bowling and they are willing to receive the financial compensation offered. They have confirmed that they are in the process of producing a Masterplan for the site that would consider refurbishing the existing pavilion or erecting a new pavilion to accommodate facilities associated with bowls, football and cricket. Leisure Services and Sport England have agreed that the compensation can be spent on provision or improvements to the remaining twin crown green regional/ sub-regional facility at Portland Pavilion, City Road (Ladywood). All parties agree that the S.106 agreement could be simplified between City Council and the applicant. The owners of Portland Pavilion would prepare in advance and agreed a schedule of works with Council's Leisure Services regarding where the funds would be spent towards the provision or improvement of facilities associated with bowls, football and cricket. Leisure Services would hold and manage the compensatory sum of £96,600 to ensure appropriate spending is in line with the agreed schedule of works. As such, it is considered that a compensatory sum for the loss of the bowling greens is acceptable and compliant with NPPF, Draft BDP and Adopted UDP policies.
- 6.8. Supporting statements also confirm that the tennis courts have been disused since 1999 and make no contribution to the playing facilities within the Hodge Hill Constituency. The applicants have agreed to Leisure Services request and offer a compensatory sum of £70,000 towards the loss of five tennis courts. Leisure Services have also requested that public open space (POS) and play requirements be provided to satisfy policy. An off-site contribution providing both toddler play facility and POS would be £138,000. Leisure Services and Development Planning have highlighted that all of the compensation sum should be used for the provision, improvement and maintenance of public open space, sports, recreational and community facilities in Stechford Hall Park, which is in close proximity to the application site and comprises tennis courts and a bowling green. Consequently, I consider that, subject to an appropriate compensatory sum towards the disposal and redevelopment for residential purposes, the proposal accords with the policies contained within UDP, Draft BDP and NPPF relating to loss of playing fields and off-site POS contribution. As the proposal is in outline form, the commuted sum would be secured through a S.106 agreement.
- 6.9. Within Hodge Hill Ward, the total amount of public and private fields is 0.31 per 1000 population standard, which is significantly below the 1.2 hectares playing field provision per 1000 population in Hodge Hill Ward. However, the application site, due to its limited size and shape, it is unlikely to provide provision for alternative sports. There is also the unique nature as identified by Sport England to the twin crown bowling green, which are regarded as regional/ sub-regional facilities together with catchment area and any compensation amount needs to be spent at Portland Pavilion. The public open space provision within Hodge Hill Ward is 2.52 hectares per 1,000 populations, which is above the minimum 2 hectares per 1,000 population standard. Furthermore, the application site adjoins onto Brockhurst playing field,



which is 4 hectares site. Stechford Hall Park is also situated on the opposite side of Coleshill Road, which measures over 8.7ha of which 0.14 hectares are playing fields that includes one bowling green. Consequently, the local provision would be considered acceptable and the financial compensation offered would fund a local facility (Stechford Hall Park) and region-wide crown bowling facility (Portland Pavilion) that would be “equivalent or better in terms of quantity and quality” and therefore satisfies the tests of paragraph 74 of the NPPF, UDP and draft BDP.

- 6.10. **Loss of existing leisure/ community value** – In June 2015, Foden Bowling Club applied to the Council for the bowling green to be nominated as an Asset of Community Value (ACV). The Council listed the bowling green as an ACV on 18<sup>th</sup> January 2016. In February 2016, the applicant lodged an appeal within the 8 weeks timeframe to the Council for request a review of the decision to list on the Asset of Community Value register, which is pending determination. The Local Planning Authority considers that the loss of the ACV is a material consideration in the determination of the application and the application should be assessed against those planning policies relating to the loss of an existing leisure/community facility as set out below:
- 6.11. Part 5, Chapter 3 of the Localism Act, and the Asset of Community Value (England) Regulations encourages communities to identify assets of community value, nominate to list them and when they are put up for sale give time for them to raise finance and prepare to bid for them.
- 6.12. Paragraph 17 of the NPPF sets out the 12 ‘*core planning principles*’ that should underpin decision making. The final such ‘*principle*’ states that planning should “*take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.*”
- 6.13. Paragraph 70 of the NPPF states: “*To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should*
  - *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
  - *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to- day needs;*
  - *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
  - *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”*
- 6.14. Paragraph 5.25C of the Adopted UDP states that amongst other things that in assessing proposals for new housing development on previously developed sites, the City Council will take account of any community/ cultural facility. Policy TP24 (Tourism and tourist facilities) of the Draft BDP states that “*Proposals need to reinforce and promote Birmingham’s role as a centre for tourism, cultural and events*”. It goes on further to state that “*protection and promotion of City’s industrial heritage and small scale venues and attractions are important part of creating a diverse offer*”.
- 6.15. The relevant planning policies in the Birmingham UDP and Draft BDP relating to loss of playing field/ open space facilities have already been considered above.

- 6.16. The use of both of the bowling green's/ clubs ceased in November 2015, when lease/ license was revoked by the applicant. The existing members of Foden Bowling Club (ACV) joined Marston Green club under their name, which is situated on Coleshill Road, Marston Green. Since that time the bowling greens, like the tennis courts previously, has been left unattended, they have become overgrown and have either been vandalised or occupied for a short period by travellers. I note that there is an objection letter from a resident as part of this planning application claiming that related prices had increased such that the sport and social club and bowling clubs had become unviable, this cannot be verified as there is no evidence to substantiate this claim. Supporting statements from the applicant's own accounts suggest that members have gone elsewhere or older age profile, which has either led to the closure of the bowling clubs. They confirm it is their firm intention to develop the site for residential purposes.
- 6.17. The applicant has requested that the Council review the decision to register the site as an Asset of Community Value and as part of supporting written correspondence from both Beaufort and Foden Bowling clubs clearly acknowledge that there is no interest in the bowling greens within the area and they have relocated elsewhere locally. The representations received regarding the ACV review from a member and club chairman of Foden Bowling Club state that the applicants served them notice to cease operation with no option to extend/ renew the lease and as such members had no option but to look for alternative venues elsewhere in the city. They also confirm that the decision to add the land as an Asset of Community Value was after the club vacated and ceased to operate at the site and since then have found alternative venues elsewhere in the city. There have also been representations from Ward, Deputy Leader and Cabinet Members that support the redevelopment of site for housing as the land remains unused with potential for travellers to occupy the site, and the club playing at a different venue. They have also confirmed that there would also be some funds available that could be utilised to support bowling in the ward.
- 6.18. In view of the circumstances outlined above, recent planning history and low level of representations made towards this application, the possibility of the bowling club re-opening and regaining its role as a valued community asset is very remote as both Beaufort Sports and Social Club and the clubhouse buildings have been demolished under separate prior approval application with part of the site cleared. The bowling clubs have no dedicated changing facilities within the site. The applicant has also expressed firm intention to develop the site for residential purposes. Whilst I acknowledge that the loss of the bowling green club would be regrettable to some, I do not consider that there is a realistic prospect of the bowling green re-opening in its previous format that contained clubhouse or former sports and social buildings. The application site is also on the edge of Fox and Goose Shopping Centre, where within a reasonable walking distance, there are a number of community uses to include public houses, retail shops, gyms, playing fields that include a bowling green and tennis courts. The applicant is proposing a commuted sum for the loss of bowling greens/ tennis courts and POS, to be secured through the legal agreement, for the provision, improvement or maintenance of Public Open Space, sporting facilities at Stechford Hall Park and Portland Pavilions that include bowling greens/ clubs, tennis courts, cricket and football. The tests as set in NPPF have been justified in this instance.
- 6.19. **Principle of residential use** – National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that the heart of the NPPF is a presumption in favour

of sustainable development. Paragraph 17 supports sustainable economic development to deliver new homes and encourage the use of brownfield land. Paragraph 19 states that significant weight is placed on economic growth within the planning system, with paragraph 47-50 highlighting that windfall site may consistently become available and will continue to provide a reliable source of housing land supply. Local planning authorities should deliver a wide choice of high quality homes and residential development should reflect local demand and create mixed and balanced communities.

- 6.20. Paragraphs 5.20-5.20A and 5.25 of the adopted UDP seeks to provide appropriate environment and identify sites for allocation using a sequential approach with the re-use of previously developed land and buildings. One of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City. A suitable housing density and mix (paragraph 5.40) and encourages a full range of housing types and sizes to include affordable housing (35%).
- 6.21. Within the Draft Birmingham Development Plan, policy TP26 and TP27 states that the location of new housing should be accessible to jobs, shops and services by other modes of transport, be sympathetic to historic, cultural and natural assets and not conflict with other development policies in relation to employment land, green belt and open space. The Draft BDP also identifies that within the urban area there is capacity for some 45,000 homes including bringing vacant property into active uses and utilising some open space that no longer performs its original function. Policy TP29 of the Draft BDP and Policy 5.38 of UDP identifies that densities of at least 50 dwellings per hectare will be expected in local centres and corridors well served by public transport with 40 dwellings per hectare elsewhere.
- 6.22. The application sites has not been identified for residential development within the Strategic Housing Land Availability Assessment (SHLAA) and would constitute a windfall housing site as identified by paragraph 48 of the NPPF. In terms of economic and social dimensions of sustainable development, the proposal would be deliverable and make a valuable contribution to identified housing need for Birmingham area. The application site is a sustainable location and lies within an established residential area, close to transport corridors that have good public transport links. The application site provides a range of local services within walking distance of the site that includes the Fox and Goose District Centre. Consequently, it is considered that the use of this site for residential development is acceptable in principle.
- 6.23. Concerns have been raised by a neighbour to the high number of units proposed and suggestion that it needs to be reduced on site. The total site area is 1.38 ha and the erection of 40 residential units as proposed represents an overall density of 30.7 dwellings per ha. This does not comply with the UDP and Draft BDP recommendations which require at least 40 dwellings per hectare. However, the proposal is considered acceptable given the urban characteristic of the area and protection of trees along Coleshill Road frontage. My Housing Regeneration and Development Officers have raised no objections as the number of units together with number of affordable units that is appropriate for this location.
- 6.24. **Design and character** - Paragraph 56 of NPPF attaches great importance to the design of the built environment as this is a key aspect of sustainable development. Paragraphs 3.14D and 3.14E of the UDP identify that new housing development should be designed in accordance with good urban design principles.

- 6.25. Places for Living SPG supports the creation of safe places, with clear definition between public and private spaces, active frontages, convenient routes, balance the needs of cars and pedestrians and provide schemes which reflect local context.
- 6.26. The application is in outline form with only access being applied for with the layout, scale, appearance and landscaping considered in detail under any future reserved matters application. At present with the former Sports and Social and clubhouse buildings have been demolished under separate prior approval, the application site characterised as relatively flat parcel of land which does provide a visual break from development. There are existing two-storey dwellings located to the northeast of the site along Douglas Avenue and Coleshill Road that benefit from gardens of approximately 30 metres from the application boundary.
- 6.27. The Design and Access Statement establishes parameters in relation to design strategy. The proposed development would comprise mixture of detached and semi-detached two-storey dwellings with associated parking or garages to reflect the character and built form of the area. Council's City Design Officer notes that many of the broad principles established during the planning application stage have been followed as a result of an amended illustrative layout plan that shows perimeter blocks with internal loop access road that achieves new residential dwellings fronting on to the public realm or onto the adjoining public open space and rear gardens backing on to other rear gardens, which generally would accord with guidelines contained within SPG Places for Living. The proposed service road and pedestrian access arrangement from Coleshill Road would increase site permeability. Whilst the development would visually change the character of the site by introducing built development on a brownfield site, it is considered that the proposed residential development would integrate positively with Coleshill Road. The proposed dwellings would also be set back from the Coleshill Road frontage with all of the existing protected trees retained and additional landscaping or planting provided.
- 6.28. **Impact on residential amenity** – The main impact upon residential amenity arising from the proposed development can only be considered at reserved matters stage. However, based on the illustrative plan, site area together with proposed density, I am confident that the proposal would be able to accommodate 40 dwellings and meet the requirements for internal spacing standards, separation distances, privacy, outdoor space etc. as set out within SPG Places for Living and Nationally Described Spacing Standards.
- 6.29. Regulatory Services have raised no objections to the proposal subject to electric vehicle charging points and acoustic noise insulation to windows and doors condition. I concur with this view and consider that, subject to the above recommended conditions; the proposal is unlikely to affect the amenity of existing and future residential occupiers within the immediate vicinity of the site and allow the potential to reduce vehicle emissions and improve air quality associated to the proposed dwellings.
- 6.30. **Land Contamination** – Paragraph 121 of the NPPF states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. Regulatory Services have advised that as the proposal is for sensitive end use (residential), land contamination conditions are imposed to assess the risk of potential on-site contamination.

- 6.31. **Impact on flooding and drainage** - A Flood Risk Assessment and Drainage Strategy has been submitted as part of supporting submission as the site covers an area of approximately 1.3 hectares. It identifies the site as being entirely within Flood Zone 1 and therefore the site is at low risk of flooding. The Environment Agency are satisfied with the assessment and no objections have been raised to the proposal. BCC Lead Local Flooding Authority have also recommended conditions which require the prior submission of a Sustainable Drainage Operation and Maintenance Plan in the absence of any drainage design or considerations at this stage. I concur with this view.
- 6.32. **Impact on ecology, nature conservation and trees** – The applicant's arboricultural survey identifies a numbers of trees to include 15 lime and 1 oak trees on Coleshill Road frontage, which are protected by Tree Preservation Order. My Tree Officer has raised no objections subject to a condition for a full up to date tree survey and arboricultural implications statement. I concur with this view and consider that the proposed layout at reserved matters needs to protect trees together with root protection areas. My Landscaping Officer has raised no objection subject to conditions to include landscaping, site levels, boundary treatment etc. that would ensure that the proposal makes a substantial contribution to the site, adjoining Brockhurst playing fields and overall area in amenity and biodiversity terms.
- 6.33. The application has been accompanied by a Phase I Ecology Appraisal. The City Ecologist notes that the report does not make any specific recommendations to the hedgerow and mature lime/ oak trees fronting onto Coleshill Road that should be retained and enhanced where possible with native species, a planting scheme that incorporates pollinator species and use of permeable boundary features between residential plots, and incorporation of bird nesting features within the proposed dwellings. I concur with this view and conditions are imposed accordingly.
- 6.34. **Impact on highway safety** – As part of this application access is the only matter being considered. This application is accompanied with Transport Statement. Amendments requested by Transportation Development have been provided that have removed the western access due to close proximity and conflict with Beaufort Road junction with Coleshill Road with a pedestrian link that offers increased site permeability. The indicative plan shows one access to the eastern part of the development site to remain from Coleshill Road frontage. It is considered that initial access carriageway width of approximately 7 metres together with suitable visibility splays provided would not harm highway safety. The spacing between the proposed access and opposite junctions with Beaufort Avenue of 75 metres and Southbourne Avenue of approximately 100 metres is also considered acceptable.
- 6.35. The internal layout of the site would be considered as part of future reserved matters application. It is considered that the amended illustrative plan with preferred option of perimeter block and loop road arrangement would provide sufficient space internally within the site to accommodate an appropriate level of car parking, cycle storage and service arrangement. Supporting statements confirm that 200% parking provision would be provided to each dwelling, which would comply with SPD Car Parking Guidelines. Transportation Development have raised no objections subject to a number of conditions to include a S.278 highway works condition. I largely concur with this view but consider that pavement boundary details would not be necessary and addressed through landscaping and boundary treatment conditions. Consequently, I consider that the proposal is unlikely to have an adverse impact on highway safety within the immediate vicinity of the site subject to conditions.

- 6.36. **Affordable Housing** – Paragraph 5.37B of the Birmingham UDP, Policy TP30 of the Draft Birmingham Development Plan, and the Council's Affordable Housing SPG, require 35% of the total residential accommodation to be affordable. Paragraph 50 of the NPPF explains that where LPAs have identified that affordable housing is needed, they should set policies of meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified...such policies should be sufficiently flexible to take account of changing market conditions over time.
- 6.37. As the development proposes more than 15 dwellings the UDP and SPD guidance on affordable housing requires for 35% affordable housing provision, which would equate to 14 units to be provided on site. The agent has submitted draft heads of terms and agrees to provide the 35% required as per the adopted UDP, which would be split to provide 6 affordable/ social rent (15%), 4 shared ownership (10%) and remainder allocated for 4 low cost (10%) units. The level of affordable housing is considered appropriate for the development and would be secured through an appropriate S.106 (Planning Obligations) agreement.
- 6.38. No comments have yet been received from Education Department however any Education funding via the planning system is now derived from city-wide CIL monies (Community Infrastructure Levy) (apart from significantly larger residential development sites).
- 6.39. **Community Infrastructure Levy** - The proposed development would not attract a CIL contribution.
- 6.40. **Other concerns** – I note a representation from a neighbour that any financial contribution received should be spent on public realm improvements in and around Fox and Goose Shopping Centre. The neighbour has not specified what public realm improvements they are seeking at Fox Goose Shopping Centre. The applicant has offered S.106 financial contribution towards affordable housing, compensatory sum for the loss of bowling greens, tennis courts, and public open space contribution in accordance with relevant policies and guidelines. Furthermore, there have been environmental/ public realm improvements around the Fox and Goose Shopping Centre funded and completed in March 2016 through Section 106 for the new Tesco Store. The new Tesco Store have also carried out substantial public realm improvements as part of their highway works agreement on Bromford Lane and Coleshill Road frontage. There is also highway works condition that would ensure further improvement works are undertaken on this section of Coleshill Road.

## 7. Conclusion

- 7.1. Whilst I acknowledge that the loss of the bowling green clubs would be regrettable, the application has agreed compensation for the loss of bowling green's/ tennis courts together with off-site compensation sum that would provide long-term recreational community benefit for the immediate area. The bowling club have also successfully relocated elsewhere in the city. The application site is a windfall site that is situated within a sustainable location and would provide much needed housing with provision of affordable housing for the city. The density together with mix of housing would be appropriate for the site and integrate positively with the surrounding area. The proposal is considered acceptable in highway safety and residential amenity terms.
- 7.2. I therefore consider that the application is acceptable subject to conditions and completion of a Section 106 agreement to secure commuted sum for loss of bowling

greens and tennis courts, off-site public open space and 35% affordable housing units on site.

8. Recommendation

8.1. Approve subject to a Section 106 Legal Agreement.

1. That consideration of Application No: 2016/01518/PA be deferred pending the completion of a planning obligation under Section 106 of the Town and Country Planning Act to secure the following:-

- i) 35% (14 units) of houses on the site being 15% affordable/ social rent, 10% shared ownership and the remainder 10% being allocated for low cost.
- ii) The payment of £96,600 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards the provision and improvement of sports facilities at Portland Pavilion or other purpose in the Ladywood Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.
- iii) The payment of £208,000 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards the provision, improvement and maintenance of public open space, recreational and community facilities in the Stechford Hall Park or other priorities in the Hodge Hill Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.
- iv) Payment of a monitoring and administration fee associated with the legal agreement subject to a contribution of £10,000.

2. In the absence of the completion of a suitable planning obligation to the satisfaction of the Local Planning Authority on or before the 11<sup>th</sup> November 2016, planning permission be REFUSED for the following reasons:

- i) In the absence of a suitable planning obligation to secure affordable housing on the site, the proposed development conflicts with paragraph 5.37 of the Birmingham Unitary Development Plan 2005 and with paragraph 50 of the National Planning Policy Framework (2012).
- ii) In the absence of a financial contribution towards the provision, improvement and maintenance of public open space, recreational and community facilities in the Stechford Hall Park or other priorities in the Hodge Hill Ward, the proposed development conflicts with paragraphs 3.57, 8.50-8.53 and 8.54 of the Birmingham Unitary Development Plan 2005 and with paragraphs 73 and 74 of the National Planning Policy Framework (2012).

That the Director of Legal and Democratic Services be authorised to prepare, complete and seal the appropriate planning obligation under Section 106 of the Town and Country Planning Act.

That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 15<sup>th</sup> November 2016, favourable consideration will be given to the application subject to the conditions listed below:

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1	Requires the prior submission of a contamination remediation scheme
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- 2 Requires the prior submission of a contaminated land verification report
  - 3 Requires the prior submission of a construction method statement/management plan
  - 4 Requires the prior submission of sample materials
  - 5 Limits the maximum number of dwellings (40 units).
  - 6 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
  - 7 Requires the prior submission a noise study to establish residential acoustic protection
  - 8 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
  - 9 Requires the prior submission of level details
  - 10 Requires the prior submission of hard and/or soft landscape details
  - 11 Requires the prior submission of hard surfacing materials
  - 12 Requires the prior submission of earthworks details
  - 13 Requires the prior submission of boundary treatment details
  - 14 Requires the prior submission of a landscape management plan
  - 15 Requires the prior submission of a lighting scheme
  - 16 Tree Survey and Arboricultural Implication Assessment
  - 17 Requires the prior approval of the siting/design of the access
  - 18 Requires pedestrian visibility splays to be provided
  - 19 Requires the prior submission and completion of works for the S278/TRO Agreement
  - 20 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
  - 21 Requires the prior submission of details of bird boxes
  - 22 Provision of designated electric vehicle charging points
  - 23 Requires the submission of reserved matter details following an outline approval
  - 24 Limits the layout plans to being indicative only
  - 25 Limits the approval to 3 years (outline)
-

Case Officer: Mohammed Akram

## **Photo(s)**

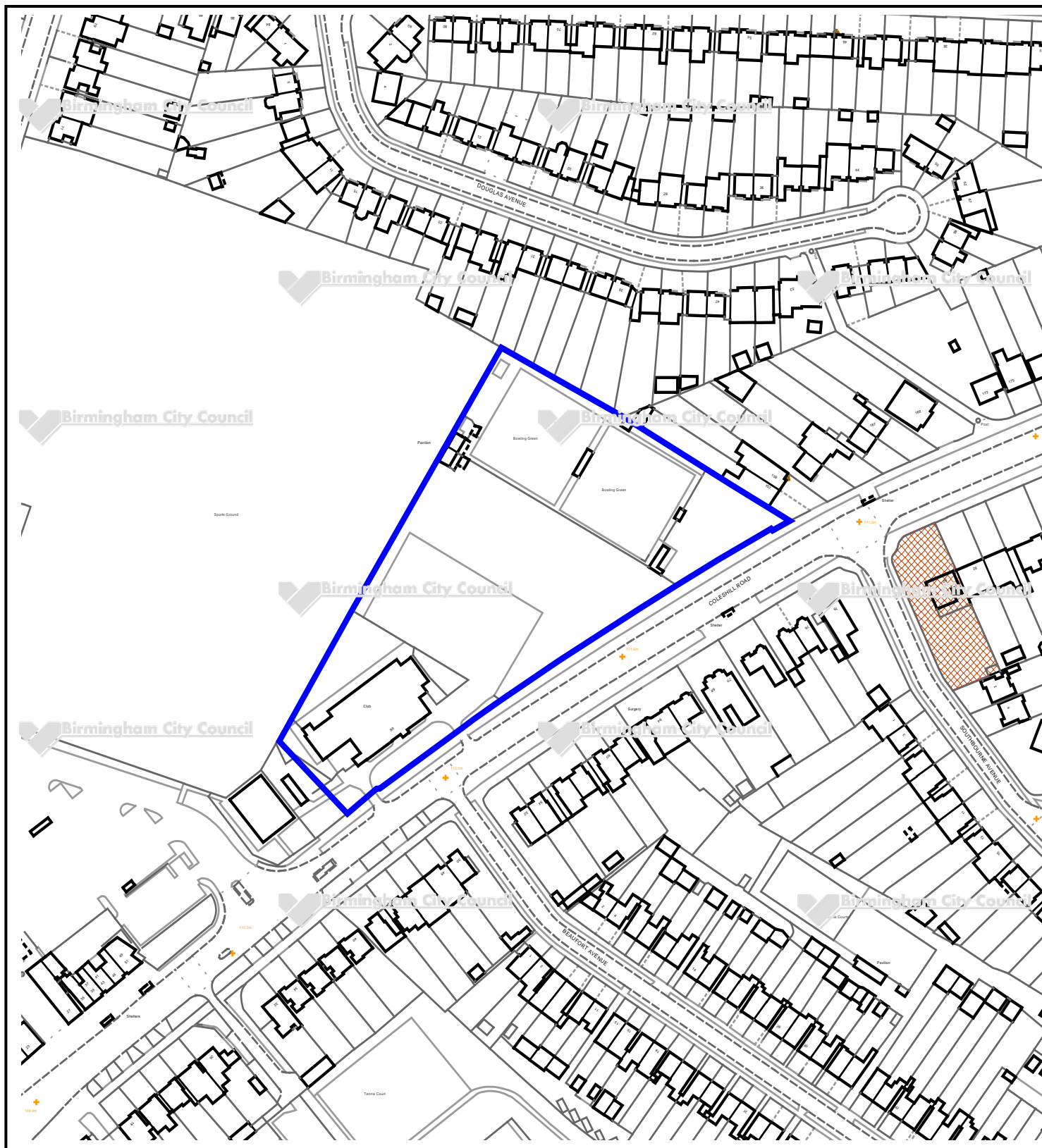


Figure 1: Application Site



Figure 2: View from Coleshill Road

## Location Plan



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Committee Date:	27/10/2016	Application Number:	2016/05853/PA
Accepted:	01/08/2016	Application Type:	Full Planning
Target Date:	31/10/2016		
Ward:	Stechford and Yardley North		

Heartlands Nursing Home, 50 Broadstone Road, Yardley, Birmingham, B26 2BN

Demolition of existing care home and erection of a 3 storey 66 bed care home (C2) with vehicular access off Broadstone Road

Applicant:	Country Court Care Millennium House, Dukesmead, Werrington, Peterborough, PE4 6ZN
Agent:	LNT Construction Helios 47, Isabella Road, Garforth, Leeds, LS25 2DY

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Full planning application for the demolition of an existing post-war care home and the erection of a replacement care home to the northern section of the wider site, fronting Meadway. The care home would be a 3-storey L-shaped building of a modern appearance utilising red brick, cream render panels, weather board cladding and grey roof tiles. 66 bedrooms would be accessed off a central corridor that would run along the length of the building with communal facilities consisting of dining rooms/social rooms and quiet lounges on each of the 3 floors. There would also be a café, hair salon and an additional quiet lounge at first floor level and a family room at second floor level. There would be landscaped gardens surrounding the building as well as car park containing 20 spaces within the northern section of the wider existing care home site. Access would be via the existing access to the south off Broadstone Road, which would be widened to 6m.
- 1.2. The application indicates the development would create an additional 8 full-time posts over the existing 34 full-time posts.
- 1.3. The southern section of the wider site, outside of the current application site, has outline planning permission for up to 9 dwellings (2016/05854/PA).

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a general rectangular shape with a frontage to Meadway, including a slip road for westbound traffic as well as a service road for properties facing this major transport corridor. Vehicular access to the site is via an existing access to the south off Broadstone Road, which is a tree-lined street with no parking restrictions.



- 2.2. The surrounding area is predominantly residential in nature consisting of 2-storey inter-war housing, single storey and 2 storey post-war housing and a modern 3-storey care home (Westhall Court). There is also a place of worship to the west of the wider site's access off Broadstone Road and a small commercial parade of shops to the southeast. Meadway is to the north and to the east, beyond Westhall Court, is the Poolway Shopping Centre (Meadway District Centre).
- 2.3. The existing single, 2 and 3 storey care home complex is largely hidden from the street scene by high screen walls and part of the site being at a lower ground level than surrounding land. The design of the wider complex is an interesting post-war design but is in a poor state of repair and ultimately of limited architectural merit.
- 2.4. [Site location](#)
3. [Planning History](#)
  - 3.1. 15/08/16 – 2016/06152/PA. Application for a prior notification for the demolition of existing care home. Prior approval required and granted.
  - 3.2. 06/09/16 – 2016/05854/PA. Demolition of existing buildings and outline planning application for up to 9 dwellings with all matters reserved. Approved.
4. [Consultation/PP Responses](#)
  - 4.1. Transportation Development – No objection subject to conditions relating to construction method statement, construction of the service road, parking and turning area, means of access, travel plan, cycle storage, pedestrian visibility splays and highway works including bellmouth improvements on Broadstone Road and reinstatement of redundant vehicle access on Meadway slip-road to footpath.
  - 4.2. Regulatory Services – No objection subject to conditions relating to contamination, noise insulation and electric vehicle charging points.
  - 4.3. Lead Local Flooding Authority – Final comments to be reported.
  - 4.4. Severn Trent Water – No objection subject to drainage condition.
  - 4.5. West Midlands Fire Service – No objection.
  - 4.6. Local residents, residents groups Councillors and MP consulted with site and press notices posted.
  - 4.7. 2 representations made from local residents raising concerns over the impact of construction traffic and that large delivery vehicles already struggle to access the site resulting in damage to grass verges and pavements.
5. [Policy Context](#)
  - 5.1. Birmingham UDP, Draft Birmingham Development Plan, Places for Living SPG, Specific Needs Residential Uses SPG, Car Parking Guidelines SPD and the NPPF.
6. [Planning Considerations](#)

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005.
- 6.2. The NPPF is clear that “the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
  - an environmental role – contributing to protecting and enhancing our natural, built and historic environment...”.
- 6.3. The NPPF and the Draft Birmingham Development Plan are material considerations. The Draft Birmingham Development Plan is at an advanced stage and as such holds significant weight. The proposal raises a variety of planning-related matters, these being the principle of providing a replacement care home on the site, visual amenity, residential amenity and highway safety, which are discussed below.
- 6.4. Principle:
- 6.5. The Draft Birmingham Development Plan, which is an advanced state, plans for the spatial delivery of growth and supporting sustainable growth in housing, retail and employment development to meet the needs of its growing population. The Plan identifies a number of key areas, which will make a significant contribution towards delivering this growth. One of these areas is the ‘Eastern Triangle’, consisting of the regeneration and growth of around 1,000 new homes and improvements to local centres focused on Meadway, Stechford and Shard End.
- 6.6. The application site falls within the ‘Eastern Triangle’, though the site is not specifically allocated for redevelopment in the Draft Development Plan. No objection is raised in principle to the provision of a replacement care home on a small portion of the existing care home’s site. Furthermore the remaining section of the site has outline planning permission for up to 9 dwellings, which will further contribute to the City’s housing supply.
- 6.7. Visual Amenity:
- 6.8. The proposed 3-storey building would reinforce the building line along Meadway and offer a modern appearance within a streetscene that contains a mixture of inter-war,



post-war and modern buildings. To the immediate west are 2-storey inter-war houses whilst to the immediate east are post-war bungalows. Ground levels rise from west to east and the bungalows are approximately a storey higher than the ground floor of the application site. Beyond the bungalows, ground levels continue to rise to a modern 3 and 4-storey care home at the junction of Meadway and Sheldon Heath Road. Whilst the proposed care home is bigger than the existing care home it will replace, which only has small sections consisting of 3-storey structures, within the wider context it is considered that the proposed 3-storey building is acceptable and would take the opportunity to improve the character and quality of the area.

- 6.9. The high screen wall enclosing the existing care home detracts from the streetscene and the proposal would replace this with brick piers and railings that will allow views into, and out of, the site. This would dramatically improve natural surveillance and security and create an active frontage to Meadway. The site would be landscaped that would enhance the setting of the building and benefit the residents, as well as make a positive contribution to the streetscene.
- 6.10. A tree survey has been submitted in support of the application, which identifies 16no. trees on the site, of which 10 are shown to be removed. These are either Category C or U trees with the exception of 1 Silver Birch, which is Category B. The proposal includes a comprehensive landscaping scheme that would be appropriate for residents of a care home and includes new tree planting. The final number and type of new trees are covered by a planning condition. My tree officer has raised no objection to the application.
- 6.11. The entrance into the new building is via the rear /car park elevation. Pedestrian access to this entrance would be via the existing entrance off Broadstone Road or a new pedestrian-only access off Meadway. 'Places for Living' SPG advises that 'the main access to buildings should be from the public realm with well-defined entrances...'. The proposed entrance is located to the rear of the building and not visible from the public realm and as such is considered to be contrary to this important urban design principle. This matter has been discussed with the developer and possible options have been considered. However, the applicant has advised that an entrance off the Meadway elevation has proven difficult for the following reasons:
  - The main entrance facing the car park ensures that all visitors are seen and the car park has constant natural surveillance.
  - Changes in ground levels would make it difficult to provide a level access.
  - It would divide the garden area into two smaller areas.
  - Some of the residents would be suffering from various stages of dementia and it is important to provide a secure garden.
  - There could be operational problems with a secure gate access into the garden should a visitor leave it open.
  - The internal layout of the home has evolved over constant consultation with the users of the home to ensure the building functions for the residents and the staff.
  - An additional entrance would impact on how the building functions internally
- 6.12. Whilst the above arguments are noted, in particular that relating to reducing the outdoor amenity space and potential security issues for residents including those with dementia, it is considered that a site specific scheme could be designed that provides a main entrance of the front elevation. However, it is also recognised that the suggested options cause concern for the developer's operation of such a care

home. As such, it is necessary to apply the planning balance exercise and it is considered that the failure to address this significance urban design principle does not outweigh on this particular occasion the overall benefits associated with the scheme and outlined in this report and would not represent a reason for refusal in isolation.

6.13. Residential Amenity:

6.14. The proposed building meets with the separation and set back distances given in 'Places for Living'. The quiet lounges to the western wing of the building are at a distance of 26m from the side gable of 93 Meadway, where by a 15m setback (5m per storey) is required. The eastern elevation of the new building faces the rear elevation of the bungalows that face a footpath which links Meadway and Broadstone Road. These have separation distances of some 27.5-30m, where 'Places for Living' seeks 27.5m for 3 storeys face existing dwellings. Furthermore, the application site's ground level is approximately a storey below that of the bungalows and would realistically represent closer to 2 storey facing existing dwellings, which a distance of 21m is sought. It is considered that the proposal would have no adverse impact on neighbour amenity.

6.15. The bedrooms are well-sized, being in the region of 13.5sqm (excluding the ensuite) and there is a good level of indoor communal facilities in the form of quiet lounges, dining rooms/lounges, café and hair salon, clinics and a family room. Externally, there are secure landscaped gardens, measuring some 1535sqm, representing 23.3sqm per resident. This exceeds the 16sqm given in Specific Needs Residential Uses SPG. It is considered that an acceptable amenity level would be offered to future residents of the care home.

6.16. Highway Safety:

6.17. The proposal would utilise the existing access but widen it to 6m as it appears that the existing footway crossing is inadequate to accommodate larger service vehicles. Tracking plans have also been submitted in support of the application, which demonstrates that service vehicles can enter and exit in a forward gear. Applying Car Parking Guidelines SPD of 1 space per 3 bed spaces, the proposal would generate a need for 22 parking spaces. 20 spaces are proposed and it is also noted that there is on-street parking capacity on Broadstone Road. Transportation Development raises no objection and recommends a number of conditions, which are considered appropriate.

6.18. Other Matters:

6.19. The Ecological appraisal submitted with the application identifies that the site is of limited value to local ecology. Furthermore, the site offers little significant value for foraging and commuting bats, and the buildings and trees on site lack features suitable for roosting bats. In addition the amphibian habitat is limited and whilst birds and will make use of the site that are unlikely to have any significant dependence on the site for nesting or foraging. The City Ecologist raises no objection and recommends an ecological enhancement strategy condition, which is attached.

6.20. The Sustainable Drainage Assessment highlights that the existing run-off from the current building connect into the foul and surface water drainage that runs across the site and then into the connection on Meadway. The proposed run off is indicated

as an attenuation tank and permeable paving construction in the parking bays. The Lead Local Flooding Authority's final comments shall be reported at the meeting.

7. Conclusion

- 7.1. The replacement of the existing care home with a new fit-for-purpose facility in this established residential location is appropriate, and would improve the character and quality of the locality and would have no adverse impact on neighbour amenity or highway safety. The scheme fails to deliver a main entrance off its front elevation, which is an important urban design principle, but applying the planning balance exercise, it is considered that in this particular case it should not represent a reason for refusal.

8. Recommendation

- 8.1. Approve subject to conditions.

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|----|--|
| 1  | Requires the prior submission of a contamination remediation scheme                        |
| 2  | Requires the prior submission of a contaminated land verification report                   |
| 3  | Requires the prior submission of a drainage scheme   |
| 4  | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 5  | Requires the prior submission of an Arboricultural Method Statement                        |
| 6  | Requires the prior submission of hard and/or soft landscape details                        |
| 7  | Requires the prior submission of hard surfacing materials                                  |
| 8  | Requires the prior submission of boundary treatment details                                |
| 9  | Requires the prior submission of a lighting scheme   |
| 10 | Requires the prior submission of sample materials  |
| 11 | Requires the prior submission of level details   |
| 12 | Secures noise and vibration levels for habitable rooms                                     |
| 13 | Requires the prior submission of a construction method statement/management plan           |
| 14 | Requires the internal road and parking and turning areas to be provided prior to use       |
| 15 | Requires the prior approval of the siting/design of the access                             |
| 16 | Requires the prior submission of a travel plan   |
| 17 | Requires the prior submission of cycle storage details                                     |
| 18 | Requires pedestrian visibility splays to be provided                                       |
-

- 
- 19 Requires the prior submission and completion of works for the S278/TRO Agreement
  - 20 Requires the provision of a vehicle charging point
  - 21 Requires the scheme to be in accordance with the listed approved plans
  - 22 Limits the approval to 3 years (Full)
- 

Case Officer: Peter Barton

**Photo(s)**



Figure 1 : Meadway frontage



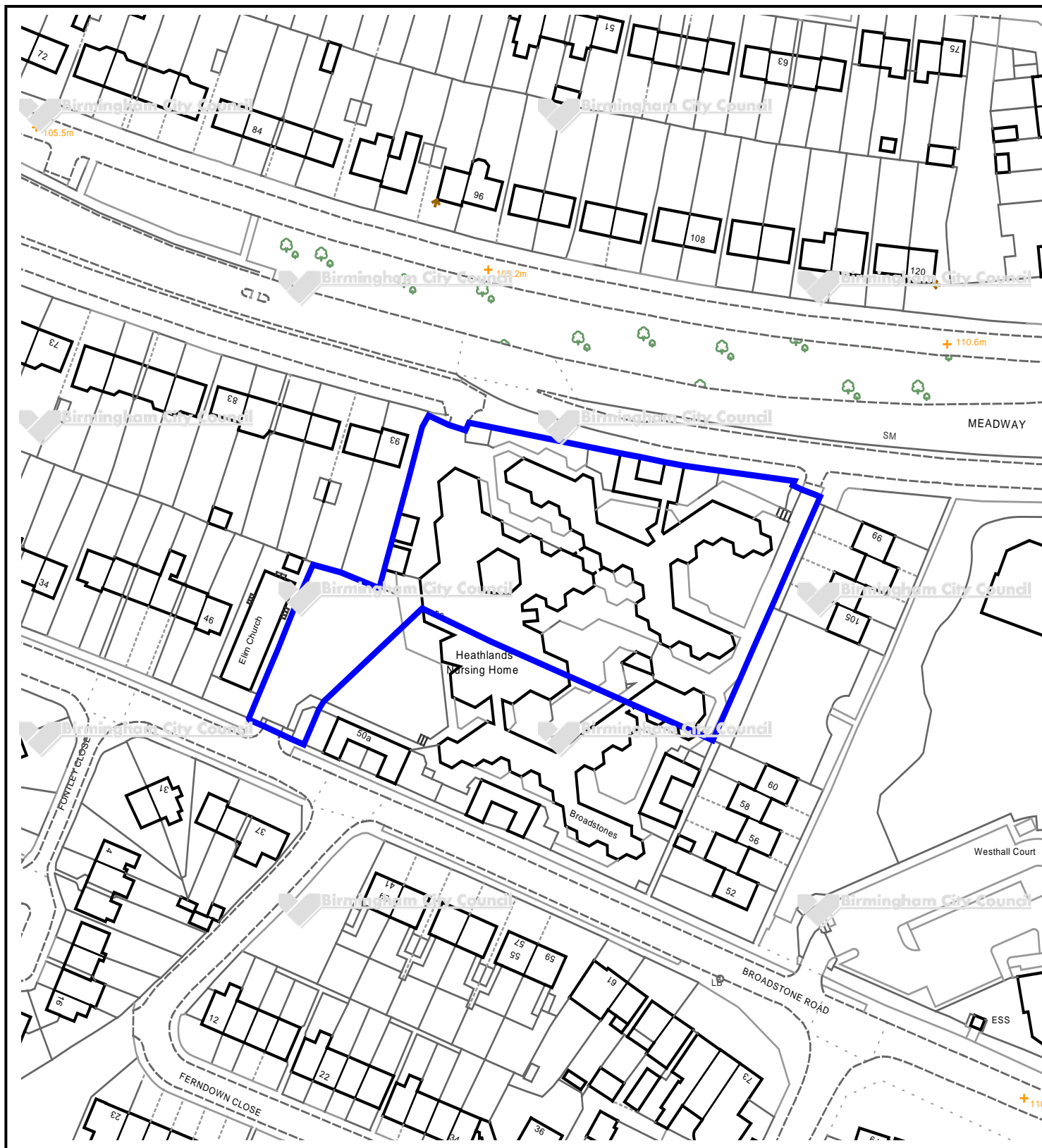
Figure 2: Access of Broadstone Road



Figure 3 – Adjacent Bungalows on Meadway



## Location Plan



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Committee Date:	27/10/2016	Application Number:	2016/04050/PA
Accepted:	23/05/2016	Application Type:	Full Planning
Target Date:	28/10/2016		
Ward:	Erdington		

42 Silver Birch Road, Erdington, Birmingham, B24 0AS

Change of use of residential dwelling to 4no.self-contained one and two bed flats (C3) for occupation by blind/visually impaired people and associated alterations

Applicant: New Outlook Housing Association  
Central Directorate, Mill House, Mill Lane, Bromsgrove Street,  
Halesowen, B63 3JP  
Agent: BHB Architects  
Georgian House, 24 Bird Street, Lichfield, WS13 6PT

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for the change of use of a single family dwelling to four self-contained flats (C3) for blind/visually impaired people who are able to live within the community, at 42 Silver Birch Road, Erdington.
- 1.2. The proposed flats would consist of: -
- Flat 1 – Ground floor, consisting of one single person bedroom of 12.2sqm, en-suite shower room and kitchen/lounge with an overall footprint of 42sqm;
  - Flat 2 – Ground floor, consisting of one single person bedroom of 12.1sqm, kitchen, lounge and shower room, with an overall footprint of 51sqm;
  - Flat 3 – First floor, consisting of one single person bedroom of 10.3sqm, shower room and kitchen/lounge, with an overall footprint of 41sqm; and
  - Flat 4 – A duplex flat to the first floor and within the roof space, consisting of two single person bedrooms within the roof space of 11.5sqm and an en-suite bedroom of 12.1sqm, lounge, kitchen and W.C to the first floor, with an overall footprint of 62sqm.
- 1.3. Three off road vehicle parking spaces are located within the forecourt of the premises.
- 1.4. The appointed agent has confirmed that the interior would be decorated with colour and texture contrasting décor, tactile symbols and lighting, alongside the provision of specialist equipment to support day to day living. In addition, fully trained off-site staff would be available if required by the residents 24 hours per day 7 days per week.

- 1.5. This application has been amended following negotiations with the agent, and the number of units proposed reduced from 6 to 4.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a detached two-storey 3/4 bed Victorian property with a room within the roof space, located within a wholly residential street of similarly designed/sized properties. To the front of the property lies a hard standing off road parking area with walled front boundary, attached to the side elevation is a single storey garage, to the rear lies an enclosed garden area with detached brick built outbuilding.
- 2.2. A further property located directly opposite the site at number 39 Silver Birch Road is operating as a care home under the same service provider 'New Outlook' and, the 'St Josephs' Care home is located at number 46 Silver Birch Road.

[Location plan](#)

3. Planning History

- 3.1. 01.12.1983. 64537000, Conversion to residential home for the elderly and provision of car parking areas, refused.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection subject to conditions requiring noise insulation details and the provision of an electric vehicle charging point.
- 4.2. Transportation Development – No objection subject to amendments.
- 4.3. Severn Trent Water – No objection subject to condition requiring drainage details.
- 4.4. Housing – No objection.
- 4.5. West Midlands Police – No objection.
- 4.6. Site notice posted, nearby residents, residents associations, local MP and Ward Councillors notified, with the following responses received: -
- Six letters/emails of objection from near neighbours on the grounds that the residential character of the road is been lost due to an exacerbation of similar uses which includes apartment blocks, numerous homes converted into flats, nursing homes and a glass business. Further issues concern parking issues, general/noise disturbance and, uncertainty over the end users of the premises and the loss of a single family dwelling.

5. Policy Context

- 5.1. Birmingham UDP (2005) and Draft Birmingham Development Plan (2013); Car Parking Guidelines (2012) SPD; Places for Living (2001) SPG; NPPF (2012) and DCLG Nationally Described Parking Standards (2015).

6. Planning Considerations

- 6.1. The main issues for consideration are whether the principle of the sub division of the premises into four self-contained flats is acceptable; whether the proposed flats would provide future occupiers with a satisfactory standard of residential accommodation/amenity, the amenities of neighbouring occupiers and highway safety.

6.2. Policy

*Birmingham Unitary Development Plan (2005)*

- 6.3. Paragraph 3.8 of the adopted Unitary Development Plan states that the City's environmental strategy is based on the need to protect and enhance what is good in the City's environment and to improve what is less good. The keynote is on quality and paragraph 3.10 of the UDP states that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.

- 6.4. The submitted application requests the change of use of the premises to 4 self-contained flats; therefore the application should be assessed against relevant policies for such a use. UDP policies relating to flat conversions (8.26 & 8.27) advise that proposals should not have an adverse effect on the residential amenity of adjoining occupiers. The potential for noise and disturbance nuisance will vary according to the size and type of property involved, the number of flats proposed, the existing use of adjoining properties and ambient noise levels in the vicinity. Generally detached properties are most appropriate for flat conversions, semi-detached and terraced properties may be considered suitable but the potential effect on adjoining occupiers will be assessed particularly carefully. Other considerations include cumulative effect, parking, highway safety and design of any external alterations.

- 6.5. Policy Hi1 of the UDP identifies Silver Birch Road as an Area of Restraint, which contains many larger properties which have been converted into "institutional" uses and other non-residential uses and/or flats and/or are in multiple-occupation. Proposals for changes of use to non-family dwelling uses may be refused on the grounds that further development of such uses would adversely affect the character of the area. Para 5.19B highlights that "institutional" uses are normally appropriate in residential areas, concentrations of such uses can have an adverse effect upon the essential residential character of a particular street or area. Further changes of use of large dwellinghouses to non-family dwellinghouse use within Areas of Restraint will be resisted.

*Draft Birmingham Development Plan (2013)*

- 6.6. Paragraph 2.18 of the Draft BDP states that there are a number of disadvantaged communities in Birmingham, particularly in the inner areas of the city. This corresponds spatially with other social issues including poor health and poverty. Policy PG3 (Place making) states that new development should create safe environments that design out crime and make provision for people with disabilities through carefully considered site layouts, designing buildings and open space that promote positive social interaction and natural surveillance. Policy TP26 (Sustainable neighbourhoods) advocates that new housing is expected to contribute to making sustainable places which includes a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages, access to

facilities such as shops, schools, leisure and work opportunities within easy reach and convenient options to travel by foot, bicycle and public transport.

*National Planning Policy Framework (2012)*

- 6.7. Paragraph 50 states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes) and, identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

*DCLG Technical housing standards – nationally described space standards (2015)*

- 6.8. This national document sets out internal space standards and the requirements for gross internal (floor) areas of residential units.
- 6.9. **Principle:** The site is located within an area of restraint for changes of use of properties from single family dwellings to non-family dwellings. However, since the inception of this area of restraint policy in the late 1980's the character of the street scene has evolved to include a care facility 'New Outlook' located directly opposite at number 39, 'St Josephs' Care home located next door but one at number 46, 'Angel Court' care home at number 31-33, a block of six properties numbers 11-21 which have been converted to flats, number 14 which was a new build development of 2 flats and three blocks of flatted developments which are located within the road to the north western and south eastern ends. No recorded HMO's are located within the road and 21 properties remain as single family dwellings. Furthermore, area of restraint policies are not been taken forward within the Draft BDP.
- 6.10. NPPF paragraph 216 states that "from the day of publication, decision-takers may also give weight to relevant policies in the emerging plans" such as the Draft BDP and, Paragraph 50 states that local planning authorities should plan for a mix of housing and the needs of different groups in the community, including people with disabilities.
- 6.11. The property is detached with off road parking facility and enclosed rear garden area, being located within a sustainable location close to all amenities, including shops, schools and transport links. The existing character and appearance of Silver Birch Road is of a pleasant green suburban location, with a mix of differently designed and sized properties with off street parking to the frontages and sizeable rear garden areas. Consequently, it is considered that the proposed change of use is acceptable, adhering to policies 8.26 & 8.27 of the UDP and the NPPF.
- 6.12. **Loss of single family dwelling:** Objection has been received from a near neighbour regarding the loss of a single family dwelling. Housing has assessed the proposal and raises no objection, commenting that whilst they would regret the loss of a family dwelling and the conversion into apartments, this proposal will provide accommodation to persons in need and the conversion would not greatly impact on the numbers of people living at the property. The current applicant would allow blind/visually impaired people to live within a community, although the premises would not change use from that of C3. Consequently, it is considered that the benefits of the proposal outweigh the family dwelling policy objectives in this instance.

- 6.13. **Residential amenity:** In terms of internal space, the application seeks the change of use of the property to 4 self-contained flats, consisting of three one-person/one-bedroom flats and one two-bedroom/two-person flat. The Nationally Described Spacing Standards recommends that a one-bed/one-person flat should provide a minimum footprint of 39sqm, no recommended standard is advocated for a two-bedroom/two-person flat, however a three-person/two-bedroom flat requires a minimum footprint of 61sqm, all four flats exceed this advocated guidance. All five bedrooms within the flats would be single rooms, the guidance advocates that a single bedroom should provide a footprint of at least 7.5sqm with all five bedrooms exceed this guidance. Additionally, adopted SPG 'Places for Living' advocates that 30sqm per unit of outdoor communal amenity space should be provided per flat, the premises benefits from a private rear garden area of approximately 460sqm, providing approximately 115sqm per unit, exceeding guidance.
- 6.14. In terms of the residential amenity of neighbouring occupiers, six letters/emails of objection have been received from near neighbours on the grounds of an exacerbation of similar uses within the area, general noise and disturbance and concern to the potential end users. In response, whilst two similar uses are located within close proximity, it is considered the change of use of this premises to 4 self-contained flats would not create a worse residential environment for neighbouring occupiers, above or beyond that which would be expected from a typically sized family occupying a three/four bedroom property of this size. Regulatory Services have assessed the proposal and raise no objections subject to conditions requiring acoustic noise insulation details for windows and doors and the provision of an electric vehicle charging point. In response, the premises is an existing residential dwelling located on a quiet residential road where ambient noise levels are low, therefore a condition for noise insulation is considered unnecessary. In respect of an electric vehicle charging point, I do not consider that this is justified in this case bearing in mind the small scale of this residential scheme. Consequently, I consider the requested conditions would be unreasonable in this instance. In addition, West Midlands Police raise no objections.
- 6.15. **Highway safety:** Objection has been received on the grounds of parking issues within the area. Transportation Development assessed the proposal and made the following observations, no objections subject to amendment, as it was considered the original application for 6 flats would have generated trip increases by staff and visitors to the site. The application after negotiations has been amended from 6 self-contained flats to 4 self-contained flats, satisfying Transportations concerns. It is therefore considered the proposal acceptable in terms of highway safety.
- 6.16. **Visual amenity:** The proposal would include external alteration resulting in the removal of an existing garage door to be replaced by a window and matching brickwork. This element of the scheme would be relatively minor and unlikely to have any impact upon the visual amenity of the premises or street scene.
- 6.17. **Other issues:** Severn Trent Water have assessed the proposal and offer no objection, subject to condition requiring drainage details, advising that a public sewer runs close to the property. In response, the application is for a change of use with existing drainage connections and I therefore consider this condition unnecessary in this instance.

7. Conclusion

7.1. I am of the view that whilst the proposal site is located within an area of restraint for such uses as that proposed, the UDP, and more up-to-date draft BDP and NPPF encourage a wide choice of high quality housing to meet the demographic needs of the community. In this instance, the conversion to flats to provide 1 and 2 bedroom self-contained flats (in this case for blind/visually impaired users) meets identified needs and increases housing stock within the area. The reasons specified above would outweigh any harm associated with the loss of a single family dwelling in this instance. Furthermore, the internal and external layout of the proposal would provide a satisfactory living environment for future occupiers.

8. Recommendation

8.1. Approve subject to the following conditions.

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

Case Officer: Keith Mellor



**Photo(s)**



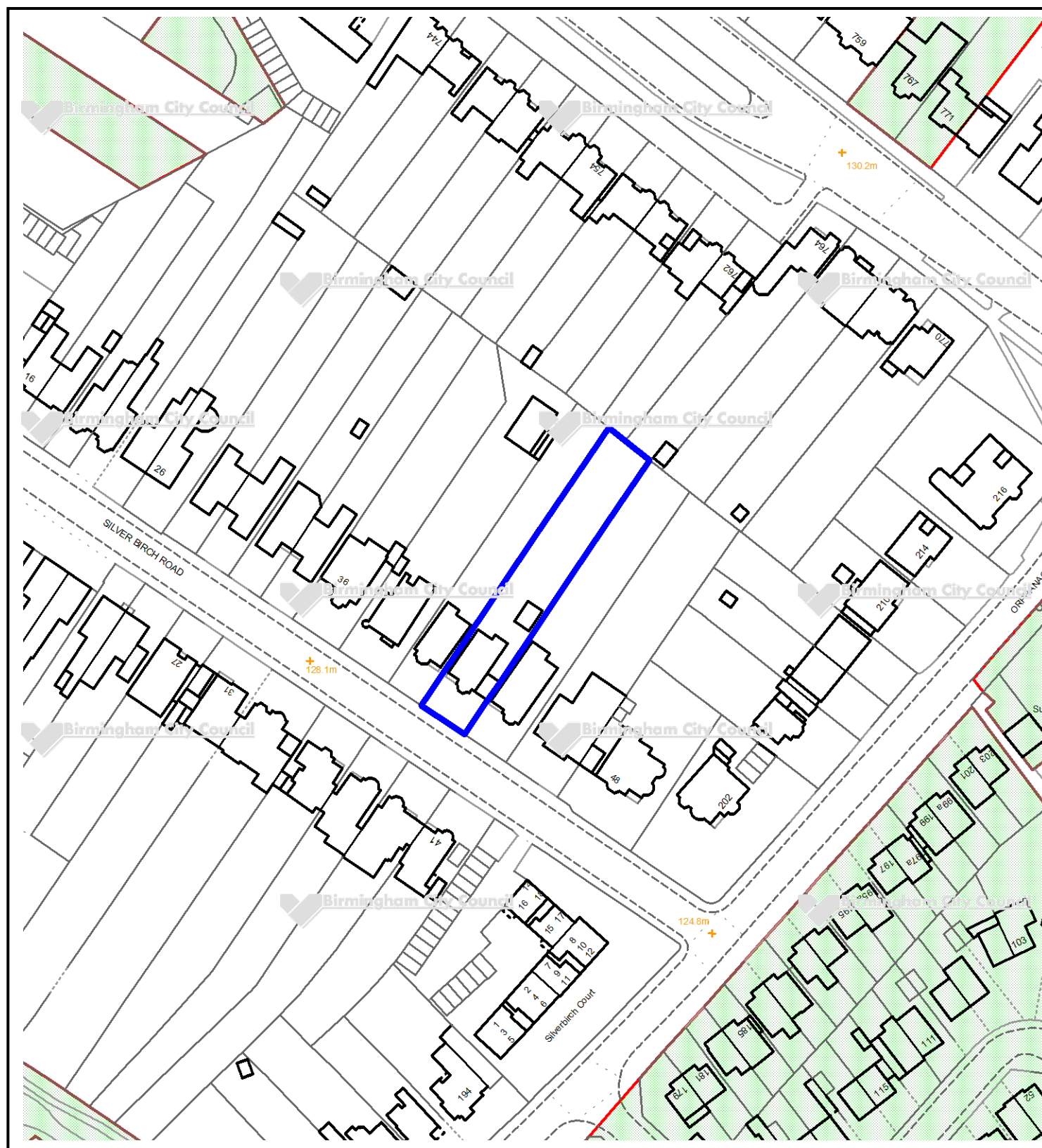
**Front elevation 1**



**Frontage 1**



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**27 October 2016**

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

<b><u>Recommendation</u></b>	<b><u>Report No.</u></b>	<b><u>Application No / Location / Proposal</u></b>
Refuse	16	2016/07479/PA  77 Paradise Circus Queensway City Centre Birmingham B1 2DT  Display of 1 no. externally illuminated advertising hoarding sign
Approve - Conditions	17	2016/07753/PA  Stephenson Street, Navigation Street, Station Street, Smallbrook Queensway (land bounded by) New Street Railway Station City Centre Birmingham  Minor material amendment to approval 2009/05720/PA for the application of a dulling treatment to two areas of the polished facade to mitigate solar heat reflection.
Endorse Authorise	18	2015/09060/PA  Honduras Wharf (Phase 2), Summer Lane, Birmingham, B19 3RZ  Variation to Section 106 Agreement as approved under planning approval 2015/09060/PA to allow an off- site affordable housing payment in lieu of providing 5 on site affordable dwellings.

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Committee Date:	27/10/2016	Application Number:	2016/07479/PA
Accepted:	02/09/2016	Application Type:	Advertisement
Target Date:	28/10/2016		
Ward:	Ladywood		

77 Paradise Circus Queensway, City Centre, Birmingham, B1 2DT

Display of 1 no. externally illuminated advertising hoarding sign

Applicant: BlowUP Media UK Ltd  
The Media Centre, 3-8 Carburton Street, London, NG2 6SW  
Agent:

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Recommendation  
**Refuse**

1. Proposal

- 1.1. This application seeks advertisement consent for the display of 1 no. externally illuminated vinyl banner wrapping around the east and north east elevations of the building, also known as Convention House.
- 1.2. The proposed commercial advertising space would measure 25m wide by 20m in height and it would be sited 5m above ground level. The areas framing the advert would be dressed in the Paradise redevelopment logo and colours. Illumination would be provided by the way of a series of downlighters attached to the top of the banner. The design of the advertisement would be likely to change on a regular basis depending upon the advertisers requirements. The applicant has applied for a consent period of three years.
- 1.3 [Link to documents](#)

2. Site & Surroundings

- 2.1. The detached eight storey brick and glass building is located in the middle of Paradise Circus Queensway. It has remained largely vacant since 2014 and will be demolished as part of a later phase of the Paradise Circus redevelopment.
- 2.2. The site lies to the north of The Copthorne Hotel and east of the Paradise Circus multi-storey car park accessed from Brindley Drive where advertisement consent was granted earlier this year for a similar style of banner, facing towards Paradise Circus Queensway.
- 2.3 [Site Location](#)

3. Planning History

- 3.1 2016/03457/PA - Display of 1 externally illuminated advertisement banner. (Paradise Circus multi storey car park off Brindley Drive). Approved 07/07/2016

- 3.2 2012/05116/PA - Outline planning application (all matters reserved save for access) for demolition of all buildings on the site (save for the Joseph Chamberlain Memorial) and commercial led mixed use redevelopment of up to 170,012 square metres gross internal floorspace, comprising offices (Use Class B1a), retail and leisure units (Use Classes A1/A2/A3/A4/A5/D1/D2), concert hall (D2), energy centre (Sui Generis), together with a hotel of up to 250 bedrooms (Use Class C1), car parking, highways works (to include the closure – eastern arm of Paradise Circus gyratory), public realm improvements and associated works including alterations to public rights of way. Approved 08/02/2013

4. Consultation/PP Responses

- 4.1. Transportation Development – No objections subject to a condition limiting the levels of illumination to 300cd/m and consent to 3 years.
- 4.2. Birmingham City Centre Management notified. No response received.

5. Policy Context

- 5.1. The Birmingham Plan (2005), Pre-Submission Birmingham Development Plan 2031, Large Format Banner Advertising adopted as Supplementary Planning Document (SPD) (2008), National Planning Policy Framework.

6. Planning Considerations

- 6.1. Paragraph 67 of the National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 6.2. The Council's SPD relating specifically to large banners advises that an advertisement should occupy no more than 40% of the extent of the scaffolded elevation or 500 square metres, whichever is the lesser.
- 6.3. The proposed elevation is curved with the proposed advertisement covering just less than 40% of the total area. Therefore it would accord with the SPD in this respect.
- 6.4. However the SPD also advises that any proposals will continue to be considered on its merits, the individual circumstances and assessed against other development plan policy. It goes on to explain that the size and prominence of such displays invariably means that these are relevant factors.
- 6.5. It should be acknowledged that another large banner, measuring 12m x 22m was approved on the elevation of the multi storey car park facing Paradise Circus Queensway in July 2016. In that case it was accepted that the site is located within an area of transition and the large banner was granted consent for a three year period. The same is true of the current application location at Convention House however, as advised in the NPPF, the cumulative impact upon amenity and public safety should be considered.
- 6.6. It is considered that the approved and the proposed banners would be seen within the same line of sight from two approaches to Paradise Circus Queensway; first from Great Charles Street and secondly from Sand Pits/Parade. Furthermore due to their siting and size cumulatively they would dominate these viewpoints resulting in a negative impact upon the appearance of the built environment.

- 6.7. The applicant is aware of these concerns and in response has explained that that the surround to the proposed advertisement would be a dark wrap with limited text to reduce its prominence. Furthermore evidence has been submitted to demonstrate that Paradise Circus Queensway has historically accommodated more than one advertisement. Finally reference has been made to examples at Moat Lane and Five Ways where more than one advertisement has been approved in recent years. Whilst these matters have been considered it is still maintained that due to their size, siting and illumination the two large banners would have a significant detrimental effect upon visual amenity when viewed together. The other evidence submitted would not change our conclusion.
- 6.8. In terms of Five Ways the banners were on Auchinleck House whilst it was being refurbished and they have now been removed. In terms of Moat Lane there is a banner sign on the existing multi storey car park and a smaller digital sign on Smithfield House. This differs from the current application at Paradise that would result in two large scale banners in close proximity.
- 6.9. As a separate issue BCC Transportation Development have considered the individual and cumulative impact upon public safety and found there to be no adverse impact.
7. Conclusion
- 7.1. It is acknowledged that Paradise Circus is and will continue to be an area of change due to the ongoing redevelopment proposals, although it could be many years before this building is removed. It is also accepted that the size of the banner would meet the SDP guidance on the format of large banner advertisements. It is however considered that there is an overriding concern with regards to the cumulative impact upon visual amenity that would arise as a result of the approved banner in addition to the proposed banner when viewed from Great Charles Street and Sand Pits/Parade. Therefore greater weight should be attached to the policies of the Adopted and the emerging Pre-Submission Birmingham Development Plan 2031 that seek to promote good design and an attractive environment, and the application should be refused.
8. Recommendation
- 8.1. Refuse

#### Reason for Refusal

- 
- |   |   |
|---|---|
| 1 | The proposed large banner advertisement by reason of the approved large banner advertisement on the Paradise Circus Queensway multi storey car park would result in a cumulative adverse visual impact on the area, particularly when viewed together either from Great Charles Street or from Sand Pits/Parade. As such it would be contrary to Paragraphs 3.8, 3.10 and 3.14D of the Birmingham UDP 2005, Policy PG3 of the Pre Submission Draft Birmingham Plan 2031 and the National Planning Policy Framework. |
|---|---|
- 

Case Officer:            Julia Summerfield



## Photo(s)

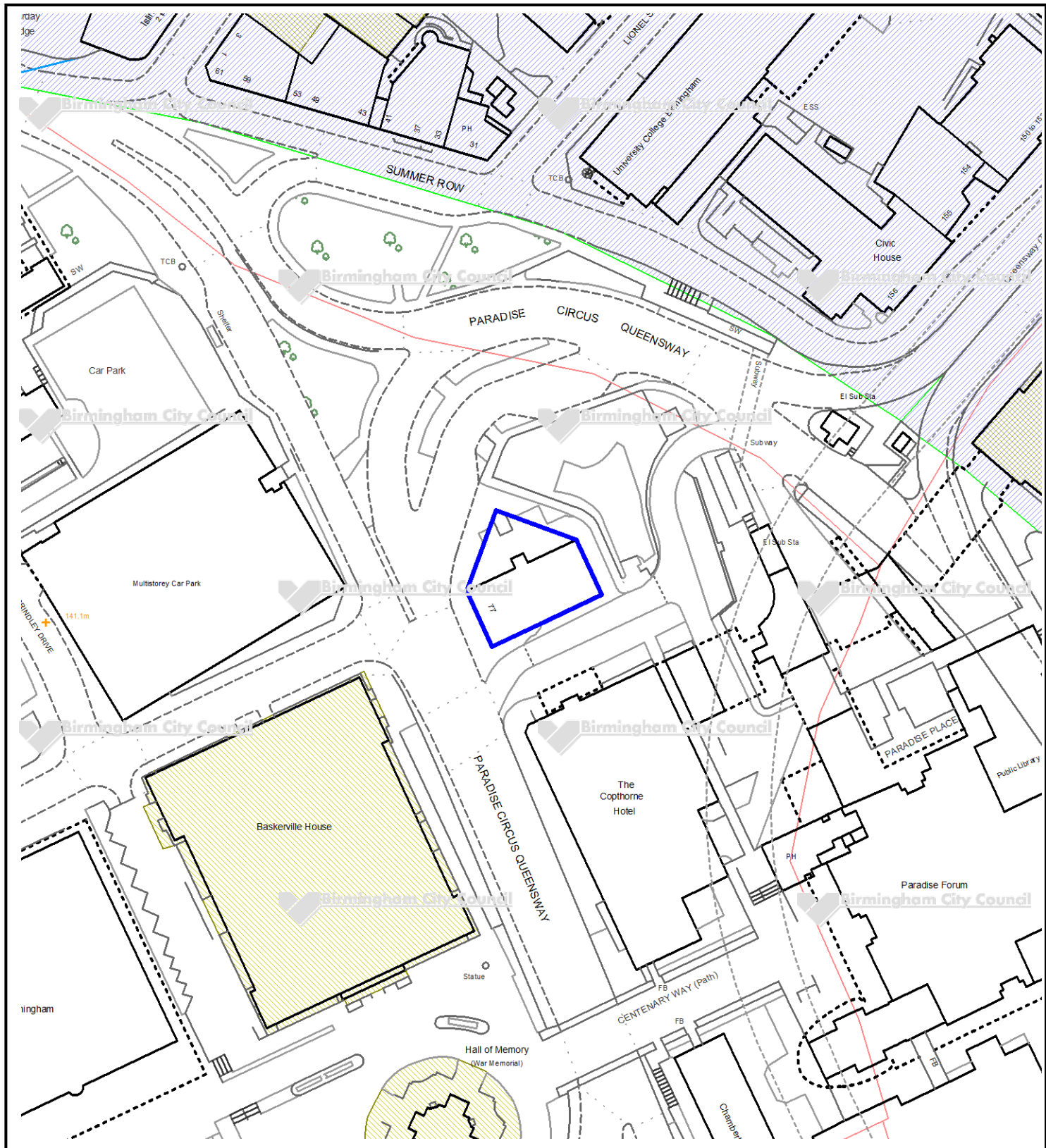


Looking South from Paradise Circus Queensway



Looking west from Great Charles Queensway

## Location Plan



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Committee Date:	27/10/2016	Application Number:	2016/07753/PA
Accepted:	16/09/2016	Application Type:	Minor Material Amendment
Target Date:	16/12/2016		
Ward:	Ladywood		

Stephenson Street, Navigation Street,, Station Street, Smallbrook Queensway, (land bounded by), New Street Railway Station, City Centre, Birmingham,

Minor material amendment to approval 2009/05720/PA for the application of a dulling treatment to two areas of the polished facade to mitigate solar heat reflection.

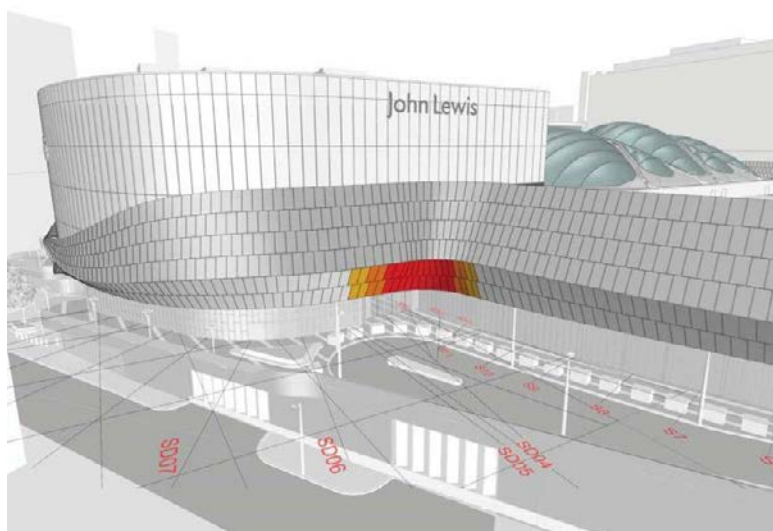
Applicant:	Network Rail 1 Eversholt Street, London, NW1 2DN
Agent:	Network Rail Infrastructure Ltd Square One, 4 Travis Street, Manchester, M1 2NY

#### Recommendation

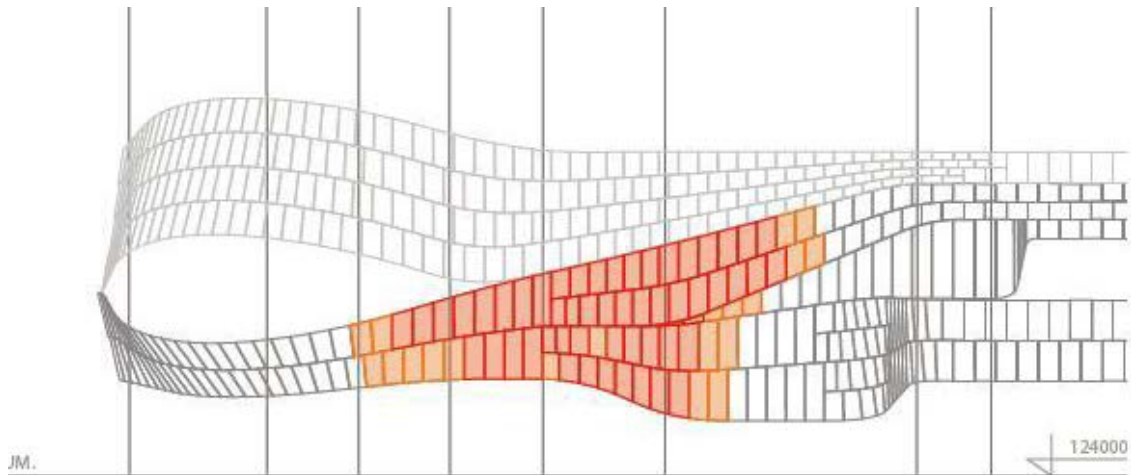
#### **Approve Subject To Conditions**

##### 1. Proposal

- 1.1. This material amendment application proposes a dulling treatment to two areas of the polished facade to mitigate solar heat reflection in connection with reserved matters application 2009/05720/PA for remodelling of New Street Station. The two diagrams below show the panels that require treatment. The two areas are to the north-west corner by the media eye and the taxi pick up to the south. The red panels indicate the most matt finish treated by a grade 180/240 grit application. The orange indicate the next grades of treatment below (360 and 500 grit).



Taxi Pick Up Area



North West Corner

1.2. [Link to Documents](#)

2. Site & Surroundings

- 2.1. New Street Station was last redeveloped in the 1960's when the original glass roof was removed and commercial and retail uses above the station were added. The station includes sub-platform, platform and concourse levels. Above the concourse is Grand Central (formerly Pallasades) Shopping Centre, a multi storey car park, the Ladywood House office block and various ancillary uses. Overall the site covers approximately 7.3 ha (with a built area of 4.5 ha) and lies within the heart of Birmingham City Centre.
- 2.2. Last year saw the opening of the redeveloped New Street Station, John Lewis department store and Grand Central Shopping Centre.
- 2.3. A wide range of buildings and uses surround the station. To the south on the opposite side of Station Street are commercial properties, including a hotel, the Electric Cinema, the Grade II listed Old Repertory Theatre and on the corner with Hill Street, the Crown Public House. Above some of these properties there are residential apartments. West of the application site is Hill Street, with commercial properties on the opposite side, including the Grade A locally listed former futurist Cinema on John Bright Street, a small convenience store, multi storey office blocks and a casino.
- 2.4. To the north of the station are Navigation Street, Stephenson Street, and New Street. Navigation Street leads past the Grade II listed Signal Box and underneath Suffolk Street Queensway to the Mailbox. Directly opposite the new north-west station entrance is Guild House, a 4 storey block, with commercial uses above ground floor retailing. This building together with commercial properties on the northern side of Stephenson Street, including the Grade II listed Waterstones bookshop, are within the Colmore Row and Environs Conservation Area. To the east of the station is the Bullring and to the south of this Smallbrook Queensway. This key route into city centre is notable for its unusual "S" shaped four storey buildings with concrete facades

[Site Location](#)

3. Planning History

- 3.1. In July 2007, outline planning consent was granted (with all matters reserved save for access) in accordance with application 2006/05066/PA for refurbishment and associated redevelopment of New Street Station and adjoining land, in connection with alterations and reconfiguration of station facilities, changes to the Pallasades Shopping Centre, demolition of Stephenson Tower and construction of two tall buildings, associated highway works, public spaces and infrastructure works. The consent was subject to a S106 legal agreement to secure:-
- affordable housing;
  - public open space / public realm and public art;
  - contributions to Shopmobility and way finding signage;
  - multi-faith prayer rooms and public toilets (to be provided within the Station);
  - provision of CCTV;
  - commitment to local training / employment initiatives; and
  - commitment to a parking study prior to development of the two towers.
- 3.2. Originally it was envisaged that the whole development as then proposed would be undertaken at the same time. However, the applicant decided to carry out the works to New Street Station as a first phase. Accordingly, on the 1st October 2009, planning consent was granted under Section 73 in accordance with application 2009/03086/PA to vary conditions attached to the above outline planning application to allow the development to be progressed in phases. Additionally, an updated Masterplan was approved with minor changes to the access arrangements to improve circulation and permeability.
- 3.3. On 4 February 2010, reserved matters were granted in accordance with application 2009/05720/PA for siting, design, external appearance and landscaping in connection with outline planning consent 2009/03086/PA for the redevelopment of phase one (comprising redevelopment of New Street Station but excluding Stephenson Tower). With regard to Phase Two the proposals included an "interim" solution whereby following demolition of Stephenson Tower a temporary landscaped area would be created.
- 3.4. In February 2011, John Lewis agreed to have their new flagship store as part of the wider station redevelopment proposals. This replaced the two towers previously approved under the outline permission and in September 2011, planning consent was granted for the new department store in accordance with application 2011/02869/PA. This application also permitted the construction of two restaurants and five retail units together with demolition work to facilitate construction, provision of drop-off and pick-up areas, extension of the public concourse with a reconfigured access lift and ramp and extension to the public roof top car park.
- 3.5. 17 December 2013 Application 2013/07960/PA. Planning consent granted for refurbishment of Ladywood House with external alterations to include re-cladding and new windows to the tower.
- 3.6. 8 August 2014 Application 2014/02551/PA. Minor Material Amendment attached to approval 2009/05720/PA for amendments to the western elevation including the western facade, multi-storey car park and car park ramp – approved.
- 3.7. 2 April 2015 Application 2015/00168/PA. Minor Material Amendment attached to approval 2009/05720/PA for changes to Navigation Street footbridge comprising changes to the cladding material and colour, extended areas of granite cladding, two

additional glazed panels, addition of a retail unit to Hill Street and changes to the access arrangement – approved.

4. Consultation/PP Responses

- 4.1. Retail, Southside and Colmore BID's, residents associations, local ward councillors and M.P. notified. Site and press notices displayed. No comments received.

5. Policy Context

- 5.1. Key planning policies include the UDP Alterations 2005 Saved Policies, Pre Submission Version Birmingham Development Plan 2031, Places for All SPG and National Planning Policy Framework.

- 5.2. Additionally to the north of the site is the Colmore Row and Environs Conservation Area. Nearby listed buildings include the Grade II listed 128 (Waterstones) New Street, Old Repertory Theatre, New Street Station Signal Box, The Rotunda and Grade A listed former Futurist Cinema John Bright Street.

6. Planning Considerations

Background and Policy

- 6.1. This material amendment application proposes a dulling treatment to two areas of the polished facade to mitigate solar heat reflection in connection with reserved matters application 2009/05720/PA for remodelling of New Street Station. For this type of application Government advice is that Local Planning Authorities should focus their attention on national or local policies or other material considerations that may have changed significantly since the original grant of permission, as well as the changes sought. Since the reserved matters were granted consent in 2010, there have been changes in both national and local planning policy.
- 6.2. The National Planning Policy Framework states at paragraph 17 that decision takers should always seek to secure high quality design. Paragraph 63 adds that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 6.3. In December 2013 the City Council approved the Pre-submission Version of the Birmingham Development Plan (BDP). The BDP is intended to provide a long term strategy for the whole of the City and will replace the saved policies of the Birmingham Unitary Development Plan 2005, with the exception of the City Wide policies contained within Chapter 8 of that plan. These policies will continue in force until the adoption of the Council's proposed Development Management DPD.
- 6.4. The Birmingham Development Plan (BDP) was submitted to the Secretary of State for examination in July 2014 with the hearings taking place in October and November 2014. The Inspectors final report was published on 11 March 2016 and concluded that, subject to a number of minor modifications, the plan is sound. However, on 26th May the Government issued a Holding Notice on the Birmingham Development Plan.
- 6.5. The Draft Birmingham Development Plan 2031, states at paragraph 4.16 that schemes such as the redevelopment of New Street Station, the new Library of Birmingham, major regeneration at Longbridge and ongoing expansion at Birmingham Airport will be central to the City's future success. Further paragraph

4.19 advises that the quality of development and the ability to create well designed places will be central to how Birmingham is perceived and functions as a City in the future. For the City to compete in the international arena and secure investment, attention needs to be focussed on the design, quality and function of places. Policy PG3 therefore states that all new development will be expected to be designed to the highest possible standards, contributing to a strong sense of place.

#### Options and Proposals

- 6.6. In January 2013, the applicant appointed a specialist consultant to undertake a heat study following on from a glare study and analysis for the stainless steel external façade. The analysis undertaken for the heat study identified certain areas of hot spots that may create a risk of magnifying the sun's reflection into public areas.
- 6.7. The results from Reflected Solar Heat Study Report (dated 15th March 2013), identified areas around the north west corner, east entrance and the taxi pick up on the south as areas of concern. This report outlines that at certain times in the year and under specific weather conditions, there is a potential high risk of magnification of the sun's reflections from the concave elements of the façade geometry.
- 6.8. The areas identified at risk of affecting the public were initially intended to be mitigated with a canopy design. However, this has not proved possible for several reasons:-
- pedestrian flow - obstructions due to new columns;
  - avoiding and redirecting buried services;
  - co-ordinating with other street furniture;
  - mitigation against vandals;
  - detailed analysis to ensure the canopy perforations shall mitigate risk of all magnified heat
  - lighting including routing for power supply;
  - ensure CCTV views are not affected by the canopy;
  - wind loading and moment forces mean the foundation requirements on suspended slab; and,
  - ongoing maintenance liability checks for the canopy and associated structure and fixings.
- 6.9. Due to these challenges along with associated disruption that would be created during installation of such canopies, the applicant considered other options that included changing the reflective qualities of the façade.
- 6.10. Whilst the dulling treatment is not ideal, I consider that it is an acceptable solution to the taxi-pick up and north-west corner.
- 6.11. I am satisfied the applicant has explored options to avoid the treatment of the façade panels. Furthermore, the proposed treatment of the panels would be the most effective and feasible when compared with other options as well as the least disruptive. In addition, the applicant has applied the dulling treatment to several panels by the taxi pick up area to test the approach, which are considered to be acceptable and not unduly noticeable.

#### 7. Conclusion

7.1. Whilst applying the dulling treatment to the façade panels is not ideal, I consider that in the two areas proposed it is the most effective and feasible treatment. In the context of the whole façade treatment of the Station, these two areas are relatively minor. I therefore recommend approval subject to conditions.

8. Recommendation

8.1. Approve subject to conditions.

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans   |
| 2 | Requires the development to be implemented in accordance with approved details for the parapet wall strategy                     |
| 3 | Requires the development to be implemented in accordance with approved details for the security bollards and CCTV                |
| 4 | Requires the development to be implemented in accordance with approved details for the taxi pick up shelter                      |
| 5 | Requires the development to be implemented in accordance with approved details for cycle strategy and external glazing           |
| 6 | Requires the development to be implemented in accordance with approved details for landscape maintenance and irrigation strategy |
| 7 | Requires the prior submission of bridge glazing aperture details   |
- 

Case Officer:        David Wells



## Photo(s)

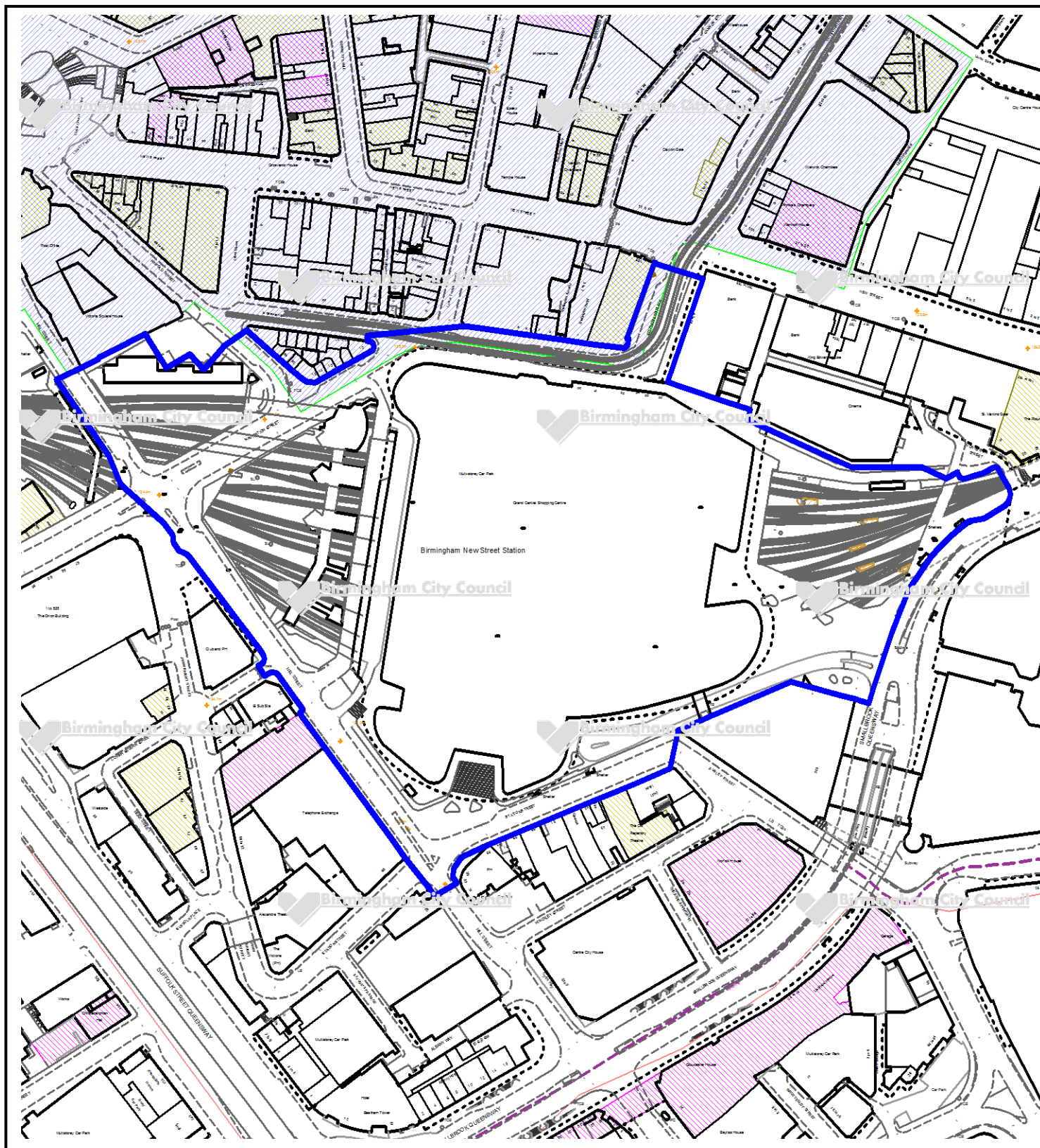


View of southern façade by taxi pick up



View of north west corner

## Location Plan



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1.ENDORSE  
2.AUTHORISE

**PLANNING  
COMMITTEE**

**27.10.2016**

**APP. No. 2015/09060/PA**

**DISTRICT:**

**CITY CENTRE**

**ASTON**

**LOCATION:** Honduras Wharf (Phase 2), Summer Lane, City Centre, Birmingham, B19 3RZ

**PROPOSAL:** Variation to Section 106 Agreement as approved under planning approval 2015/09060/PA to allow an off- site affordable housing payment in lieu of providing 5 on site affordable dwellings.

**APPLICANT:** Honduras Wharf (Birmingham) Ltd

**AGENT:** PJ Planning

## **1. Background**

Planning permission was originally granted in 2008 under ref 2007/04659/PA for the construction of a 7 storey building containing 101 flats (79 x 1 bed and 22 x 2 bed) together with 58 car parking spaces as phase 2 of the Honduras Wharf site on Summer Lane. This permission was later extended in 2011 and 2013 when initial site works were undertaken. A subsequent planning application for minor amendments to the development to include changes in the housing mix to 99 flats (73 x 1 bed, 23 x 2 bed and 3 x 3 bed), amended basement and car parking layouts and alterations to the window design was approved under ref 2015/09060/PA in February 2016 and construction work is now well underway on site.

## **2. Issue**

The original permission 2007/04659/PA was issued following the completion of a Section 106 planning obligation containing two main requirements:-

1. Affordable Housing consisting of 5 two bed units each with a car parking space to be either rented, shared ownership or intermediate rent units.
2. To provide a car club facility for residents, to include provision of two 5 door hatchbacks cars with two associated parking spaces on site.

Deeds of Variation to this original agreement have also been completed to tie in the Section 106 requirements to subsequent applications.

The developer has now requested that the agreement be varied to allow them to provide an off-site contribution towards affordable housing in the city rather than provide 5 units on site. Initially the developer proposed an off-site payment of £75,000 which was later increased to £160,000 and supported by a viability assessment. This calculates s the value of the affordable housing commuted sum to be £159,000 and comments that even without the affordable housing, the development only derives a return of 19.14% of Gross Development Value, which is below the Target Developer's Return of 20.00%. The agent has advised that despite the return it has been decided to build out this long standing vacant site and it is still proposed to provide the car club for residents in accordance with the current planning obligation.

## **3. Planning Considerations**

The Housing and Regeneration team have commented that they are prepared to consider the payment of a commuted sum in lieu of on-site affordable housing however they consider



the starting point of any negotiation should be that the contribution offered should be in line with the definition of 'commuted sum' in the Section 106 Agreement.

The definition of Affordable Housing within the agreement allows the affordable dwellings to be either rented; intermediate rent or shared ownership units. The definition of the commuted sum is *"a sum per Rented Affordable Housing Unit or Shared Ownership Unit being 45% of the Open Market Value at the time of payment of the Commuted Sum" (or such other figure as otherwise agreed between the parties)*. For any Intermediate Rent Unit this is defined as *"being a percentage of the Open Market Value of those units, such percentage to be agreed between the Chief Housing Officer and the Owner at the time of the payment of the Commuted Sum"*.

The developer's financial appraisal has been independently assessed and this concludes that the return to the developer with the current Section 106 requirements is 13% of Gross Development Value. It also calculates the value of the commuted sum to be £298,199 in lieu of providing the five shared ownership affordable units.

The agent has responded that the existing agreement allows for a commuted sum figure other than 45% to be agreed and also points out that there is no restriction on the type of affordable housing that has to be delivered. All 5 dwellings could therefore be Intermediate rent units which would not be covered by the commuted sum figure can be separately agreed with the Chief Housing Officer.

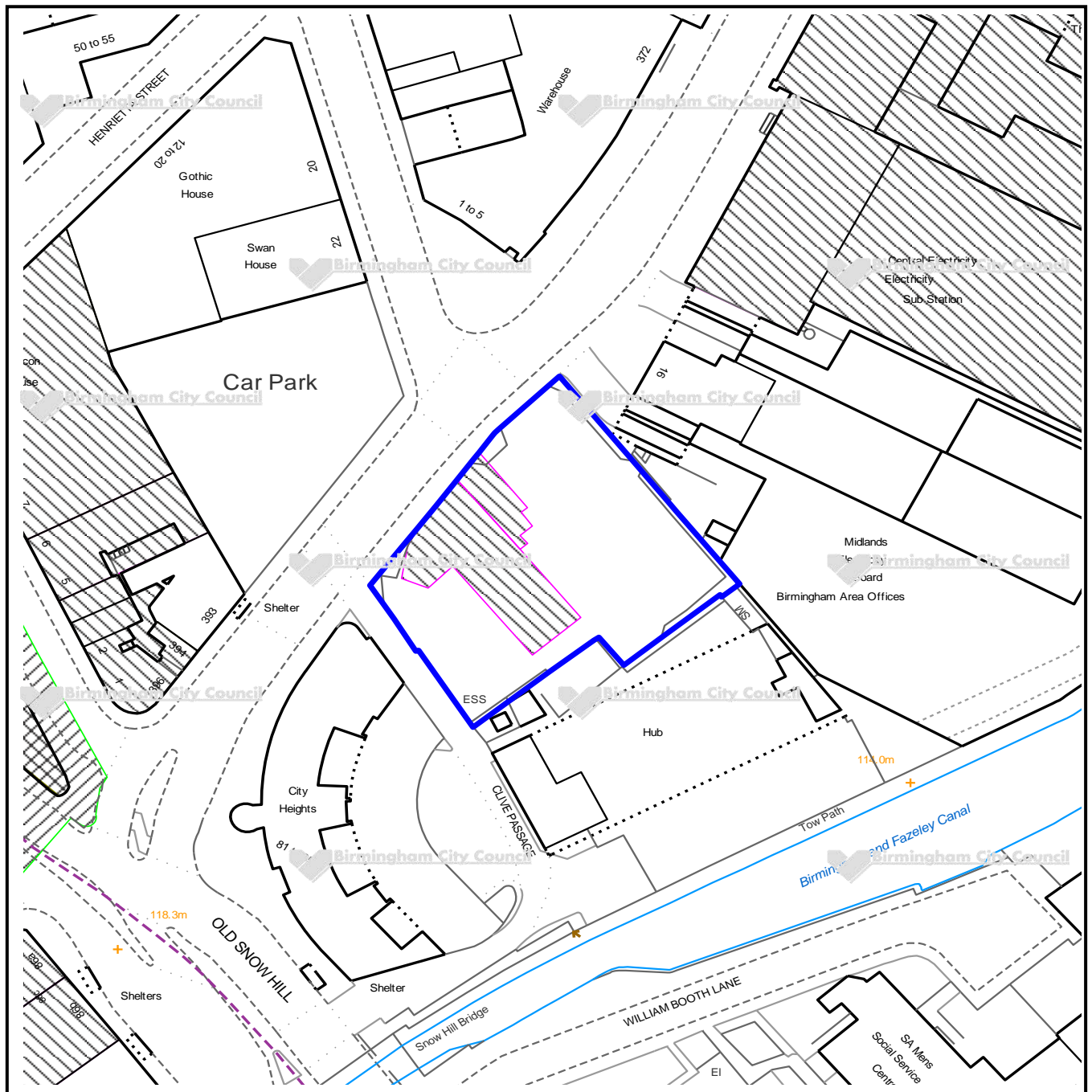
Following further negotiations the developer has increased their offer to £200,000 and has requested that this is payable on occupation of the 70th unit. Although this revised offer is still below the existing commuted sum of £298,199 calculated by the independent valuer this is the highest subsidy the developer could have expected to make if the 5 affordable homes were shared ownership units. The subsidy is likely to have been less if intermediate rent units were provided and the existing legal agreement does allow other figures to be agreed. As the independent financial appraisal also shows the return to be below the normal target developer's return of 20.00% it is considered that the £200,000 offered can be agreed and the Housing and Regeneration team have also confirmed this would be acceptable.

Currently the Section 106 Agreement allows no more than 60% of the market dwellings to be occupied prior to the affordable housing being provided. It is considered acceptable to allow payment of the off- site affordable housing contribution on occupation of the 70<sup>th</sup> dwellings which is only a small change to the timing compared to the current agreement.

#### **Recommendation:**

- I. That Committee endorse the completion of a Deed of Variation to the existing Section 106 agreement relating to application 2015/09060/PA to secure the following:-
  - a. An off- site affordable housing contribution of £200,000 (index linked) to be paid on or before occupation of the 70<sup>th</sup> dwelling in lieu of the 5 on site affordable units previously agreed.
  - b. The payment of a monitoring and administration fee associated with the legal agreement of 3.5% (index linked) of the financial contribution sum.
- II. That the City Solicitor be authorised to prepare, seal and complete the deed of variation.

**Author:** Lesley Sheldrake – 675 3768





**Birmingham City Council**  
**Planning Committee 27 October 2016**

**Appeal Decisions Received from the Planning Inspectorate in September 2016**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Householder</b>	15 Edenhall Road, Quinton	Erection of detached granny annexe to rear. 2016/03712/PA	Allowed (see note 1 attached)	Delegated	Written Representations
<b>Householder</b>	61 Booths Farm Road, Great Barr	Erection of first floor side extension, installation of new pitched roof over existing ground floor extension, new pitched roof over existing first floor side extension and installation of dormer to rear. 2016/03085/PA	Dismissed	Delegated	Written Representations
<b>Residential</b>	178 Minstead Road, Erdington	Retention of conversion of dwelling house into 2 self-contained flats. 2015/07425/PA	Dismissed	Delegated	Written Representations
<b>Residential</b>	20 Tudor Hill, Sutton Coldfield	Extension and conversion of the existing property to provide 7 apartments with associated car parking spaces and landscaping. 2015/10355/PA	Allowed (see note 2 attached)	Delegated	Written Representations
<b>Residential</b>	42 Rednal Road, Kings Norton	Demolition of existing dwelling and erection of five new dwellinghouses. 2016/01674/PA	Dismissed (see note 3 attached)	Delegated	Written Representations
<b>Residential</b>	22 Tame Road, Witton	Prior Approval for change of use from offices (Use Class B1[a]) to residential (Use Class C3) 2015/06550/PA	Dismissed	Delegated	Written Representations
<b>Retail</b>	Suffolk Convenience, 2-5 Suffolk Street, City	Installation of an ATM. 2016/01229/PA	Dismissed	Delegated	Written Representations
<b>Retail</b>	316 Clarence Road, Sutton Coldfield	Demolition of existing petrol filling station and erection of new retail unit. 2015/05624/PA	Allowed (see note 4 attached)	Delegated	Hearing
<b>Other</b>	49 Tile Cross Road, Tile Cross	Retention of single storey garage to front. 2015/10325/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council**  
**Planning Committee 27 October 2016**

**Appeal Decisions Received from the Planning Inspectorate in September**  
**2016**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Other</b>	183 Cole Valley Road, Hall Green	Continued use of rear of property for internet-based car sales business (Sui Generis) and retention of single storey detached building and 2m tall boundary fence. 2015/06895/PA	Allowed (see note 5 attached)	Committee	Written Representations
<b>Other</b>	320 Hob Moor Road, Small Heath	Condition 1 attached to planning application for Change of use from Use Class A1 (Retail) to Use Class D1 (Nursery) and retention of single storey rear extension. 2015/08563/PA	Allowed (see note 6 attached)	Delegated	Written Representations
<b>Other</b>	680-680a Tyburn Road, Erdington	Variation of Condition No. 5 attached to planning application 2005/06337/PA to allow an increase in children numbers from 33 to 60. 2015/10284/PA	Dismissed	Delegated	Written Representations

**Total - 12 Decisions: 7 Dismissed (58%) 5 Allowed**

**Cumulative total from 1 April 2016 - 58 Decisions: 42 Dismissed (72%), 16 Allowed**

## **Notes relating to appeal decisions received in September 2016**

### **Note 1: (15 Edenhall Road)**

**Application refused** because the erection of the proposed detached granny annexe, by reason of its scale and form would be out of context with the surrounding properties, would be unduly dominant and it would not reflect the existing character of the surrounding area.

**Appeal allowed** because the Inspector considered that although the footprint of the detached building would be nearly that of the main dwelling, it would have a single storey form, and despite its intended use it would have an average height that is typical of domestic outbuildings. It would also be set in from the boundaries and given the length of garden that would separate it from the existing house; the Inspector considered that it would not appear out of character with the area, particularly given that it would be largely screened from Edenhall Road by existing dwellings.

### **Note 2 (20 Tudor Hill)**

**Application refused** because 1) The proposed development, in particular the scale and depth of the rear extension would result in an excessively large building that is out of keeping with the architectural style, scale and massing of the existing building and adjoining buildings which form part of a group of locally listed buildings (grade B). As such the proposed development would result in harm to the significance of a non-designated heritage asset. 2) The proposed development would result in an unduly overbearing impact on the adjoining residents at 18 Tudor Hill and would have an adverse impact on their amenities.

**Appeal allowed** because the Inspector considered that 1) the increased depth of the proposed development would not be out of keeping with the scale and form of the property overall to be considered harmful to its character and appearance. Being located centrally within the plot and a distance from the neighbouring properties, the proposal would not interfere with the historical or architectural integrity or setting of the neighbouring locally listed buildings. 2) The proposal would not result in a sense of enclosure that would be harmful to the living conditions of the occupiers of 18 Tudor Hill by way of outlook.

### **Note 3 (42 Rednal Road)**

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

### **Note 4 (316 Clarence Road)**

**Application refused** because 1) Due to the inadequacy of parking, servicing space and the fact that the access to the site is shared with the car repair garage to the rear, the proposed development would result in an over-intensive use of the site. 2) The car parking facilities proposed are inadequate and would lead to additional parking in nearby roads, to the detriment of pedestrian and highway safety. 3) The servicing facilities proposed are inadequate and would lead to a detrimental impact on highway safety on the adjacent road.

**Appeal allowed** because the Inspector concluded that the proposal would provide adequate parking facilities on site to serve the demand likely to be generated by the proposed retail store and also adequate servicing facilities would be provided. The proposed access arrangements are acceptable and the proposal would not result in an over intensive use of the site. In the event that on-site parking spaces were fully occupied, potential customers travelling by car would be likely to go elsewhere.

#### **Note 5 (183 Cole Valley Road)**

**Application refused** because the continuation of the car sales use at the application premises would continue to 1) Adversely affect the amenities of occupiers of dwellings/premises in the vicinity by reason of noise and general disturbance. 2) Impart an unduly commercial character and appearance to this predominantly residential area to the detriment of visual amenity. 3) Result in illegal and excessive parking on the forecourt and public highway, to the detriment of pedestrian and highway safety.

**Appeal allowed** because the Inspector considered that 1) The car sales use is relatively small in scale and having regard to this, the hours of operation and the position of the appeal site the development would not have a significant adverse effect on the living conditions of the occupiers of properties in the vicinity of the site having regard to noise and disturbance. 2) As the car sales use would take place to the rear of the retail building at No.183 and therefore screened from view, the development would not adversely affect the predominantly residential character and appearance of the area. 3) Given the small scale of the development and the availability of a turning area within the site, any vehicle movements associated with the development would not be harmful to pedestrian or highway safety.

#### **Note 6 (320 Hob Moor Road )**

**Appeal against Condition 1** which states: The uses hereby approved shall only take place between the hours of 1000 hours to 1400 hours Monday - Saturday.

**Appeal allowed** and Condition 1 is deleted and replaced by the following condition: The uses hereby approved shall only take place between 0730 hours to 1900 hours Monday-Friday and 0800 hours to 1700 hours on Saturdays.

The Inspector considered that any increase in activity which may arise in respect of the longer opening hours would not give rise to unacceptable noise and disturbance and would not have any significant effects on highway safety.

BIRMINGHAM CITY COUNCIL

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

PLANNING COMMITTEE

27<sup>th</sup> October 2016

**AMENDED LOCAL DEVELOPMENT ORDER**

**ADVANCED MANUFACTURING HUB, ASTON, BIRMINGHAM**

**1. Subject and Brief Summary of Proposal**

- 1.1 This report seeks to advise your Committee of the responses from the consultation exercise for the proposed amended Local Development Order (LDO) for the Advanced Manufacturing Hub, at Aston.
- 1.2 The report also advises on the proposed revisions to the LDO and amendments to the existing conditions.

**2. Recommendations**

- 2.1 That the responses to the consultation of the proposed amended Local Development Order are noted and that the proposed amendments to the LDO (including associated conditions and boundary plan) are agreed.

**3. Contact Officer**

Emma Green, Planning and Regeneration  
Tel: 0121 675 8478  
Email: [emma.j.green@birmingham.gov.uk](mailto:emma.j.green@birmingham.gov.uk)

## **4.0 Background**

- 4.1 In January 2014 a Local Development Order was adopted for part of the AMH, which grants planning permission for B1 (b) (research and development), B1(c) (light industrial) and B2 (general industrial) uses. LDOs streamline the planning process by removing the need for developers to submit a formal planning application. They also create certainty and save time and money, helping to expedite new development and associated benefits, including job creation. Since the adoption of the original LDO, a number of development plots within the LDO boundary have been brought forward. The first occupier is operational (Hydraforce), and two further developments are under construction due for completion in early 2017. Hydraforce has built a new 11,000sqm facility which will create and safeguard 500 jobs by 2018. The Council, with its partner the Homes and Communities Agency (HCA), is committed to realising the vision for the AMH, and a significant amount of public sector investment has already taken place to enable site assembly and access improvements.
- 4.2 The benefits of the LDO are widely acknowledged, and as such, it's proposed to be amended to incorporate an additional development plot, which will create a sizeable development opportunity that is attractive to the market. This plot within Area 1 has the potential to accommodate a unit of approximately 120,000-140,000 sq. ft. In addition to the proposed changes to the boundary, a number of conditions have been amended, primarily around the landscaped buffers, a number of which have been revised to take account of consultation responses.
- 4.3 A report was presented to Planning Committee on 26th May 2016, detailing the proposed amended Local Development Order for the Advanced Manufacturing Hub in East Aston. Your committee endorsed the report for consultation purposes.
- 4.4 Formal consultation was undertaken on the draft extended LDO, which finished on 29<sup>th</sup> July 2016. This consisted of the following:
- Press Notice
  - Site Notices
  - Notification to all landowners within the LDO area
  - Consultation letters to owners and occupiers of adjacent premises
  - Consultation letters to statutory consultees
  - Website information

## **5.0 Consultation responses**

- 5.1 Environment Agency (EA) – no objection to the proposal, provided there is no built development (i.e. buildings or walls) within 15 metres of the main River Tame. A minimum of an 8m landscape buffer could be



permissible and allow access for maintenance of flood risk defences and the River Tame.

- 5.2 Network Rail – has no objections to the amendment to the extended boundary line of the LDO. There is no requirement from Network Rail for a landscape buffer adjacent to our land.
- 5.3 The Local Lead Flood Authority – has no objections to the amendment subject to the conditions proposed relating to drainage and flood risk.
- 5.4 The Councils Arboricultural Officer – has no objections to the proposal and clarifies that the central buffer in Area 1 would prohibit buildings within the buffer to protect the overhanging branches, but hard landscaping is acceptable within this buffer.
- 5.5 The Councils Urban Design Officer – has no objections to the principle of enlarging the boundary. The retained footpath within Area 1 should be attractively designed to create an improved and wider link to the Lake and River Tame.
- 5.6 The Councils Landscape Officer has requested that buffers are a minimum of 5m in depth. This level of planting is also needed along road frontages.
- 5.7 No comments have been received from local occupiers or residents.

## **6.0 Response to Consultation**

- 6.1 There have been no principle objections to the increased site area for the LDO.
- 6.2 The main issue arising during the period of consultation related to the positioning and extent of landscape buffers D and E, necessary on Area 1 (Holte and Priory). I note that Network Rail does not require a buffer to their boundary. I therefore propose to remove this buffer to allow for greater flexibility for the layout of development on the site
- 6.3 The Environment Agency has also indicated that the depth of the buffer E from the river can include the existing land adjacent to the river within the buffer element. This would therefore decrease the buffer depth within the site from 15m to 7m and not adversely impact on the level of flood risk. It is therefore proposed to reduce this northern buffer (buffer E) from 15m to 7m. However, given that some of this buffer is within flood zone 3 designation, I consider it appropriate to create a new condition (B7A) relating to the details of the hard and soft landscaping, and works to the flood defence wall are required to be agreed with the Local Planning Authority to safeguard the land in relation to flood risk.

- 6.4 Whilst considering this amendment, an issue relating to the eastern boundary of the vacant plot on Area 1 has also arisen. Firstly, the original LDO boundary plan indicated a retained footpath along this boundary at a width of 1.5m. Through the implementation of the Hydraforce development a security fence has been erected within 1m of this footway and if the vacant plot is developed with a similar approach, the footpath link may not be improved in accordance with the proposals in the adopted Aston AMH Development Framework (July 2016). I therefore consider it necessary to denote the retained footpath on Plan1 in Appendix C, whilst imposing an additional condition (B16) requiring further details of the footpath link to ensure compliance with the aspirations of the Development Framework.
- 6.5 The justification for a landscape buffer D which is 10 metres depth in the north eastern corner has been reconsidered. There is a significant ground level difference, with the development plot being set approximately 1.5m higher than the trees adjacent to Salford Lake. A buffer in this location is considered necessary to protect these trees, but given the level difference, the protection needed relates to the tree canopies as opposed to the roots. On this basis the buffer (Buffer D) can be reduced from 10 metres to 3 metres, whilst achieving the desired outcome of protecting the trees. No buildings can be developed within the 3m buffer (to protect over hanging branches), but hard landscaping (including parking provision and access road) is acceptable up to the site boundary.

## **7.0 Suggested Revisions to the LDO**

- 7.1 Based on the responses received as part of the consultation, the LDO has been amended as follows:
1. Plan 1 Appendix C is amended to reflect alterations to the landscaped buffer zones for Buffers D and E.
  2. Condition A6 is amended to further clarify the extent of protection within the landscape buffers.
  3. New condition B7A is inserted and relates to details of the landscaping within the 7 metre buffer having regard to the flood risk issues.
  4. New condition B16 is inserted and relates to the footpath link and allowing flexibility on the design of the improvements, whilst maintaining at least a 1.5m pathway.
  5. The amended LDO will expire 3 years after adoption, and the existing LDO is superseded by this amendment.

## **8.0 Conclusions**

- 8.1 With the conditions and revisions detailed above, I consider that the LDO achieves the appropriate balance of streamlining the planning system and promoting economic growth in this area, in line with the AAP, whilst also ensuring that the character and quality of the area is protected.

## **9.0 Appendices**

- A The Local Development Order
- B Conditions
- C The LDO Boundary Plan
- D Supporting Information previous LDO plan and amended LDO plan

## Appendix A

### **The Local Development Order for Advanced Manufacturing Hub, Aston**

Within the area defined by Plan 1 (Appendix C) – planning permission is hereby granted exclusively for operational development associated with the following uses:

#### ***Permitted Development***

Operational Development for use within:

- a) Use Class B1 (b) Research and Development of Products and Process
- b) Use Class B1 (c) Light Industry
- c) Use Class B2 General Industry: Use for the carrying out of an industrial process other than one falling in class B1

#### **Development not permitted**

- Where the proposal is Schedule 1 EIA development.
- Where the proposed development would fall within the description of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, unless the Local Planning Authority has, following the submission of a request for screening opinion, determined in accordance with the criteria within Schedule 3 of the same regulations, that the development is unlikely to have a significant effect on the environment by virtue of factors such as its nature, size or location and is therefore not EIA development.
- No advertisement consent is granted as part of this LDO
- No changes of use to B8 Storage and Distribution uses or B1 (a) Office use is permitted.

#### **General LDO Conditions:**

This LDO only grants planning permission as detailed. It remains necessary for all LDO permitted development to comply with relevant licences, permits and controls required under other legislation.

The LDO is subject to conditions which are detailed in Table 1 (Appendix B). For development to be permitted under LDO the development must comply with all of these conditions.

## Appendix B

**Table 1**

General conditions	Reasons
<b>Restrictions to Changes of Use</b>	
<p>A1 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), buildings permitted by this order shall be used for uses B1 (b), B1(c) and B2 only and for no other purpose including any other purpose in Classes B1 (a) and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification.</p>	<p>In order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.</p>
<b>Design</b>	
<p>A2 - All new buildings must be designed with main entrances and glazed elevations that front onto street frontages.</p>	<p>In order to enhance streetscape quality and safety in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, policy PG3 of the Draft Birmingham Development Plan, Places for All SPG, Aston, Newton and Lozells Area Action Plan, and the NPPF.</p>
<p>A3 - The total height of development (including plant and machinery) shall not exceed 15 metres above ground level.</p>	<p>In order to protect amenity and create a high quality built environment in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, policy PG3 of the Draft Birmingham Development Plan, Places for All SPG, Aston, Newton and Lozells Area Action Plan and the NPPF.</p>

<p>A4 - Adjacent to public highways, the minimum width of perimeter landscaping shall be 4 metres. Use of site perimeter security fencing should be minimised: where required, it must be of an attractive design and set back at least 2 metres from the edge of public highways and its visual impact reduced by landscaping.</p>	<p>In order to protect amenity and create a high quality built environment in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, policies PG3 and TP7 of the Draft Birmingham Development Plan, Places for All SPG, Aston, Newton and Lozells Area Action Plan and the NPPF.</p>
<p>A5 - Car parking areas of 900m<sup>2</sup> or more must incorporate high quality landscaping including trees and indigenous planting.</p>	<p>In order to protect amenity and create a high quality built environment in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, policy PG3 of the Draft Birmingham Development Plan, Places for All SPG, Aston, Newton and Lozells Area Action Plan and the NPPF.</p>
<p>A6 –Plan 1 in Appendix C shows the landscape buffers to be created for the LDO, these are subject to restrictions as detailed below:</p> <p>Buffers A, B and C: Within the 15m, 10m and 5m buffers no building works (i.e. buildings or walls) are permitted</p> <p>Buffer D: Within the 3m buffer no new building works (i.e. buildings or walls) are permitted but hard landscaping is acceptable.</p> <p>Buffer E: Within the 7m buffer, there shall be no new building works (i.e. buildings or walls) permitted, other works may be permitted see condition B7A for further details.</p>	<p>In order to create a buffer against flood zone 3, sites of historical importance, noise sensitive site and between any proposed development in accordance with Paragraphs 3.8, 3.10 and 3.27 of the Birmingham UDP 2005, policy PG3, TP1, TP2 and TP7 of the Draft Birmingham Development Plan, Places for All SPG, Aston, Newton and Lozells Area Action Plan and the NPPF.</p>



### Energy Efficiency

A7 - All buildings must be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "very good" ratings as a minimum.	In accordance with paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, policies TP1, TP2 and TP3 of the Draft Birmingham Development Plan, Aston, Newton and Lozells Area Action Plan and the NPPF.
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### Drainage

A8 - There shall be no new buildings, structures (including gates, walls and solid fences) or raised ground levels within 8 metres of the River Tame.	To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Paragraphs 3.71-3.76 of the Birmingham UDP 2005, policies TP2 and TP6 of the Draft Birmingham Development Plan, Sustainable Management of Urban Rivers and Floodplains SPD and NPPF.
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### Noise and Vibration

A9 - Uses permitted by this order shall only operate within buildings designed for the purpose of that operation.	In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.
A10 - Within Area 2 (Serpentine) between the hours of 19.00 and 07.00 the maximum instantaneous noise levels (LAFmax) from the development shall not exceed 55 dB, or 10 dB above the existing LA90 (whichever is the greater) assessed from adjoining noise sensitive residential premises on Village Road and Serpentine	In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the

Road. Where monitoring is not possible from these noise sensitive premises details of alternative monitoring locations should be submitted to and approved by the Local Planning Authority and monitoring shall then be carried out at these agreed locations.	vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.
A11 - Cumulative plant noise rating levels arising from the plant and equipment at any development (assessed by BS4142:1997) shall not exceed 10 dB below the existing ambient (LAeq), nor 5 dB below the existing background (LA90) at residential noise sensitive premises at Village Road and Serpentine Road.	In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.

### **Storage and Waste**

A12 - Equipment, raw materials, finished or unfinished products or parts, crates, packing materials or waste shall only be stacked or stored within buildings permitted by this consent.	In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, policy PG3 of the Draft Birmingham Development Plan, and the NPPF.
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<b>Conditions requiring details to be submitted</b>	<b>Reasons</b>
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### **Design**

B1 - No development shall take place until samples of the materials to be used in the construction of the external surfaces of any buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.	In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, policy PG3 of the Draft Birmingham Development Plan.
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### **Noise and Vibration**

B2 - Prior to the installation of any new buildings, structure, plant or machinery a scheme of insulation against the emission of noise shall be submitted to and approved in writing by the Local Planning Authority. The	To ensure that the buildings, structures and plant are adequately sound proofed in the
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development shall be implemented in accordance with the approved details and thereafter maintained.	interests of the amenities of the occupiers of nearby premises in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.
B3 - Prior to the occupation of any B2 use that would cause vibration in excess of 0.14 mm/s peak particle velocity; details shall be submitted to the Local Planning Authority demonstrating that the principles of BS6472:2008 have been followed.	In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.

### **Lighting**

B4 - Development hereby approved within Area 2 shall not be occupied until a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site plans showing horizontal and vertical overspill to include light trespass and source intensity. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.	To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005, policy PG3 of the Draft Birmingham Development Plan, Places for All SPG and Lighting Places SPD.
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### **Land Contamination**

<p>B5 - Prior to commencement of development of each building plot, a site assessment and, if required, remediation scheme to deal with the risks associated with contamination of the site for the intended use shall be submitted to and approved, in writing, by the Local Planning Authority:</p> <p>1) A preliminary risk assessment, which has identified:</p> <ul style="list-style-type: none"> <li>• all previous uses</li> <li>• potential contaminants associated with those uses</li> <li>• a conceptual model of the site indicating sources, pathways and receptors</li> <li>• Potentially unacceptable risks arising from contamination at the site.</li> </ul> <p>2) A site investigation scheme, based on (1) to provide</p>	In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, Policy TP27 of the Draft Birmingham Development Plan and the NPPF.
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<p>information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site.</p> <p>3) If contamination is found to be present and assessed as an unacceptable risk to human health, safety and the environment, an options appraisal and remediation strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures.</p> <p>4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.</p>	
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### **Flood Risk**

<p>B6 - Prior to the commencement of development of each new building plot, developers are required to demonstrate that flood resiliency and resistancy has been incorporated into the proposed design. These details should then be submitted to the planning authority for approval in writing. Building works should be carried out in accordance with these approved details. Within the design there would be a general requirement for a flood emergency plan for any units proposed within Flood Zone 2.</p>	<p>In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, Policies PG3, TP2, TP3, TP6, and TP26 of the Draft Birmingham Development Plan, and the NPPF.</p>
<p>B7 - No development shall take place until a surface water drainage scheme for each proposed site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan, and shall subsequently be implemented in accordance with these documents and approved details before the development is completed.</p>	<p>To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Paragraphs 3.71-3.76 of the Birmingham UDP 2005, Policies PG3, TP2, TP3, TP6, and TP26 of the Draft Birmingham</p>

	Development Plan, Sustainable Drainage: Guide to Design, Adoption and Maintenance, Sustainable Management of Urban Rivers and Floodplains SPD and NPPF.
B7A – Prior to the commencement of any landscaping works for buffer E or alterations/ repairs to the existing flood defence wall along the northern boundary, full details of these proposed works, to be accompanied by a Flood Risk Assessment, need to be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.	In order to create a buffer against flood zone 3, in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, policy PG3, TP1, TP2, TP6 and TP7 of the Draft Birmingham Development Plan, Places for All SPG, Aston, Newton and Lozells Area Action Plan and the NPPF.

### **Odour**

B8 - Details of the extract ventilation and odour control equipment shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the occupation of any new building where an extraction flue is required. The development shall be implemented in accordance with the approved details and thereafter maintained.	In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.
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### **Ecology**

B9 - No new development permitted by this order, including demolition, shall take place until an ecological assessment extended phase 1 survey including bat survey and a report have been submitted to and approved in writing by the Local Planning Authority. The scope of the survey shall be agreed in advance with the Local Planning Authority. The survey report shall be accompanied by a strategy, which provides full details of measures for mitigation and enhancement. The development (including demolition) shall then be implemented in accordance with the approved details of the mitigation strategy.	In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.37-3.40 of the Birmingham UDP 2005, policy PG3, TP2 and TP8 of the Draft Birmingham Development Plan, and the Nature Conservation Strategy for Birmingham SPG.
B10 - No trees or hedgerows shall be uprooted, felled, lopped, topped, or cut back in any way until a scheme for	In order to secure the satisfactory development

such works has been submitted to and approved in writing by the Local Planning Authority.	of the application site in accordance with Paragraphs 3.37-3.40 of the Birmingham UDP 2005, policy PG3, TP2 and TP8 of the Draft Birmingham Development Plan, and the Nature Conservation Strategy for Birmingham SPG.
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### Highways

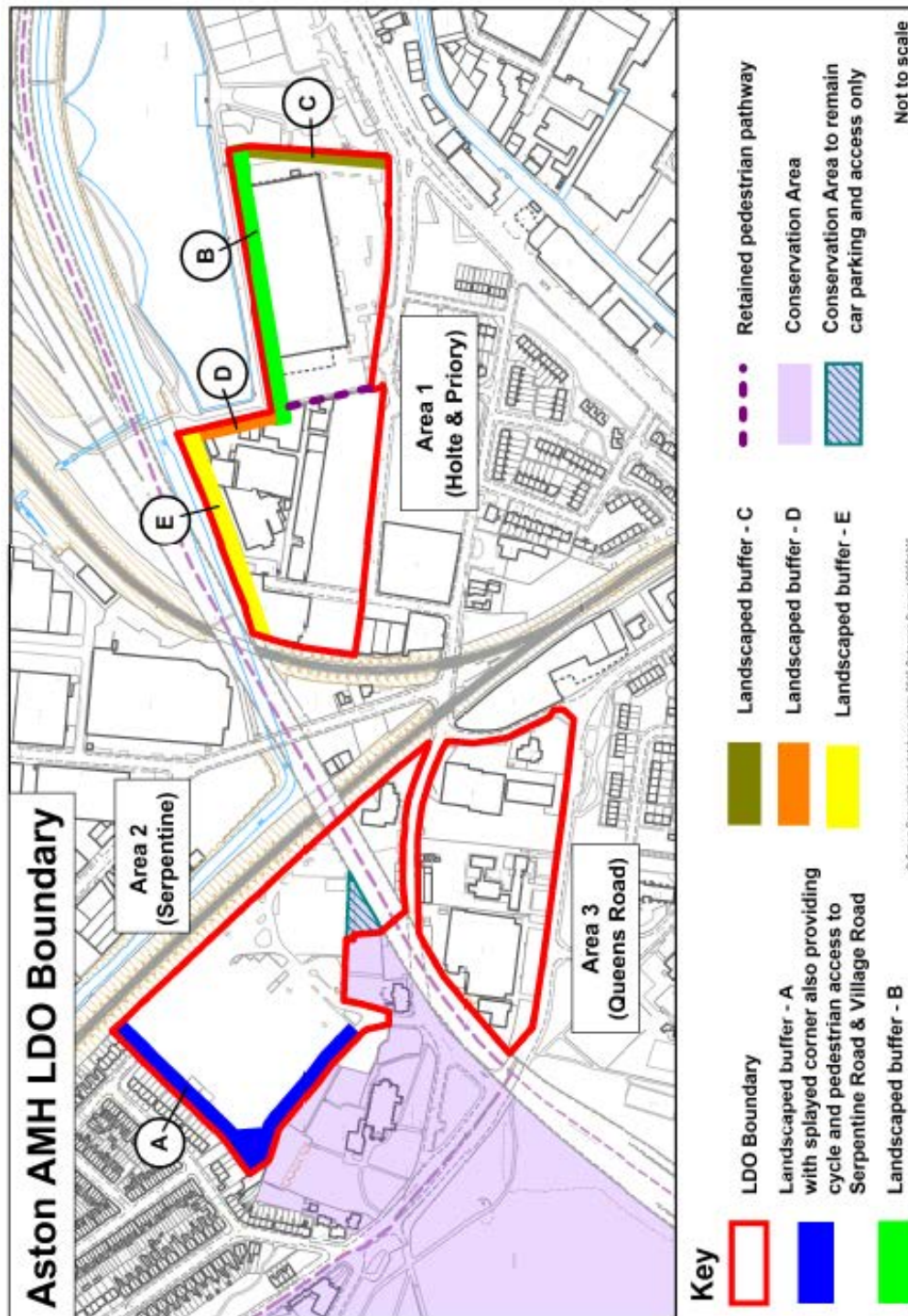
B11 - No development shall take place on the Holte and Priory site (Area 1) until full details of the siting and design of a means of vehicular access have been submitted to and approved in writing by the Local Planning Authority. The details of any proposed vehicular access will have been informed by a Transport Assessment that will have included a junction capacity study for the Lichfield Road/ Aston Hall Road junction. The approved access shall be implemented before the first permitted development at this site is brought into use.	In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005, policies PG3, TP37, TP38 and TP39 of the Draft Birmingham Development Plan.
B12 - No building shall be occupied until that part of the service road, which provides access to it has been constructed in accordance with details to be submitted to and the approved by the Local Planning Authority.	In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005, policies PG3, TP37, TP38 and TP39 of the Draft Birmingham Development Plan.
B13 - No new building plot development shall take place until details of the vehicle parking and turning areas have been submitted to and approved in writing by the Local Planning Authority, such details to include surface treatment. These areas shall be provided in accordance with the approved plans prior to occupation of any part of the development hereby permitted and thereafter maintained and shall not be used for other than their designated purpose.	In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005, Policies PG3, P37, TP38 and TP39 of the Draft Birmingham Development Plan.

<p>B14 - No new building shall be occupied until the occupiers of the premises have affiliated to "Company Travelwise in Birmingham". In the event that the occupiers cease to affiliate to Travelwise, they shall come forward, within 3 months of them ceasing to affiliate, with further proposals for decreasing reliance on the private car and for continuing staff use of alternative means of transport. Such proposals shall be agreed in writing by the Local Planning Authority and thereafter implemented.</p>	<p>In order to secure the satisfactory development of the application site in the interests of promoting sustainable travel choices in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005, policies PG3, TP37, TP38, TP39 and TP43 of the Draft Birmingham Development Plan.</p>
<p>B15 - Prior to the commencement of work at each new building plot details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles shall be submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.</p>	<p>In order to secure the satisfactory development of the application site in the interests of promoting sustainable travel choices in accordance with policies Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005, PG3, P37, TP38 and TP39 of the Draft Birmingham Development Plan.</p>
<p>B16 – Prior to the full occupation of Area 1 a detailed scheme for the retention and realignment and/or improvement of the footpath link between Aston Hall Road and Salford lake at a minimum of 1.5m in width, along with landscaping and implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. It shall be implemented in accordance with the approved details.</p>	<p>In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10, of the Birmingham UDP 2005, policies PG3, TP2, TP37 and TP38 of the Draft Birmingham Development Plan, Places for All SPG, Aston, Newton and Lozells Area Action Plan and the NPPF.</p>



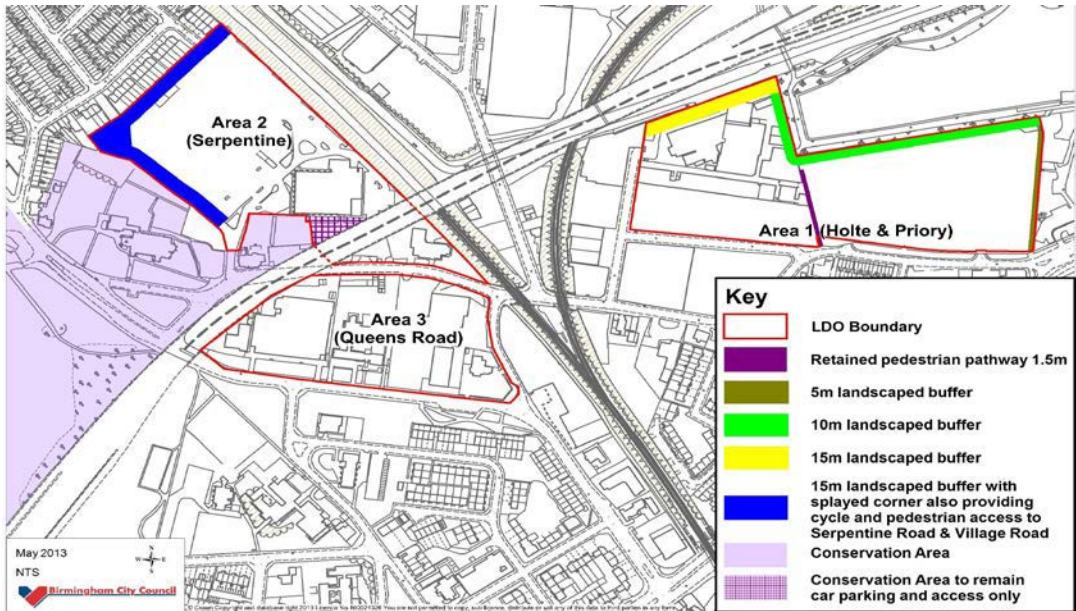
# Appendix C

## Plan 1



Appendix D Supporting Information

The existing adopted LDO plan



The amended LDO boundary plan

