

Birmingham City Council

Planning Committee

20 August 2015

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	8	2015/00737/PA Land at corner of Granville Street and Holliday Street, City Centre, Birmingham Erection of a six to seven storey residential building comprising 112 units (one and two bedroom residential units) with associated basement car parking and landscaping and associated works
Defer – Informal Approval Endorse	9	2015/00739/PA Ridley House Ridley Street City Centre Birmingham B1 1LD Erection of a five to six storey residential building comprising 65 units (one and two bedroom residential units) to include parking and circulation space, and associated works.

Committee Date:	20/08/2015	Application Number:	2015/00737/PA
Accepted:	04/02/2015	Application Type:	Full Planning
Target Date:	06/05/2015		
Ward:	Ladywood		

Land at corner of Granville Street and Holliday Street, City Centre, Birmingham

Erection of a six to seven storey residential building comprising 112 units (one and two bedroom residential units) with associated basement car parking and landscaping and associated works

Applicant:	Seven Capital (Granville) Ltd c/o Agent
Agent:	Alliance Planning 54 Hagley Road, 3rd Floor, Edgbaston, Birmingham, B16 8PE

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This is a detailed planning application for construction of a building to provide 60 1 bedroom apartments and 52 2 bedroom apartments, together with 51 car parking spaces. Site area 0.26 hectare, density 430 dwellings per hectare.
- 1.2. The building is arranged in an 'L' shaped formation, which aligns with the street frontages, but a defensible zone is introduced, which separates the ground floor residential accommodation from the back of pavement. This zone, which is separated from the pavement by a change of level and "winter gardens", provides privacy and security to the ground floor residential units.
- 1.3. The design acknowledges the natural topography of the site. The ground floor residential level aligns with the high point on Holliday Street and there is level access from Holliday Street, with an internal change of level to reconcile the differences, thus avoiding unsightly external steps and ramps.
- 1.4. The building ranges from 6 storeys along Holliday Street up to 7 storeys along Granville Street, towards the railway and canal. The principal elevational material is buff grey facing brick, with metal-framed windows within punched openings, with the window frames recessed into the openings, rather than being flush with the masonry. The building steps in and out to provide articulation along both elevations. At ground floor level all but one of the street facing apartments each have a winter garden – an outdoor seating area enclosed by a powder coated steel frame with full height glazed screen. Along Holliday Street are five storey projecting bays capped with glass balustrading to the perimeter to form external terrace zones.
- 1.5. The floorplate is dual aspect with a central circulation corridor which follows the 'L' shape configuration. The main lift core would be close to the entrance and a

secondary escape stair would be located at end of the Holliday Street wing. The lift serves all of the residential levels, and the single basement level, which accommodates car parking and cycle parking. The single pedestrian entrance is located on Holliday Street, close to its junction with Granville Street.

- 1.6. The ground floor comprises the entrance foyer, 15 apartments, cycle (52 spaces) and refuse stores and a substation. Above this on floors 1-4, 19 apartments per storey are provided with a further 18 apartments on level 5 and 3 apartments on level 6. Each apartment comprises a lounge / dining / kitchen area, bathroom and either 1 or 2 bedrooms. Apartments range in size from 43sqm – 51sqm for the 1 bed apartments and 54sqm – 74sqm for the 2 bed apartments. Bedroom sizes comply with minimum guidelines.
- 1.7. Vehicular entrance would be from Granville Street (along the railway boundary), with a ramped access behind power operated gates leading to the basement. Within the basement is parking for 51 cars, including 5 spaces suitable for people with disabilities, additional cycle racks with 92 spaces and separate storage lockers.
- 1.8. The scheme incorporates a shared landscaped garden area of 306.5sqm at Level 0 (above the car park) for use by residents as amenity space. The surface material would be predominantly timber decking with integrated planting, seating and lighting. In addition the majority of ground floor apartments have either a “winter garden” or private terrace. In addition all but two of the fifth floor apartments facing Granville Street and each of the sixth floor apartments have private terraces.
- 1.9. The application is supported by a Design and Access Statement, a Site Investigation Report, Ecological Survey, Noise Assessment, Planning Statement, and Transport Statement. In addition the applicant has submitted a financial appraisal to justify not fully meeting affordable housing or public open space policies but has offered a financial contribution of £500,000.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is located just outside the edge of the Westside area of Birmingham City Centre, approximately 500m south of Broad Street, close to the Mailbox, Cube, the Birmingham and Worcester Canal and approximately a 10 minute walk from New Street Station.
 - 2.2. The site is currently vacant and has frontages to both Granville Street and Holliday Street, with boundaries onto land controlled by Network Rail. The canal runs parallel on the other side of the railway. There is a difference in level of approximately one metre from one end of the footpath on Granville Street to the high point along Holliday Street. The site itself is lower than footpath level by some 2-3 metres in places, with a partially completed basement level slab and retaining walls from a previous redevelopment proposal, which was partially implemented.
 - 2.3. On the opposite side Holliday Street (at a slightly higher level than the application site), is a 3 storey residential development set back from the road behind a grassed and landscaped frontage. On the opposite side Granville Street is Washington Wharf, a three storey development built to back of pavement. Diagonally opposite is a more modern residential development rising to 6 storey at the junction of these two roads.

[Site Location Plan](#)

3. Planning History

- 3.1. 21 July 2004 Application 2002/01207/PA. Planning consent granted for 80 flats including parking area and new access.
- 3.2. 23 December 2005 Application 2005/06660/PA. Planning consent refused for a 5/6 storey building to provide 98 apartments, access and basement parking. Application refused on grounds of scale and that a financial appraisal was not submitted to justify the low affordable housing provision.

4. Consultation/PP Responses

- 4.1. Nearby residents, residents associations, local ward councillors and MP notified. Site and press notices displayed.
- 4.2. Six letters of objection received from nearby residents commenting that:-
 - a seven storey building is too high and would be higher than other buildings in the vicinity;
 - A 4 storey development like Washington Wharf and other surrounding developments would be more appropriate. The streets are narrow and such a tall building would make these streets very enclosed;
 - the density of development is excessive, the 2 bedroom apartments are small and fewer larger apartments would be better;
 - the basement parking would, in all probability, be inadequate, which would add to parking problems in the area;
 - the proposed development would lead to extra traffic on Holliday Street, which is already busy. In particular, the mini roundabout just outside the development is dangerous and should be made safer;
 - the proposals would lead to loss of light and privacy for those living on lower floors in surrounding buildings; and,
 - construction noise would be a disturbance. Also heavy loaded construction vehicles regularly passing over the canal bridge on Granville Street would be both loud and potentially destabilise it. Holliday Street provides a more suitable alternative route.
- 4.3. Letter from Trident Housing Association – they occupy much of the land neighbouring the proposed development and could be directly affected by the development. They would therefore like to better understand potential impacts.
- 4.4. BCC Transportation Development – no objection subject to conditions to secure:-
 - a package of highway works including the provision of new car park access, removal of redundant footway crossings on Granville Street and Holliday Street, relocating on-street pay and display bays and payment machine, associated Traffic Regulation Order changes and any associated footway and lighting changes;
 - the parking areas laid out prior to occupation;
 - the provision bicycle/motorcycle storage spaces shown on the submitted drawings; and,
 - details of gate control which should be automatic to open and close when cars entering and exiting the car park are detected.

- 4.5. BCC Leisure Services – the proposed development would generate an off- site public open space contribution of £131,200 to be spent on the provision, improvement and /or maintenance of Chamberlain Gardens and or other public open space priorities within the Ladywood Ward.
- 4.6. BCC Employment Access Team – request that employment obligations are secured.
- 4.7. BCC Regulatory Service – noise levels at external private amenity areas facing the road exceed their recommended values but it is accepted that the front spaces would not be used in the same way as a normal residential garden and that this is a City Centre location where higher ambient noise levels can reasonably be expected. In addition the development is in a medium category for air quality impact. No objections subject to conditions to secure a land remediation strategy, boundary treatments detail, a restriction on noise from plant and machinery and noise insulation in accordance with the specified scheme. Additionally, electric vehicle charging points and dedicated parking spaces should be provided. A condition should also be attached to secure a Travel Plan.
- 4.8. BCC Schools Organisation Team - request a financial contribution as the development would impact on the provision of places at local schools.
- 4.9. BCC Planning Ecologist – no objections subject to a condition to secure a biodiversity brown roof. Lighting to the rear of the building should minimise light spill into the small woodland / scrub area to the rear of the site through the use of low level, directional lighting. This would reduce night time disturbance to roosting / nesting birds and any potential foraging bats. Also the clearance of scrub from the site should be completed outside of the main bird nesting period or under the supervision of a qualified ecologist.
- 4.10. Canals and Rivers Trust - no objection to the proposal.
- 4.11. Environment Agency - no objections subject to conditions to secure a drainage scheme, together with a site investigation and remediation strategy.
- 4.12. West Midlands Integrated Transport Authority - the application site is located on the periphery of the City Centre and is a short walking distance from bus/rail/metro services. The applicant should seek to ensure that walking and cycling links from the development site to the public transport network are safe and secure. Also a Travel Plan should be developed that promotes sustainable transport initiatives to residents.
- 4.13. Severn Trent Water - no objections subject to a condition to secure a drainage scheme.
- 4.14. West Midlands Fire Service - no adverse comments providing dry rising main installed to ensure all points within the apartments can be reached within 45m. There should be access for a pumping appliance to within 18 metres of the dry riser inlet which should be visible from the pump appliance.
- 4.15. West Midland Police –
- the underground parking area would be poorly overlooked but the entrance to this internal courtyard is gated, which is supported as it would provide a suitable security line to control unwanted access;

- the proposed cycle parking area is adjacent to the access ramp where there would be very little natural surveillance;
- the basement entrance to the stairwell furthest appears to be a very remote position for a door, one which will have almost no potential for natural surveillance;
- the scheme should be to the standards laid out in the Secured by Design 'New Homes 2014' guide;
- suitable CCTV and lighting should be provided;
- a suitable access control system should be installed throughout the site. Additionally, each apartment should be treated as a separate dwelling for the purpose of the standards of door security;
- the proposed main pedestrian reception area is well designed to allow staff to control access into the building. The concierge desk is well located, giving a clear line of sight to the entrance and the mailbox area; and,
- access to the bins store should be controlled.

4.16. Network Rail – the proposed development is very close to Holliday Street Tunnel / Tunnel Approach and the potential for works on site to cause harm to the tunnel is a concern. They therefore recommend conditions to ensure that the proposal does not impact upon the safety, operation and integrity of the railway.

5. Policy Context

5.1. Birmingham Unitary Development Plan 2005, Draft Birmingham Plan 2031, Affordable Housing Policy SPG, Places for Living SPG; Public Open Space in New Residential Developments SPD and National Planning Policy Framework.

6. Planning Considerations

Background and Land Use Policy

- 6.1. In 2004, planning consent was granted to redevelop the site to provide 80 apartments. Subsequently, planning consent was refused in 2005 to build 98 apartments in a 5/6 storey building because of the scale of the building and insufficient information to justify relaxing the affordable housing provision. At around this time development commenced and the basement was partially completed. However, due to the economic recession work stopped on site.
- 6.2. The adopted Birmingham UDP (2005) still forms the basis of the statutory planning framework. It states at paragraph 15.43 that the Greater Convention Centre area has the potential to accommodate additional mixed use development including residential. City Living is also encouraged by paragraph 5.32b as residential accommodation in the City Centre provides sustainable accommodation close to both public transports and places of work and reduces the pressure on greenfield sites.
- 6.3. The emerging Birmingham Development Plan 2031 indicates that residential development will continue to be supported in the City Centre where it provides well-designed good quality living environments. It adds that developments will need to provide flexible and adaptable accommodation meeting a range of needs including families.

- 6.4. The proposed development is also consistent with the NPPF, which supports sustainable development, especially that of previously developed land in locations that are easily accessible, such as the application site. In land use terms I therefore have no objection to the proposed residential development.

Urban Design

- 6.5. Places for Living SPG sets out design advice against which planning applications are assessed. Overall, I am of the view that the scheme is well designed and meets the overriding principles as detailed below:-

- Places not estates – amended plans have been received to address concerns about the high number of small apartments. Originally, the application included several studio apartments, which have now been omitted with the number of apartments reduced from 119 to 112. In its revised form the 1 and 2 bedroom apartments vary in size from 43sqm to 74sqm and bedroom sizes meet minimum guidelines. The proposed mix of apartments would provide a choice of accommodation and are comparable in size to apartments within other recent developments.
- Building on local character – the height of the building would be mainly 6 storeys with a 7 storey element on Granville Street. The building would be higher than the 3 storey buildings on the opposite side of Granville Street and Holliday Street. However, there is a more recent development of up to 6 storeys diagonally opposite at the junction of these two streets. Although in 2005 planning consent was refused on grounds of scale for a 5/6 storey development, this decision was made nearly 10 years ago. Since then building heights in the City Centre have generally increased and whilst I note the concerns of local residents, I do not consider that the height of the building is out of character with the surrounding area.

Architecturally, the building steps in and out to provide articulation along both elevations. At ground floor level all but one of the street facing apartments each have a winter garden that provides an interesting base to the building. Along Holliday Street are five storey projecting bays capped with glass balustrading to the perimeter to form external terrace zones. The main façade would be brick with recessed metal-framed windows, which adds interest to the elevations.

I note the concerns of residents opposite the development about loss of light and privacy. Whereas Places for Living SPG recommends a distance separation of 27.5metres between windowed elevations, there would be a minimum of 19m along Holliday Street and 15m along Granville Street. Whilst this is less than that recommended, the guidelines state that this standard will more strictly applied at the rear rather than the front. The proposed distance separation is comparable to many other City Centre developments and I do not consider that privacy, loss of outlook or sunlight would be so significantly adversely affected as to justify refusal. In addition, there are good urban design reasons for siting the building close to back of pavement.

- Moving around easily – level access would be provided into the building with a platform lift giving access to the entrance lobby. Lifts then provide access to all floors and the basement. The entrance lobby includes a

concierge desk that would provide good natural surveillance to Holliday Street. In addition all but one of the ground floor apartments has a “front door” directly off the street providing an active frontage. At upper level there would be apartments overlooking both Granville Street and Holliday Street. Overall the scheme would provide a good level of natural surveillance of the streets, making them safer.

- Safe place, private spaces – the proposed building would be constructed close to back of pavement to define the street creating a clear distinction between the public and private realms. Moreover, the “winter gardens” provide a defensible zone at ground floor creating a physical separation between the residential accommodation and the back of pavement. This zone would provide privacy and security to the ground floor residential units. As requested by the Police conditions are attached to secure CCTV and Lighting.
- Building for the future – the scheme provides for a wide range apartment sizes providing a choice of accommodation to meet different needs. There is a modest communal area of 306sqm (equivalent to 2.7sqm per apartment), all but one of the ground floor apartments have a winter garden or private terrace and the some of the apartments on the upper two floors also have private terraces. In addition, the application site is nearby Chamberlain Gardens and the Peace Gardens that would provide public open space for residents to use.

Transportation Issues

- 6.6. The proposed site layout plans are similar to the 2004 consent with a residential block having a pedestrian access on Holliday Street, and a basement car park with an access on Granville Street. The scheme seeks 112 units with 51 parking spaces so equates to 45%. Parking guidelines have been adopted since the last consent and these state maximum standards with consideration given to potential effects on local roads. In this location the on-street car parking is all restricted with either no waiting/parking allowed or pay and display parking, and this control extends out at least 600 metres from the site. Given the proximity to the City Centre, access to all services and public transport and rigorously enforced on-street parking BCC Transportation raise no objection to the level of parking.
- 6.7. Traffic generation has been assessed in the Transport Assessment and appears suitable noting 27 two way vehicle movements in the AM and PM peak periods. This is slightly less than previous consent as the car parking provision has been reduced on the site and would have no noticeable effects on the local highway network. Cycle parking is provided in the basement car park and at ground floor with space for 144 cycles which is well above the BCC guideline of one space per apartment. Servicing is shown with refuse store provision on Holliday Street where vehicles would have to observe the on-street parking controls to undertake deliveries and collections.
- 6.8. The car park access is being repositioned on Granville Street and this would be used more intensively than the access that currently exists here. It is suitable to reposition the four on-street bays on the opposite side of the road to ensure suitable vehicle visibility is provided around this access, and this wouldn't affect any accesses on the opposite side of the road. It may allow additional on-street bays to be provided but will need to be progressed through the s278 agreement with TRO changes.

- 6.9. As recommended by BCC Transportation Development conditions are attached to secure off site highway works, laying out of the car park areas prior to first occupation; secure cycle storage; and details of the entrance gate. In addition, conditions are attached to secure a construction management plan and a car parking management plan.

Wildlife and Environmental Impacts

- 6.10. A phase one habitat survey identified a typical range of habitats that would be associated with a vacant plot such as this, these being; hard-standing, recolonizing ground and young scrub. The site is adjacent to the cross city railway line from New Street to Five Ways and the Worcester to Birmingham Canal. The combination of this early colonising habitat, water and built environment provides habitat for Black Redstart which have been recorded within 250m of the site. The design of this building with its large expanse of flat roof provides a great opportunity to provide a brown roof and the incorporation of one or more bird boxes suitable for Black Redstart would be an additional benefit. As recommended by the City Council's Planning Ecologist a condition is attached to secure a brown roof.
- 6.11. Also the small scrub / wooded area to the rear of the site does have some connectivity to the canal network and acts as an extension of this corridor. A condition is therefore attached to secure lighting details to minimise light spill. A condition is also attached to ensure that clearance of scrub from the site takes place outside of the main bird nesting period or under the supervision of a qualified ecologist.
- 6.12. I note the comments of BCC Regulatory Services, the Environment Agency and Severn Trent Water and attach conditions to secure a land remediation strategy, a restriction on noise from plant and machinery, a noise insulation scheme, a Travel Plan and drainage details. I also note the comments from Network Rail and attach conditions accordingly. In addition my tree officer has confirmed that the trees within the site are self-set, low quality and fairly young regeneration. Tree conditions are not therefore required.

Planning Obligations

- 6.13. Given the number of proposed apartments the City Council's policies for Affordable Housing and Public Open Space in New Residential Development apply. BCC Schools Organisation Team have also requested a sum of monies as the development has the potential to impact on the provision of places at local schools.
- 6.14. The applicant has submitted a financial appraisal to justify not fully meeting these obligations but has offered £500,000. The financial appraisal has been independently reviewed and the assessment concludes that this figure is reasonable.
- 6.15. I note the various requests for S106 monies and consider that affordable housing and public open space provision are greater policy priorities. I therefore suggest that the full public open space contribution is secured with the balance put toward off-site affordable housing. Given that the scheme is for one and two bedroom apartments then the number of families with children is likely to be low. I do not therefore consider that an education contribution can be justified, particularly as Perry Beeches have recently opened a school nearby. With regard to the comments from the Employment Access Team, I consider that a local employment and training

requirement is reasonable and suggest that this be secured through a condition rather than via the S106 agreement.

7. Conclusion

- 7.1. The principle of redevelopment of this site for residential development is consistent with local and national planning policy. In addition there is an extant planning consent for residential development.
- 7.2. I am of the view that the proposed scheme is well designed; the scale, massing and appearance of the development is acceptable and it would improve help improve the area. Furthermore the site is in a highly sustainable city centre location and the amount of parking is considered appropriate and adequate.
- 7.3. I therefore consider that the application is acceptable subject to safeguarding conditions and completion of a S106 agreement to secure a financial contribution of £500,000 toward off-site affordable housing and public open space improvements.

8. Recommendation

- 8.1. That consideration of the application be deferred pending the completion of a suitable legal agreement as set out below:-
- a) A financial contribution of £368,800 (index linked from the date of this resolution) toward off site affordable housing to be paid prior to first occupation;
 - b) A financial contribution of £131,200 (index linked from the date of this resolution) toward enhancements to improvement and /or maintenance of Chamberlain Gardens, to be paid prior to first occupation; and,
 - c) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing and public open space sum, subject to a maximum of £10,000.
- 8.2. That, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority within a period of three months from the date of this resolution, planning permission be refused for the followings reason(s):
- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal conflicts with 5.37 A-D of the Birmingham Unitary Development Plan 2005, Affordable Housing SPG and Policy TP30 of the Draft Birmingham Plan 2031; and,
 - b) In the absence of any suitable legal agreement to secure a financial contribution towards off site public open space the proposal conflicts with 3.53B of the Birmingham Unitary Development Plan 2005, Public Open Space in New Residential Development SPD and Policy TP9 of the Draft Birmingham Plan 2031.
- 8.3. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority within 3 months of the date of this resolution, favourable consideration be given to this application, subject to the conditions listed below.
- 8.4. That the Director of Legal Services be authorised to prepare, seal and complete the planning obligation.

-
- 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 Limits the noise levels for Plant and Machinery
 - 5 Requires the scheme to be in accordance with the submitted Glazing Specification Report
 - 6 Requires site clearance works outside the bird nesting season
 - 7 Requires the prior submission of boundary treatment details
 - 8 Requires the prior submission of a lighting scheme
 - 9 Requires the prior submission of details of green/brown roofs
 - 10 Requires the prior submission of a construction method statement/management plan
 - 11 Requires the prior submission of sample materials
 - 12 Requires the scheme to be in accordance with the listed approved plans
 - 13 Requires the prior submission of a CCTV scheme
 - 14 Requires the provision of cycle parking prior to occupation
 - 15 Requires the prior submission of a residential travel plan
 - 16 Requires the parking area to be laid out prior to use
 - 17 Requires the prior submission of a car park management plan and operation of the proposed gates
 - 18 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 19 Requires the prior submission of details of earthworks and excavations
 - 20 Requires the prior submission of a risk assessment and method statement
 - 21 Secures an employment policy
 - 22 Limits the approval to 3 years (Full)
-

Case Officer: David Wells

Photo(s)

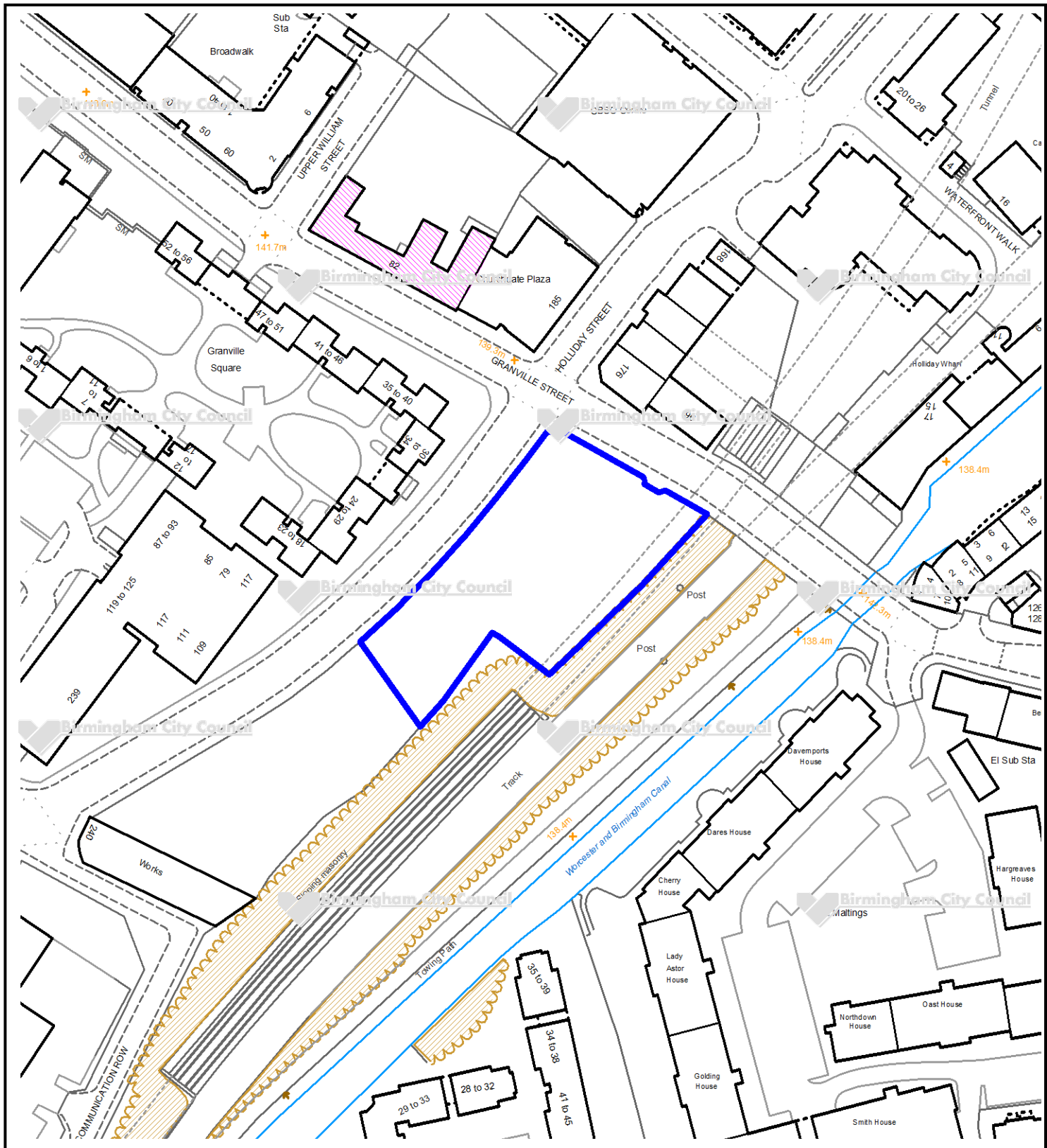


View along Holliday Street



View along Granville Street

Location Plan



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Committee Date:	20/08/2015	Application Number:	2015/00739/PA
Accepted:	04/02/2015	Application Type:	Full Planning
Target Date:	06/05/2015		
Ward:	Ladywood		

Ridley House, Ridley Street, City Centre, Birmingham, B1 1LD

Erection of a five to six storey residential building comprising 65 units (one and two bedroom residential units) to include parking and circulation space, and associated works.

Applicant:	Seven Capital (Ridley) Ltd c/o Agent
Agent:	Alliance Planning 54 Hagley Road, 3rd Floor, Edgbaston, Birmingham, B16 8PE

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal
 - 1.1. This is a detailed planning application for construction a building to provide 46 1 bedroom apartments and 19 2 bedroom apartments, together with 15 car parking spaces. Site area 0.12 hectares, density 541 dwellings per hectare.
 - 1.2. The scheme is arranged in an 'L' shape, to align with the street frontages, with a recessed defensible zone at ground floor, which provides physical separation between the residential accommodation and the back of pavement. This zone would provide privacy and security to the ground floor residential units. The wings form a private courtyard space to the rear, where the car park is located.
 - 1.3. The floorplate is divided into 2 wings, one of which is dual aspect with a central circulation corridor and the other is mainly single aspect, with the circulation facing the courtyard side. The ground floor comprises the entrance foyer, 6 apartments, cycle and refuse stores and a substation. Above this on floors 1-4, 13 apartments per storey are provided with a further 7 apartments on the fifth floor 5. Each apartment comprises a lounge / dining / kitchen area, bathroom and either 1 or 2 bedrooms. Apartments range in size from 40sqm – 52sqm for the 1 bed apartments and 53sqm – 79sqm for the 2 bed apartments. Bedroom sizes comply with minimum guidelines.
 - 1.4. The proposed building is ground plus 5 storeys, where the top floor is both recessed from the frontage and different in material from the main body of the building. The ground floor is also recessed and defined by brick piers which land on the perimeter of the site. The building is divided into three horizontal 'segments'. This arrangement provides a definitive 'base, middle and top' to the building:-

- 'Base' treatment (Level 0) - this level has rendered external walls, brick piers and glass balustrading. The fenestration includes full height glazed openings and recessed rendered panels.
 - 'Middle' treatment (Levels 1 to 4) - the principal elevational material is red brick, with metal-framed windows set within linear horizontal openings, with the window frames recessed into the opening, Eternit fibre cement panels are introduced between the windows.
 - 'Top' treatment (Level 5) - this recessed rooftop element has rendered external walls, and glass balustrading to the perimeter to form the external terrace zone. The fenestration includes full height glazed openings and recessed panels to provide articulation.
- 1.5. No communal amenity space is provided but the ground floor units fronting Ridley Street and Washington Street and all the apartments on the fifth floor have an outdoor terrace area enclosed by a glass balustrade.
- 1.6. Vehicular access to the site would be from Washington Street, an accessway would then lead through an archway in the building to a rear courtyard with 15 car parking spaces (including 1 space for people with disabilities). Access into the building would be from Ridley Street. This then leads to a foyer with lifts and stairs providing access to the upper floors. From the entrance foyer an internal corridor leads past the cycle and refuse stores exiting onto the vehicle accessway.
- 1.7. The application is supported by a Design and Access Statement, a Site Investigation Report, Ecological Survey, Heritage Statement, Noise Assessment, Planning Statement, and Transport Statement. In addition the applicant has submitted a financial appraisal to justify not fully meeting affordable housing or public open space policies but has offered a financial contribution of £300,000.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application site is located on the corner of Washington Street and Ridley Street in the Bath Row and Holloway Head area of the City Centre. Previous buildings have been demolished leaving a cleared level site. On the opposite side of Ridley Street are the Peace Gardens which contain the remains of the Grade II Listed Church of St Thomas.
- 2.2. The surrounding area was previously in employment use, but has been substantially redeveloped for residential purposes and as such contains a mix of uses but is becoming increasingly residential in character. The adjoining land on Ridley Street/Granville Street has recently been developed for 24 apartments, whilst a 6-storey apartment block has recently been erected opposite the site on Washington Street. There are good public transport links to the area and pedestrian routes to the nearby city centre.
- [Location Plan](#)
3. Planning History

- 3.1. 1 December 2006 Application 2006/05529/PA. Planning consent granted for erection of 49 residential apartments with associated car parking space, cycle and motorcycle storage space. Consent subject to a legal agreement to secure affordable housing and £32,000 toward improving St Thomas Peace Gardens.
- 3.2. 12 July 2007 Application 2007/02319/PA. Planning consent granted for an additional unit to the fourth floor of previously approved application reference 2006/05529/PA.
- 3.3. 25 February 2010 Application 2009/05895/PA. Planning consent granted for renewal of the original 2006 consent subject to a legal agreement to secure the same obligations. Subsequent Deed of Variation to this legal agreement completed in January 2013, to allow payment of the public realm monies to be deferred from 'commencement' to 'first-occupation'.
- 3.4. 28 July 2010 Application 2010/03099/PA. Planning consent granted for renewal of the 2007 consent for an additional unit on the fourth floor.
- 3.5. 15 May 2013 Application 2013/01089/PA. Planning consent granted for renewal of extant application 2009/05895/PA for the erection of 49 no. residential apartments with associated car parking and cycle and motorcycle storage.
- 3.6. 15 May 2013 Application 2013/02045/PA. Planning consent granted for renewal of extant application 2010/03099/PA for a proposed additional unit to the fourth floor.
4. Consultation/PP Responses
 - 4.1. Adjoining occupiers, residents associations, local ward councillors and MP notified. Site and press notices displayed.
 - 4.2. Four letters of objection from nearby occupiers received commenting that:-
 - the proposed development would add to traffic congestion in the area. Gough Street should be open for two-way traffic to give drivers an alternative route northbound to Suffolk Street Queensway to ease traffic queuing in Holloway Head; and,
 - the proposed five to six storey building would overcrowd existing buildings in the area and ruin the view and therefore value of nearby residential apartments. The building should therefore be reduced in height to 3 or 4 storeys. This would ensure that it does not reduce light or spoil enjoyment of the outlook for adjacent properties.
 - 4.3. In addition a letter of support has been received commenting that the site is unsightly, has been left unused for a prolonged period of time and its redevelopment would help regenerate the area. Even though this plot could support a larger, taller and more innovative design the current plans are very much in line with the other developments in the area.
 - 4.4. BCC Transportation Development – no objections subject to the following conditions to secure :-
 - a package of highway measures including alterations to the existing footway crossing, on-street Traffic Regulation Orders (TROs) to be amended due to the alterations existing footway crossing that may effect on the existing Pay and Display bays that need to be relocated;

- a car parking management and a construction management plan;
- details of gate control which should be automatic to open and close when cars entering and exiting the car park are detected; and,
- secure cycle storage.

In addition the building extends beyond the building line at the junction of Ridley Street and Washington Street, and in order to do this the highway must be stopped up. Provided a 2.4 by 43m visibility splay can be provided then they would raise no objection. However, the applicant would need to apply for a stopping up order under S247 Town and Country Planning Act 1990.

- 4.5. BCC Regulatory Services - no objection subject conditions to secure a land remediation strategy, a restriction on noise from plant and machinery and a noise insulation scheme with a glazing and ventilation specification. Additionally, electric vehicle charging points and dedicated parking spaces should be provided. A condition should also be attached to secure a Travel Plan.
- 4.6. BCC Employment Access Team – request that employment obligations are secured.
- 4.7. BCC Schools Organisation Team - request a contribution as the development would impact on the provision of places at local schools.
- 4.8. BCC Leisure Services – the proposed development would generate an off- site POS contribution of £67,200 to be spent on the adjacent St Thomas Peace Garden and / or within the Ladywood Ward. It would not generate any contribution for play because it is non-family type 1 and 2 bed accommodation and located in the City Centre.
- 4.9. Environment Agency - no objections subject to conditions to secure a site investigation and remediation strategy.
- 4.10. West Midlands Integrated Transport Authority - the application site is located on the periphery of the City Centre and is a short walking distance from bus/rail/metro services. The applicant should seek to ensure that walking and cycling links from the development site to the public transport network are safe and secure. Also a Travel Plan should be developed that promotes sustainable transport initiatives to residents.
- 4.11. Severn Trent Water – no objections subject to a condition to secure drainage scheme.
- 4.12. West Midlands Police –
 - the car parking provision appears to be on the low side but the application site is close to a number of car parks and public transport services;
 - the scheme should be to the standards laid out in the Secured by Design 'New Homes 2014' guide;
 - suitable CCTV and lighting should be provided;
 - a suitable access control system should be installed throughout the site. Additionally, each apartment should be treated as a separate dwelling for the purpose of the standards of door security;

- the proposed main pedestrian reception area is well located with a suitably sited communal post box area;
- the proposed provision for cycle storage is well placed;
- access to the refuse store and any access to the rear of the building should be controlled; and,
- will there be an on-site manager, or concierge, if so where would they be based?

4.13. West Midlands Fire Service - no adverse comments providing dry rising main installed to ensure all points within the apartments can be reached within 45m. There should be access for a pumping appliance to within 18 metres of the dry riser inlet which should be visible from the pump appliance.

5. Policy Context

5.1. Birmingham Unitary Development Plan 2005, Draft Birmingham Plan 2031, Affordable Housing Policy SPG, Places for Living SPG; Public Open Space in New Residential Developments SPD and National Planning Policy Framework.

5.2. The site is opposite the Peace Gardens, which contains the remains of the Church of St Thomas, which are grade II listed.

6. Planning Considerations

Background and Land Use Policy

6.1. In 2006, planning consent was granted to redevelop the site with a five storey building to provide 49 apartments. A further planning consent was then granted for an additional unit on the fourth floor. Subsequently there have been several applications to extend the time to implement these permissions, the most recent in 2013. There is therefore an extant planning permission for redevelopment of this site for residential purposes. However, the design of this scheme is more than a decade old and is somewhat dated. The current application therefore seeks to deliver an up to date residential scheme.

6.2. The adopted Birmingham UDP (2005) still forms the basis of the statutory planning framework. It states at paragraph 15.43 that the Greater Convention Centre area has the potential to accommodate additional mixed use development including residential. City Living is also encouraged by paragraph 5.32b as residential accommodation in the City Centre provides sustainable accommodation close to both public transports and places of work and reduces the pressure on greenfield sites.

6.3. The emerging Birmingham Development Plan 2031 indicates that residential development will continue to be supported in the City Centre where it provides well-designed good quality living environments. It adds that developments will need to provide flexible and adaptable accommodation meeting a range of needs including families.

6.4. The proposed development is also consistent with the NPPF, which supports sustainable development, especially that of previously developed land in locations that are easily accessible, such as the application site. In land use terms I therefore have no objection to the proposed residential development.

Urban Design

6.5. Places for Living SPG sets out design advice against which planning applications are assessed. Overall, I am of the view that the scheme is well designed and meets the overriding principles as detailed below:-

- Places not estates – the proposal would provide 65 1 and 2 bedroom apartments varying in size from 40sqm – 79sqm, providing a choice of accommodation. Internally, bedroom sizes meet minimum guidelines in Places for Living. The proposal has been designed to take account of the proximity of windows to habitable rooms in the elevation of Washington Court, which faces the site. The majority of apartments in the wing fronting Ridley Street would be single aspect with windows overlooking the street. Where windows face the internal courtyard they are angled away from Washington Court to avoid direct overlooking.
- Building on local character – the height of the building would be part 5 storeys and part 6 storeys with the upper storey set back and in a different material. These buildings heights are comparable with other recent nearby developments, including the adjacent development on Ridley Street, which is 5 storeys high and the Post Box development on the opposite side of Washington Street, which rises to 6 storeys. Architecturally, the building is divided into three horizontal 'segments', a base, middle and top. This creates a well-proportioned building that breaks down the massing of the building. The main façade would be brick with recessed metal-framed windows set within linear horizontal openings, which adds interest to the elevations.
- Moving around easily – at ground floor level the entrance foyer would provide an active frontage to Ridley Street. In addition each ground floor apartment has a "front door" directly off the street. At upper level there would be apartments overlooking both Ridley Street and Washington Street. Overall the scheme would provide a good level of natural surveillance of the streets and the Peace Garden, making them safer.
- Safe place, private spaces – the proposed building would be constructed close to back of pavement to define the street creating a clear distinction between the public and private realms. Moreover, the recessed defensible zone at ground floor provides physical separation between the residential accommodation and the back of pavement. This zone would provide privacy and security to the ground floor residential units. As requested by the Police conditions are attached to secure CCTV and Lighting.
- Building for the future – the scheme provides for a wide range apartment sizes providing a choice of accommodation to meet different needs. Whilst no communal amenity area is provided the street facing ground floor and fifth floor apartments each have an outside terrace area. In addition, application site is opposite the Peace Gardens that would provide public open space for residents to use.

Transportation Issues

6.6. BCC Transportation Development raise no objections subject to conditions. The site has very good access being just off Bath Row and within walking distance of Broad

Street, both of which are significant transport corridors. Bath Row is scheduled to undergo significant urban regeneration with associated highway improvements which will further enhance the accessibility to this development.

- 6.7. BCC Car Parking Guidelines advise a maximum of 1 car parking space and a minimum of 1 cycle space per residential unit. The proposed development offers 15 parking spaces and 60 cycle parking spaces. In addition, there are pay and display bays on-street that provide a maximum 4 hours parking between the hours of 8am and 6pm, which should be adequate for visitor parking, and outside this the City Centre controlled parking zone restriction allows parking on the single yellow lines in place on the remainder of the roads. Parking is strictly enforced within this area by attendants. I therefore consider that the level of parking provision is reasonable.
- 6.8. As recommended by BCC Transportation Development conditions are attached to secure off site highway works, a car parking management, a construction management plan, operation of the proposed gates and secure cycle storage. In addition, a small triangular area of land within the application site at the corner of Washington Street and Ridley Street is highway land and would require stopping-up under Section 247 of the Town and Country Planning Act. BCC Transportation Development have raised no objection to this and a suitable resolution is attached.

Environmental Impacts

- 6.9. I note the comments of BCC Regulatory Services, the Environment Agency and Severn Trent Water and attach conditions to secure a land remediation strategy, a restriction on noise from plant and machinery, a noise insulation scheme, a Travel Plan and drainage details.

Planning Obligations

- 6.10. Given the number of proposed apartments the City Council's policies for Affordable Housing and Public Open Space in New Residential Development apply. BCC Schools Organisation Team have also requested a sum of monies as the development has the potential to impact on the provision of places at local schools.
- 6.11. The applicant has submitted a financial appraisal to justify not meeting these obligations in full but has offered £300,000. The financial appraisal has been independently reviewed and the assessment concludes that this figure is reasonable.
- 6.12. I note the various requests for S106 monies and consider that affordable housing and public open space provision are greater policy priorities. I therefore suggest that the full public open space contribution is secured with the balance put toward off-site affordable housing. Given that the scheme is for one and two bedroom apartments then the number of families with children is likely to be low. I do not therefore consider that an education contribution can be justified, particularly as Perry Beeches have recently opened a school nearby. With regard to the comments from the Employment Access Team, I consider that a local employment and training requirement is reasonable and suggest that this be secured through a condition rather than via the S106 agreement.

7. Conclusion

- 7.1. The principle of redevelopment of this site for residential development is consistent with local and national planning policy. In addition there is an extant planning consent for residential development.
- 7.2. I am of the view that the proposed scheme is well designed; the scale, massing and appearance of the development is acceptable and it would improve help improve the area. Furthermore the site is in a highly sustainable city centre location and the amount of parking is considered appropriate and adequate.
- 7.3. I therefore consider that the application is acceptable subject to safeguarding conditions and completion of a S106 agreement to secure a financial contribution of £300,000 toward affordable housing and public open space improvements.
8. Recommendation
- 8.1. That consideration of the application be deferred pending the completion of a suitable legal agreement to secure:-
- a) A financial contribution of £232,800 (index linked from the date of this resolution) toward off site affordable housing to be paid prior to first occupation;
 - b) A financial contribution of £67,200 (index linked from the date of this resolution) to be spent toward enhancements to improvement and /or maintenance of, on the adjacent St Thomas Peace Garden, to be paid prior to first occupation; and,
 - c) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing and public open space sum, subject to a maximum of £10,000.
- 8.2. That, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority within a period of three months from the date of this resolution, planning permission be refused for the followings reason(s):
- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal conflicts with 5.37 A-D of the Birmingham Unitary Development Plan 2005, Affordable Housing SPG and Policy TP30 of the Draft Birmingham Plan 2031; and,
 - b) In the absence of any suitable legal agreement to secure a financial contribution towards off site public open space the proposal conflicts with 3.53B of the Birmingham Unitary Development Plan 2005, Public Open Space in New Residential Development SPD and Policy TP9 of the Draft Birmingham Plan 2031.
- 8.3. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority within 3 months of the date of this resolution, favourable consideration be given to this application, subject to the conditions listed below.
- 8.4. That the Director of Legal Services be authorised to prepare, seal and complete the planning obligation.
- 8.5. That no objection be raised to the stopping up of part of Ridley Street / Washington Street and that DfT be requested to make an order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

-
- 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 Limits the noise levels for Plant and Machinery
 - 5 Requires the prior submission a noise study to establish residential acoustic protection
 - 6 Requires the prior submission of boundary treatment details
 - 7 Requires the prior submission of a lighting scheme
 - 8 Requires the prior submission of details of green/brown roofs
 - 9 Requires the prior submission of a construction method statement/management plan
 - 10 Requires the prior submission of sample materials
 - 11 Requires the scheme to be in accordance with the listed approved plans
 - 12 Requires the prior submission of a CCTV scheme
 - 13 Requires the prior submission of a residential travel plan
 - 14 Requires the prior submission of cycle storage details
 - 15 Requires the prior submission of a car park management plan and operation of the proposed gates
 - 16 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 17 Secures an employment policy
 - 18 Limits the approval to 3 years (Full)
-

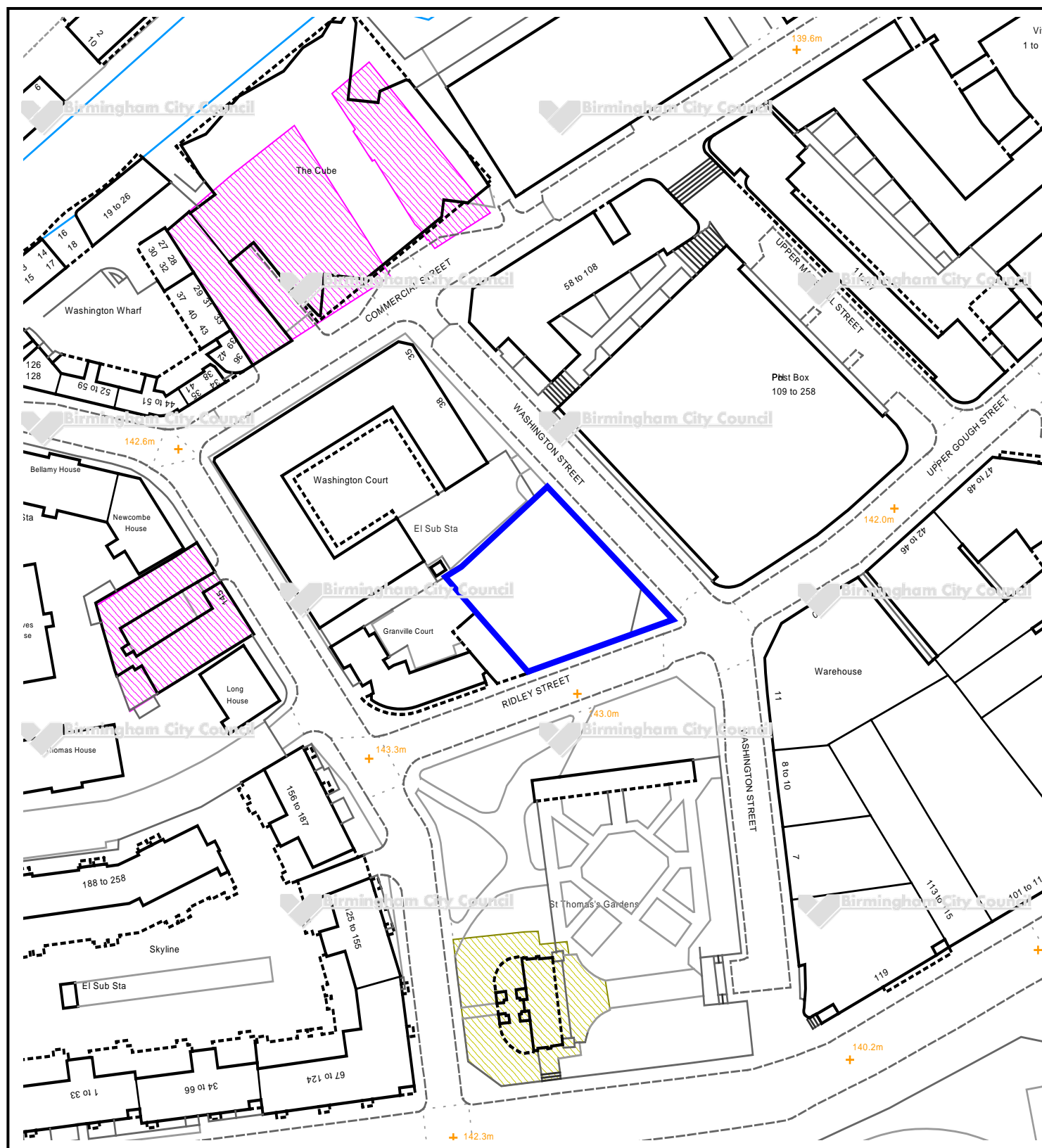
Case Officer: David Wells

Photo(s)



View of site from junction of Ridley Street and Washington Street

Location Plan



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Birmingham City Council

Planning Committee

20 August 2015

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	10	2015/05181/PA 24 Trenchard Close Sutton Coldfield Birmingham B75 7QP Erection of dwelling house and installation of footway crossing, boundary treatment and landscaping.
Approve – Conditions	11	2015/04107/PA 669 - 671 Kings Road Kingstanding Birmingham B44 9HU Change of use from doctor's surgery to a children's nursery with associated front and rear parking and external amenity area.
Prior Approval Required - Approve-Conditions	12	2015/03996/PA Waterlinks House Richard Street Nechells Birmingham B7 4AA Prior Approval of Proposed Change of Use to State-Funded School

Committee Date:	20/08/2015	Application Number:	2015/05181/PA
Accepted:	25/06/2015	Application Type:	Full Planning
Target Date:	20/08/2015		
Ward:	Sutton Trinity		

24 Trenchard Close, Sutton Coldfield, Birmingham, B75 7QP

Erection of dwelling house and installation of footway crossing, boundary treatment and landscaping.

Applicant:	Mr & Mrs Vincent Bullmore 14 Monkseaton Road, Sutton Coldfield, Birmingham, B72 1LB
Agent:	Birch Upton Associates 22 Ashdene Close, Sutton Coldfield, Birmingham, B73 6HL

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Planning permission is sought to erect a two-bedroom detached dwelling house together with new vehicular access and boundary treatment.
 - 1.2. The existing corner plot at 24 Trenchard Close would be subdivided to create a new residential plot to the north of the existing dwelling house. The proposed dwelling house would follow the front building line of 24 Trenchard Close and would be two-storeys in height with an L shaped footprint. The dwelling house would reflect the design style of neighbouring properties with a hipped roof, similar windows and a large lean-to front porch. Elevations would be a mix of brick and cedar boarding panels.
 - 1.3. Internally, the ground floor would comprise a hallway, cloakroom, W/C, lounge and kitchen/dining room and at first floor there would be two bedrooms (measuring 13.0sqm and 8.2sqm) and a bathroom. The rear garden for the proposed dwelling house would measure 54sqm and the remaining rear garden for 24 Trenchard Close would measure 75sqm. All bedrooms and rear gardens would comply with the minimum guidelines contained within Places for Living SPG.
 - 1.4. The Rowan tree to the front of the site would be retained and additional planting would be provided. The Hawthorn tree and shrubs would be removed to facilitate the development.
 - 1.5. The proposed driveway would provide 1 car space (providing 100% parking provision) and a new vehicular access would be constructed to the front of the plot, to enable vehicular access from Trenchard Close. A garden building is proposed to provide cycle storage.
 - 1.6. Site area: 0.175 hectares. Density: 57 dwellings per hectare.
 - 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a corner plot containing a two-storey end-terrace dwelling house and a side and rear garden. The side garden is open and separated from the dwelling house and the rear garden by a 1.8 metre high boundary fence. Within the rear part of the site there is an enclosed walkway that provides access to the rear gardens belonging to 20, 22 and 24 Trenchard Close. The site also contains two trees (Hawthorn and Rowan), shrubs and grass within the side garden.
- 2.2. The site is located on the corner where Trenchard Close forks into two cul-de-sacs. The section of the road that adjoins the site to the north is narrow measuring 3 metres in width and provides access to a private road serving 8 terrace houses and their garages (26-40 Trenchard Close). There is a public footpath adjacent to 32 Trenchard Close which provides access to Grove Farm Drive and is used by children to walk to nearby schools (Fairfax School and Hollyfield Primary School). I note that Birmingham City Council's Ordnance Survey attached to the end of this report indicates a playground to the rear of 34 to 40 Trenchard Close, however, it appears from my Officer's site visit that this land has been incorporated into the rear gardens of these residential properties and is no longer a public playground.
- 2.3. The surrounding area is predominantly residential in character and comprises a mix of housing styles. The development in Trenchard Close comprises two-storey terrace properties set back from the road behind open front gardens with some properties having off-street car parking and garages. The site has relatively poor access to public transport services.

2.4. [Site Location](#)

3. Planning History

- 3.1. 19 August 2014 - 2014/04414/PA - Withdrawn application for erection of a two storey dwelling house and associated parking spaces.

4. Consultation/PP Responses

- 4.1. Ward Councillors, M.P, Residents Associations and nearby occupiers were notified.

- 4.2. 16 letters of objection received from nearby occupiers, providing the following comments:

- Out of character with existing houses, which are all modestly proportioned terraces with a high degree of uniformity and have a functional utilitarian design that reflects their original purpose and the age in which they were built. In comparison, the proposed dwelling house would be the only detached house designed in an L shape and sited on a very small area of land.
- The internal layout and shape of the rooms are compromised due to the size of the house on a very small plot.
- Diminish the surrounding attractive area.
- The road was originally built for and owned by the Ministry of Defence in order to house army personnel who served at the nearby St Georges Barracks. The grass verge was designed into the development to provide an

open green area as an amenity for the benefit of residents. Its loss would negatively impact directly upon the quality of life of neighbouring residents, especially as it provides a safe play area for children and is where adults meet and converse supporting cohesion.

- The loss of this grass area would require young children to play in more exposed areas near busy roads, putting them in increased danger with traffic.
- It would be a great shame in time, when outdoor activity and exercise is at the forefront of the government agenda due to childhood obesity, for the children to lose this play area.
- The site has been maintained by members of the community for many years and not the applicant.
- Contrary to Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation, Mature Suburbs SPD and Parks and Open Space Strategy SPD.
- Increase traffic and on-street parking, which would restrict access for emergency, delivery, refuse and police vehicles.
- The proposed footway crossing would reduce availability for on-street car parking for existing residents.
- The development would create a blind spot on the corner which would obstruct visibility, impact highway and pedestrian safety and increase the risk of vehicle accidents, especially because cars already travel at high speeds along this road. Future occupiers could park vehicles, vans and a caravan on the corner which would further obstruct visibility.
- Loss of light.
- Loss of right of way.
- Security lighting to front and rear of the dwelling house would cause disturbance and light pollution to all surrounding properties.
- Construction works would block access to properties at 26-40 Trenchard Close, increase on-street parking problems, cause significant disruption to local residents, restrict dog-owners from walking along the road, cause noise disturbance for people working from home, and cause a hazard to children playing in the area and walking to school.
- Loss of trees, in particular the Rowan tree which is important for visual amenity, wildlife and provides shade for children playing in the area.
- Loss of wildlife such as bats, newts and birds.
- Construction of the sewers would prevent vehicle access to properties at 26-40 Trenchard Close, including access for emergency vehicles.
- Direction of surface water run-off would be into the foul sewer which is an illegal connection and cannot be allowed. It would potentially lead to polluting discharges to land and subsequent public health issues
- Drainage of foul and surface water would cause potential over-use and blockage of existing drainage that lies beneath the private access road and to the front of properties at 26 to 40 Trenchard Close, which the owners of these properties are responsible to remedy, at their own expense.
- Inaccurate and incorrect information, for example: the Site Plan and Land Registry Plan are different; the site has not been used as a side garden by the applicant (owners of 24 Trenchard Close); the site has already been subdivided; no information about the proposed 1.8 metre boundary fence has been given; and the site includes a right of way.
- Contrary to a restrictive covenant that only allows the land to be used as a private dwelling house for a single family occupation.
- No Tree Survey or Wildlife Survey has been submitted.
- Lack of consultation with residents.

- 4.3. Transportation Development - No objection subject to conditions requiring satisfactory vehicular and pedestrian visibility splays, appropriate construction of the new footway crossing and to ensure all boundary treatment is set back 1 metre from the adjoining footpaths.
- 4.4. Regulatory Services - No objection subject to conditions to require a noise insulation scheme, a contamination remediation scheme, a contamination land verification report and a vehicle charging point.
- 4.5. West Midlands Fire Services - No objection.
- 4.6. West Midlands Police - No objection and recommends that the proposal is developed to enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design'.
- 4.7. Severn Trent Water Limited - No objection subject to a condition requiring suitable drainage of the site. It is advised that there is a public sewer located within the application site and that the applicant would need to contact Severn Trent Water to ensure any development protects both the public sewer and the proposed building.
- 5. Policy Context
- 5.1. Birmingham UDP (2005), Draft Birmingham Development Plan, Places for Living SPG, Car Parking Standards SPD, 45 Degree Code SPD, National Planning Policy Framework (2012) and Planning Practice Guidance.
- 6. Planning Considerations
- 6.1. I consider that the main considerations are whether the proposed development is acceptable in principle and whether it would have a detrimental impact on the character and appearance of the area, on residential amenity, highway safety, trees and wildlife.
- 6.2. Policy Context
- 6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. 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 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It advises in paragraph 53 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.
- 6.4. Policies 3.8 and 3.10 of the adopted UDP seeks to protect what is good in the City's environment and states that proposals, which would have an adverse effect on the quality of the built environment, would not normally be allowed. Policy 3.14D of the adopted UDP seeks high quality design and requires the scale and design of new buildings and spaces to respect the area around them and reinforce local character. Policy 5.20 advises that the City Council will take measures to maintain and protect the existing good quality residential environments which are one of the City's greatest assets.

- 6.5. The adopted UDP recognises the role of previously developed windfall sites in meeting the City's housing requirements. However, in assessing proposals for residential development, policy 5.25C requires account to be taken of factors such as the suitability of the location, whether there are any physical constraints and whether the site is accessible to jobs, shops and services by modes other than the car.
- 6.6. Principle of Development
- 6.7. The site is located within a residential area and comprises a corner garden plot, which falls within the ownership of the adjoining house at 24 Trenchard Close (the applicant). Whilst it is recognised that children have been playing on the site for a number of years, the site is privately owned and the applicant could erect a boundary fence to prevent children from using the site at any time. I also note that all nearby dwelling houses have private rear gardens and are within close proximity to Rectory Park. The development would remove the pedestrian access to the rear gardens of 20 and 22 Trenchard Road however this is a private walkway and not a planning material consideration.
- 6.8. Severn Trent Water raises no objection to the proposals subject to suitable drainage of the site. It is advised that there is a public sewer within the site and any development would need to protect the public sewer. The site is not located in an area at high risk of flooding and Regulatory Services have raised no objection to the proposals subject to conditions including the requirement to gain prior approval of a scheme for contamination remediation and a contamination land verification report. I have recommended the conditions as advised by Severn Trent Water and Regulatory Services. I am not aware of any other physical constraints that would prevent the redevelopment of the site. The site is located within an accessible location close to local jobs, shops and services and would provide a high quality living environment. I therefore consider that the principle of development is acceptable, subject to the consideration of the following site specific issues.
- 6.9. Impact on the character and appearance of the area
- 6.10. The application site occupies a large corner plot where Trenchard Road forks into two cul-de-sacs. Trenchard Close comprises two-storey terrace houses that are consistent in terms of architectural style, scale and building form and are set on a linear building line behind open front gardens with some benefiting with off-street car parking and garages. The wider area comprises a mix of housing including semi-detached, detached and terrace houses.
- 6.11. The current application follows a withdrawn application (reference 2014/04414/PA) for a similar scheme where my Officers raised concern that the design of the dwelling house was not in keeping with the local character and the internal layout with no habitable room windows on the frontages would provide limited overlooking. It was also considered that due to the size of the dwellinghouse and close proximity to the pavement to the north and the siting of the side boundary fence to the back of the pavement would result in a significant reduction to the space on the corner, which would disrupt the symmetrical character of the existing access and reduce views into the cul-de-sac.
- 6.12. The proposed development has been amended in line with the suggestions provided by my City Design Advisor during the previous withdrawn application. The proposed dwelling house has been designed to reflect the consistent style of housing in the road incorporating a similar hipped roof, front porch and windows and habitable

rooms have been provided on both road frontages to enhance overlooking and provide visual interest.

- 6.13. The dwelling house has been reduced in size from three-bedrooms to two-bedrooms, which has resulted in a smaller building footprint and a wider gap (2.5 metres) between the side elevation of the dwelling house and the adjoining footpath to the north. In addition, the proposed side boundary fence has been splayed to follow the front building line of 26 Trenchard Close and would enable soft landscaping to be planting to help soften the development and improve the visual amenity of the area. I am satisfied that the proposed development would maintain the spacious gap at the corner and an open aspect into the cul-de-sac. It would not appear as an over-development of the site.
- 6.14. I recognise that the proposed dwelling house would be the only detached house in Trenchard Close and would include small areas of cedar boarding panels to the elevations, however, I do not consider that it would be seen as an incongruous feature in the street scene given that it would reflect the design, scale and siting of neighbouring properties in the area. I also note that there are detached dwelling houses in the surrounding area including a detached dwelling house on the corner of Trenchard Close and St Chads Road.
- 6.15. Overall, I consider that the proposed development would relate well with the existing pattern of development and would not undermine the character and appearance of the local area, in accordance with the adopted UDP, Places for Living SPG and the NPPF. I have recommended conditions requiring appropriate building materials, soft and hard landscaping and boundary treatment to ensure a high quality development that reinforces the local character.
- 6.16. Impact on Residential Amenity
- 6.17. Regulatory Services raise no objection subject to conditions requiring the prior approval of a noise insulation scheme, a contamination remediation scheme, a subsequent contaminated land verification report and a vehicle charging point. I have recommended all conditions except for the requirement to provide a vehicle charging point as I do not consider that this is necessary or reasonable as there are no policy requirements for such provision.
- 6.18. The proposed dwelling house would provide an acceptable living environment for future occupiers. I note that the internal rooms are not a typical shape, however, the proposed floor layout plans demonstrate that the rooms can accommodate the necessary furniture and appliances that would generally be required in a dwelling house and all bedrooms would comply with the minimum guidelines contained within Places for Living SPG. The proposed rear garden and the remaining rear garden for 24 Trenchard Close would comply with Places for Living guidelines.
- 6.19. The proposed development would comply with the 45 Degree Code in relation to the nearest habitable room windows at 24 Trenchard Close and therefore would not cause any overshadowing. The proposed development would not cause any overlooking of the property to the rear of the site. I have recommended a condition requiring the side facing bedroom window at first floor to be installed with obscure non-opening or top-opening glazing to prevent overlooking of the rear garden to 24 Trenchard Close as the separation distance between this window and the rear garden of 24 falls below the minimum guidance outlined in Places for Living SPG.
- 6.20. Impact on Highway Safety

- 6.21. In terms of parking provision, the proposed two-bed dwelling house would have one off-street car parking space and the existing dwelling house at 24 Trenchard Close has an existing footway crossing directly fronting their property and from my Officer's site observations it appears that the occupiers park their vehicle on the front grass area. I therefore consider that the proposed development would provide adequate parking provision for the proposed and existing property, in line with the maximum car parking standards outlined in your Car Parking Guidelines SPD.
- 6.22. Whilst it is recognised that concerns have been raised regarding the proposed development in relation to the close proximity to the corner junction and potential obstruction to visibility. Transportation Development have raised no objection to the proposals subject to conditions to secure appropriate vehicular and pedestrian visibility splays at the new footway crossing and to ensure all boundary treatment is set back at least 1 metre from the adjoining footpaths. I concur with this view and have recommended conditions accordingly.
- 6.23. Impact on Trees and Wildlife
- 6.24. Policy 3.16A states that trees are important for their visual amenity, benefits to health, historic significance and nature conservation value. It also states that suitable additional planting will be required to complement and enhance existing landscaping. My Tree Officer has noted that none of the trees on the site are worthy of a Tree Preservation Order and that a Tree Survey was not required. The Rowan tree to the frontage would be retained and my Tree Officer is satisfied that the tree can be retained providing the proposed path to the north of the tree is omitted. I concur with this view and have recommended a condition to prevent a footpath being constructed to the north of the tree.
- 6.25. In terms of impacts on wildlife, the application site relates to an open side garden that comprises grass, shrubs and two trees. It does not fall within a wildlife corridor, a wildlife action area or a local nature reserve and is not designated as being important for its conservation value both nationally or locally. The proposed development would retain the tree to the frontage and provide an adequate area of soft landscaping. I am satisfied that the proposed development would have a negligible impact on wildlife.

7. Conclusion

- 7.1. I consider that the proposed development is acceptable in principle and would respect the surrounding area and reinforce the local character. The design of the dwelling house is in keeping with the adjoining properties in the cul-de-sac and the siting of the dwelling house would retain the spacious gap at the corner and views into the cul-de-sac serving 26-40 Trenchard Close. Subject to conditions to secure appropriate visibility splays and position of the boundary treatment, I do not consider that the development would undermine highway safety. The existing tree to the frontage would be retained and I am of the view that the proposed development would have a negligible impact on wildlife. I therefore consider that the proposed development would comply with the adopted UDP, Places for Living SPG, Car Parking Guidelines SPD and the NPPF.

8. Recommendation

- 8.1. I recommend approval subject to the following conditions:

-
- 1 Requires the prior submission of level details
 - 2 Requires the prior submission of a contamination remediation scheme
 - 3 Requires the prior submission of a contaminated land verification report
 - 4 Requires the prior submission of a drainage scheme
 - 5 Requires the prior submission of sample materials
 - 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 details obscure glazing for specific areas of the approved building
 - 10 Requires the prior installation of means of access
 - 11 Requires the parking area to be laid out prior to use
 - 12 Requires vehicular visibility splays to be provided
 - 13 Requires pedestrian visibility splays to be provided
 - 14 Requires the prior submission a noise study to establish residential acoustic protection
 - 15 Removes PD rights for boundary treatments
 - 16 Removes PD rights for extensions
 - 17 No consent is granted for the construction of a footpath to the north of the retained Rowan tree.
 - 18 Requires the scheme to be in accordance with the listed approved plans
 - 19 Limits the approval to 3 years (Full)
-

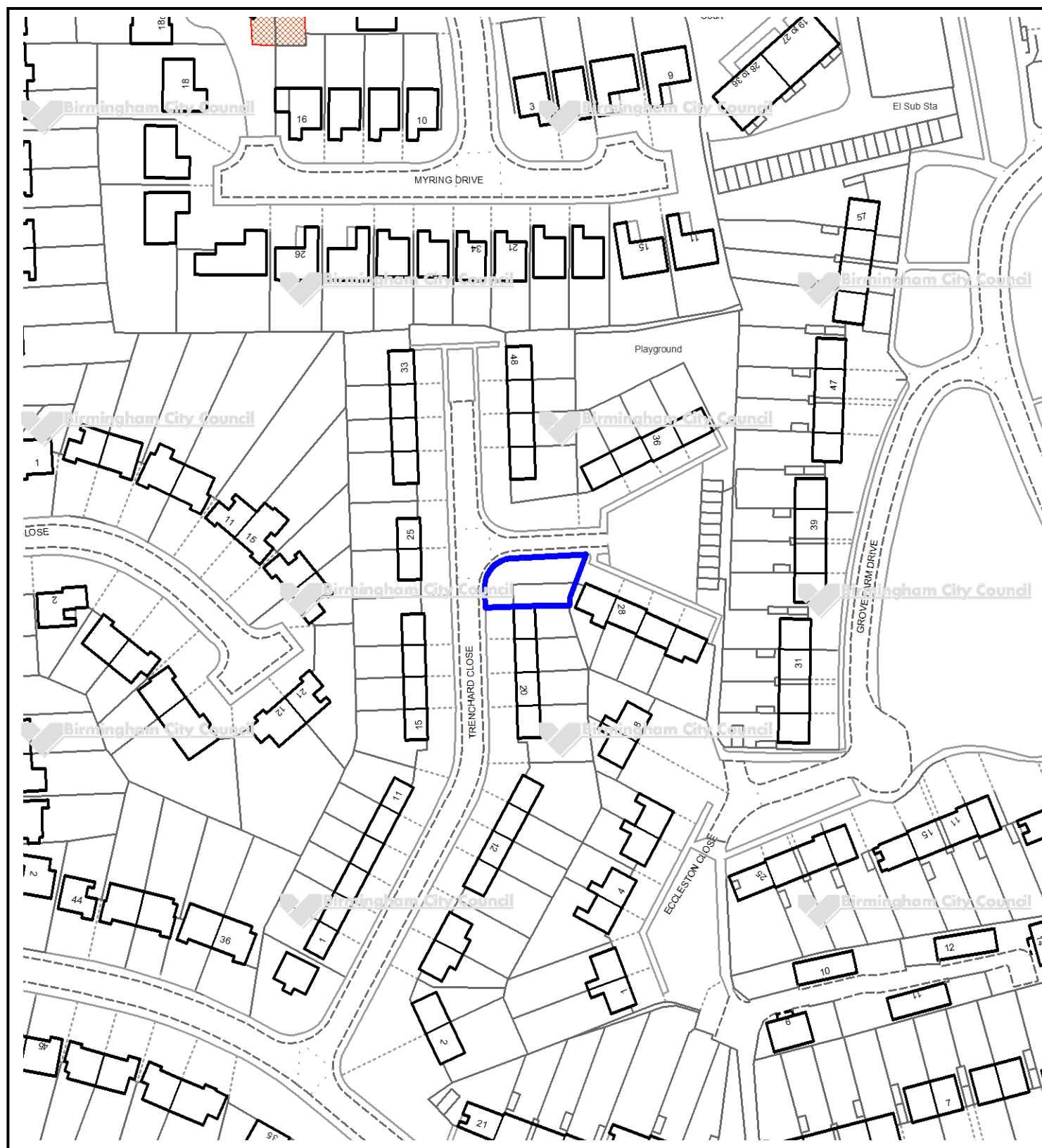
Case Officer: Helen Hawkes

Photo(s)



Application Site

Location Plan



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Committee Date:	20/08/2015	Application Number:	2015/04107/PA
Accepted:	26/05/2015	Application Type:	Full Planning
Target Date:	21/07/2015		
Ward:	Oscott		

669 - 671 Kings Road, Kingstanding, Birmingham, B44 9HU

Change of use from doctors surgery to a children's nursery with associated front and rear parking and external amenity area.

Applicant:	Mrs Tina Hart 28 Rough Road, Kingstanding, Birmingham, B44 0UY
Agent:	Peter Halfpenny 2 Mill Farm Cottages, Coleshill Road, Maxstoke, Coleshill, B46 2QA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The applicant proposes the conversion of a currently vacant doctors surgery (use class D1) to a nursery (use class D1). The proposed conversion requires planning permission as the ability to use the premises for other uses within the same use class was prohibited by a historical planning condition (see history section).
- 1.2. The proposed ground floor layout would provide toilets, pre-school room, store room, kitchen, office, W.C, and tweenies room. The first floor would provide baby rooms, staff room, laundry, store, W.C, nappy changing room, office and training/meeting room.
- 1.3. 6 car parking spaces would be provided within the site split between the forecourt and rear curtilage of the site. A screened external play area would be provided within the rear curtilage of the site.
- 1.4. A maximum of 41 children would be accommodated at any one time ranging from 0-5 years of age. The development is expected to employ between 4 to 6 full time staff and 6 to 8 part time staff.
- 1.5. The opening hours would be 0730 hours to 1830 hours Mondays to Fridays.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application property was previously occupied by a doctors surgery, which relocated from the site in October 2014 to the Oaks Medical Centre at 199 Shady Lane, in Great Barr. It is currently vacant. A shared vehicular access to rear

residential garages adjoins the property on one side with houses beyond. The wider area is residential in use.

2.2. [Location map and street view](#)

3. [Planning History](#)

- 3.1. 21.04.2015- 2015/02927/PA- Prior approval of proposed change of use to registered nursery- withdrawn.
- 3.2. 10.03.2006- 2005/07904/PA- Removal of condition 12 of N/00778/93/FUL (Restricting to 2 the number of doctors that can be available for consultations and/or treatment of patients at the premises at any one time)- approved with conditions.
- 3.3. 11.12.2000- 2000/01015/PA- Erection of ground floor extension to form nurses room- approved with conditions.
- 3.4. 24.06.1993- 1993/00778/PA- Alterations, erection of extensions/use of dwelling as a doctors surgery and formation of car park- Approved with a condition that prevents the premises for other uses within class D1 without the need for planning approval.

4. [Consultation/PP Responses](#)

- 4.1. Surrounding occupiers, local councillors and neighbourhood forum notified- 12 letters of objection received. The objections can be summarised as follows:- parking has been and will be an issue e.g. residents being blocked in, inadequate parking capacity, conflict between drivers arriving and leaving the shared access to the side, car parking is impractical and a risk to safety of pedestrians including children etc.; security risk to other properties from the security gate to the side being left open, people using the shared drive to the side as a shortcut to the properties to the rear on Privet Close if security gate is left open, noise and disturbance from the use, would have an adverse highway safety impact, there are enough children's nurseries around the area, wrong to accommodate babies on the second floor, not suitable for children's nursery as no outdoor play area and raises concerns about a discrepancy between the submitted red line plan and another plan the objector has provided.
- 4.2. An objection to the scheme has been received from Councillor Linnecor who states he objects on the grounds of numbers, parking and transportation.
- 4.3. 1 letter received from a local occupier which states they would object to the scheme unless a guarantee is given by the operator of the nursery that their ability to park would not be impeded.
- 4.4. 2 letters of support received from a local occupier who considers the proposed use would be better than the doctor's surgery.
- 4.5. Transportation Development- no objection subject to conditions and amendments relating to the need to secure visibility splays, limiting the number of children to be accommodated, cycle storage to be provided and that the car parking layout is reconfigured.

- 4.6. Regulatory Services- no objection subject to safeguarding conditions relating to controlling the cumulative noise from all plant and machinery, limiting the number of children that could be accommodated and that the hours of use are restricted to that proposed.

5. Policy Context

- 5.1. UDP (2005); Draft Birmingham Development Plan (BDP), SPD Car Parking Guidelines and the NPPF.

6. Planning Considerations

- 6.1. The proposed development has been assessed in light of the following issues:-
- 6.2. Policy- UDP policies refer specifically to the use of dwellings as day nurseries. However, some of the policy guidelines are relevant to the consideration of this application and its circumstances. The application premises is detached and policy guides that nurseries should generally be confined to detached properties. Other relevant policy considerations are the impact on highway safety and provision of off street parking, impact on residential amenity and the cumulative impact of similar uses.
- 6.3. The most relevant policy guidance generally relates to encouraging the use of detached premises for nurseries, something which the application premises is. For this reason the principle is acceptable with a more detailed impact assessment of the proposal carried out below.
- 6.4. Parking/highway safety- Transportation Development raise no objection subject to conditions to secure visibility splays, limiting the number of children, that cycle storage is provided and that the car parking layout is reconfigured. Whilst I concur with this view and the three recommended conditions, I do not consider an amended parking layout is required to show parent parking as the latest amended plan demonstrates this as was requested following Transportation Developments original comments.
- 6.5. Whilst I note the concerns about parking and highway safety raised by some of the objectors I do not consider these are justified upon assessment against policy and the application of safeguarding conditions. Adopted SPD Car Parking Guidelines specifies a maximum parking provision of 1 space per 8 children for nurseries therefore the maximum would be 5 spaces based on 41 children being accommodated at any one time. This maximum level of parking provision would be exceeded in this case and hence helping reduce demand for on street parking. This will help alleviate parking concerns raised by objectors related to parents being blocked in by other parents. The total level of car trips generated by the development is expected to be accommodated on site and on street, where there are no immediate on street parking restrictions. In summary, subject to the aforementioned conditions the proposal is not expected to have an adverse parking or highway impact when assessed against planning policy and on and off site parking capacity.
- 6.6. Noise and disturbance- Regulatory Services raise no objections subject to safeguarding conditions to control the cumulative noise from all plant and machinery, a maximum of 41 children to be accommodated at any one time and that

the hours of use are restricted to that proposed. I concur with this view. The proposed development would make use of a vacant doctor's surgery which would have operated during the day and early evening with noise generated from its operational use including the coming and going of patients. The current proposal would also be visited by members of the public though these would be concentrated at particular times of the day. Therefore, I consider the noise impact of the proposed use would be neutral in comparison to the current authorised use. The rear play area is screened and would have historically been used as gardens associated with the houses that the premises were prior to be converted to a doctor's surgery. Therefore the use of the rear play space would serve the same function (recreation) as it was laid out for originally whilst it would be near to other gardens thereby fitting in with the land use in the locality. The limitation on the number of children to be accommodated would help reduce noise impact. In summary, no adverse noise or disturbance impact identified subject to safeguarding conditions.

6.7. Cumulative impact- I note the comments provide by one of the objectors about there being other nurseries in the area. I note the list they provide identifies none on Kings Road. In addition to this, no other nurseries were identifiable in this immediate locality by the case officer. Therefore, I do not consider that the proposal would give rise to any adverse cumulative impact.

6.8. Layout- The proposal provides for a satisfactory practical internal and external layout.

6.9. Other issues- I note the comments provided by one objector relating to a discrepancy between the corner of the rear car park as shown on the submitted plan (shown as squared) and another plan provided by the objector showing it splayed. I consider this is a civil matter as the applicant has provided a red line plan that reflects the boundary as shown on the layout plan and has completed certificate B stating to have served notice on the selling agent.

7. Conclusion

7.1. The proposed development would make use of a vacant doctor's surgery set in a residential setting. The development is not expected to have an adverse impact subject to safeguarding conditions.

8. Recommendation

8.1. That the proposal is approved subject to safeguarding conditions.

-
- | | |
|---|--|
| 1 | Limits the number of children to be accommodated to 41 |
| 2 | Prevents the use from changing within the use class |
| 3 | Limits the hours of operation to between 0730 and 1830 hours Mondays to Fridays. |
| 4 | Requires the prior submission of cycle storage details |
| 5 | Requires existing visibility splays to access and egress points to be maintained |
| 6 | Requires the scheme to be in accordance with the listed approved plans |
-

7 Limits the approval to 3 years (Full)

Case Officer: Wahid Gul

Photo(s)

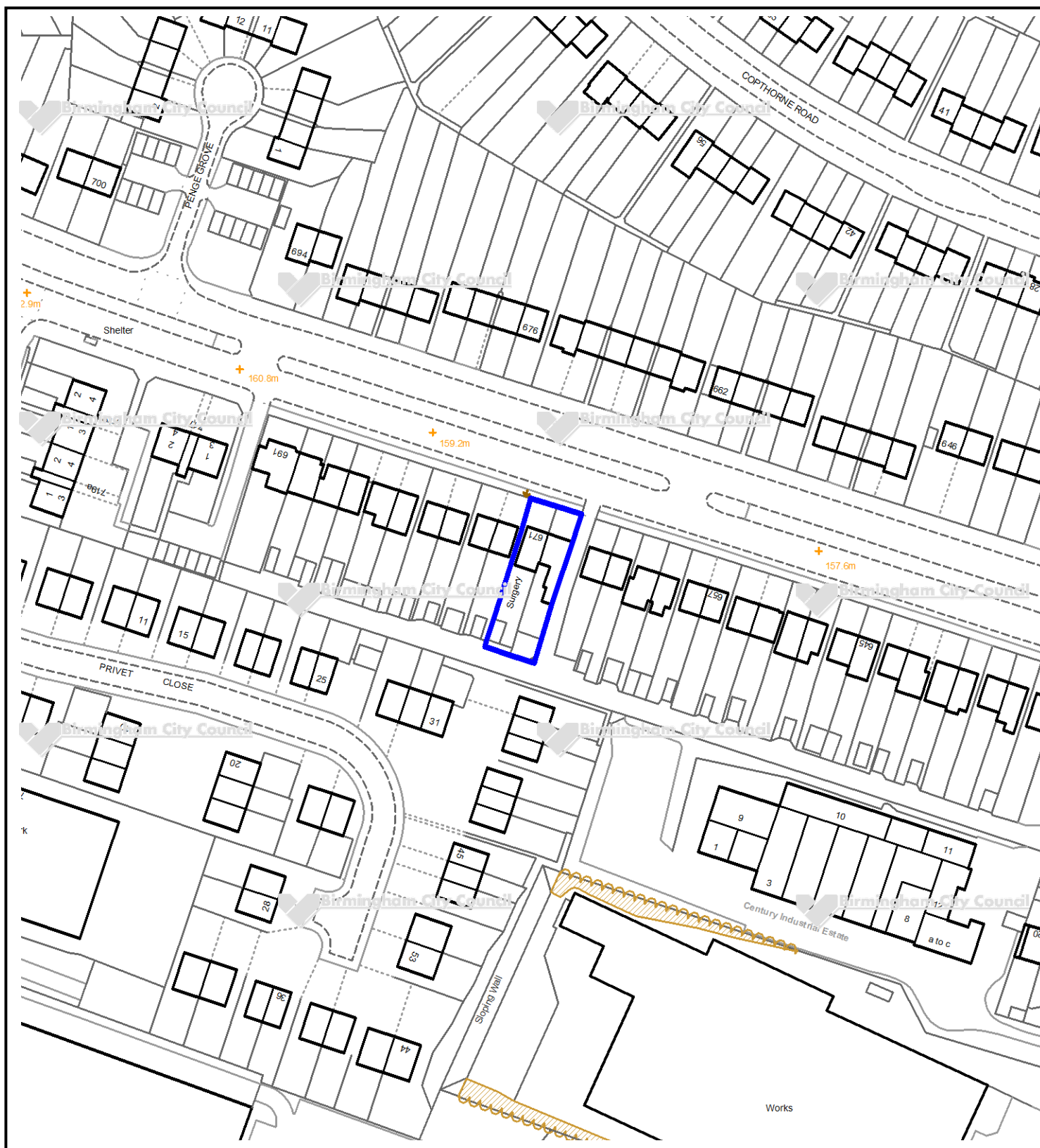


Front of application property



Vehicular access to the side of application property

Location Plan



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Committee Date:	20/08/2015	Application Number:	2015/03996/PA
Accepted:	18/05/2015	Application Type:	Permitted Development
Target Date:	10/07/2015		Changes After May 2013
Ward:	Nechells		

Waterlinks House, Richard Street, Nechells, Birmingham, B7 4AA

Prior Approval of Proposed Change of Use to State-Funded School

Applicant: Education Funding Agency
c/o Agent
Agent: DTZ
1 Colmore Square, Birmingham, B4 6AJ

Recommendation

Prior Approval Required And To Approve With Conditions

1. Background

- 1.1 The Town and Country Planning (General Permitted Development) (Amendment) Order 2013 introduced, amongst other things, new permitted development rights for state funded schools. The changes were effective from 30th May 2013 and the Order was further amended in April 2015. The Order makes provision for a permitted change of use from Class B1 (Business) to use as a state funded school within Part 3 Class T, subject to a provision that requires the developer to apply to the Local Planning Authority for a determination as to whether the prior approval of the Local Planning Authority will be required as to transport and highways impacts of the development, noise impacts of the development and contamination risks on the site.
- 1.2 A prior approval application was submitted in 2014, but was subsequently withdrawn to allow further time for additional information to be provided to address comments that had been raised in respect of transport and contamination matters (see planning history). The current prior approval application has since been submitted which seeks to address the issues raised previously.
- 1.3 In addition to the above provision, Part 4 Class C allows for the use of a building and any land within its curtilage as a state funded school for a single academic year, subject to a provision that the site must be approved for use as a state-funded school by the relevant Minister, who must notify the Local Planning Authority of the approval and of the proposed opening date of the school. On 24th March 2015, I received such written confirmation from the Education Funding Agency on behalf of the Secretary of State for the Department for Education that such approval was given on 16 March 2015, and that the proposed opening date for King Solomon International Business School is 1st September 2015.
- 1.4 As such, the determination of the current application relates to the Class T prior approval submission, but that in any event the school will be opening for one academic year under the provisions of Class C, for which no prior approval is required for this temporary one year period.

2. Proposal

- 2.1. This application seeks a determination as to whether prior approval is required in respect of a proposed change of use of Waterlinks House from office use (B1) to a state-funded school (D1).
- 2.2. The application is accompanied by a covering letter that explains that whilst Ministerial Approval for the temporary use of the site for one year is in place, the school are under considerable time pressure to ensure approval for the permanent use is in place.
- 2.3. The application is accompanied by a Planning Statement, a revised Transport Assessment, Travel Plan, Phase 1 and Phase 2 Geo-Environmental Desk Study Reports, and a Report on Contaminated Land, Flood Risk and Environmental Hazards.
- 2.4. The planning statement explains that the school will have two forms of entry within the primary school (from reception class) and three forms of entry within the secondary element (from year 7). The initial intake will be 60 reception pupils and 90 year 7 students (150 pupils), with the same intake each subsequent year until all year groups are present. When the school is fully operational in 2022/23 it would have capacity for up to 1050 pupils aged 4 to 19 (comprising 420 of primary school age and 630 of secondary school age). It is estimated that 105 staff will be employed at the school.
- 2.5. The planning statement explains that the existing office building will be internally refurbished to provide modern teaching facilities. Few external works will be required but physical works will also be undertaken to better define hard play areas. The statement sets out that no trees will be removed as part of these proposals.
- 2.6. The transport assessment explains that the school will provide a breakfast club that will operate from 07:30 to the start of the school day. An optional “power hour” would start at 08:15 with the secondary school day starting at 08:45, staggered from the Primary School which proposes to start at 09:00 hours. Primary School would end at 15:30 hours, with after school clubs and an extended childcare service available. Secondary and sixth form school would end at 16:30 hours, again with after school clubs which would end for secondary and sixth pupils at 17:30 hours. The extended childcare service would end at 18:00 hours.
- 2.7. The application details has been revised in response to comments raised during the assessment of the application to make provision within the site for parents to park to drop-off and collect their children, which is particularly pertinent to those of primary school age where there is a greater likelihood for demand for parking for this purpose. A plan has been submitted identifying that an access would be created from Lord Street into an area of parking providing approximately 90 spaces with exit via the existing access onto Lord Street. The proposed pedestrian entrance would be from Lord Street with a 3 metre wide walkway being proposed through the proposed drop-off and pick-up areas.
- 2.8. Parking for staff would be provided in a separate part of the site in the basement of the building and adjacent to the building and would comprise approximately 102 spaces. Servicing access is proposed at the rear of the building. An area for outdoor playspace is proposed to be adjacent to the building at the corner of Dartmouth Middleway and Richard Street.

2.9. [Link to Documents](#)

3. [Site & Surroundings](#)

- 3.1. The site is situated in an edge of centre location alongside Dartmouth Middleway on the east side of the City Centre. The site comprises 0.85 hectares of land comprising a seven storey office building and associated car parking. The site comprises all of the land enclosed by Dartmouth Middleway to the west, Richard Street to the north, Adams Street to the east and Lord Street to the south, with the exception of a garage and tyre fitters at the corner of Adams Street and Lord Street. There are approximately 223 car parking spaces on site.
- 3.2. The surrounding area is predominantly industrial in nature, with industrial premises to the south and east. There is a Premier Inn hotel to the north. Aston University campus is located on the opposite side of Dartmouth Middleway to the west.
- 3.3. Given the location of the site on the edge of the city centre, the site is accessible from Snow Hill station, Birmingham Moor Street and Duddeston station and various local bus services.
- 3.4. The south part of the site is subject to Tree Preservation Order 1359.
- 3.5. [site location and street view](#)

4. [Planning History](#)

- 4.1. There are a number of applications that relate to the conversion, refurbishment and improvement of the building for its last use as offices. In respect of the proposed school the following are relevant :
- 4.2. 01/12/2014 – 2014/07823/PA – Prior Approval of premises from Business (Class B1) to a state funded school (Class D1) – withdrawn.

5. [Consultation/PP Responses](#)

- 5.1. Site Notice erected. No representations received.
- 5.2. Transportation Development – Comments awaited on revised transport assessment.
- 5.3. Regulatory Services – No objections.

6. [Policy Context](#)

- 6.1. Adopted UDP 2005, Draft BDP, Car Parking guidelines SPD, NPPF.

7. [Planning Considerations](#)

- 7.1. In accordance with the temporary permitted development allowance, the school proposes to open in September 2015 for its first year of intake having exercised the approval from the Secretary of State for Education.
- 7.2. This application effectively seeks consent for the continued use of the site thereafter once this 12 month permitted development allowance expires. This application is not an application for planning permission. The development is permitted, subject to the requirement to submit this application to establish whether prior approval is required in respect of the following matters :
- transport and highways impacts of the development,
 - noise impacts of the development
 - and contamination risks on the site.
- 7.3. These are the only issues that can be considered in the determination of this application. If after the expiry of 56 days, following the date on which the prior approval application was received, the local planning authority has not notified the applicant as to whether prior approval is given or refused, then the development can proceed. An extension of time has been agreed allowing until 20th August 2015 to determine the application.
- 7.4. There are no particular issues arising from the details provided in respect of noise or contamination and I note that Regulatory Services have raised no objections. The determining issue in this case is therefore the impact of the proposal on traffic and parking.
- 7.5. Policy
- 7.6. Paragraph 6.38 of the adopted UDP sets out that Birmingham's Strategic Highway Network (SHN) is shown in Figure 6.2 in the plan and on the proposals map (which includes Dartmouth Middleway). The paragraph explains that the roads which make up the SHN are those limited number of major routes where the wider public interest requires high capacity, a relatively free flow of traffic and limited frontage access. These are the roads that are critical in maintaining good accessibility within the City, be it directly to the City Centre or key areas within the City. The City Council will protect capacity and target investment to increase accessibility along selected elements of the SHN, whilst ensuring a primacy for environmental improvement and road safety.
- 7.7. Paragraph 6.39 relates to those roads which are not part of the SHN, stating that the presumption is that local considerations should predominate in any decision regarding those roads. Matters such as environmental impact, safety, access control, pedestrian and cyclist needs and the function of the road will be key factors in planning future development, determining planning applications, highway design and identifying routes for special types of vehicles such as HGV's and buses.
- 7.8. Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and 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 limit the significant impacts of the development. Development should only be prevented or refused on

transport grounds where the residual cumulative impacts of the development are severe.

- 7.9. In respect of schools, paragraph 4.55 of the adopted UDP sets out that a skilled and motivated workforce is a pre-requisite to a successful economy and the City's education and training institutions are the key to help achieve this.
- 7.10. Policy TP35 in the draft BDP sets out that as the City's population grows there will also be a need for additional Primary, Secondary and Special Needs school and college provision. Proposals for the upgrading and expansion of existing schools and development of new schools in locations where additional provision is required will be supported subject to the criteria below. The City Council may use its Compulsory Purchase powers to facilitate the development of new schools where this is necessary. Proposals for new schools should; have safe access by cycle and walking as well as by car, have safe drop-off and pick-up provision, provide outdoor facilities for sport and recreation, and avoid conflict with adjoining uses.
- 7.11. Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should; give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 7.12. There is therefore weight to be given in accordance with the Council's policies and the NPPF to support proposals for new schools. In addition, both the Council's policies and the NPPF also set out the need to consider the transportation implications of such proposals.
- 7.13. Traffic, parking and safe movement of pupils
- 7.14. The applicant's revised transport assessment explains that the site currently contains 9569 square metres of office space and approximately 223 car parking spaces (equating to 1 space per 43 square metres of floorspace). They explain that in terms of existing highway conditions, at peak periods Dartmouth Middleway is heavily trafficked and queuing traffic is noted on all arms of the Dartmouth Middleway/Great Lister Street/Lister Street traffic signal junction. The junction has pedestrian call facilities only on the southern arm of the junction (the junction arm furthest away from the proposed school).
- 7.15. The transport assessment compares the traffic generated by the existing office use with the proposed school, concluding that the proposed school would increase trips in the am peak, and the early pm peak (15:00-16:00 hours), but that the traffic in the later pm peak (16:00-18:00 hours) would be less than the office use.
- 7.16. The assessment describes the catchment area for the school to be City-wide. Postcode data for the first year's intake, shows that approximately 60% of pupils will be attending from nearby wards of Nechells (14.6%), Aston (9.9%), Soho (9.9%), Stockland Green (7.9%), Handsworth (6%) and Lozells and East Handsworth (6%), all of which are within 3.5km of the application site. It is understood that the school will be a Christian faith based school.
- 7.17. The assumed distribution of traffic coming to the site is set out to be 46% from the north, 38% from the south, 12% from the east and 4% from the west. The report

acknowledges that there are some existing traffic congestion issues at the Dartmouth Middleway/Great Lister Street junction, such that a proportion of traffic from the south is expected to find an alternative route from the east. With regard to forecasting future traffic growth, this has been assessed at 2021 at which time the school would be almost fully occupied. The report therefore assesses the impact on existing junctions, based on the distribution of traffic from the first years intake, and also considers traffic count data to estimate the distribution of traffic to reflect that the catchment has the potential to differ year on year.

- 7.18. The report analyses several junctions, concluding that there would be issues of queuing, but that this would also be the case for the existing office use, in both the current situation and as predicted in 2021. The most significant impact in 2021 would be on the Dartmouth Middleway/Great Lister Street junction in the am peak and the early pm peak, when development traffic is added (in comparison to the permitted office use) where additional queues are predicted on Great Lister Street.
- 7.19. In considering the impact on this junction, the report also builds into the analysis the provision of an on-demand pedestrian crossing on Dartmouth Middleway, north of its junction with Great Lister Street. This would see a further increase in queuing at the junction on Great Lister Street as a result of adding the pedestrian crossing. The report advises that this is unlikely to have an impact on the operation of Dartmouth Circus. The applicant makes the case that overall the school will be open 39 weeks per year, compared to 52 weeks per year for the existing office development, and that for 13 weeks of the year the school will have no impact on the network and a much reduced impact compared to the extant office use.
- 7.20. In respect of parking needs, the applicant has submitted a parking layout plan for the site to demonstrate that sufficient parking would be provided for staff and for parental pick up and drop off. I consider that this would be particularly important for the children of primary school age, as I would expect a significant proportion of these pupils would arrive and depart the site by car.
- 7.21. For the older pupils, I consider that it is more likely for these pupils to travel to and from school unaccompanied. The applicant has advised that as this is a new school, the provision of a school bus service is not considered to be a feasible option at this stage, due to the catchment area for pupils in subsequent years not being known at this stage, and the number of pupils being relatively low in the early years. However the school advise that they are committed to keeping this under constant review as pupil numbers increase in the future.
- 7.22. In terms of public transport accessibility, the transport assessment explains that there are bus stops 200 metres from the site on Great Lister Street for the number 66 service to Kingstanding. Bus stops at Corporation Street are approximately 630 metres to the west of the site on A38 Aston Expressway which includes services to Perry Common, Castle Vale, Newhall, Tamworth, and Sutton Coldfield and other services from the City Centre. For most bus stops to the west of the site in the City Centre, pupils would need to cross Dartmouth Middleway, where currently the nearest crossing is situated to the south of the Great Lister Street junction. It is therefore likely that older pupils would rely on these bus services to get to and from the school.
- 7.23. A significant proportion of older pupils would most likely be arriving on foot unaccompanied and would need to cross Dartmouth Middleway. The existing position of the pedestrian crossing on the south side of the junction with Great Lister Street is not conducive to use by pupils as it takes pupils away from the school. The

north side of the junction doesn't have a pedestrian facility. I therefore consider that there is a need for the provision of a new pedestrian crossing between the northern side of this junction and the school to aid the safe movement of pedestrians across Dartmouth Middleway. In addition, further safety measures such as barrier guard railings should be required along this stretch of Dartmouth Middleway (on both sides) to prevent pedestrians seeking to cross Dartmouth Middleway further along in unsuitable locations.

- 7.24. The applicant has submitted a preliminary layout for the proposed crossing on Dartmouth Middleway approximately 30 metres north of the junction with Lord Street for which comments are awaited from Transportation. Subject to agreeing the design details, I consider that the proposed crossing would appropriately address the issue of providing safe connectivity to and from the site from the City Centre and the surrounding area. I have therefore recommended a s278 works condition to agree these details.

8. Conclusion

- 8.1. The proposal will provide an additional school that is supported in general terms by the Council's planning policies in the UDP, draft BDP and the NPPF. The location of the site in proximity to the Strategic Highway Network in the vicinity of Dartmouth Middleway results in some traffic and highway safety issues, notably some additional queuing on Great Lister Street in the am peak and the early pm peak. This is also affected by the provision of the pedestrian crossing that is required to safely provide access for pupils to the local public transport network. However, the impacts of the development are in my view outweighed by the positive benefits and so I have therefore recommended approval.

9. Recommendation

- 9.1. Prior approval is required and is approved subject to conditions.

1	Requires the prior submission and completion of works for the S278/TRO Agreement
2	Requires the provision and retention of vehicle parking
3	Requires the prior submission of cycle storage details
4	Requires the applicants to join Travelwise
5	Requires the prior submission of a school travel plan
6	Requires the scheme to be in accordance with the listed approved plans

Case Officer: Stuart Morgans

Photo(s)



Figure 1 : view of car park and existing building

Location Plan



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Birmingham City Council

Planning Committee

20 August 2015

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	13	2015/03824/PA 202 - 204 Robin Hood Lane Hall Green Birmingham B28 0LG Change of use of first floor from A1 (Retail) to D1 (After School Club)
Approve – Conditions	14	2015/05224/PA 805 Pershore Road Selly Oak Birmingham B29 7LR Continued use of property as house in multiple occupation (Sui Generis) and conversion of garage into further bedroom.
Defer – Informal Approval	15	2015/02438/PA Punch Bowl PH 153 Wolverhampton Road South Quinton Birmingham B32 2AX Proposed demolition of existing disused public house and erection of retail (Use Class A1) use at ground floor and 17 residential dwellings (Use Class C3) at first and second floors with vehicular access from Wolverhampton Road South and Quinton Lane

Committee Date:	20/08/2015	Application Number:	2015/03824/PA
Accepted:	04/08/2015	Application Type:	Full Planning
Target Date:	29/09/2015		
Ward:	Hall Green		

202 - 204 Robin Hood Lane, Hall Green, Birmingham, B28 0LG

Change of use of first floor from A1 (Retail) to D1 (After School Club)

Applicant:	Rowington Fairway Ltd Ashford Manor Farm, Ashford Lane, Solihull, B94 6RH
Agent:	ASB Property Consultants Ltd Exchange House, 494 Midsummer Boulevard, Central Milton Keynes, MK9 2EA,

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for the change of use of the first floor above Nos. 202-204 Robin Hood Lane from vacant, above-shop use (Class A1) to an after school club (Class D1).
- 1.2. The after school club (Hubb Education and before this Hubb Al-Quar'an) has already been operating at Job Marston Centre in Hall Green in 2011, moving to Chinnbrook Children's Centre in 2013. The Applicant has explained that they have now outgrown these premises and are looking to re-locate to the application premises. The aim is to run workshops, courses and clubs based on creativity, multi-sensory and learning through play - including art, drama, creative writing and teaching of the Qur'an. The Applicant has confirmed that at present they have 8 staff and 102 children on their register which attend over the weekend and weekday sessions.
- 1.3. The proposed after school club would be for children between the ages of 4-11 years old. It is proposed to run after school, during school holidays and at weekends. Each class would have a maximum of 32 children, and would follow a ratio of 1:8 staff to children. There would be a maximum of two classes running at any one time, equating to a maximum number of 64 children on the premises at any one time. The Applicant has explained that session times would be spread out to reduce drop off/pick up traffic and that a gap of 15 minutes would allow for children leaving. Although the application form refers to specific two hour teaching slots on a daily basis, I understand that in practice timing arrangements would be more fluid depending on the type of class being run and who is running it. As the Applicant is not currently OFSTED registered they can teach for no longer than two hours a day at the moment.
- 1.4. The premises has two large rooms, which would be used for teaching: – a Classroom (literacy and maths) and an Art Room. The remaining seven smaller rooms would be used for kitchen, staff, office and storage purposes.

1.5. A lift is proposed to be installed to link the ground floor hallway to the first floor.

1.6. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises of vacant first floor premises above Nos. 202 and 204 Robin Hood Lane, which are currently vacant retail units. The application premises has its own separate entrance on the frontage at ground floor, located between Nos. 202 and 204, which leads into a hallway and then a staircase up to the first floor. The application premises is also linked internally at first floor via door access to the adjoining first floors located above Nos. 196-200. There is a shared service yard located to the rear of the premises.

2.2. The application site is located on a small shopping parade, which comprises of nine commercial units – inclusive of a day nursery at either end of the parade and a tuition centre at No. 194. There is an accountant's office located immediately adjacent to the application site at No. 206, and a Tesco Express store located immediately adjacent to the application site at Nos. 196-200. On the opposite side of Robin Hood Lane are located residential properties. The site is located close to the roundabout junction of Robin Hood Lane and Highfield Road. Another local parade lies on Highfield Road, to the north-east of the application parade.

2.3. There is an unmarked forecourt located at the front of the application premises which could accommodate four parked cars. Access to this forecourt is via a footway crossing off Robin Hood Lane, located on the boundary between the Tesco Express store and the application site. Robin Hood Lane is a two lane carriageway in this location, with restricted parking opportunities along its outer lane. There is a bus shelter serving the parade located in close proximity.

[Site Location Map](#)

3. Planning History

No. 204 Robin Hood Lane

3.1. 3rd March 2006 - 2005/07862/PA - Change of use of property from A1 retail to day nursery and after school club – Approved-conditions

Application site

3.2. Enforcement Ref. 2015/0477/ENF - Use of premises as a children's nursery – The current planning application has been submitted

4. Consultation/PP Responses

4.1. Transportation Development – Concerns over lack of off-street parking. It is considered, through the intensification of uses within the property, the likelihood for illegal/inconsiderate parking will be increased. However, while it would be difficult to support a permanent consent, a temporary consent would give an opportunity to assess the effectiveness of the actions towards alternative modes of travel through

carrying out surveys of the site in operation and gain a better understanding of how this use may work alongside any ground floor retail uses.

4.2. Regulatory Services – No response received

4.3. West Midlands Fire Service – No response received

4.4. Local residents, Ward Councillors and Residents Associations notified – Six letters of objection and two letters of general comment received from local residents raising the following concerns:

- Lack of off-street parking and already dangerously congested – situation would be made worse by proposal with increased illegal parking
- Highfield Hall located close by struggles with lack of use – proposal would draw away much needed support for Hall
- No garden for children to play in
- Previous S106 restricted childcare facilities to one ground floor unit on parade
- Surrounding schools/nurseries already offer sufficient facilities for after school clubs
- Other childcare businesses on parade would suffer
- Use has already commenced without planning permission
- Site is dangerous for children and BCC Safeguarding children should be made aware

One letter of support received from a local resident explaining that the premises has been empty and that the use would bring revenue and a resource to this area.

Councillor Jenkins - Has no real concerns about the proposed change of use other than the congestion that is already experienced at this site. Any improvement to the aesthetics of these empty units would be positive for the neighbourhood scene. Given that the use would be for a limited time of just two hours per day, it would not have a great impact on the traffic volume and, if change of use is granted, would hope that the Applicant's will take the opportunity of ensuring that all users are asked to park responsibly.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham UDP
- Draft Birmingham Development Plan
- Places for All SPG
- Car Parking Guidelines SPD

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

Principle

6.1. The National Planning Policy Framework (NPPF) confirms that there is a presumption in favour of sustainable development (Para. 14).

- 6.2. The existing lawful use of the first floor of the application premises is as ancillary retail space/storage in connection with the ground floor retail units. I consider the loss of first floor retail space would not adversely affect the vitality or viability of this local shopping parade, given the two ground floor retail units would remain.
- 6.3. Although there are no specific planning policies in the Birmingham UDP relating to after school clubs I consider the criteria set out under Paragraph 8.16 used for assessing the acceptability of day nurseries is most closely related. This states that “favourable consideration may be given to proposals for day nurseries within mixed use frontages and commercial areas. This will be subject to the availability of convenient on-street and where required off-street parking with satisfactory access; a satisfactory environment must also exist for the location of a day nursery.”
- 6.4. The application premises is located within a commercial parade and Planning Permission was previously granted under 2005/07862/PA for a 20 child day nursery to be accommodated on the ground floor of No. 204. Therefore, the principle of an after school club at this site is acceptable, subject to the assessment of detailed matters such as car parking provision and traffic, and the impact on the amenity of adjoining occupiers in terms of potential noise and disturbance.
- 6.5. The Applicant has been clear that the proposed after school club would neither operate as a madrassah nor a place of worship and I consider a condition could be attached to any consent to ensure that only the proposed use operates from the premises (and not any other use included within Use Class D1).

Parking and Highway Safety

- 6.6. The application form states that five off-street parking spaces would be provided on the site's forecourt. However, in reality the forecourt could only accommodate four parked cars. On-street parking is not permitted fronting the site, with zig-zags associated with a pedestrian crossing fronting No. 208 in place. Beyond this to the south west there are further parking restrictions due to a bus layby. The No. 75 bus is noted to run along Robin Hood Lane every 20 minutes during the day. More frequent buses are available within reasonable walking distance, along Stratford Road.
- 6.7. The Applicant has submitted a supporting statement focusing on transportation issues. This explains that 46% of the children on the current register reside within one mile radius of the site and that many of these children would therefore be expected to arrive by means of a scooter/bike or walk. In addition, it notes that the number of private car journeys would be further reduced through car sharing and the fact that there are siblings in attendance i.e. there are only 88 families to the 102 children on the club register. The Applicant has expressed it is their intention to take actions to encourage these alternative modes of travel and propose to: 1) promote children to walk, bike or scooter to the club (providing a place that they can leave bikes and scooters); 2) promote car sharing as many of the parents know each other, 3) provide a gap of 15 minutes at the end of the class to allow for the management of children leaving; and 4) ensure that members of staff will be at the entrance as children leave the premises and at the road to ensure that parents do not park on the zigzag road markings.
- 6.8. I note the concerns of local residents in respect of existing traffic and parking problems in the vicinity of the site and the potential for these to be made worse as a result of the proposed development. Whilst appreciating that these concerns are

legitimate I am not convinced that that these are specific to this local shopping parade only and are more symptomatic of shopping parades in the City in general.

- 6.9. Transportation Development have raised concerns over the potential additional use from retail operations which are likely to resume at some point in the future within the two ground floor units, as well as the fact that more than 64 children could be accommodated if other accessible first floor rooms beyond the application site (i.e. above Nos. 196-200) are used. They advise that the four forecourt parking spaces could not realistically be considered for the proposed use because if a retail use re-opens at ground floor this area would most likely be occupied by vehicles associated with that retail use, with no guarantee of availability for the after school club. Transportation Development note that parking on-street at this location is very restricted and demand for available parking is high and that through the intensification of uses within the property, the likelihood for illegal/inconsiderate parking would be increased. They explain whilst it would be difficult to support the permanent change of use at this stage, a temporary consent would provide an opportunity to assess traffic and parking impacts of the proposal. I, however, am mindful that a reasonable proportion of the children using the premises may be local, with some of the older children being able to walk or cycle to the premises, and some younger children being accompanied by an adult on foot from their home. The area is also well-served by buses and is some 500m from Yardley Wood train station, and the site is an expected use within a local centre. As such, I consider a permanent consent would be reasonable.
- 6.10. I have carefully considered whether or not a condition to restrict the number of children on the premises at any one time would be effective. However, this type of condition is often difficult and time-consuming to monitor and enforce against if breached. The size of the application premises should be the primary way of restricting numbers of children were the club to expand and grow in the future. However, given the Applicant would have easy access into the first floor above No. 196-200 via the existing sliding door and therefore could potentially use this adjoining space outside of the application site to double or triple the numbers of children accommodated I consider it would be reasonable to attach a condition requiring a section of new internal wall to be constructed to replace the existing sliding door access in order to prevent what would otherwise be a refusable scheme because of likely over-intensive use and resulting detrimental impact on highway safety and parking. Considering a possible hours of use condition, the Applicant does not wish to infringe any restriction due to an occasional use outside normal hours. Given the local parade and main road location, and separation from nearest residents, I do not consider an hours restriction necessary.

Effect on Amenity of Adjoining Occupiers

- 6.11. There is no residential accommodation immediately adjoining the application premises at first floor. The nearest house is No. 208 Highfield Road located to the rear of the site. No. 208 is separated from the application premises via a shared service yard with Tesco Express and others, and which the Applicant would only ever use in the event of a fire (exiting through the emergency fire escape door and staircase located on the rear elevation of No. 202 at first floor). Therefore given the proposed use would operate on a commercial parade I do not consider there would be any material harm caused from noise or disturbance to residential occupiers in the vicinity.

Other Matters

- 6.12. I note the concerns of local residents in respect of the use already having commenced without planning permission. Whilst it is regrettable that the Applicant has been using the premises on an ad-hoc basis, I am satisfied that the premises has not been in regular use as an after school club.
- 6.13. I also note the concerns of local residents in respect of other schools, nurseries or Highfield Hall being able to accommodate the proposed after school club. However, no detailed evidence has been submitted to substantiate this, and as such an application could not be refused on this basis.
- 6.14. An existing nursery school on the parade has raised objections that their business might suffer if the proposed development was granted consent. However, it is not the remit of the planning system to restrict choice and competition. They also raise concerns they were not allowed to open at No. 202-204 unless they signed a legal agreement which prevented them from also operating other childcare facilities on the parade. However, this previous situation is not comparable to the current planning application because no ground floor units are proposed to be lost under the current application.
- 6.15. Local residents have raised concerns about the premises being unsuitable in terms of child safety. However, this is not a planning matter and I confirm that Safeguarding Children are fully aware of the proposal.
- 6.16. No outdoor play space would be provided under this application. However, whether the proposed use needs such space is a matter for OFSTED and the application could not therefore be refused on this basis.

7. Conclusion

- 7.1. I consider the proposal would make good use of vacant first floor space within a local shopping parade, for children's social and educational development, without undue effect on local highway or amenity conditions. As such, I consider the proposal would constitute sustainable development.

8. Recommendation

- 8.1. Approve, subject to conditions

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Prevents the use from changing within the use class |
| 3 | Requires the construction of new internal wall between the "Classroom" shown on Drawing No. ASB257-04 and the adjoining first floor above No. 196-200 Robin Hood Lane |
| 4 | Limits the approval to 3 years (Full) |
-

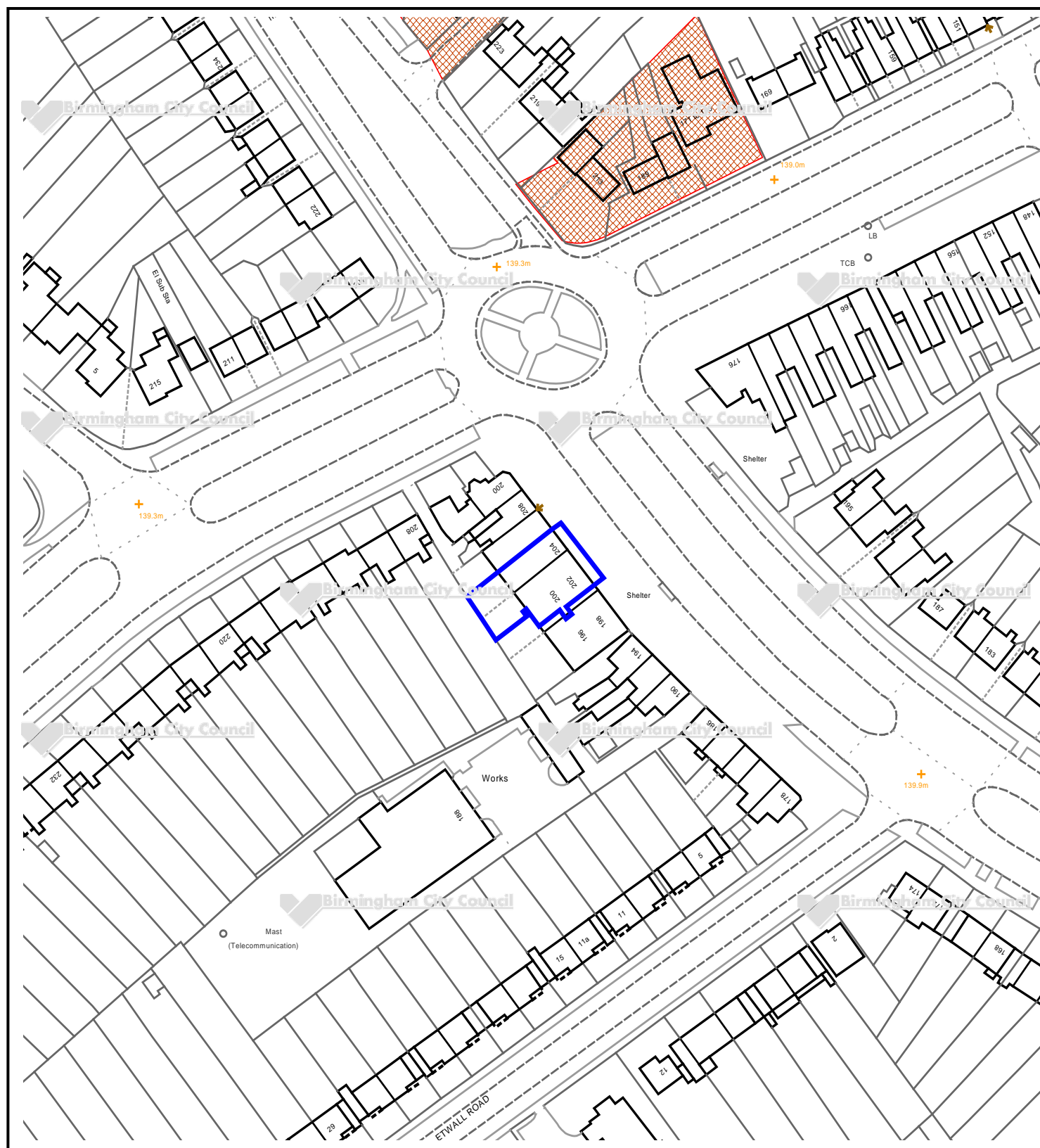
Case Officer: Andrew Conroy

Photo(s)



Figure 1 – Application premises above two vacant retail units (centre of picture)

Location Plan



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Committee Date:	20/08/2015	Application Number:	2015/05224/PA
Accepted:	02/07/2015	Application Type:	Full Planning
Target Date:	27/08/2015		
Ward:	Selly Oak		

805 Pershore Road, Selly Oak, Birmingham, B29 7LR

Continued use of property as house in multiple occupation (Sui Generis) and conversion of garage into further bedroom.

Applicant: Birmingham Student Housing Cooperative
805 Pershore Road, Selly Park, Birmingham, B29
Agent: Russell Hobbis Architects
114 Church Road, Moseley, Birmingham, B13 9AA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks consent for the continued use of 805 Pershore Road as a house in multiple occupation for university students. The application also seeks consent to change the existing garage into a further bedroom with associated external alterations.
- 1.2. The ground floor would consist of four bedrooms, shared lounge, shared kitchen and dining room, utility room and bathroom. The first floor would consist of a further five bedrooms (two with en-suite facilities) and a bathroom.
- 1.3. To the front of the property is a driveway with parking for four cars, accessed off Pershore Road, and to the rear a large garden.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the property of 805 Pershore Road, Selly Park. This is a detached two storey property, with coach house to side set within a large spacious plot. To the front, the property is bounded by a brick wall and railings to a height of 2m with hard surfaced driveway. The property is within a row of large properties all of differing architectural styles and fronting onto Pershore Road.
- 2.2. Opposite the site, there is a row of terraced residential properties, interspersed with a small number of retail premises, including a fish and chip shop at no.2 Wallace Road and Pharmacy at 808-810 Pershore Road.
- 2.3. The surrounding area is predominantly residential in character, with distinctive characteristics either side of Pershore Road. To the east, rows of terraced properties with a high density of development, to the west large scale properties set

in spacious plots. The site and area to the west is within the Selly Park Conservation Area.

[Site location map](#)

3. Planning History

- 3.1. There is no relevant planning history associated with this site.

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 resident's associations, Selly Oak Ward Councillors and the MP for Selly Oak. A site notice has also been posted.
- 4.5. Selly Park Property Owners' Association – Object to the application, they do not think any more properties in the area should be used for Multiple Occupation, particularly given the intensity of such provision in the vicinity. Moreover, they note the property is within the area of the Article 4 Direction on HMOs. They believe the conversion of the garage would be detrimental to the appearance of the coach house
- 4.6. The Community Partnership for Selly Oak – Object to this application on the grounds that there are already too many properties in multiple occupancy in this area, also noting the area is under the Selly Oak Article 4 direction which seeks to limit HMO densities to 10%. They object to the conversion of the garage into an additional bedroom on the grounds that it will simply exacerbate the overcrowding issues in the property and population density issues in the area.
- 4.7. A further four letters of objection have been received from local occupiers, objecting to the application for the following reasons;
- Too many Victorian buildings designed to be a family home are being converted.
 - The conversion of the coach house into a room would materially impact the Selly Park Conservation Area.
 - This is a retrospective application and as such should be refused.
 - The proposal conflicts with the existing Conservation Area in that it has already resulted in an unacceptable occupation density.
 - The high density of student houses in this area contributes to problems with anti-social behaviour, the dumping of rubbish and parking.
 - This would erode the accommodation available to families in the area.

5. Policy Context

- 5.1. The following national policy is relevant

- The National Planning Policy Framework (2012)

5.2. The following local policy is relevant.

- The Birmingham Unitary Development Plan (2005)
- Draft Birmingham Development Plan
- Places for Living SPG (2001)
- Specific Needs Residential Uses SPG
- Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards (2014)
- Car Parking Guidelines SPD (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 and the recently-adopted policy on HMOs within the Article 4 area.

6.2. **Principle**

Applications for change of use to Sui Generis Houses in Multiple Occupation need to be assessed against criteria in Paragraphs 8.23-8.25 of the 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. Where a proposal relates to a site in an area which already contains premises in a similar use account should be taken of the cumulative effect of such uses upon the residential character. If a site is within an area of restraint permission may be refused on the grounds that further development of such uses would adversely affect the character of the area.

6.4. The property lies within the area covered by the Article 4 Direction, within which Policy HMO1 states the conversion of C3 family housing to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use). The city council will resist those schemes that breach this on the basis that it would lead to an overconcentration of such uses.

6.5. In this instance, it is noted that the property is detached and fronting onto a busy road where ambient noise levels are high. The site is also located within a predominantly residential area consisting predominantly of family dwellings and has a typically residential character.

6.6. Applying the policy's monitoring criteria, i.e. the most robust data available to the Local Planning Authority: Council Tax records, Planning Consents and HMO Licensing information, it is revealed that within 100m of 805 Pershore Road there are 110 residential properties. Of these properties and including the application site 9 are identified as being HMO's, (both C4 and Sui Generis) equating to 8.1%. As

such, the policy threshold is not exceeded and it is considered that there would not be an over-concentration of HMO's in this particular area. Furthermore, the property does not lie in an Area of Restraint, and it is considered that the principle of the proposal is acceptable.

6.7. **Visual Amenity**

The only external alteration proposed is that of the garage door being changed into a new window for the proposed new bedroom. The window proposed is considered to be of an acceptable size and scale and sits comfortably on the front elevation of the building. The Council's Conservation Officer notes that the existing garage door is not an original feature and that the coach house has been altered previously from its original form, as such considers that the proposed alteration would not have any detrimental impact on the character of the Selly Park Conservation Area. Given this, I consider there would not be any adverse impact to the visual amenities of the surrounding area or occupiers.

6.8. **Residential Amenity**

The nine bedrooms measure between 9.4sq.m and 17sq.m. Specific Residential Needs SPG recommends for the size of a student bedroom to be 6.5sq.m. All rooms exceed this guideline.

6.9. A large rear garden is provided (maximum dimensions of 30m long by 18m wide). Due to the detached nature of the property, it is not considered that there would be any disturbance to neighbouring occupiers. I note no objection from Regulatory Services.

6.10. **Highway Safety and Parking**

Four parking spaces are provided to the front of the property. Car Parking guidelines for purpose built student accommodation in Area 3 locations advises 1 space for every 5 beds is appropriate; therefore it is considered that the parking provided would meet demand. Although traffic and parking demand may increase slightly this is unlikely to have a significant impact in this location. Cycle parking is required and a condition to secure this is recommended, which will encourage alternative form of transport. There is also some unrestricted on street parking in the vicinity and excellent public transport links, with bus stops near to the property. Given this, no objection is raised by my Transportation Development Officer, a view with which I concur.

7. Conclusion

7.1. I consider that the proposed use of the property as a house in multiple occupation would be acceptable in principle, in a sustainable location. There would not be an over-concentration of such uses in the area and the proposal would therefore accord with local and national policy. In addition, the proposed scheme would not have a detrimental impact on the character of the area, or upon the amenities of adjoining residents and highway safety.

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 cycle storage details
 - 3 Requires the prior submission of sample materials (new front window)
 - 4 Limits the approval to 3 years (Full)
-

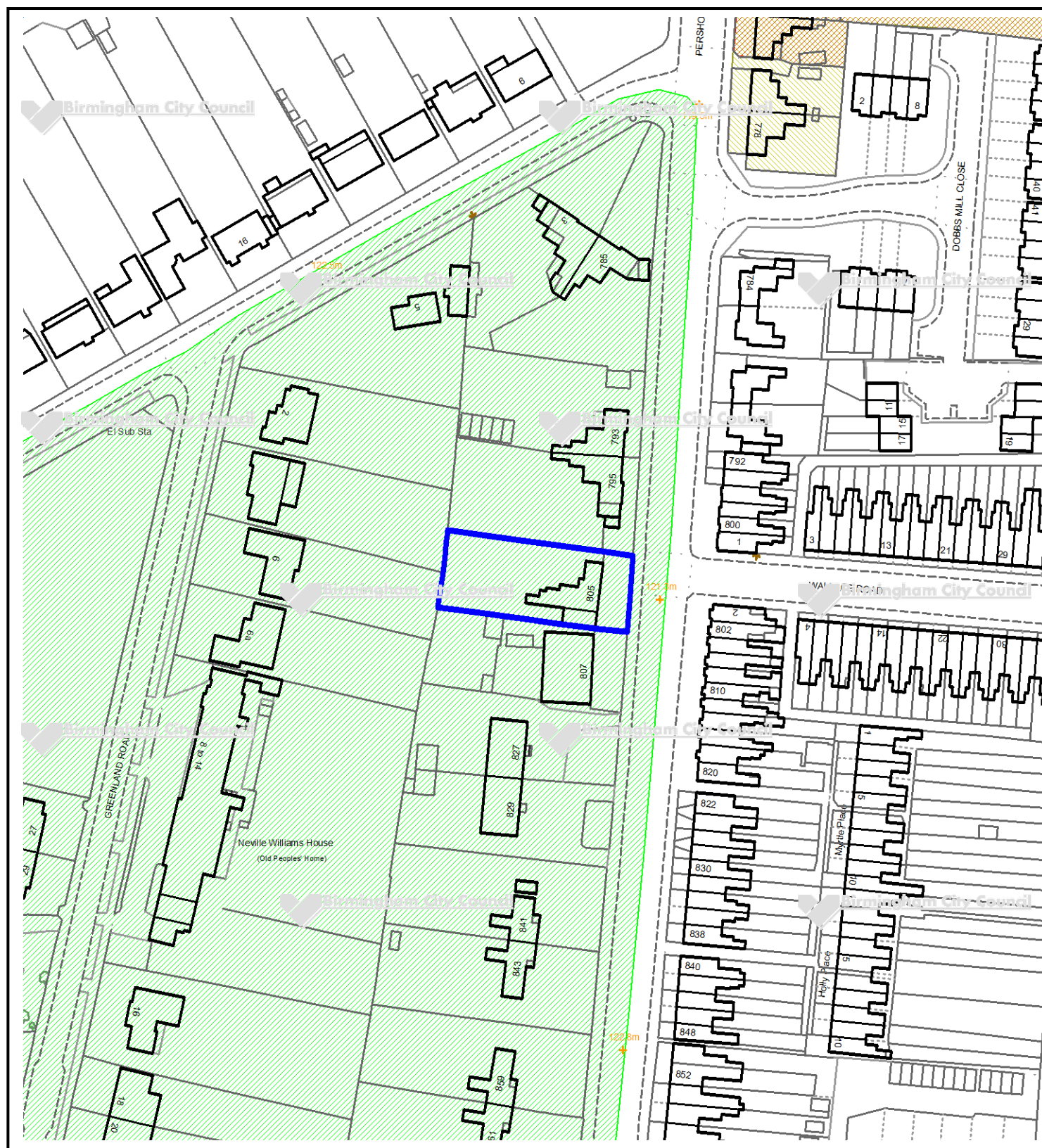
Case Officer: James Mead

Photo(s)



Photograph 1: Front of application site.

Location Plan



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Committee Date:	20/08/2015	Application Number:	2015/02438/PA
Accepted:	02/07/2015	Application Type:	Full Planning
Target Date:	01/10/2015		
Ward:	Quinton		

Punch Bowl PH, 153 Wolverhampton Road South, Quinton,
Birmingham, B32 2AX

Proposed demolition of existing disused public house and erection of retail (Use Class A1) use at ground floor and 17 residential dwellings (Use Class C3) at first and second floors with vehicular access from Wolverhampton Road South and Quinton Lane

Applicant:	Future HSC c/o Agent
Agent:	Zebra Architects Stablemasters, Cottage Basin Road, Diglis, Worcester, WR5 3GA

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application seeks planning permission for the erection of a mixed use building with two retail units at ground floor and 17 flats at first and second floor. The flats would consist of 11 one bed flats and 6 two bed flats. The retail units would be 465sqm (including a warehouse area) and 139sqm (totalling 604sqm). All bedrooms meet Places for Living guidelines.
- 1.2. The building would be of traditional design, with brick elevations and a tiled pitched roof and would consist of varying heights ranging from 12.4m to 13.6m. The front elevations would include decorative brick detailing around the windows at first floor and have projecting gables at the corners. The higher windows would be smaller than the ground floor windows to show an order of hierarchy in the fenestration. In terms of boundaries, the frontage would consist of a low brick wall and railings with landscaping behind, the rear boundary would mostly consist of a substantial existing boundary wall.
- 1.3. The building would be three stories, and present projecting gables onto Wolverhampton Road South and onto Ridgacre Road, wrapping around the corner where it turns into Quinton Lane. The second floor would mostly be within the roof-space. The building includes dormer windows at second floor. The drawings show the height of the current building on site and the ridge of the roof on the corner would 0.7m higher than the ridge of the existing building.
- 1.4. The occupants of the flats would have access to 17 parking spaces to the rear (north of the building). The retail units would have access to a further 17 customer parking spaces (to the east of the building) and a rear delivery area. Vehicular access would be from Wolverhampton Road South and Quinton Lane, similar to the existing

arrangement but including a through route to ease deliveries. The current third vehicular access to the site, directly off the roundabout, would be closed. Pedestrian access to the retail units would be from two front doors on Ridgacre Road and the car park on Wolverhampton Road South. There would also be two dedicated pedestrian access from Ridgacre Road to serve the entrance to the flats, via a stair-core in-between both retail units and to the side of the retail unit on Quinton Lane.

- 1.5. This application is a resubmission of a recently approved outline scheme (under application 2014/02550/PA) with all matters for consideration apart from landscaping. That scheme was for 14 (12 two bed and 2 one bed) flats and included a flat within a four storey tower on the corner. The revised scheme has increased the density of the scheme with 3 further flats (and now only proposes 6 two bed flats), has an identical ground floor but has rationalised the first and second floor areas to reduce communal hallways and removed one of the two laundry rooms. The scale of the scheme is similar to that approved with the tallest section of the proposed ridge height being 0.8m lower and a small section of the lower part of the approved ridge being 0.9m higher.
- 1.6. The applicants have indicated that 4 one bed flats and 1 two bed flat would be made available for social rent. This would represent 5 flats of 17 and a proportion of 29% affordable housing.
- 1.7. The application has been submitted with a Design and Access Statement, Transport Statement, Drainage Strategy and Bat Survey.
- 1.8. Site area 0.28ha, density of dwellings would be 61dph.
- 1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site consists of the former Punch Bowl public house, which ceased trading in 2010. The site is currently occupied by a caretaker. The building is considered weatherproof but beyond practical use as a public house. The building is two storeys but has very generous room heights, at ground floor, resulting in a building which is more three storey in scale terms. The front boundary consists of a wall which is a retaining structure where adjacent to Ridgacre Road. The site has three access point, all vehicular with gates preventing access.
- 2.2. The site is within a non-defined shopping area, with a two small parades of shops on the adjacent Court Oak Road and the Quinborn Centre opposite the site 20m west along Ridgacre Road. Quinton Lane Medical Centre is to the immediate northwest of the site. Woodhouse Primary School is located 200m to the south of the site, with access from West Boulevard.
- 2.3. The site consists of a pub garden and a hard-surfaced area to the three frontages around the building. The site varies in height from 188 AOD at the northern most point to 184 AOD on the southern boundary. The building has a ground floor slab level of 186 AOD. The site therefore varies in height by 4m, although the front boundary includes a retaining wall of 1.5m and as such the front portion of the site includes made ground, presumably created when the basement of the public house was created, resulting in a mostly level site.

- 2.4. The surrounding area is otherwise residential in character consisting mostly of semi-detached properties. The nearest houses are to the north of the site and No.149 Wolverhampton Road South shares its side boundary with the rear boundary of the site, the house itself is a metre away from the north boundary of the site and its rear garden is adjacent to the existing courtyard and delivery area at the rear of the public house. Further houses are located to the west of the site across the end of Quinton Lane, the nearest residential property to the west being a two storey 'L-shaped' block of maisonettes (No.s 2 to 18).
- 2.5. The site is located on the corner of Wolverhampton Road South and Ridgacre Road. Quinton Lane also forms a boundary on the western side of the site.
- 2.6. [Site Location Plan](#)
3. [Planning History](#)
- 3.1. 5th May 2006. Pa No. 2006/00793/PA. Single storey rear extension and the creation of a new car park access. Approved.
- 3.2. 7th August 2014 Pa no. 2014/02550/PA. Outline planning application for demolition of an existing disused public house and erection of Retail (A1) at ground floor and 14 Residential (C3) dwellings above, with vehicular access from Wolverhampton Road South and Quinton Lane. All Matters for consideration except Landscaping. Approved
4. [Consultation/PP Responses](#)
- 4.1. [Consultation Responses](#)
- 4.2. Transportation – No objection, subject to conditions to secure; Demolition Management Plan, Construction Management Plan, Delivery Management Plan, Car Park Management Plan, S278 required for highway works and the monitoring of Parking on Quinton Road/Wolverhampton Road over a 12 months in order to protect servicing arrangements.
- 4.3. West Midlands Police – No objection.
- 4.4. Regulatory Services – No objection subject to condition to secure a noise assessment, noise insulation between the ground floor use and flats above, limit of noise levels from plant and equipment, hours of use of the retail use limited to 0700-2300 daily, delivery hours limited to 0800-2200 daily, contamination survey and verification report.
- 4.5. Local Lead Flood Authority – No objection subject to a condition for a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan.
- 4.6. West Midlands Police – No response received.
- 4.7. West Midlands Fire Service – No response received.
- 4.8. Severn Trent – No response received.

4.9. Public Participation

4.10. Residents, Resident Associations, Councillors and MP consulted. Site and Press Notice made.

4.11. 2 letters of objection received with concerns in regard to;

- The principle of further retail activity in the area
- The creation of additional traffic and the adverse impact this would have on highway safety, noting the school nearby, and the existing problem of speeding cars in the area. The scheme would place further pressure on on-street parking, on-site parking is considered to be inadequate.
- The impact of privacy on existing residents.
- Would exacerbate existing anti-social behaviour in the area.
- The bat survey is not reliable.

5. Policy Context

5.1. National Planning Policy Framework (2012)

5.2. Birmingham UDP, Draft Birmingham Development Plan, Car Parking guidelines SPD, Places for Living SPG, Loss of Public Houses SPG.

6. Planning Considerations

6.1. Previously approved scheme

6.2. This application is very similar to the scheme approved in August 2014. The quantity of retail floor area is unchanged (at 604sqm), the footprint is the same and the height (on the corner) is lower by 0.8m. The differences are that the number of flats has increased from 14 to 17, there are now 6 fewer 2 bed flats (now consisting of 6 two beds and 11 one beds), one extra parking space is proposed for residents (creating a 100% provision) and alterations have been made to the elevations to remove the third floor element from the corner (provide fewer dormer windows and adding a further projecting gable facing onto Ridgacre Road).

6.3. The principle of additional retail floor area (compared to the existing public house), the new residential units and the loss of the public house (as a community facility) was considered and approved through the previous extant approval. There has been no change to Policy since that decision was made and as such the principle of redevelopment of the form proposed is already established.

6.4. Design Issues

6.5. In terms of scale, the proposed building would be 3 storeys with the second floor being fenestrated on the front elevations with a combination of dormer windows and within the apex of four projecting gables. This is of a similar scale as to the approved scheme and would have slightly less height on the corner (the ridge being 0.8m lower than that approved) at 13.6m. The existing building is of a substantial bulk as

the ground floor has significant height and as such even though the existing building has only two levels it is nearer to the scale of a three storey building (with a corner ridge height of 12.9m). The local character consists of two storey houses, consisting mostly of terraced and semi-detached properties. Some larger buildings are evident such as the Medical Centre to the north (being around three storeys) and the care home at 80 Ridgeacre Road (being three storeys). Furthermore, the site is a prominent landmark location where additional bulk and height is welcomed to provide an important visual focal point. This would consequently deliver a suitable replacement of the existing feature building on the site. I am consequently satisfied that the scale and height of the proposal is appropriate for the context.

- 6.6. In terms of architecture, the proposed building is of a traditional design with brick elevations and tiled roofs. Interest would be added to the roof through the additional of dormer windows and the corners are enlivened with projecting gables which on Quinton Lane hides an otherwise awkward obtuse corner of the building. Interest would also be added through the addition of brick detailing between first floor windows to echo some of the more interesting features evident on the existing building. The changes to the scheme, compared to the approved scheme in 2014, complement the previously chosen architectural style and maintain a ground floor active frontage.
- 6.7. In terms of internal layout, the bedroom sizes, of the 17 flats, exceed Places for Living guidelines and provide adequate storage and living space for an occupant to have a comfortable living environment. No dedicated outdoor amenity area is provided for residents. However, local parks are within walking distance (such as Queen's Park- 655m east) and this is comparable to existing flats above other retail units in the area. As such, I am satisfied that residents of the flats would have a good standard of accommodation and this would satisfy guidance within Places for Living.
- 6.8. Transportation
- 6.9. The proposal provides 34 car parking spaces, 17 for residents and 17 for customers and staff of the retail units. Cycle storage is referred to in the Transport Statement and complies with current standards. There are approximately 8 no. formal parking spaces located outside the frontage of the store. Various surveys were undertaken on the existing store on the 22nd May 2014, customer headcount, car park vehicles accessing/egressing and car parking accumulation. The surveys suggested that 58% of customers arrived on foot.
- 6.10. The maximum parking demand at the site is forecast to be around 19 vehicles within any one time period. I concur with the Transport Assessment conclusion that the proposed parking provision for the retail element is satisfactory. A total of 17 spaces would be available for the residential element at 1 per flat. A car park management plan is required by condition. The flats should be limited to 1 space on site (with maybe a parking badge) and a time limit imposed for the retail element.
- 6.11. Two-way traffic could manoeuvre through the site. My Highway Engineer considers that it unlikely that the route would be used as a short-cut as the access would be very close to the roundabout. She also considers that the safest and most efficient route for the service/delivery vehicle is through the site from the Wolverhampton Road South access. This manoeuvre would allow the vehicle to enter onto Ridgacre Road and have access to the roundabout. The applicant has provided tracking diagrams of servicing/delivery vehicles entering the site from Wolverhampton Road South frontage and exiting onto Quinton Lane. The drawings identify that it is tight

but manageable. However this would rely on the roads being clear of parked vehicles. Therefore, a condition is recommended that seeks a review of parking opposite the Quinton Road entrance (monitored over 12 months) and implementation of the Traffic Regulation Order's should they be deemed necessary to prevent any conflict.

- 6.12. Highway works would be required at the junctions onto Quinton Lane and Wolverhampton Road South, from the site, and would be covered by a condition for a S278 agreement. The extent of the works would include the reinstatement of redundant footway crossings, amendment of the existing crossings (incorporate heavy duty footway crossings), and alterations to the highway to allow largest vehicles to enter the site without damaging kerb edges. The applicant has provided tracking for a 15.6m lorry which is a little tight but they also state that the Co-op only use 12m lorries.
- 6.13. Subject to the above conditions there are no objections to the proposals from my Transportation Officer, I concur with this view.
- 6.14. Ecology
- 6.15. Further to the daytime building inspection and evening emergence/activity survey completed in June 2014 in support of 2014/02550/PA, a new building inspection and two activity surveys were undertaken in May-June 2015. The 2015 building inspection confirmed the building to be in a considerable state of disrepair, with many potential access points into the interior of the loft, main building and cellar and large areas of the roof with slipped/damaged tiles. The open condition of the building, particularly following an internal strip of metal pipes and removal of tiles on the central north section of the roof, since the 2014 bat survey, has created generally exposed and draughty conditions unsuitable for roosting bats. This, combined with bright street lighting/floodlighting, has reduced the potential of the building to support roosting bats. The internal inspection in May 2015 found no evidence of roosting bats; neither were bats recorded emerging from, or returning to, the building during the dusk and dawn surveys. A small number of common pipistrelle bats were recorded commuting along the north-western boundary, by the beer garden, during the dusk emergence survey in May.
- 6.16. However, as there is evidence of historical use, new roosting habitat should be incorporated in the new building to replace the habitat opportunities that would be lost once the pub is demolished.
- 6.17. The 2015 report recommends the provision of replacement roost habitat, in the form of bat boxes attached to suitable external walls, integral bat tubes/bat access bricks incorporated within the structure of external walls, or bat access tiles installed in the pitched roofs. These measures can be secured by condition. I concur with the findings of my ecologist and have no objection to the scheme from an ecological perspective.
- 6.18. Impact on Residential Amenity
- 6.19. In regard to privacy and domination, the nearest neighbour is to the north of the site, at 149 Wolverhampton Road South. This semi-detached dwelling has a rear garden that tapers at its end. It shares a side boundary with the rear boundary of the application site. The rear elevation (north elevation) of the proposed building would be 15m from the rear boundary of the site and the side wall and rear garden of

no.149. The proposed building would present 9 windows at first floor and 8 windows at second floor towards the rear boundary.

- 6.20. At first floor the 9 windows would serve 5 bedrooms and 4 two living rooms (two windows in each). Of the 8 second floor windows, 3 would be dormer windows (for two bedrooms), 2 would be rooflights (for a bedroom) and 3 would serve two living rooms. The dormer windows would be set back from the rear elevation by a further 2m, distance to the rear boundary is therefore 17m for these windows. Due to the separation distance, orientation of the rear elevation of houses facing onto Wolverhampton Road South, the existing overlooking evident from the flat at first floor and the change in levels (rising by 3m between both ground floor slab levels) I do not consider that overlooking or loss of privacy would occur into gardens or particularly rear windows and I am satisfied that the proposal complies with Places for Living in terms of separation distances.
- 6.21. In terms of the 45 degree code, the nearest window on the rear elevation of 149 Wolverhampton Road South, serves a kitchen. When a 45 degree line is drawn it intercepts with the new building after a distance of 15.14m. I am satisfied that this distance ensures that the residents of this property would not suffer over domination or undue loss of light. I also note that the existing building also sits on a similar footprint (albeit elongated towards Quinton Lane) and therefore this relationship is similar to the existing situation.
- 6.22. In regard to issues relating to noise, noise levels would be generated from two main sources; the use of the delivery area to the rear of the building and vehicles attending the site. The boundary shared with residential gardens is to the north of the site and in close proximity to the delivery area to the rear of the new retail units. The car park for the residents (on Quinton Lane) and the customers (adjacent to Wolverhampton Road South) are set further away from residential properties. As such the most likely noise source would be from the use of the delivery area. I note that the delivery area for the public house is also to the rear of the building in a similar location as proposed for the retail use and as such I do not anticipate that noise levels would be significantly different than that experience historically. I note that colleagues in Regulatory Services have considered the impact of the proposal and have raised no objection to the delivery area provided that its use is limited to 0800-2200 daily. They have also advised that the use itself should be limited to 0700 to 2300 daily. I concur with this conclusion and recommend a suitable condition be applied to limit the hours of use and delivery as discussed.
- 6.23. Colleagues in Regulatory Services have also considered the impact of the proposal, and the location of the site, in regard to the amenity of new residents occupying the site. They have recommended that a noise assessment be prepared to determine the suitable noise attenuation required for glazing and that noise insulation be required between the ground floor uses and the flats above. I recognise that whilst the adjacent roundabout and dual carriageways would create a relatively noisy living environment I also recognise that the site is within a predominantly residential area. As such I am satisfied that a condition requiring a noise assessment and subsequent sound attenuation for glazing would be a suitable approach to this issue.
- 6.24. Drainage
- 6.25. The Local Lead Flood Authority (LLFA) have considered the submitted Drainage Assessment. It considers that the drainage layout plans provided are of poor quality and should be revised with a clear indication of network layout, proposed invert levels, maximum/cover levels and required storage volumes. Further exploration of

accommodating the required attenuation (once calculated) above ground in green/traditional Sustainable Urban Drainage (SuDs) features is necessary, potentially within the landscaped areas. Underground attenuation structures should only be considered if above ground attenuation is proven to be unviable. While it is noted that consideration has been given to operation and maintenance of the proposed SuDs features, further information is required following the considerations noted above.

- 6.26. The LLFA recommends that a condition is required for a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan. I concur with this requirement.

6.27. Heads of Terms

- 6.28. As the scheme is for 17 dwelling, affordable Housing Policy is engaged. The applicants have offered 5 units for the social rented sector, consisting of 4 one bed flats and 1 two bed flat. My Housing colleagues have accepted this offer, which would represent a 29% provision. This is slightly below the required 35% but the proposal is a small scheme which would generate limited margins and is only marginally above the Policy requirement for affordable housing (set at 15 dwellings). Therefore, in this case, I am satisfied that a 29% provision is acceptable. The applicant has indicated that the social housing would be operated by My Space, which is HCA registered. A section 106 is consequently required to secure this form of affordable housing.

7. Conclusion

- 7.1. The proposal would provide new development on a brown-field site providing new residential properties and new retail units. The proposed building would employ good design standards and make a positive contribution to the street-scene. The scheme would not affect adjacent residential amenity or highway safety and complies with the UDP and the NPPF through the creation of sustainable development, located in an area with good access to public transport.

8. Recommendation

- 8.1. I. That application 2015/02438/PA be deferred pending the completion of a suitable Section 106 Planning Obligation to require:

a) On-site Affordable Housing provision of 29% (5 units), consisting of 4 one bed flats and 1 two bed flat for social rented housing.

b) Payment of a monitoring and administration fee associated with the legal agreement subject to a minimum contribution of £1,500. To be paid prior to the completion of the S106 Agreement.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 29th September 2015 planning permission be REFUSED for the following reason;

a) In the absence of on-site affordable housing the proposal conflicts with Paragraph 5.37 A-G of the Birmingham UDP 2005 and the National Planning Policy Framework (2012).

III. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate Section 106 planning obligation.

IV. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 29th September 2015, favourable consideration shall be given to Application Number 2015/02438/PA, subject to the conditions listed below;

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|----|--|
| 1 | Limits the hours of use of the shops to 0700-2300 |
| 2 | Limits delivery time of goods serving the shops to or from the site to 0800 to 2200. |
| 3 | Shop Front Design |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 6 | Requires further bat surveys |
| 7 | Requires a habitat management strategy |
| 8 | Requires the prior installation of means of access |
| 9 | Requires the prior submission of a parking management strategy |
| 10 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 11 | Requires the prior submission of sample materials |
| 12 | Requires the prior submission of level details |
| 13 | Prevents outside storage |
| 14 | Requires the prior submission of a lighting scheme |
| 15 | Requires the prior submission of hard and/or soft landscape details |
| 16 | Requires the prior submission of boundary treatment details |
| 17 | Requires the prior submission of a landscape management plan |
| 18 | Requires the prior submission of details of a communal satellite dish |
| 19 | Requires the prior submission of a goods delivery strategy |
| 20 | Limits the noise levels for Plant and Machinery |
| 21 | Requires the prior submission of noise insulation (variable) |
| 22 | Requires the prior submission a noise study to establish residential acoustic protection |
| 23 | Prevents adverts being displayed on the windows of the shops |
-

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- 24 Requires the prior submission of a contamination remediation scheme
 - 25 Requires the prior submission of a contaminated land verification report
 - 26 Details of replacement bat roost required
 - 27 Requires the scheme to be in accordance with the listed approved plans
 - 28 Limits the approval to 3 years (Full)
-

Case Officer: Ben Plenty

Photo(s)



Front Elevation



View of the site from the Co-Op opposite Wolverhampton Road South

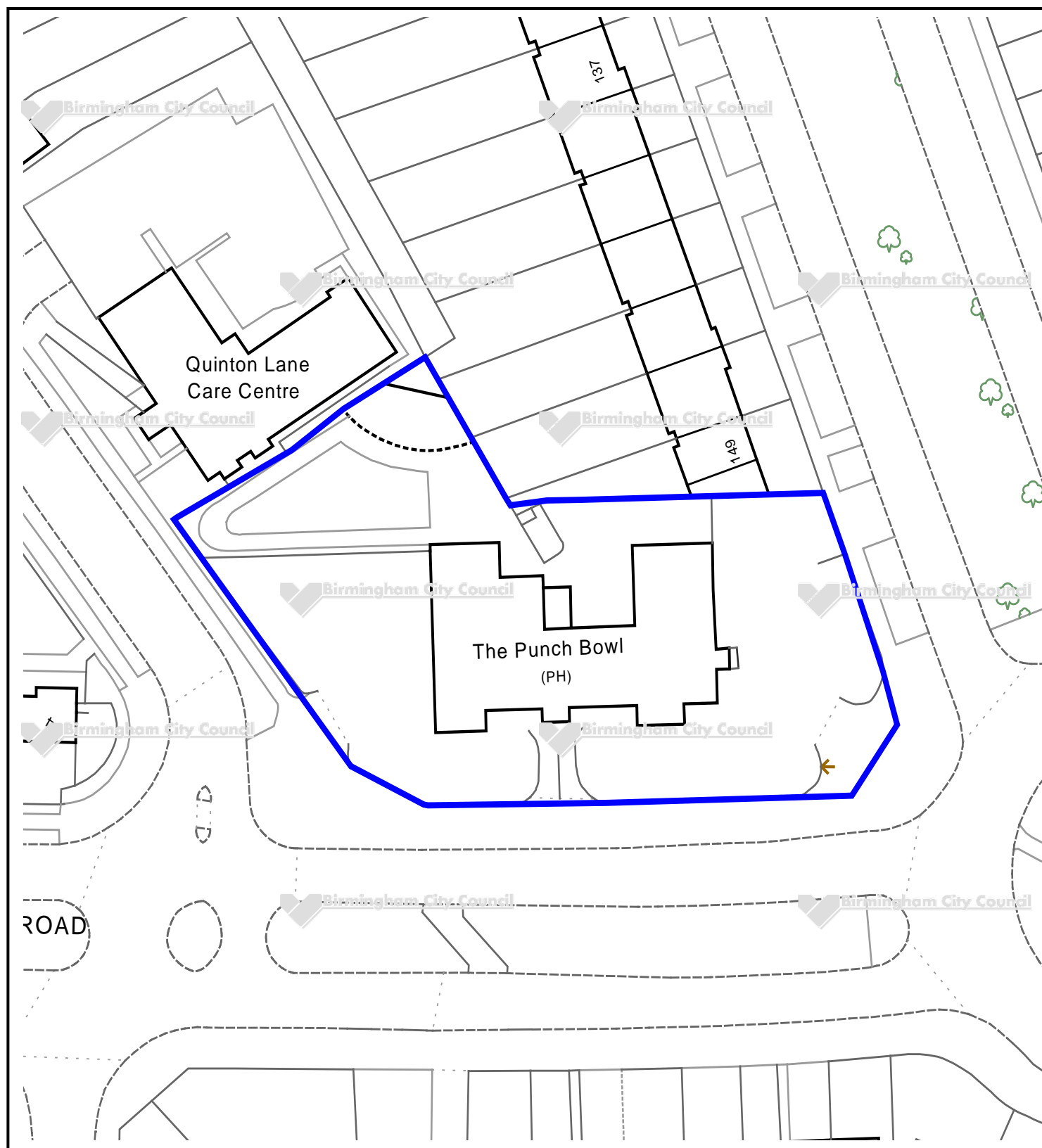


Row of shops adjacent to site



View from first floor terrace towards houses at 149-137 Wolverhampton Road South

Location Plan



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Birmingham City Council

Planning Committee

20 August 2015

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	16	2015/03330/PA 29 Cambridge Way Acocks Green Birmingham B27 6SG Erection of two storey side and rear extension
Refuse	17	2015/00799/PA Former Tram Depot Highgate Road Sparkbrook Birmingham B12 8AE Change of use of former tram depot to provide restaurant at ground floor and conference / function facility at first floor and refurbishment works, including provision of new shop fronts along Queen Street, together with 2-storey decked rear car parking and demolition of adjoining premises at Studley Street to provide additional car parking provision
Approve - Conditions	18	2015/04281/PA Stechford Masonic Hall Richmond Road Stechford Birmingham B33 8TN Retention of place of worship and education/training centre (Use Class D1) with residential flat at first floor and formation of new footway crossing to Bordesley Green East

Defer – Informal Approval	19	<p>2015/04386/PA</p> <p>1323 Coventry Road South Yardley Birmingham B25 8LP</p> <p>Hybrid planning application (part full and part outline) comprising 1. Full application for the demolition of existing buildings and construction of food store (A1), formation of accesses with associated car parking and landscaping. 2. Outline planning application for the erection of up to 21 dwellings with approval sought for access and all other matters reserved</p>
Approve - Temporary 1 Year	20	<p>2015/03119/PA</p> <p>Starbank Primary School Annexe 256 Hob Moor Road Bordesley Green Birmingham B10 9HH</p> <p>Retention of existing single storey and 2-storey temporary buildings and a single storey inflatable building and installation of a new first floor interlinking temporary building to provide further classroom facilities and provision of new substation.</p>

Committee Date:	20/08/2015	Application Number:	2015/03330/pa
Accepted:	27/04/2015	Application Type:	Householder
Target Date:	22/06/2015		
Ward:	South Yardley		

29 Cambridge Way, Acocks Green, Birmingham, B27 6SG

Erection of two storey side and rear extension

Applicant: Mr Steve Thompson
29 Cambridge Way, Acocks Green, Birmingham, B27 6SG
Agent: Neil Boddison Associates
The Studio, 19 Bird Street, Lichfield, Staffordshire, WS13 6PW

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the proposed erection of a two storey side and rear extension. The proposed development would provide an extended kitchen and a study and WC on the ground floor and two additional bedrooms and a shower room at first floor level.
- 1.2. The proposed two storey side extension would have a width of 2.7m and would be set back from the front wall of the dwelling by 0.5m. The proposed development would have a depth of 9.9m and would project past the rear wall of the dwelling by 2.5m. The proposed side extension would have a gable end roof design. The proposal would be set in from the boundary with the adjacent dwellings in Austin Close by 1.1m.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a semi detached property with a gable end roof design. The property is located within a predominantly residential area as part of a modern estate. The rear amenity area of the site is partially paved and relatively modest in size. The property has a detached garage to the side. The rear boundary with No.31 is defined by 1.8m high wooden panel fencing.

[Site Location](#)

3. Planning History

- 3.1. 26/01/2006 – 2005/07294/PA – Permission granted for erection of two storey side extension and single storey front extension.

4. Consultation/PP Responses

- 4.1. Neighbours and local ward councillors were consulted for the statutory period of 21 days. Letters of objection were received from the owners of 3 properties in Austin Close. Objections were submitted on the following grounds:
- Loss of light and outlook.
 - Loss of privacy.
 - The scale of the proposed development.
 - The proposed development would be an over-development of the site.
 - Parking issues.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005.
 - Draft Birmingham Development Plan (2013).
 - Places For Living 2001.
 - Extending Your Home 2007.
 - 45 Degree Code SPD.
- 5.2 The following national policies are applicable:
- National Planning Policy Framework.

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale, design and siting of the proposed development, and the impact on the architectural appearance of the property, the general street scene and neighbouring properties amenities.
- 6.2. The proposal complies with your Committee's 45 Degree Code Policy.
- 6.3. The proposed first floor side extension fails to meet with the required 12.5m separation distance as contained within 'Places For Living' and 'Extending Your Home' from the downstairs kitchen window and first floor bedroom window in the rear elevation of No.14 Austin Close. There would be a shortfall in meeting this distance by 0.9m. The application property itself only narrowly complies with this separation distance to the neighbouring windows as existing. The proposed side extension is only modest in width and I do not consider that the further impact of such a development would be sufficiently harmful to resist such a proposal.
- 6.4. It would appear that the existing relationship was deemed acceptable when the properties were first built in the late 1980s. Viewed from No.14 Austin Close the proposed development would be largely contained within the existing profile of the main dwelling. Therefore though the bulk of the building closest to No.14 would be increased this would have limited impact upon outlook and overshadowing. With these factors taken into account I do not consider that there are sustainable grounds upon which to recommend refusal of the application on the grounds of loss of light or outlook to the neighbouring dwelling.
- 6.5. The WC and shower room windows in the side elevation of the proposed two storey side extension would fail to meet with the required 5m and 10m separation distances

as contained within 'Places For Living' and 'Extending Your Home' from the boundary with No.14 Austin Close. However, these windows can be conditioned to be fitted with obscure glazing in order to protect the privacy of the occupiers of the neighbouring dwelling.

- 6.6. The scale, mass and design of the proposal is acceptable. The proposed first floor side extension would be subservient to the main dwelling which is in accordance with the guidance contained within your Committee's policy document 'Extending Your Home'. The proposed development would be in keeping with the character and appearance of the original dwelling. There are examples of two storey rear extensions at other dwellings within the immediate locality. The proposed development would not have a harmful impact upon the visual quality of the property or the surrounding area.
- 6.7. Concerns have been raised by a neighbour in relation to possible parking issues. However, off street parking spaces would be retained to the front of the dwelling therefore I do not consider that there are sustainable grounds upon which to recommend refusal of the application in relation to this issue.

7. Conclusion

- 7.1. Notwithstanding the objections raised by the neighbouring occupiers, I consider that there are no sustainable grounds upon which to recommend refusal of the application.

8. Recommendation

- 8.1. Approval is recommended subject to the following conditions:

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- | | |
|---|---|
| 1 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 2 | Requires that the materials used match the main building |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Removes PD rights for new windows |
| 5 | Limits the approval to 3 years (Full) |
-

Case Officer: George Baker

Photo(s)

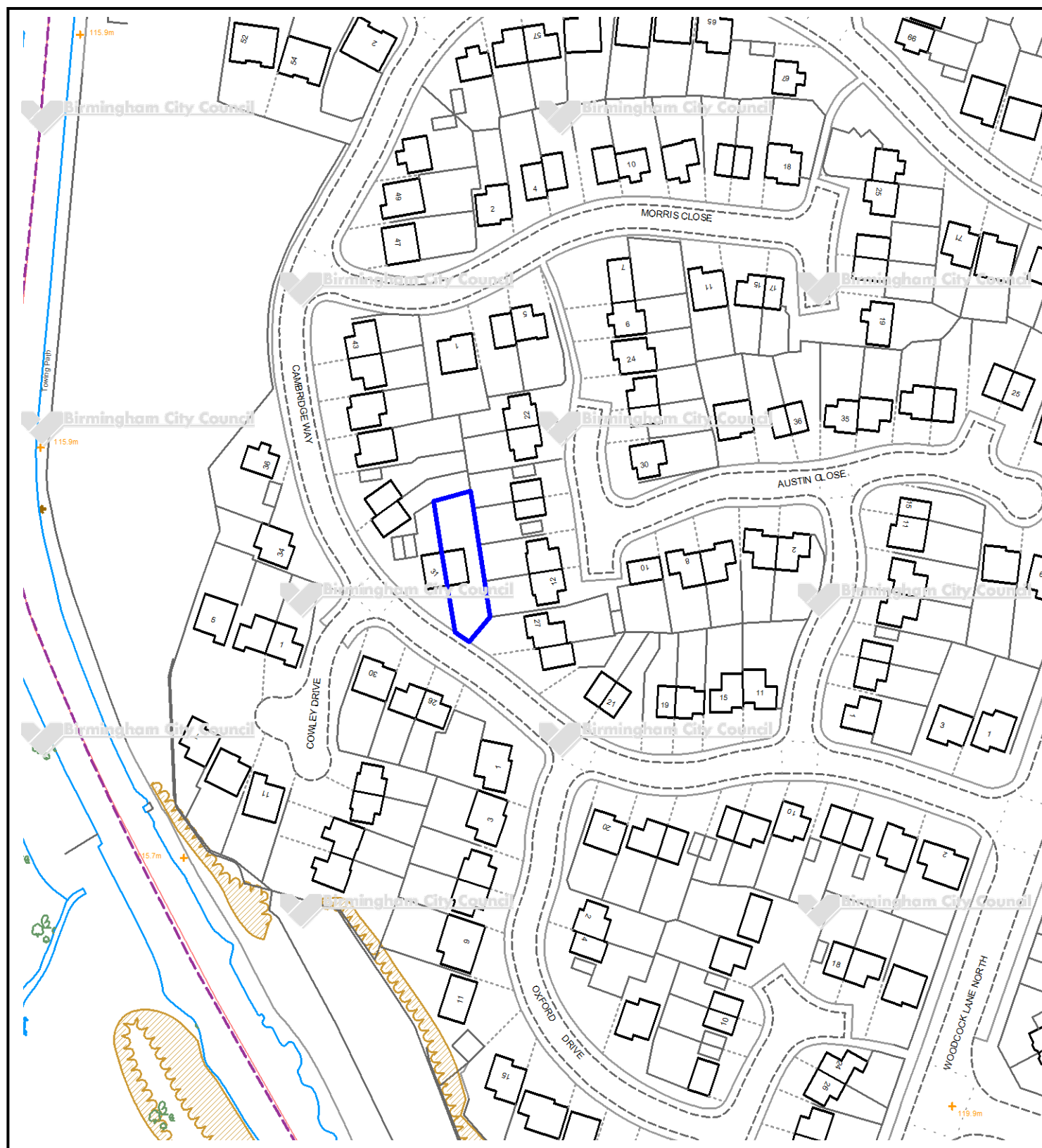


Figure 1: Front



Figure 2: Boundary with properties in Austin Close

Location Plan



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Committee Date:	20/08/2015	Application Number:	2015/00799/PA
Accepted:	28/05/2015	Application Type:	Full Planning
Target Date:	27/08/2015		
Ward:	Sparkbrook		

Former Tram Depot, Highgate Road, Sparkbrook, Birmingham, B12 8AE

Change of use of former tram depot to provide restaurant at ground floor and conference / function facility at first floor and refurbishment works, including provision of new shop fronts along Queen Street, together with 2-storey decked rear car parking and demolition of adjoining premises at Studley Street to provide additional car parking provision

Applicant: MADE Architecture Limited
Dutch Barn, Shadowbrook Court, Shadowbrook Lane, Solihull, West Midlands, B92 0DL

Agent:

Recommendation

Refuse

1. Proposal

- 1.1. Consent is sought for change of use of former Tram Depot to provide a restaurant at ground floor and a conference / function facility at first floor and refurbishment works, including provision of new shop fronts along Queen Street, together with 2-storey decked rear car parking and demolition of adjoining premises at Studley Street to provide additional car parking provision.
- 1.2. The proposed ground floor would comprise; reception, main entrance area off Highgate Road with lift and staircase (249sq.m), restaurant (1182sq.m), bar lounge (75sq.m), kitchen, rear entrance lobby (75sq.m), offices, staff room, laundry room, w/c's, plant room and stores.
- 1.3. The existing first floor would be significantly extended and would comprise; private hire room (1064sq.m), breakout space (334sq.m), stage, stage changing room, brides room, grooms room, photo room, w/c's, plant room and stores.
- 1.4. Externally, the former Tram Depot would be refurbished. This would comprise; provision of new full height seamless glazing and 2 x double entrance doors to the frontage on Highgate Road. On Queen Street (side elevation), existing windows (15) would be bricked-up (material to match existing) and 4 new large windows and 2 x double secondary access / fire doors would be provided. Elements of metal cladding would be provided to highlight key features. Above the existing brickwork the side elevation would be raised (by approx. 2.6m high) to 10.15m by use of new cladding panels. On Studley Street (rear), one large existing roller shutter opening would be bricked-up (materials to match existing) and one existing entrance would be maintained to be used as a car park entrance. The existing roof trusses would be

removed and a new curved roof, with solar panel (238 indicated) would be provided. The roof ridge would be 12.15m high.

- 1.5. In terms of car parking, in total 160 car parking spaces would be provided. These would be provided over 2-levels as follows: surface level (120 spaces) - 20 spaces on the existing car parking area at the junction of Queen St / Studley St, 44 within the rear of the former Tram Depot building and 56 on adjoining land (currently occupied by a factory unit which is proposed to be demolished). A proposed access ramp within the former Tram Depot building would lead to a further 40 first floor car parking spaces. An exit from the car park onto Studley St is indicated. Also, new boundary fencing (approx.1.5m high) is shown around the proposed car park.
- 1.6. No proposed opening hours indicated.
- 1.7. No information provided relating to no. of jobs to be created.
- 1.8. No justification for the loss of the existing occupied factory unit provided.
- 1.9. The following documents have been submitted in support of the proposals:
 - Design & Access Statement
 - Planning Statement
 - Transport Statement
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a prominent site with three road frontages; Highgate Road, Queen Street and Studley Street. It is roughly rectangular in shape and currently contains a former Tram Depot fronting Highgate Road, with a rear car park located on the corner of Queen Street and Studley Street and occupied industrial premises fronting Studley Street. The former Tram Depot comprises a large red brick building, built in 1913. It is a double height structure, with a partial first floor. A significant proportion of the building currently has no roof. The industrial premises proposed for demolition comprises a 2-storey red brick building fronting Studley Street, with industrial space to the rear.
- 2.2. On the opposite side of Highgate Road are commercial premises, vacant sites and car parking areas. This side of Highgate Road is affected by a Highway Improvement Line (HIL). To the south (rear), opposite side of Studley Street, is the new Sparkhill Dialysis Centre. To the east, surrounded on 3 sides by the application premises, are 4 x 2-storey inter-war terraced dwellings. On the opposite side of Queen Street are modern 2-storey dwellings, as well as a restaurant (with flat above) on the corner of Queen Street / Highgate Road. Adjoining, to the west, fronting Highgate Road are offices and banqueting premises (CSN, also known as the Infinity Centre) and fronting Studley Street is CSN's car park.
- 2.3. [Site Location and Street View](#)

3. Planning History

3.1. 238 – 262 Highgate Road

3.2. 23.08.2007 - 2007/01787/PA – Mixed use development comprising banqueting hall, restaurant, food court, retail units, chef training academy, multi storey car park and residential staff accommodation – Approved, subject to conditions (not implemented).

3.3. 2010/04491/PA - Application for a new planning permission to replace an extant planning permission 2007/01787/PA in order to extend the time limit for implementation for mixed use development comprising banqueting hall, restaurant, food court, retail units, chef training academy, multi storey car park and residential staff accommodation – Withdrawn.

3.4. 226 – 252 Highgate Road (Excluding Tram Depot Premises)

3.5. 17.02.2011 – 2010/06864/PA - Full application for change of use, alterations and extension to existing warehouse to provide banqueting hall, new glazed reception and ancillary works (amendments to approved application 2007/01787/PA to alter rear elevation of banqueting hall and replace multi storey car park with surface level parking) – Approved, subject to conditions (Implemented – Premises known as Infinity Centre Banqueting Suite).

3.6. 12.10.2012 - 2012/05425/PA - Change of use and refurbishment of former Tram Depot to provide 17 no. retail units (Class A1), 28 no. market stalls (Class A1), a health & beauty outlet (Class D1) & 5 food outlets (Class A3/A5), together with external alterations including new roof (with solar panels) & new windows to Queen Street elevation, car parks/servicing area and landscaping works – Approved subject to Conditions.

3.7. 04.06.2013 - 2013/02973/PA - Non Material Minor Amendment attached to approval 2012/05425/PA to replace existing trussed roof structure with new flat roof, a glazed roof over the atrium and pitched roof reinstated – Approved.

4. Consultation/PP Responses

4.1. Local Councillors, Roger Godsiff M.P, Residents Association and local occupiers notified. Site and press notices posted. 16 objections received (including objections from Councillor Victoria Quinn, Sparkbrook Traders Association and Agents for CSN International Exhibition and Conference Centre (Infinity Centre). Petition against (50 signatures).

4.2. Sparkbrook Traders Association, and also on behalf of the Sparkbrook and Business Improvement District (BID), objections summarised as follows:

- Proposed use would be contrary to Shopping and Local Centres SPD,
- Would lead to increased car parking and congestion problems,
- Would damage trading environment on Ladypool Road and Highgate Road adding to degradation of traditional A1 retail uses,
- Would lead to further 'dead frontages' during the daytime trading hours,
- Would reduce trading vitality and viability on Ladypool Road,
- Further noise and litter pollution,
- Negative impact on residential amenity,

- Huge parking, safety and pollution problems,
- Previous consent for retail uses is supported.

4.3. Agents for CSN (Infinity Centre) stress that their comments are made on behalf of CSN and a number of local businesses and residents in the area. Objections summarised as follows:

- CSN located on the adjoining site. 2007 planning consent was a comprehensive scheme for the former Tram Depot and CSN site, giving consent for the current CSN's facilities and a retail centre in the former Tram Depot. CSN has operated for some time, but the retail was never implemented. The 2012 consent for a primarily retail development accorded with the spirit of the 2007 consent and as such, was a complimentary development to the existing businesses in the area,
- Current proposals would be in direct competition with CSN and would harm the vitality and viability of other restaurants along Highgate Road,
- Previous consent would strengthen the centre and retail-offer in Sparkbrook, providing further diversity,
- CSN advise that their banqueting operation is often fully booked and generates significant levels of visitors to the site throughout the day and evening,
- Proposals would result in negative impacts on the amenity of local residents, businesses, parking, traffic movements and general environment,
- Highgate Road is a busy key strategic route and currently experiences significant levels of congestion. Impacts on on-street parking, traffic movements and safety in area would be severe,
- No servicing study submitted, including details of coaches, parking implications, waiting times and types / numbers of vehicles visiting the site,
- Proposals would only provide 161 car spaces and guidelines stipulate 335 – only 48% provision,
- No car parking survey carried out – with very limited on-street parking available in surrounding area,
- Use would result in significant additional; late night pedestrian and traffic movements along adjacent residential streets causing harm to residential amenity in terms of residential noise and nuisance late into the evening.
- Would lead to an overconcentration of similar uses which would adversely impact on residential amenity,
- Poor air quality from further traffic movements,
- Would jeopardise other projects in the area and hinder important community facilities.

4.4. Objections from local residential / business occupiers summarised as follows:

- Already too many restaurants and banqueting suites in the area,
- Significant detrimental impact on residential amenity in terms of overshadowing, overbearing, inappropriate and loss of privacy,
- Use would result in increased noise, pollution, smell, litter, dust and poor health,
- Increased parking problems, congestion and safety hazards, parking on Queens Street pavement already results in pedestrians having to walk in street which is dangerous particularly for the elderly, disabled and children,
- Request for double yellow lines to be introduced,

- Existing function hall (next to the proposed use) already causes problems of noise and traffic congestion, which would be made worse,
 - Noise, congestion and negative impact on the local environment would deter shoppers from visiting the area.
- 4.5. Transportation Development – Recommend Refusal on grounds of inadequate parking, servicing and vehicle access.
- 4.6. It is noted that Highgate Rd is A Classified strategic route (A4540). The application indicates that the capacity of the ground floor restaurant would be 800 people and the first floor use would be between 800 to 1000 people. CSN banqueting centre is operating adjacent and it is noted that the concerns of local businesses and residents suggest an existing problem in the locale which would be exacerbated by the proposed development. No surveys have been undertaken to assess the prospective cumulative impact of traffic generation and parking demand on the local highway network and the supporting Transport Assessment was not subject of any formal scoping discussions with BCC.
- 4.7. The site is located within a good accessible location. However, from experience and observation of wedding function halls/banqueting suites, it would be anticipated that a significant proportion of visitors would travel to the premises by private car/taxi, with occasional use of private hire coach at particularly large functions. Under BCC Car Parking Guidelines SPD (2012), the proposed use (attracting up to 1800 people) would require up to 330 car parking spaces. The application plans show 160 car parking spaces proposed. There is no apparent provision of parking spaces for disabled motorists or cyclists.
- 4.8. No vehicle tracking analysis has been provided to demonstrate the practicality of the operation of the parking circulation and pedestrian drop off areas within the site (both at ground and first floor) also for access ramps between floors in multi-level parking which are situated in close proximity to the entry/exit points for the site where internal congestion could rapidly impact upon the free flow of traffic on the adjoining public highway. It is noted that the main access into the building would be from Highgate Road. No drop-off facilities would be provided and consequently any parking on Highgate Road would detrimentally impact upon the free flow of traffic in the adjoining highway.
- 4.9. Regulatory Services – Recommend Refusal - operation of a banqueting suite which is in close proximity to houses is almost certain to cause intrusive noise to the neighbouring residents, which in turn will disturb their amenity. Noise sources would include music, external plant and equipment and from comings and goings of patrons. I note that no noise survey has been provided by the applicant.
- 4.10. Severn Trent – No objection, subject to a drainage condition.
- 4.11. West Midlands Police – No objections.
- 4.12. Education - No objections.
5. Policy Context
- 5.1. National Planning Policy Framework (2012), Birmingham UDP (2005), Draft Birmingham Development plan (2010), Shopping and Local Centres SPD (2012), Car Parking Guidelines SPD (2012), Loss of Industrial Land to Alternative Uses SPD

(2006), Access for People with Disabilities SPD (2006), Places for All SPG (2001) and Shop Fronts Design Guide SPG (1995).

6. Planning Considerations

- 6.1. The main considerations in the determination of this application are the change of use of the premises, loss of industrial premises, affect on local amenity, highways issues and the impact on the visual amenity of the area.
- 6.2. Policy context
- 6.3. Policy 3.8 of the adopted UDP 2005 states that there is a need to protect and enhance what is good in the City's environment and improve what is less good. Policy 3.14 expects the design and landscaping of new developments to enhance the City's environment. Policy 3.14A-D expects new developments to be considered as part of its context and sets out the principles against which new development would be considered, including the effect on local character, scale and massing. Policy 3.16 advises that the design of new developments where the public are admitted should make provision for the access and other needs of all sectors of the community.
- 6.4. The NPPF requires all new developments to be considered with the presumption in favour of sustainable development. It encourages the effective use of land by reusing previously developed land and seeks to focus significant developments in sustainable locations which can make the fullest possible use of public transport, walking and cycling. It also states that new developments that contribute to protecting and enhancing the natural, built and historic environment and help to promote competitive town centres that provide customer choice and a diverse retail offer would be supported.
- 6.5. The NPPF supports the re-use of vacant industrial premises - 'Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities', Para. 22.
- 6.6. The Shopping and Local Centres SPD (2012) seeks to encourage new investment into existing centres and to protect and enhance their vibrancy and viability. In this case, the premises are located just 58m from Sparkhill Neighbourhood Centre and 134m from the Primary Shopping Area of Sparkhill as identified within the SPD and around 75m from the Primary Shopping Area of the Ladypool Road Neighbourhood Centre. Therefore the premises are considered to be on the 'edge' of Sparkhill Neighbourhood Centre, where existing vacancy rates are extremely low.
- 6.7. Interpretation of policy and the need to refer the proposals onto the Secretary of State:
- 6.8. Circular 02/09 (the consultation direction) specifies the criteria for consulting the Secretary of State to give an opportunity for him to consider whether to exercise his call-in powers. Paragraph 5 specifies that, for the purposes of the Direction, "development outside town centres" means development which consists of or includes retail, leisure or office use, and which -
 - (a) is to be carried out on land which is edge-of-centre, out-of-centre or out of town and

(b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; and
(c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is

- (i) 5,000 square metres or more; or
- (ii) Extensions or new developments of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres.

6.9. In this case, although the Tram depot is located on the edge of Sparkhill Neighbourhood Centre, it would be less than 5,000sq.m (i.e. 3980sq.m). Also, there are no sequentially preferable sites capable of accommodating the proposals within the nearby local centres. The proposals are therefore considered policy compliant.

6.10. Principle of development

The principle of re-developing the former Tram Depot for retail purposes has been established by the previous consents granted in August 2007 (2007/01787/PA) for a mixed use development and in October 2012 (2012/05425/PA) for retail units, market stalls, a health & beauty outlet & food outlets. There has been much opposition to the proposed use stating that it would be contrary to the Shopping and Local Centres policy 2012. However, as the premises are located outside of a designated centre and therefore the policy does not strictly apply. I consider that the proposed use of the former Tram Depot to provide a restaurant at ground floor and a conference / function facility at first floor would be acceptable in principle, subject to meeting the other planning objectives outlined below.

6.11. Loss of Industrial Premises

6.12. The principle of re-developing the former Tram Depot for retail purposes has been established by the previous consents granted in 2007 and 2012. The issue of the loss of the industrial premises has been dealt with regards to the former Tram Depot. However, this current planning application also involves the demolition of occupied industrial premises (known as Linton Metalware Ltd) to provide additional car parking. Policy 4.31 of the UDP states that opportunities for industrial development in the built up area of the City are diminishing and the loss of industrial land to retail will be resisted. Paragraph 3.4 of the 'Loss of industrial land to alternative uses' SPD (2006) supports Policy 4.21 of the UDP in requiring a minimum reservoir of industrial land and sets out supply targets.

6.13. The SPD also sets out the information which will be required in support of any application involving the loss of industrial land. It states that where it is argued that there is a lack of demand for a particular industrial site the applicant will need to demonstrate that active marketing has been undertaken for a reasonable period, normally a minimum of two years. In this case, the applicant has failed to provide any justification for the loss of the industrial premises despite a request to do so.

6.14. Impact on Local Amenity

6.15. The former Tram Depot abuts 4 inter-war terraced dwelling located at 40-43 Queen Street. Also, there are further dwellings located on the opposite side of Queen Street. There has been much local opposition to the proposals on the grounds of additional noise and disturbance from the proposed use. Regulatory Services have recommend refusal to the proposed use acknowledging that the proposed development would be located in close proximity to houses and is certain to cause

intrusive noise to the neighbouring residents, which in turn will disturb their amenity. Noise sources would include music, external plant and equipment and from comings and goings of patrons. I concern with this view and refusal in recommended on the grounds of potential noise and disturbance to nearby residential occupiers.

- 6.16. Concerns have been received regarding the proposed size, possible overlooking and loss of privacy. It is noted that it is proposed to increase the height of the former Tram Depot by around 2.6m high resulting in the side elevation being 10.15m high and the roof being a maximum of 12.5m high. I consider this increase would be unlikely to detrimentally impact on nearby residential occupiers. The property on the corner of Highgate Road and Queen Street is currently used as a restaurant and has a large rear wing. In terms of the four inter-war dwellings at 40-43 Queen Street, abutting the application site, this would be abutted by the car park and would not be directly impacted by the proposed increase in height. Consequently, the amenity of local occupiers would be unlikely to be adversely affected terms of loss of light or outlook.
- 6.17. Highway Issues
- 6.18. There has been much opposition to the proposed development on highway grounds. Transportation Development recommend refusal on grounds of inadequate parking, servicing and vehicle access. The application indicates that the capacity of the ground floor restaurant would be 800 people and the first floor conference / function facility would be between 800 to 1000 people. Under BCC Car Parking Guidelines SPD (2012), the proposed use (attracting up to 1800 people) would require up to 330 car parking spaces. The application plans show 160 car parking spaces proposed. Therefore, the proposed development proposes insufficient car parking in an area where there are existing parking / highway problems. The adjoining CSN banqueting centre stress that they often operate at full capacity and local businesses and residents suggest that when CSN is operating there are severe parking / highway problems. The applicant has not provided any parking surveys to assess the prospective cumulative impact of traffic generation and parking demand on the local highway network, but it is anticipated that the proposed development would result would result in further parking / highway problems, especially when considered in light of the adjoining banqueting suite.
- 6.19. Transportation Development has also stated that no vehicle tracking analysis has been provided to demonstrate the practicality of the operation of the parking circulation and pedestrian drop off areas within the site and also for access ramps between floors. It is considered that the proposed development would result inadequate servicing and vehicle access arrangements. It is further noted that no drop-off facilities would be provided and consequently any parking on Highgate Road would detrimentally impact upon the free flow of traffic in the adjoining highway.
- 6.20. Visual Amenity
- 6.21. The former Tram Depot is an impressive red brick building and although not listed, has significant architectural merit. The building is vacant and in a run-down condition. The retention, sympathetic refurbishment and re-use of the building is supported. The applicants have indicated that the existing brickwork would be cleaned and re-pointed where necessary, high quality contemporary shop fronts provided, new window openings provided along Queen Street and a new roof (including solar panels). I consider that, notwithstanding the above, the proposals would improve the appearance of the existing building, would provide active

frontages and would significantly contribute to improving the character and appearance of the area.

7. Conclusion

- 7.1. Although the retention, sympathetic refurbishment and re-use of the former Tram Depot would be supported, the proposed development would result in the loss of adjoining occupied industrial premises without any justification, would result in inadequate parking, servicing and vehicle access arrangements and would detrimentally impact on local residential occupiers in terms of noise and disturbance, particularly from the comings and goings of customers.

8. Recommendation

8.1. Refuse

Reasons for Refusal

-
- 1 The means of vehicle access to/from the site, the servicing facilities proposed and the car parking facilities proposed are inadequate and would lead to additional parking in nearby roads, to the detriment of pedestrian and highway safety. As such it would be contrary to Paragraphs 3.8, 3.10 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
 - 2 The proposed development would adversely affect the amenities of occupiers of dwellings/premises in the vicinity by reason of noise and general disturbance. As such the proposal would be contrary to Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
 - 3 The proposal does not provide any reasoning to justify the loss of occupied industrial premises to a non-industrial use and is therefore contrary to paragraph 22 of the National Planning Policy Framework, paragraphs 4.11A, 4.20, 4.21 and 4.31 of the Birmingham Unitary Development Plan (2005) and guidance contained within the adopted 'Loss of Industrial Land to Alternative Uses' SPD.
-

Case Officer: Tony White

Photo(s)

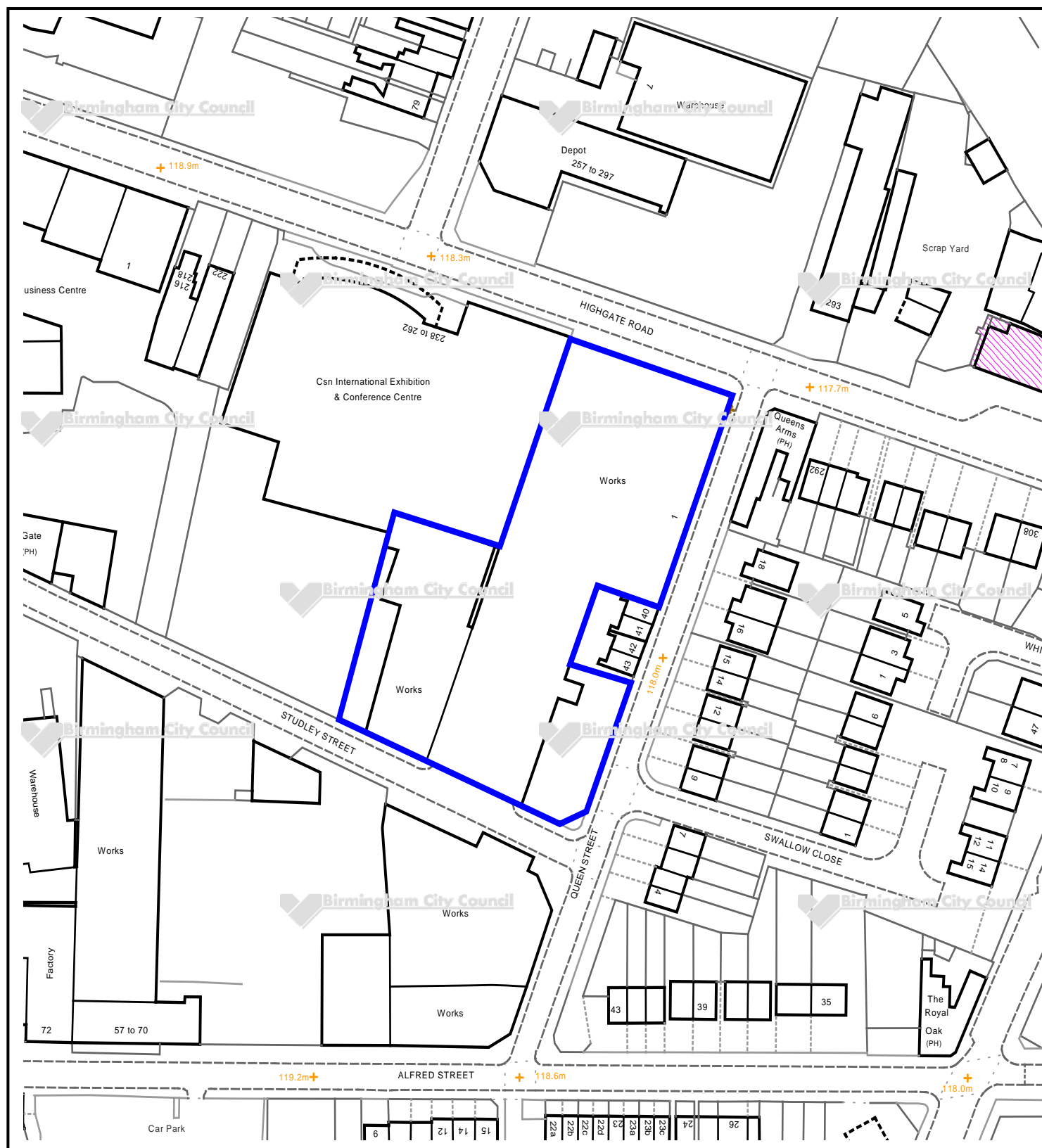


Figure 1: Highgate Road



Figure 2: Studley Street

Location Plan



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Committee Date:	20/08/2015	Application Number:	2015/04281/PA
Accepted:	10/06/2015	Application Type:	Full Planning
Target Date:	09/09/2015		
Ward:	Stechford and Yardley North		

Stechford Masonic Hall, Richmond Road, Stechford, Birmingham, B33 8TN

Retention of place of worship and education/training centre (Use Class D1) with residential flat at first floor and formation of new footway crossing to Bordesley Green East

Applicant:	Dawat-E-Islamic UK 76-82 Bordesley Green Road, Bordesley, Birmingham, B9 4TA
Agent:	Ian Wright Associates 31a Edgewood Road, Rednal, Birmingham, B45 8SB

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Planning permission is sought for the permanent retention of the Mosque and Madrassah with a first floor residential flat (Class D1), approved on two previous occasions for a temporary period of 1 year. The most recent temporary approval expired on 26th June 2015.
 - 1.2. Depending on the time of year prayers take place 5 times a day between 0400 and 2330 hours daily. The maximum occupancy of the Mosque reaches 400 persons for Friday lunchtime prayers. There is also a gathering of up to 120 people each Thursday at 1900 hours. At all other prayer times the maximum occupancy would not exceed 30. During Eid Festival, which is held twice a year, up to 250 people would attend between 0830 and 1000 hours. During Ramadan, which takes place for 1 month a year, up to 100 people would attend between 2230 and midnight daily.
 - 1.3. The Madrassah operates between 1630 and 2000 hours Monday to Friday and teach both boys and girls. There are 4 classes each with a maximum occupancy of 20 persons and 2 classes take place at any one time.
 - 1.4. The Imam and his family live in the upstairs flat.
 - 1.5. The proposed use employs 3 full time and 6 part time staff.
 - 1.6. The car park comprises 43 spaces and this current application includes the formation of a new vehicular footway crossing to Bordesley Green East to create a one-way system within the car park (entrance off Richmond Road and exit onto Bordesley Green East).

- 1.7. The application has also been accompanied with a petition in support containing 158 signatures.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site comprises a former Masonic hall with associated parking. It is situated at the junction of Bordesley Green East and Richmond Road, with existing footway crossings to both roads. On-street parking on Richmond Road is restricted by double yellow lines near the junction, but is available further northeast along Richmond Road. Parking is also available in bays in the central refuge on Bordesley Green East.
 - 2.2. To the north/northeast of the application site there are residential properties located on the east side of Richmond Road and a day nursery, residential and retail uses on the west side of Richmond Road. Immediately to the east is a parade of shops fronting Bordesley Green East. To the southwest on the opposite side of Bordesley Green East are further retail/commercial properties and a health centre. To the north at the junction of Stuarts Road/Richmond Road is a vacant Class C2 Care Home, which has planning permission (2012/05463/PA) for conversion to a Mosque (the existing Mosque located to the north on Albert Road would relocate here). There are also 2 primary schools located to the north on Albert Road and Lyttelton Road.
 - 2.3. [Site location](#)
3. Planning History
 - 3.1. 26/06/2014 – 201402213/PA. Retention of place of worship and education/training centre (Use Class D1) with residential flat at first floor. Temporary approval 1 year
 - 3.2. 27/09/2012 – 2012/04869/PA. Change of use from masonic hall with residential flat above (Class D2) to a Mosque and Madrassah with residential flat above (Class D1). Temporary approval 1 year.
 - 3.3. Relevant planning history relating to the surrounding area:
 - 3.4. 26/11/2012 – 2012/05463/PA (8 Stuarts Road, Stechford). Change of use from young offender's home to a Mosque and community use, erection of two storey central extension and extension of existing vehicular access. Approved.
4. Consultation/PP Responses
 - 4.1. Transportation Development – No objection subject to condition relating to S278/TRO highway measures (guard rails and/or bollards, removal/reinstatement redundant footway crossing).
 - 4.2. Regulatory Services – No objection subject to conditions restricting the occupation of the living accommodation, restricting its use for religious and educational purposes, hours of use, number of visitors, no external amplification equipment, no external plant or machinery, no cooking of food and exit doors to main hall remain closed when in use.
 - 4.3. Local Lead Drainage Authority – No objection.

- 4.4. West Midlands Police – No objection.
- 4.5. Local properties, residents associations, Councillors and MP consulted with site and press notice posted.
- 4.6. 1 objection received from a local resident questioning the religion and sect they follow and that there are 2 mosques in close proximity and only 1 is required.
- 4.7. 11 representations in support of the application have also been received.
- 5. Policy Context
- 5.1. Birmingham UDP, Draft Birmingham Development Plan, Places of Worship SPD, Car Parking Guidelines SPD and the NPPF.
- 6. Planning Considerations
- 6.1. Principle:
- 6.2. In September 2012 a change of use from the masonic hall with residential flat above (Class D2) to a Mosque and Madrassah with residential flat above (Class D1) was approved on a temporary 1-year basis, which expired on 27/09/13. Refurbishment works took the majority of this time, and the use was not fully operational to allow for any meaningful monitoring to take place. As such a further 1 year temporary consent was granted, which expired on 26/06/15. The use has been fully functional since 12/01/14 and a permanent consent is now sought.
- 6.3. The National Planning Policy Framework states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses, such as offices and assembly/leisure uses that are not in an existing centre. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
- 6.4. Guidance contained within Places for Worship and Faith-Related Community and Educational Uses – SPD highlight the importance of finding the right location for uses which attract large numbers of users and identifies existing centres as preferred locations. Other considerations include noise, parking, access and cumulative impact.
- 6.5. The principle of a mosque/madrassa in this location has previously been deemed acceptable under applications 2012/04869/PA and 2014/02213/PA, given that site was last used as a D2 Masonic Hall and its surroundings are a mix of commercial/residential on a frequent bus route. Therefore no objection is raised in principle for a Mosque and Madrassah in this location.
- 6.6. Residential amenity:
- 6.7. The mosque is open daily for prayer 5 times a day between 0400 and 2330 hours and that a maximum of between 10 and 30 worshippers would attend at any one time save for Friday lunchtimes where up to 400 worshippers are expected. There would also be a gathering of up to 120 people each Thursday at 1900 hours. It is considered that the site could accommodate a maximum of approximately 690

worshippers based on a useable floor area of 526sq.m and 3 people sharing 2 prayer mats.

- 6.8. The east side of Richmond Road immediately to the northeast of the application site is residential and there are further residential properties located approximately 30-35m to the west fronting Richmond Road and Francis Road. To the east of the site are 4 retail units fronting Bordesley Green East, with 10 further commercial units and a D1 Primary Care Centre located opposite fronting Bordesley Green East and Richmond Road. Given the busy nature of Bordesley Green East and the number of commercial properties in the vicinity, ambient noise levels are relatively high when the Mosque is at its busiest (Friday lunchtimes). Furthermore, as the busiest periods for the Mosque/Madrassah would be during the day/early evening it would be unlikely to affect the amenity/sleep of the nearby residents.
- 6.9. Regulatory Services had previously expressed concern regarding both the early morning and late evening prayers which would be as early as 0400 hours or as late as 2330 hours. However a maximum of 10 worshippers attend early morning and late evening prayers. On this basis, it is considered that the impact from the daily prayers is unlikely to adversely impact upon local residential amenity. It is not considered necessary to prevent early morning or late evening prayers from taking place to safeguard residential amenity given the relatively low attendance. The previous application granted a 1-year temporary consent to allow for a period of monitoring. The use has been fully operational since 12/01/14 and Regulatory Services advises they have not received any complaints. They raise no objection to a permanent consent subject to safeguard conditions.
- 6.10. During Eid Festival, which is held twice a year, up to 250 people would attend between 0830 and 1000 hours and during Ramadan, which takes place for 1 month a year, up to 100 people would attend between 2230 and midnight daily. Given however that these are infrequent and short lived, it is not considered that the impact on residential amenities would be sufficiently adverse to warrant refusal. Furthermore, residents would have been affected by noise and disturbance from the existing Masonic Hall when it was used for functions for up to 415 people.
- 6.11. The numbers of children attending the Madrassah would be 80 per day, but no more than 40 at any one time. There would be 4 classes between 1830 and 2000 hours Monday to Friday with a maximum of 20 children in each class. Regulatory Services raise no objections to this element of the proposals.
- 6.12. Since the Mosque/Madrassah was granted an initial 1-year temporary permission on the application site, the relocation of the existing Mosque at Albert Road to Stuarts Road has been approved with a maximum occupancy of approximately 440 people. This included a legal agreement to ensure that once implemented prayers would cease at the Albert Road site. Although the Stuarts Road Mosque has not yet been implemented the permission is extant (expiring 26/11/15), which could result in a total of approximately 1130 people attending both Mosques during Friday lunchtimes in close proximity to each other. This issue of cumulative impact of the Mosques on residential amenity was considered as part of the last temporary consent and is still relevant with this application for a permanent consent. In granting the previous temporary consent, it was considered that as Friday prayer times would be between 12 and 2 (depending on the time of year) and that the majority of adjoining residents would be either attending the mosque or at work (accepting that some residents will also be at home during the day), any disturbance would not generally be harmful to sleep patterns, which was considered to be the most significant impact on residential

amenity. The impact was considered acceptable in this case and there have been no changes in circumstances to change this position with the current application.

6.13. Highway safety:

6.14. Transportation Development has not objected to the previous application and do not object to the current application. It is recognised that the associated peak level of traffic generation and parking demand would fall outside standard peak periods. The inclusion of safeguarding conditions requiring a car park management plan, affiliation to Travelwise and measures on the surrounding highway to prevent unsuitable parking, such as guard railing or bollards, would mitigate any highway safety concerns. Furthermore, the new footway crossing to Bordesley Green East would enable the creation of a one-way system, which would improve circulation within the car park.

6.15. As with neighbour amenity, the cumulative impact of the unimplemented mosque on Stuarts Road, in terms of highway safety, was a material consideration with the previous temporary consent and is also with this application for a permanent consent. Given that there is 220m between the sites, if the Stuarts Road Mosque consent was implemented, in highway terms, it is considered a refusal would be difficult to justify. Whilst there would clearly be a significant increase in the amount of cars in the general area attending the proposed mosque (and the one recently approved at the Stuarts Road), on most weeks, the volume would be at its greatest for a maximum period of 2 hours per week, on a Friday lunchtime. Requirement to affiliate to Travelwise would encourage the Mosque Committee to consider providing incentives to reduce the congregation's trips to the site by car would help mitigate any adverse impacts.

7. Conclusion

7.1. The use has been fully operational since early 2014 and has demonstrated that, subject to conditions (similar to those attached to the previous temporary consents), it would have no adverse impact on neighbour amenity or highway safety. The proposal is in accordance with relevant policy and guidance and as such a permanent planning permission should be granted.

8. Recommendation

8.1. Approve subject to conditions.

1	Limits the hours of use to 1830-2030 for madrassah use
2	Prevents the use of amplification equipment
3	Requires the scheme to be in accordance with the listed approved plans
4	Prevents the use from changing within the use class
5	Requires the prior submission of a parking management strategy
6	Requires the prior submission and completion of works for the S278/TRO Agreement
7	Requires the applicants to join Travelwise

Case Officer: Peter Barton

Photo(s)

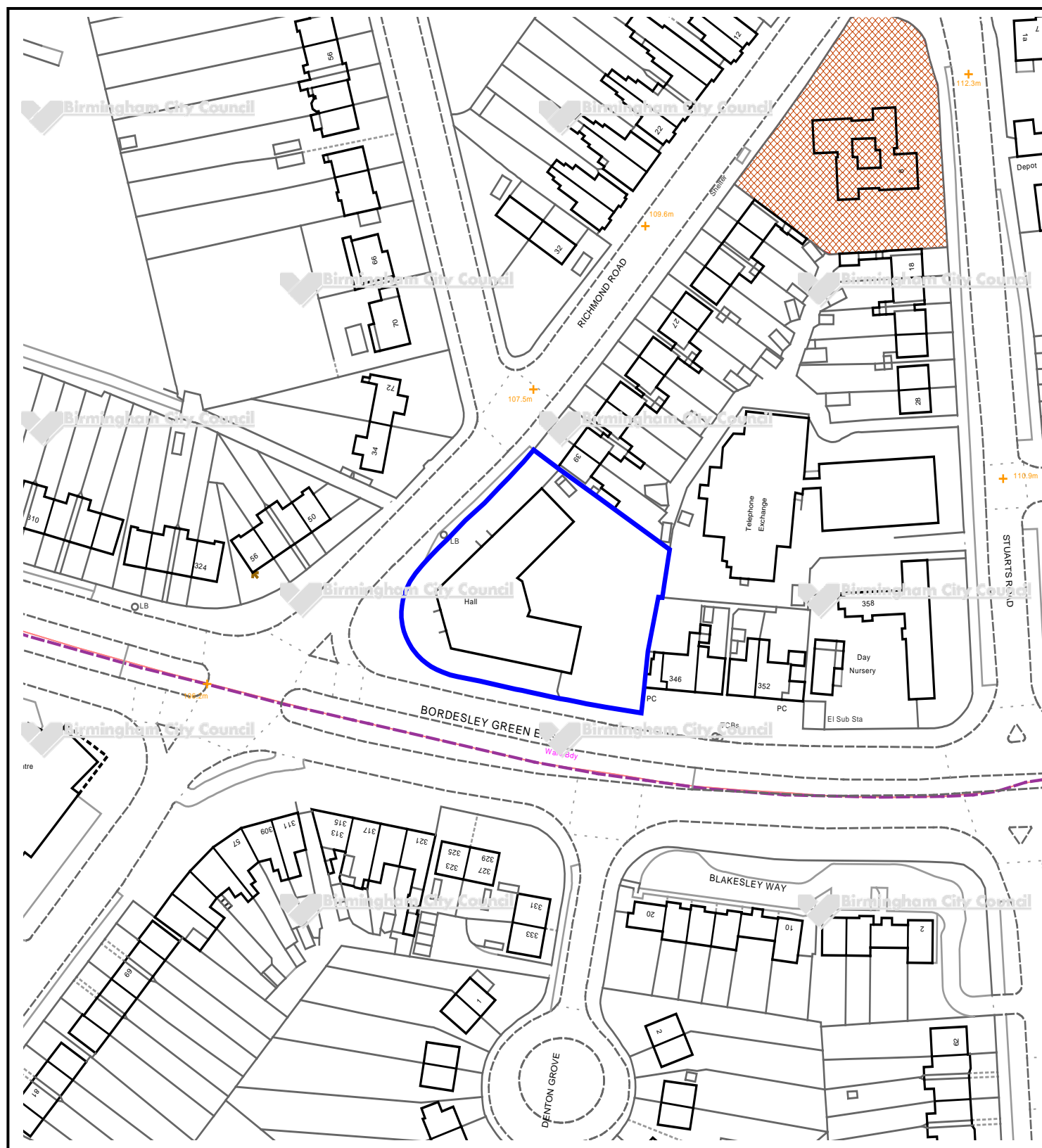


Figure 1 – Bordesley Green East frontage



Figure 2 – Richmond Road frontage

Location Plan



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Committee Date:	20/08/2015	Application Number:	2015/04386/PA
Accepted:	03/06/2015	Application Type:	Full Planning
Target Date:	02/09/2015		
Ward:	South Yardley		

1323 Coventry Road, South Yardley, Birmingham, B25 8LP

Hybrid planning application (part full and part outline) comprising 1. Full application for the demolition of existing buildings and construction of food store (A1), formation of accesses with associated car parking and landscaping. 2. Outline planning application for the erection of up to 21 dwellings with approval sought for access and all other matters reserved

Applicant:	Lidl UK GmbH and European Vision Ltd c/o Agent
Agent:	Bilfinger GVA 3 Brindleyplace, Birmingham, B1 2JB

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal
 - 1.1. Hybrid application (part full and part outline) consisting of the following elements:
 - 1.2. Full application – Demolition of all buildings on the site and the construction of a Lidl foodstore (2439sqm GIA with 1424sqm sales area) with 120 customer parking spaces (including 7 disabled spaces and 4 parent and child spaces) and an in-only entrance off Coventry Road and in/out entry/exit off Forest Road.
 - 1.3. The foodstore element would occupy the middle and upper part of the application site with frontages to Coventry Road and Forest Road. The building would be located along the eastern boundary with its delivery bay to the southern tip and the car park to the west. The building adopts a modern generic approach to the applicants' foodstore, being rectangular with a mono-pitched roof with the highest point (7.6m) facing the car park and the lowest point (4.2m) facing the eastern boundary. The Coventry Road frontage (north) would have full height glazing and a short return on the car park frontage (west). The customer entrance would be located at the building's northwest corner. Materials would consist of glazing, white and grey render and Alucobond cladding to the walls with a pre-finished aluminium standing seam metal roof. The edges/boundaries of the foodstore site would be landscaped to a maximum depth of 7m.
 - 1.4. Outline application – Residential development for the lower (southern) part of the application site with all matters reserved with the exception of access, off Waterloo Road, approximately 10m southeast of the existing Waterloo Road site access. The submission includes an indicative layout illustrating 21 residential units consisting of a mix of flats and houses with associated parking.

- 1.5. The application proposes a minimum 35% affordable housing provision if the final number of dwellings on the site is 15 or more. Likewise, if the final number of dwellings is 20 or more, an off-site financial contribution towards public open spaces/play areas and nursery, primary and secondary education facilities would be made. Furthermore, a financial contribution of £10,000 towards public realm improvements within Hay Mills Neighbourhood Centre has been offered by the applicant. These would be secured by means of a Section 106 Legal Agreement.
- 1.6. The application has been accompanied by a Design and Access Statement, Preliminary Ecological Appraisal, Flood Risk Assessment, Geo-Environmental Report, Transport Assessment and Travel Plan, and Planning and Retail Statement.
- 1.7. The proposals have been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and there is no requirement for an Environmental Assessment.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site measures 1.16ha, being vacant industrial land and previously occupied by BBGR and Dolland & Aitchinson (lens manufacturing), bounded by the A45 Coventry Road to the north, Forest Road to the west and Waterloo Road to the south. A small parcel of land at the junction of Coventry Road and Forest Road currently occupied by Boots Opticians does not form part of this application site. To the immediate east and south are residential uses whilst to the west are a mix of residential, community and industrial uses. Coventry Road to the north provides a significant physical barrier (8 lanes) to the north. On the opposite side of the road is Oaklands Recreation Ground, residential properties and the boundary of the Hay Mills Neighbourhood Centre (Old Bill and Bull PH). The boundary of the Swan District Centre is some 220m to the east.
 - 2.2. [Site location](#)
3. Planning History
 - 3.1. 1996/03043/PA. Outline application for redevelopment of existing industrial site for non-food retail use and means of access. Withdrawn.
4. Consultation/PP Responses
 - 4.1. Transportation Development – No objection subject to conditions relating to construction management plan, access construction, entry/exit signs, cycle storage, delivery vehicle management plan, no approval to residential footway crossing positions, car park management plan and S278/TRO.
 - 4.2. Regulatory Services – No objection subject to conditions relating to hours of use, contamination, residential charging points for electric vehicles and refuse stores. Also recommends noise report in relation to housing element.
 - 4.3. Local Lead Drainage Authority – No objection subject to SUDS condition.
 - 4.4. Severn Trent Water – No objection subject to drainage condition.

- 4.5. Leisure Services – No objection subject to off-site POS and play equipment contribution if the final number of dwellings would be 20 or more.
- 4.6. Education – Require a financial contribution towards nursery, primary and secondary education facilities at Starbank School.
- 4.7. West Midlands Fire Service – No objection.
- 4.8. West Midlands Police – No objection. Ideal for Secured by Design Accreditation.
- 4.9. Local properties, residents associations Councillors and MP consulted with site and press notices posted.
- 4.10. 3 objections received raising the following points:
- Loss of privacy.
 - Light Pollution.
 - Overbearing.
 - Increase traffic, congestion, and accidents.
 - No need for more supermarkets.
 - Increase in noise.
 - Access should only be off Coventry Road.
- 4.11. 2 representations received making observations in relation to traffic, rubbish and type of housing.
- 4.12. 1 representation received in support of the application.

5. Policy Context

- 5.1. Birmingham UDP, Draft Birmingham Development Plan, Places for All SPG, Places for Living SPG, Shopping and Local Centres SPD, Loss of industrial land to alternative uses SPD, Car Parking Guidelines SPD. Affordable Housing SPG, Public Open Space and New Residential Development and the NPPF.

6. Planning Considerations

- 6.1. Loss of industrial land:
- 6.2. UDP and Loss of industrial Land SPD identify a general presumption against the loss of industrial land and the need to safeguard an adequate supply of industrial land to ensure that desirable employment development is not lost due to a lack of site availability. Factors that might represent exceptional circumstances when considering the loss of industrial land include non-conforming uses and active marketing.
- 6.3. The application site is immediately adjacent to residential properties (Coventry Road, Waterloo Road, Hilderstone Road and Burnham Avenue) and there are further residential properties facing the site from the opposite side of Forest Road. It is noted that there are established arrangements where residential properties back onto industrial premises in very close proximity (e.g. the application site and Durley Road to the south). Despite this, it is not considered a positive arrangement and on the basis that the application site is physically detached from other industrial land that form a much larger industrial/employment area, it is considered that the current industrial use on the application site is non-conforming.

- 6.4. The applicant has also submitted details in relation to active marketing, which began on the application site in February 2012. The agents advise that there have been 128 specific enquiries in relation to the property, though only five inspections on behalf of prospective purchasers have taken place, none of which have occurred over the last two years. The marketing agents consider that the existing buildings are 'fundamentally outdated' which do not meet modern owner-occupier requirements and the costs of refurbishment and/or development have 'ruled out' any tentative interest in the site. The applicant also highlights that their proposal would deliver circa 40 new jobs and this is a material consideration within the context of the NPPF and securing economic growth in order to create jobs and prosperity.
- 6.5. Within the context of the above, it is considered that the loss of this industrial site to alternative uses is in accordance with UDP and SPD policy and acceptable in principle. Planning Strategy and Growth concur and raise no objection to the loss of this industrial land.
- 6.6. Retail and residential uses:
- 6.7. The NPPF emphasises that a sequential test to proposals for main town centres uses must be applied. Where such uses cannot be accommodated with town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preferences should be given to accessible site that are well connected to the town centre.
- 6.8. Shopping and Local Centres SPD identifies established centres as well as primary shopping areas. The closest centre the application site is Hay Mills Neighbourhood Centre, whereby the boundary extends as far as the Old Bill and Bull PH to the northwest, to the opposite side of Coventry Road. Using the pedestrian crossings, this is at a distance of 90m from the application site. The Primary Shopping Area to Hay Mills Neighbourhood Centre is some 450m from the application site. The application site is also some 220m from the boundary of the Swan District Centre and 540m from its Primary Shopping Area.
- 6.9. The applicant has submitted a Planning and Retail Statement in support of their application. This highlights that the majority of Lidl's trade is drawn from within a 5 minute drive time of its stores. Furthermore, the distribution of existing discount food stores would also influence the catchment as shoppers are unlikely to travel beyond their nearest discount foodstore. The statement identifies that the existing discount food stores in this part of the City include Lidl (Kitts Green, Bordesley Green and Olton Boulevard East) and Aldi (Bordesley Green East, New Coventry Road Sheldon and Warwick Road Acocks Green) and as such the likely catchment area of the proposed store would cover the Swan District Centre, Hay Mills Neighbourhood Centre and Yew Tree Neighbourhood Centre. The applicant also stipulates that its business model requires the minimum of a 0.8ha site, net floorspace of 1424sqm and approximately 120 car parking spaces.
- 6.10. The applicant's sequential assessment considered vacant units at the Swan Shopping Centre and Equipoint Business Centre within the Swan District Centre, and the former Plough and Harrow PH, 1200 Coventry Road, and junction of Coventry Road and Geraldine Road within Hay Mills Neighbourhood Centre. These have been discounted on the basis of insufficient size and unavailable. Furthermore, the former Hob Moor Primary School in Yew Tree Neighbourhood

Centre has been discounted on the basis of insufficient size and unavailable as the site is subject to a current planning application for residential purposes (2015/04560/PA).

- 6.11. The application site is in an edge of centre location to Hay Mills Neighbourhood Centre at a distance of 90m from the Old Bill and Bull PH using the pedestrian crossings. It is noted that Coventry Road is a significant physical barrier consisting of 8 lanes of traffic. Whilst there are pedestrian crossings over Coventry Road, the Forest Road and Holder Road arms (2 and 3 lanes respectively) do not indicate when the junction has a pedestrian stage. On the basis that the proposal will increase pedestrian links with the Neighbourhood Centre compared to its previous use this needs to be addressed to create an appropriate and safe route for users and could be improved by introducing pedestrian signal improvements to Forest Road and Holder Road.
- 6.12. The methodology of the sequential appraisal is considered appropriate and that the sequential test has been passed. As such no objection is raised to the proposed foodstore in this edge-of-centre location. Planning Strategy and Growth concur with this conclusion.
- 6.13. In view of the predominantly residential uses surrounding the outline element of the application as well as compatibility of the proposed food store, it is considered that a residential use is an appropriate alternative use to this part of the site.
- 6.14. Highways:
- 6.15. Transportation Development has considered the submitted Transport Assessment as well as a further technical note relating to a number of sensitivity test scenarios. They consider that the proposal is acceptable in terms of likely highway impact, subject to the imposition of safeguarding conditions. This includes, amongst others, the provision of improved signal displays to pedestrians crossing Holder Road and Forest Road in order to improve connectivity with Hay Mills Neighbourhood Centre.
- 6.16. It is considered that the for the majority of the proposed store's opening hours, queuing on Forest Road on the approach to the signal controlled junction would be minimal, with movements into Forest Road through other approach arms being unlikely to have a material impact on the junction operation. Furthermore, the provision of the 'in-only' access off Coventry Road would remove the need for vehicles approaching the store from the east to make left turns onto Forest Road. It is recognised that during PM network peak traffic periods, there is significant queuing on Forest Road approaching the signal controlled junction. However should traffic exiting the store disperse to the south along Waterloo Road, which is likely in order to avoid these delays, and take alternative routes, the impact would be materially no worse.
- 6.17. Transportation Development are satisfied with the level of on-site parking for the foodstore, and articulated HGVs would be able to access the site and service the store in an appropriate manner. Furthermore, no objection is raised to the residential element in terms of the number of units or the position of the main access. However no approval should be given to the footway crossings shown on the indicative plan closest to the bend on Waterloo Road as these would conflict with the users negotiating the bend in a southeast bound direction.
- 6.18. Design:

- 6.19. The existing buildings are of a functional industrial appearance and of no architectural merit. No objection is raised to their removal. The new foodstore building would be smaller in footprint to the existing buildings and of an appropriate scale and mass to adjacent residential and commercial buildings. The most architecturally interesting and active frontage, including the customer entrance, of the modern generic foodstore design would face Coventry Road and is acceptable within this mixed residential/commercial context along a major transport corridor. The dominance of the associated surface car park would not be visible from Coventry Road, though it would be from Forrest Road. However, the scheme which includes landscaped boundaries would represent a significant enhancement to the character and quality of the application site and its surroundings.
- 6.20. The residential element is in outline form, with only the means of access to be determined at this stage, and an indicative layout has been submitted to demonstrate how the site could be developed. There have been discussions involving your City Design Team, on how best to provide housing on the site. Whilst there are a few issues with the submitted indicative layout, it is considered that the site could be developed in a manner that would achieve good urban design principle and deliver up to 21 dwellings (a mix of flats and housing).
- 6.21. Resident amenity:
- 6.22. Noise levels at the application site and surrounding area are dominated by Coventry Road and the application site is an unrestricted industrial use, which, in theory, could begin to operate again. The opening hours of the foodstore would be 0800-2200hours Monday to Saturday and 1000-1600hours on Sundays and Bank Holidays. These hours are considered reasonable within this busy location. Regarding deliveries, the loading dock is located to the rear of the building and facing away from existing residential properties to the east and south. Furthermore, it is recognised that these format discount foodstore generally only have 1 delivery a day. It is also noted that the loading dock is enclosed (weather proof which also brings acoustic properties) and deliveries are moved internally with no external movement of products. Subject to appropriate safeguard conditions it is considered that the proposed foodstore would have no adverse impact on existing neighbour amenity by means of noise and disturbance. Regulatory Services concurs with this view.
- 6.23. The new foodstore building would be located 5.5m from the rear boundary of the houses on Burnham Avenue and the side boundary with 1363 Coventry Road. The lowest part of the building (4.2m) would also run along this boundary with a landscape buffer strip in the region of 3.5m deep. Furthermore, there are no habitable windows to the side elevation of 1363 Coventry Road (at a distance of 7m from the new foodstore building) and as such there would be no adverse impact on existing neighbour amenity in relation to loss of light and outlook.
- 6.24. Regulatory Services raise no objection to the provision of new residential accommodation to the southern part of the site and recommend a noise assessment to cover road noise and commercial/industrial uses nearby. It is considered appropriate that this is addressed by means of a noise assessment condition, as there is no direct noise source that would make residential development on this part of the site undeliverable and any mitigation measures (e.g. noise insulation to windows and doors) can be designed into the final layout.
- 6.25. It is also considered that the new residential development could be designed to safeguard existing and proposed neighbour amenity in relation to separation

distances and the 45 degree code as well as provide adequate outdoor amenity space to the new dwellings.

- 6.26. S106 obligations:
- 6.27. The residential element of the application is for up to 21 residential units, and any proposal that would have 15 or more units would need to provide a minimum of 35% affordable housing to comply with relevant policy. Furthermore, any scheme that would have 20 or more units would need to provide off-site financial contributions towards Public Open Space and play areas as well as nursery, primary and secondary education facilities. Although the site is opposite Oaklands Recreation Ground this has had a large amount of investment over the last few years and the contribution would be directed towards George Road or Redhill Pocket Parks. Education have identified that the financial contribution would be spent at Starbank School. As the final number of units and the mix involved are not for determination at this stage, these requirements would be set out in the S106 as a pro-rata calculation.
- 6.28. The applicant has also offered £10,000 towards public realm improvements within Hay Mills Neighbourhood Centre. All these matters would be secured by means of a Section 106 Legal Agreement.
- 6.29. Other matters:
- 6.30. The Ecological Appraisal identifies that the site has limited biodiversity value and a nocturnal bat survey confirms no presence of bats (to be confirmed). Subject to conditions relating to mitigation measures and enhancement measures, your Ecologist raises no objection.
- 6.31. The Flood Risk Assessment has been considered by the Lead Local Drainage Authority, which raises no objection subject to a condition relating to a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan.

7. Conclusion

- 7.1. The application has demonstrated that the loss of this industrial land is acceptable and that they have successfully applied the sequential test and a foodstore in this edge-of-centre location is appropriate. The scheme would improve the character and quality of the site and its surroundings, as well as safeguard neighbour amenity and have an acceptable impact on highways. Furthermore, residential development is an appropriate alternative use for the remainder of the site. Subject to the completion of a Section 106 Legal Agreement to cover on-site affordable housing provision and off-site contributions towards POS/Play Areas, Education facilities and public realm works, the application is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. I. That application 2015/04386/PA be deferred pending the completion of a suitable Section 106 Planning Obligation to require:
 - a) In the event that 15 or more dwellings are developed, a minimum 35% on-site Affordable Housing provision.

b) In the event that 20 or more dwellings are developed, an off-site Public Open Space and Children's Play Area Contribution based on a sum derived from a pro-rata calculation in the adopted Public Open Space in new residential development SPD (detailed at appendix B of that SPD) (index linked to construction costs from the date of the committee resolution to the date on which payment is made) to be spent at the George Road or Redhill Pocket Parks. To be paid prior to commencement of the development of the residential element.

c) In the event that 20 or more dwellings are developed, an Education Contribution based on a sum derived from a pro-rata calculation in the 'Education Contribution' guidance note (detailed at appendix A, B and C of that note)(index linked to construction costs from the date of the committee resolution to the date on which payment is made) towards nursery, primary and secondary education facilities at Starbank School. To be paid prior to commencement of the development of the residential element.

d) A financial contribution of £10,000 to be spent on public realm improvements with Hay Mills Neighbourhood Centre. To be paid prior to commencement of the development of the foodstore.

e) Payment of a monitoring and administration fee of £1,500 associated with the legal agreement. To be paid prior to the completion of the S106 Agreement.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 28th August 2015 planning permission be REFUSED for the following reason;

a) In the absence of a financial contribution towards Public Open Space, Education, public realm improvements, and the provision of on-site affordable housing the proposal conflicts with Paragraph 3.53 B, 3.61, 5.20B, 5.20C, 5.37 A-G and 8.50-8.53 of the Birmingham UDP 2005 and the National Planning Policy Framework (2012).

III. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate Section 106 planning obligation.

IV. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 28th August 2015, favourable consideration be given to Application Number 2015/04386/PA, subject to the conditions listed below;

-
- | | |
|---|---|
| 1 | Requires the prior submission of contamination remediation scheme on a phased basis |
| 2 | Requires the prior submission of a contaminated land verification report in a phased manner |
| 3 | Requires the prior submission of roller shutter details to the foodstore |
| 4 | Limits the hours of use of the foodstore to 0800-2200 Monday to Saturday and 1000-1800 Sundays and Bank Holidays. |
| 5 | Limits delivery time of goods to or from the foodstore to 0700-2100 Monday to |
-

Saturday and 0800-2000 Sundays and Bank Holidays

- 6 Requires the prior submission of a drainage scheme in a phased manner
 - 7 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan in a phased manner
 - 8 Limits the noise levels for Plant and Machinery to the foodstore
 - 9 Secures noise and vibration levels for habitable rooms
 - 10 Requires the prior submission of hard and/or soft landscape details to the foodstore
 - 11 Requires the prior submission of hard surfacing materials in a phased manner
 - 12 Requires the prior submission of boundary treatment details in a phased manner
 - 13 Requires the prior submission of a lighting scheme in a phased manner
 - 14 Requires the prior submission of sample materials in a phased manner
 - 15 Requires the prior submission level details on a phased manner
 - 16 Requires the prior submission of a CCTV scheme to the foodstore
 - 17 Requires the prior submission of details of refuse storage to the foodstore
 - 18 No obstruction, displays or signage fitted to shop front the foodstore
 - 19 Requires the prior submission of a construction method statement/management plan in a phased manner
 - 20 Requires the prior installation of means of access in a phased manner
 - 21 Requires the prior submission of cycle storage details in a phased manner
 - 22 Requires the prior submission of details of a delivery vehicle management scheme for the foodstore
 - 23 No approval given to the position of the residential footway crossings
 - 24 Requires the prior submission of a parking management strategy for the foodstore
 - 25 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 26 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
 - 27 Requires the implementation of ecological mitigation measures
 - 28 Requires the scheme to be in accordance with the listed approved plans
 - 29 Limits the layout plans to being indicative only (outline element)
-

-
- 30 Limits the approval to 3 years (Full)
 - 31 Requires the submission of reserved matter details following an outline approval
 - 32 Limits the approval to 3 years (outline)
-

Case Officer: Peter Barton

Photo(s)



Figure 1 – Coventry Road frontage

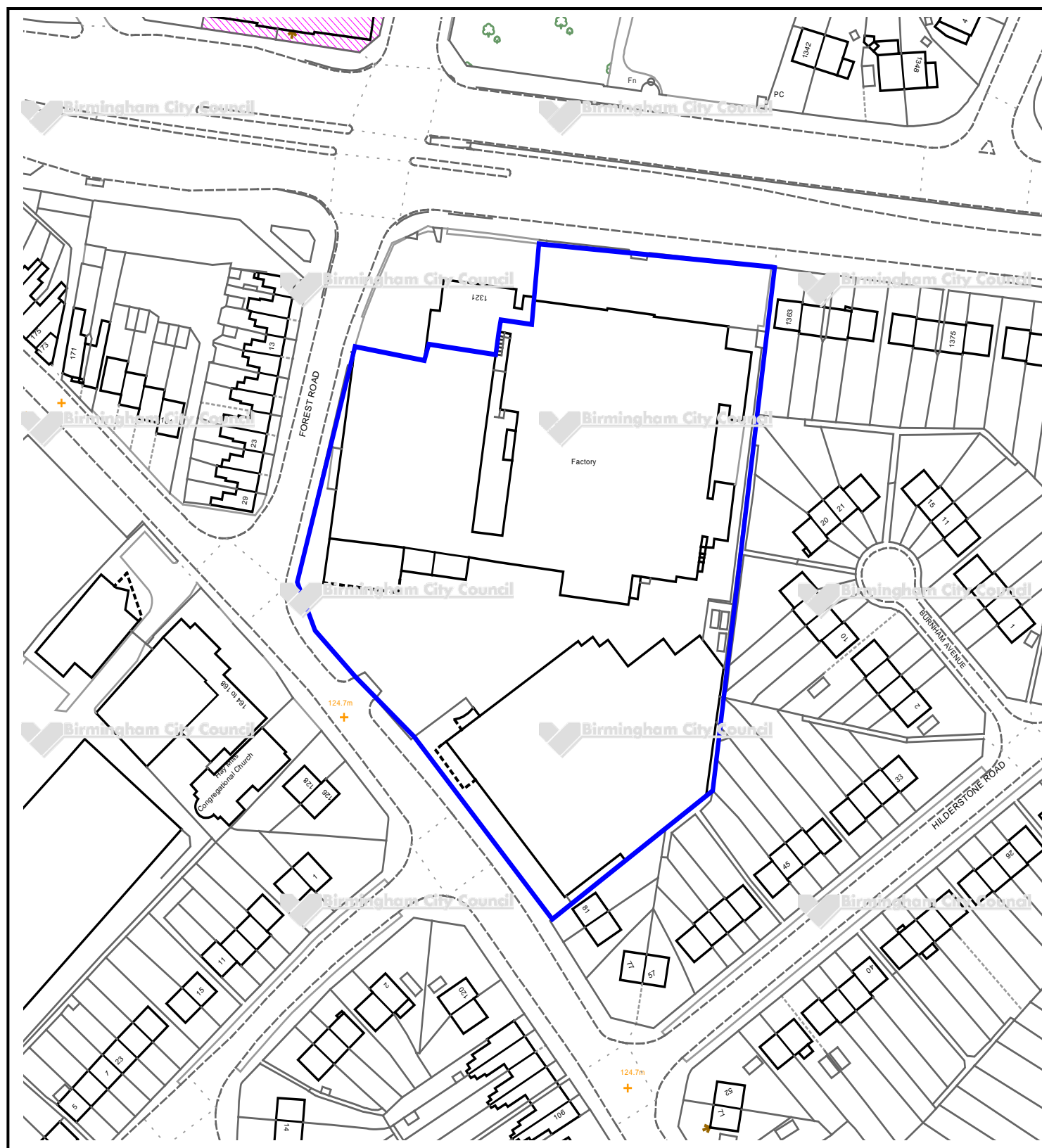


Figure 2 – Forest Road frontage viewed from its junction with Coventry Road



Figure 3 – Waterloo Road frontage

Location Plan



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Committee Date:	20/08/2015	Application Number:	2015/03119/PA
Accepted:	29/06/2015	Application Type:	Full Planning
Target Date:	28/09/2015		
Ward:	Bordesley Green		

Starbank Primary School Annexe, 256 Hob Moor Road, Bordesley Green, Birmingham, B10 9HH

Retention of existing single storey and 2-storey temporary buildings and a single storey inflatable building and installation of a new first floor interlinking temporary building to provide further classroom facilities and provision of new substation.

Applicant:	Birmingham City Council EdSI, 1 Lancaster Circus, Birmingham, B4 7DQ,
Agent:	Acivico Ltd PO Box 2062, 1 Lancaster Circus, Birmingham, B4 7DY

Recommendation

Approve Temporary

1. Background / Proposal

- 1.1. Planning consent was granted in August 2014 for the installation of 2 no. single storey inter-linking temporary buildings and 1 no. single storey inflatable building to accommodate secondary school provision for Year-7 pupils (2014/03904/PA). Consent is sought for retention of these buildings, together with consent to install further inter-linking temporary buildings on top of the existing 2 no. temporary buildings as approved above, to provide further classroom facilities. Consent is also sought for a new substation at the site which has now been installed.
- 1.2. In addition, consent is also sought for the retention 2 double x 2-storey temporary classrooms and 1 no. temporary building which were granted a 2-year temporary consent (2011/03956/PA) in September 2011. In total, the existing and proposed floorspace of temporary buildings / structures would be around 2600sq.m.
- 1.3. The existing/proposed buildings are required temporary (1-yr max.) as the existing Starbank School, located 150m south at Starbank Road, is being redeveloped to provide new school premises.
- 1.4. The inter-linking buildings approved in August 2014 comprised 5 basic teaching classrooms, a science classroom, food technology classroom, art/design technology classrooms, staff room, store room and w/c's (872sq.m in total). The new first floor accommodation would provide 5 basic teaching classrooms, 2 store rooms, w/c's and at either end of the building, stairs would be provided (915sq.m in total). The buildings would be approx. 36.6m wide x 25.5m deep x 7m high.

- 1.5. The existing/proposed temporary buildings are prefabricated. The external walls comprise plasticol-coated galvanised steel grey cladding and aluminium-zinc coated steel roof.
- 1.6. The inflatable building provides hall space for sporting purposes, e.g. hockey, football, etc. It is around 20m wide x 14.5m deep and around 6m high (260sq.m). It is bounded by an anti-climb fence. There is paving around / linking the proposed structures.
- 1.7. No internal layout plans are provided of the 2 double x 2-storey temporary classrooms and 1 no. temporary building (768sq.m in total) which were granted temporary consent (2011/03956/PA) in September 2011.
- 1.8. The Design and Access Statement indicates that the anticipated extra pupils would be 197, bringing the total from 409 to 606. 14 additional full-time staff would be accommodated.
- 1.9. An existing tarmacked play area, playing field and car parking would be unaffected by the current proposals.
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the north side of Hob Moor Road, behind Starbank School Annex. To the north and west, beyond the existing school playing field, are Yardley Green Allotments. To the east, beyond existing temporary school buildings, is a green space occupied as an 'Eco Park'. To the south, Hob Moor Road comprises predominantly 2-storey residential properties, together with a mosque opposite the site access on the corner of Hob Moor Road and Fosbrooke Road.
- 2.2. The surrounding area comprises predominantly allotments and dwellinghouses.
- 2.3. [Site Location and Street View](#)

3. Planning History

- 3.1. 19.09.91 - 1991/03458/PA – Regrading of playing field, installation of inception drains and reinstatement as playing field – Approved subject to Conditions.
- 3.2. 18.10.10 - 2010/02678/PA - Installation of 2 no. double temporary classrooms and 1 no. temporary kitchen for one year with alterations to existing side access road and provision of new area of hardstanding – Approved temporary for 1-year.
- 3.3. 16.09.11 - 2011/03956/PA - Renewal of temporary planning approval reference 2010/02678/PA and siting of one additional demountable classroom above existing classroom for a temporary period of 2 years, and installation of external staircase – Approved temporary for 2-years.

- 3.4. 22.08.14 - 2014/03904/PA - Installation of 2 no. single storey inter-linking temporary buildings and 1 no. single storey inflatable building to accommodate secondary school provision for Year-7 pupils - Approved temporary for 1-years.

4. Consultation/PP Responses

- 4.1. Ward Councillors, Liam Byrne M.P, Residents Associations and local occupiers notified. Site notices posted. 2 letters of objection received from a local occupier on the following grounds:

There is currently an electricity supply which is powered by a diesel generator which has been in place for many months. This is creating noise and vibration for the surrounding neighbourhood. Also, insufficient car parking has resulted in degradation of all the grass verges in the area. A budget needs to be set aside to repair and future proof these to maintain the appearance of the area.

- 4.2. Regulatory Services – No objections.
- 4.3. Transportation Development – No objections - A School Travel Plan is being prepared, including surveys and observations prior to school term close in July 2015, to inform of any mitigation and associated costs.

5. Policy Context

- 5.1. Birmingham UDP (2005), Draft Birmingham Development Plan (2013), Places for All SPG (2001), Car Parking Guidelines SPD (2012) and the NPPF (2012).

6. Planning Considerations

- 6.1. The main issues for consideration are the impact of the proposals on visual and neighbour amenity and highway safety.
- 6.2. 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.
- 6.3. A 2-year temporary consent was granted for the retention 2 double x 2-storey temporary classrooms and 1 no. temporary building (2011/03956/PA) in September 2011. Also, a 1-year temporary consent was granted for the installation of 2 no. single storey inter-linking temporary buildings and 1 no. single storey inflatable building (2014/03904/PA) in August 2014. Consent is sought for retention of these buildings for a further 1-year, together with consent to install a further inter-linking temporary buildings on top of the 2 no. single storey inter-linking temporary buildings to provide further classrooms. In addition, consent is also sought for the installation of an electrical substation.
- 6.4. The existing/proposed buildings are required for a temporary period, whilst a new school is erected at the main school site nearby at Starbank Road. The new school is under construction and once the new school is complete, the buildings / structure the subject of this application would be removed and the land reinstated as playing field. On the previous application, Sport England and Education expressed no objections. Education has stressed the importance of the facility to enable the continued education of children in the area.

6.5. Visual amenity

- 6.6. The existing / proposed buildings would be typical temporary structures. They would comprise plasticol-coated galvanised steel grey cladded walls and aluminium-zinc coated steel roofs. The existing single storey inflatable building is green in colour and is acceptable in terms of appearance. The buildings / structure are / would be located behind the existing main school building and sited around 2m lower than Hob Moor Road due to changes in ground level. As such, the buildings / structure would be barely visible from Hob Moor Road.

6.7. Impact on residential amenity

- 6.8. The proposed buildings / structure would be sited towards the middle of the existing school site. The nearest dwellings, fronting Hob Moor Road, would be around 45m from the inflatable structure and over 60m from the proposed first floor inter-linking buildings. Also, windows of the proposed building would face east, towards existing temporary buildings and west towards the existing playing field and allotments beyond. Consequently, within this context, it would be unlikely that the amenities of nearby residential occupiers would be adversely affected in term of loss of visual amenity, light or overlooking. Objections have been received relating to noise and disturbance from a diesel powered electrical generator. As part of these current proposals, consent is sought for a new electrical substation which would replace the diesel generator. This has now been installed, thereby addressing issues of noise and disturbance. Regulatory Services have raised no objections to the proposals.

6.9. Highway Safety

- 6.10. An objection has been received from a local occupier on the grounds of insufficient car parking which has resulted in degradation of nearby off-site grass verges in the area. This application proposes retention of a number of temporary buildings / structure at the site for a further year, together with new first floor temporary buildings to be located within the middle of the existing school site. The new building would not displace any of the existing parking facilities at the site. Transportation Development has expressed no objections and has advised that a School Travel Plan is being prepared, including surveys and observations prior to school term close in July 2015, to inform of any mitigation and associated costs. It is noted that there is a bus stop outside of the school premises on both sides of Hob Moor Road to facilitate travel by public transport. This application largely proposes retention of existing temporary buildings / structure (to regularise the situation), as well as a relatively minor addition of a further first floor temporary building. It is considered that the proposed development is appropriate, subject to safeguarding conditions, including conditions to secure a School Travel Plan and cycle storage facilities.

7. Conclusion

- 7.1. The existing proposed buildings / structure would be required for a temporary period (max. 1-year) and are considered acceptable, subject to satisfactory safeguarding conditions.

8. Recommendation

- 8.1. Approve for a temporary one year period.

-
- 1 Requires the prior submission of a scheme to show how the building would be removed on or before 20th August 2016
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the prior submission of cycle storage details
 - 4 Requires the prior submission of a parking management strategy
 - 5 Requires the prior submission of a school travel plan
-

Case Officer: Tony White

Photo(s)

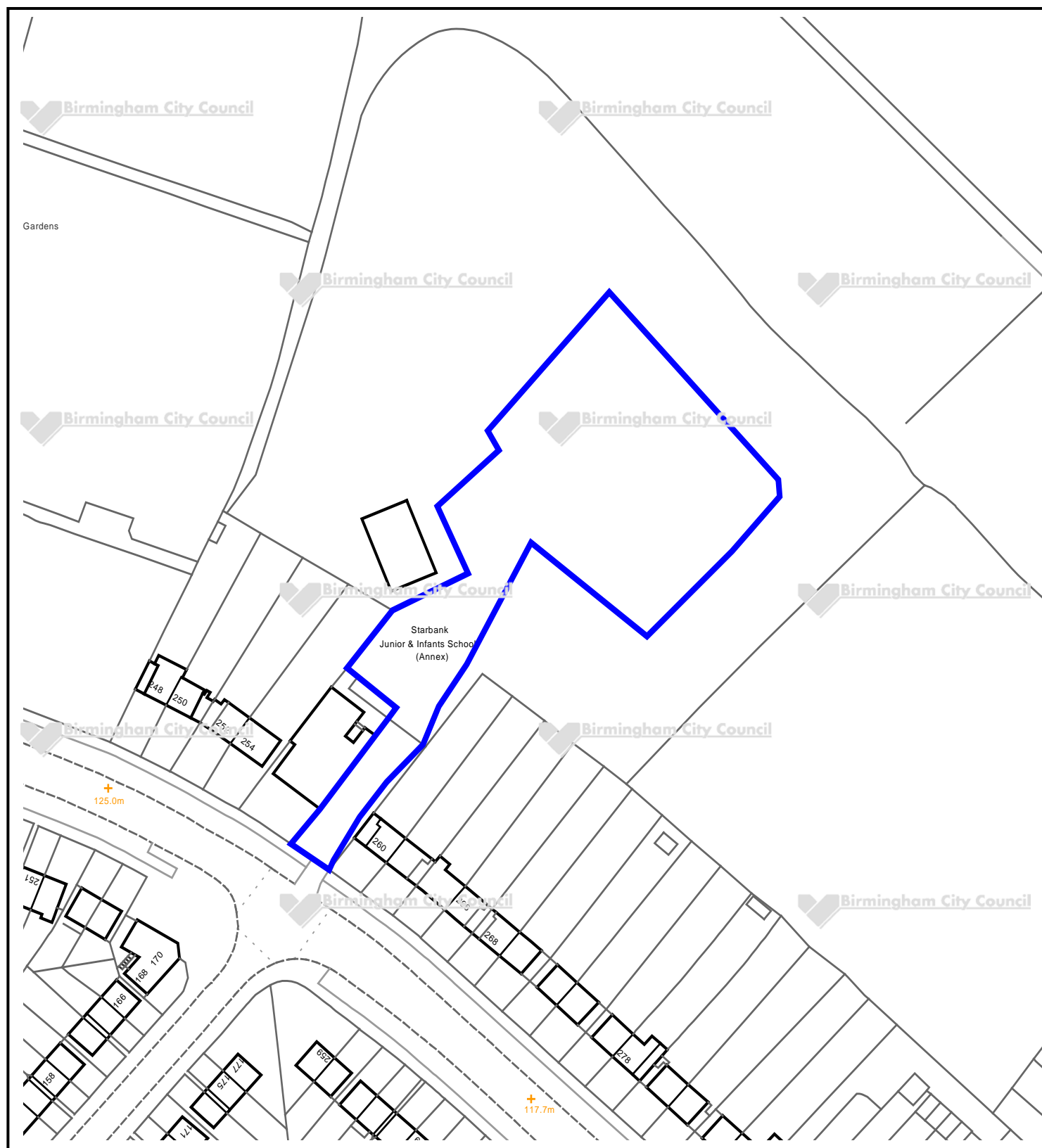


Figure 1: Hob Moor Road



Figure 2: Existing Temporary Buildings & Inflatable Structure

Location Plan



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BIRMINGHAM CITY COUNCIL

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

PLANNING COMMITTEE 20 AUGUST 2015

WARD: SUTTON FOUR OAKS

**The Birmingham (1B Hartopp Road, Four Oaks, Sutton Coldfield)
Tree Preservation Order 2015**

1. Subject and Brief Summary of the Proposals

Consideration of the Tree Preservation Order at the above location in respect of which one objection has been received.

2. Recommendation

That The Birmingham (1B Hartopp Road, Four Oaks, Sutton Coldfield) Tree Preservation Order 2015, be confirmed with minor modification in respect of the location of the tree.

3. Contact Officer

Julie Sadler – Principal Arboricultural Officer – Planning (North)

Tel: 0121 303 4172

Email: julie.sadler@birmingham.gov.uk

4. Background

- 4.1 The order protects one oak tree on the front garden of the property.
- 4.2 The site is within Conservation Area 21. A Section 211 notice for pruning works was received. The notification required the removal of three limbs to lift the canopy of the tree.
- 4.3 The Arboricultural Officer visited the site but could not agree to the work. In her professional opinion the increase in the percentage of clear stem relative to the size of the crown would increase the potential for failure of the tree under loading i.e. the potential for the canopy to snap off in high winds, particularly. (Mattheck 2007).
- 4.6 The order was served on 22nd May 2015.

5. Objections to the TPO

- 5.1 The objection to the Order may be summarised as follows:
- 5.2 The tree owner has always maintained his trees through the due process of Conservation Area legislation and employed professional tree surgeons.

- 5.3 It is his belief that the work in the notification would balance the tree aesthetically.

6. Response to the Objections

- 6.1 There is no dispute about the care of the subject tree and others on the property. However if the Local Authority does not agree with the work in any Section 211 notice the only recourse it has is to serve a tree preservation order.

A slight modification is required to the order in respect of the location of the tree which is further away from the road side than shown.

7. Financial Implications

None

8. Implications for policy priorities

8.1 Strategic Themes

Birmingham Unitary Development Plan paragraphs 3.14D and 3.16A

8.2 Implications for Women, People with Disabilities, Black and Minority Ethnic People and Race Relations

None

9. BACKGROUND PAPERS

- 9.1 Letter from the tree owner dated 22nd May 2015



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Director Planning and Regeneration

BIRMINGHAM CITY COUNCIL

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

PLANNING COMMITTEE 20 AUGUST 2015

WARD: SUTTON FOUR OAKS

**The Birmingham (62 Irnham Road, Sutton Coldfield)
Tree Preservation Order 2015**

1. Subject and Brief Summary of the Proposals

Consideration of the Tree Preservation Order at the above location in respect of which three objections have been received.

2. Recommendation

That The Birmingham (62 Irnham Road, Sutton Coldfield) Tree Preservation Order 2015, be confirmed without modification.

3. Contact Officer

Julie Sadler – Principal Arboricultural Officer – Planning (North)

Tel: 0121 303 4172

Email: julie.sadler@birmingham.gov.uk

4. Background

- 4.1 The order was made to protect one mature oak which the then prospective purchasers wished to fell in order to re-design the front garden as part of other refurbishment works before selling the property on.
- 4.2 The tree is located on the front garden of 62 Irnham Road alongside the footpath and then the public highway. It is clearly visible when entering Irnham Road from Four Oaks Road and once sat in an old hedgerow prior to the construction of the properties some 60 years ago.
- 4.3 The order was served on 30th April 2015 following which my Principal Arboricultural Officer met with the new owner. The officer explained the impact of the TPO and discussed works which could be done to hopefully improve perception of the tree. This included the removal of a heavy cloak of ivy and crown lifting branches over the driveways (this work has since been done).

5. Objections to the TPO

- 5.1 Objections to the order were received from the occupants of 60 Irnham Road, 64 Irnham Road and the new owners of no. 62.

- 5.2 A summary of the three objections is as follows:
- 5.3 The tree prevents the owners carrying out work to the front driveway.
- 5.4 The public amenity value does not outweigh the points of the objections.
- 5.4 Light being restricted to bedrooms.
- 5.5 Leaves blocking gutters and rainwater goods.
- 5.6 Branches overhanging the neighbouring driveways.
- 5.7 The potential of branches failing over properties.

6. Response to the Objections

- 6.1 The drive way already has an access and egress, a parking apron and shrub beds. Whilst the tarmac surface would benefit from top dressing the tree's presence did not restrict this.
- 6.2 The removal of the ivy and lifting of the crown to give a distance of 5m between the first foliage and the ground has undoubtedly improved light filtration to the affected properties. This has also lifted branches overhanging neighbouring driveways.
- 6.3 Debris such as leaves and fruit from trees are a natural occurrence and the Planning Inspectorate have always held the view that the removal of such debris is a part of normal property maintenance and not sufficient reason for excessive tree pruning nor tree removal.
- 6.4 No indepth inspection of the tree was carried out by the arboricultural officer as this is not a requirement. However a visual inspection of the parts of the tree that were visible with the ivy revealed no major structural defect. It must be noted that ivy makes inspection of trees for structural soundness virtually impossible. Some clearance around the base of the tree was done by the officer, no major problem was noted. The ivy has since been totally removed.
- 6.2 A conservative TEMPO assessment of the tree returned a score of 16 (Definitely merits TPO).

7. Financial Implications

None

8. Implications for policy priorities

8.1 Strategic Themes

Birmingham Unitary Development Plan paragraphs 3.14D and 3.16A

8.2 Implications for Women, People with Disabilities, Black and Minority Ethnic People and Race Relations

None

9. **BACKGROUND PAPERS**

9.1 email from occupants of 60 and 54 Irnham Road dated 5th May 2015.

9.2 email from the new owners dated 20th May 2015



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Director Planning and Regeneration

**Birmingham City Council
Planning Committee 20 August 2015**

Appeal Decisions Received from the Planning Inspectorate in July 2015

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Householder	73 Salisbury Road, Moseley	Retention of hip to gable roof alteration and dormer window to rear. 2014/08801/PA	Dismissed	Delegated	Written Representations
Householder	30 Springfield Crescent, Sutton Coldfield	Erection of single storey rear extension. 2015/00120/PA	Dismissed	Delegated	Written Representations
Householder	35 Springfield Road, Kings Heath	Retention of alterations to roof to include front and rear dormer windows. 2014/08653/PA	Dismissed	Delegated	Written Representations
Householder	291 Adams Hill, Bartley Green	Erection of single storey detached garage to front. 2015/00881/PA	Dismissed	Delegated	Written Representations
A3/A5 Uses	2 Beeches Walk, Sutton Coldfield	Change of use from retail shop (Use Class A1) to restaurant/hot food takeaway (Use Class A3 & A5) 2015/00007/PA	Dismissed	Delegated	Written Representations
Residential	16 Woodstock Road, Moseley	Change of Use from existing house to 5 no. self- contained flats with associated off street car parking. 2014/03415/PA	Dismissed	Committee	Written Representations

Total - 6 Decisions: 6 Dismissed (100%)

Cumulative total from 1 April 2015 - 36 Decisions: 30 Dismissed (83%), 5 Allowed, 1 Part Allowed