

Birmingham City Council

Planning Committee

26 October 2017

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> |
|-----------------------|-------------------|---|
| Refuse | 8 | <p>2016/08154/PA</p> <p>Site situated within the existing curtilage of African Village Restaurant and Bar (Former Crown and Cushion PH) Birchfield Road Perry Barr Birmingham B20 3JE</p> <p>Erection of 5 storey apartment building containing 55 apartments together with associated parking.</p> |
| Approve – Conditions | 9 | <p>2017/04331/PA</p> <p>Carnegie Institute Hunters Road Hockley Birmingham B19 1DU</p> <p>Retention of a 62 bed HMO (sui generis)</p> |
| Approve – Conditions | 10 | <p>2017/07024/PA</p> <p>Land at Icknield Port Loop Bounded by Ladywood Middleway Icknield Port Road and Wiggin Street Edgbaston Birmingham</p> <p>Reserved matters application for appearance, landscaping, layout and scale following outline planning permission 2011/07399/PA for the erection of 207 dwellings and 300sqm of Use Class A1-A5, B1a and D1 floor space together with associated internal roads, parking, landscaping and open space (Phase 1)</p> |

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|-------------------------------|----|--|
| Approve – Conditions | 11 | <p>2017/04245/PA</p> <p>29-31 Hamstead Hill Handsworth Wood Birmingham B20 1BN</p> <p>Erection of 6 no. dwelling houses, new road and associated works</p> |
| Approve – Conditions | 12 | <p>2017/06498/PA</p> <p>Land off Douglas Road Sutton Coldfield Birmingham B72 1NG</p> <p>Demolition of existing garages and the erection of 6 bungalows with garages and associated parking and landscaping</p> |
| Approve – Conditions | 13 | <p>2017/04809/PA</p> <p>85 Donegal Road Sutton Coldfield Birmingham B74 2AB</p> <p>Erection of two storey side and single storey rear extensions and conversion into two dwellings</p> |
| Approve – Temporary 1 year | 14 | <p>2017/07053/PA</p> <p>Units 8 And 9 Mulberry Walk Mere Green Road Sutton Coldfield Birmingham B75 5BP</p> <p>Variation of condition 14 attached to planning approval 2017/02461/PA to extend the opening hours for Units 8 and 9 only to between 07:00 and 23:30 hours Sundays to Wednesdays, 07:00 and 24:00 hours on Thursdays and between 07:00 and 01:00 hours Fridays and Saturdays</p> |

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|-----------------|-----------------------------|---------------------|---------------|
| Committee Date: | 26/10/2017 | Application Number: | 2016/08154/PA |
| Accepted: | 05/10/2016 | Application Type: | Full Planning |
| Target Date: | 27/10/2017 | | |
| Ward: | Lozells and East Handsworth | | |

Site situated within the existing curtilage of, African Village Restaurant and Bar, (Former Crown and Cushion PH), Birchfield Road, Perry Barr, Birmingham, B20 3JE

Erection of 5 storey apartment building containing 55 apartments together with associated parking.

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|------------|---|
| Applicant: | Perry Barr Developments Ltd c/o agent |
| Agent: | Freeths LLP 1st Floor, 5 New York Street, Manchester, M1 4JB |

Recommendation

Refuse

1. Proposal

- 1.1. The applicant proposes the erection of a 5 storey apartment building which would contain 55 apartments together with associated parking on land that currently forms part of the site curtilage, including a number of parking spaces, of African Village Restaurant and Bar (former Crown and Cushion PH).
- 1.2. The main part of the building would be situated within the western part of the site and extend almost the full depth of the site with a return at its northern end in the direction of east.
- 1.3. The building would measure 14.5 metres high, 27.5 metres wide by 51 metres long. The exterior façade of the building would be clad in vertically laid multi coloured panels with windows of varying widths incorporated in the external elevation. Other notable material types to be used include the a 900 mm base wall with a 2 metre high louvre panel above that would run along the northern façade of the building and also a large extent of the western and eastern facades in order to facilitate fresh air to the undercroft car park that would take up a large area of the ground floor. The main part of the building would appear rectangular in shape and would have a parapet edge roof. The ground floor would have a wider footprint than the upper levels of the building and this would provide the opportunity to provide a green roof over that part of the ground floor that extends beyond the main upper level footprint of the building.
- 1.4. The ground floor layout would provide 3 one bedroom apartments, undercroft parking for 35 cars (with further 6 within the external area curtilage of the site) and 54 cycle storage spaces, plant rooms, bin storage area, two staircases and a lift.

- 1.5. The upper levels would consist of 16 no. 2 bed and 36 no. 1 bed apartments.
- 1.6. Access to the site for pedestrians would be available from the front of the building through a front door facing Wellington Road whilst vehicular access would be achievable from Wellington Road over land that is shared with the African Village. The external car parking areas and the access to the undercroft parking areas would be secured behind vehicle access gates and fencing to the site perimeter. The development would result in the loss of three existing trees on the site and approximately 45 car parking spaces associated with the African Village Restaurant and Bar.
- 1.7. The application has been submitted with the following supporting information:- Design and Access Statement; Desk top report, Air Quality Assessment, Noise Assessment, Drainage Strategy and SUDS Assessment, Transport Assessment, Planning Statement and Arboricultural Assessment.
- 1.8. A viability assessment has been submitted with this application that sets out the scheme will not offer any affordable units or any public open space on site but instead makes an offer of £151,250 to pay for either affordable housing and or Public Open Space off site.
- 1.9. The site area measure 0.21 hectares which equates to development density of approximately 275 units per hectare.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site currently forms part of the curtilage of the African Village. The land use is currently set out as a grassed area and part hard surface car parking. To the west and north are garage premises (with a railway line and One Stop Shopping Centre further north) and African Village which is a restaurant and bar. Across Wellington Road to the south of the site is a 3 and 4 storey high block with commercial parade of premises on the ground floor and residential flats above. The site falls with the boundary of the Perry Barr Local Centre and the site has been identified in the SHLAA 2016 strategy of capable of providing residential development that may help meet the City's future housing needs. There is one TPO tree that is situated along the northern boundary of the site whilst the canopy of two others extend into the site along that same northern boundary.
 - 2.2. [Site Location](#)
3. Planning History
 - 3.1. 23.09.2010- 2010/03124/PA- Application for a new planning permission to replace extant planning permission 2007/03284/PA [Redevelopment of vacant land & car park to provide accommodation for 103 students within a 3 & 4 storey development with concierge & parking. Amendment to N/07712/05/FUL] in order to extend the time limit for implementation- Approved with conditions.
4. Consultation/PP Responses
 - 4.1. Surrounding occupiers, local councillors and community groups and local MP notified as well as site and press notices displayed- 1 response received from a local

occupier who states they object to the scheme as the apartment building will block right of light, daylight and sunlight.

- 4.2. Transportation Development- No objection subject to conditions relating to cycle storage and inward opening plant room doors.
- 4.3. Regulatory Services- Recommend refusal on the grounds of the adverse noise impact to the occupiers of the premises from the nearby African Village Restaurant and Bar and also the compressor unit located to the north east of the site that that serves the garage to the north of the site.
- 4.4. Housing- Agree to the provision of an off site affordable housing commuted sum.
- 4.5. Environment Agency- No objection.
- 4.6. Network Rail- No objection and provide comments in relation to vibro compaction/piling machinery, measures to mitigate noise and vibration works adjacent to their property.
- 4.7. West Midlands Fire Service- No objection.
- 4.8. LLFA- No objection subject to SUDS conditions.
- 4.9. Leisure Services- No objection subject to a commuted sum of £122,675 towards the provision, improvement and/or maintenance of Public Open Space and play facilities at Perry Hall Park.
- 4.10. Education- No comments.
- 4.11. West Midlands Police- (comments not based on latest drawings) They state that given their concerns in relation to lack of natural surveillance of the car parking area, the cycle storage and two of the three entrances to the residential units they wish to object to the proposal.

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Saved policies UDP (2005), Places for Living SPG, Places for All SPG, Car Parking Guidelines SPD, Aston, Newtown and Lozells Area Action Plan (AAP), Shopping and Local Centres SPD and the NPPF.

6. Planning Considerations

6.1. Principle

- 6.2. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005 and the Birmingham Development Plan 2017. The NPPF and the Aston, Newtown and Lozells Area Action Plan area also material considerations.

- 6.3. The Aston, Newtown and Lozells AAP is identified as a key area for growth in the BDP, including over 700 new homes and Perry Barr is identified as a District Centre growth point. The AAP also highlights that the Crown and Cushion PH is suitable for new development for local centre uses. The NPPF recognises that residential development can play an important role in ensuring the vitality of centres. It is also noted that the site has had planning permission in the past for residential development in the form of student accommodation and is identified in the SHLAA Study (2016) as having the capacity for residential development. Taking the above into account, no objection is raised in principle to residential development on the site.
- 6.4. I set out below my consideration of the other matters relevant to the proposal which all together are matters that need to be considered in arriving at a conclusion as to whether or not this proposal represents sustainable development.
- 6.5. Design and layout
- 6.6. This application has been the subject to extensive discussion and negotiation, including pre application discussion, in order to try and arrive at the most appropriate solution for the site. In contextual layout terms, the applicant has submitted an indicative master plan that I consider satisfactorily demonstrates that the development of the scheme could be built without hindering the prospective future redevelopment of neighbouring plots of land.
- 6.7. With respect to the overall mass and scale of the new building, street scene drawings have been provided which confirm that the new building would appear in keeping with the 4 storey block across Wellington Road. Though the building would be taller than any other buildings along this side of Wellington Road, it is situated where buildings of such a size are deemed acceptable.
- 6.8. Turning to the design of the building, I now consider that the scheme as now presented before members is of a design that meets best principles of good design. The development would have a front facing entrance and a clear definition between pedestrian and vehicular access to and from the site. The use of lightly contrasting external cladding would, coupled with the large number of and varying sizes of window, break up the large elevations of the building. This would help create a modern signature development for this location which is important given that it is expected to act as a catalyst for the redevelopment of this area. The mass, scale and design (which includes its positioning and general layout) of the new development meets good urban design principle and would fit into the wider vision for the future of this local growth centre. In summary, no adverse visual or urban design impact identified subject to safeguarding conditions. The City Design officer concurs with this view.
- 6.9. Residential Amenity
- 6.10. Regulatory Services recommend refusal on the grounds of the adverse noise impact to future occupiers of the premises from the nearby African Village Restaurant and Bar and also the compressor unit located to the north east of the site that that serves the garage to the north of the site.
- 6.11. An addendum to the submitted noise survey identifies that future occupiers of the apartments within the scheme along its eastern elevation would be adversely affected by noise from the African Village premises. It recommends that in order to

mitigate against this noise the windows to the affected apartments are kept closed during those periods and that residents instead rely on mechanical ventilation.

- 6.12. It is noted that the African Village has a licence to operate between 1300-0130hours Sunday - Thursday and 1300-0630hours Friday – Saturday, with live music and recorded music permitted between 1300-0100hours Sunday – Thursday and 1300-0600hours Friday – Saturday. It is also recognised that residential occupants are usually more tolerant of a noise without a specific character (e.g. transport noise) rather than, for example, from neighbours which can trigger complex emotional reactions.
- 6.13. I have significant concern over the impact that such mitigation of the noise would have on the overall living conditions of future occupiers of the affected apartments. Whilst a reliance on closing windows and mechanical ventilation with only occasional purge ventilation may address the technical aspects of the noise issue, the reliance on such would undoubtedly diminish the quality of the living conditions available to the affected apartments. In this respect I consider that it would not be unreasonable for future occupiers of the affected apartments to be able to open windows to naturally ventilate their properties for periods in excess of occasional purge ventilation rather than rely on mechanical assistance, in order to maintain a reasonable standard of living conditions. Regulatory Services does not support closed windows and alternative ventilation to mitigate noise from industrial and commercial uses.
- 6.14. This approach has been supported by the Planning Inspectorate within recent appeal decisions. *“Whilst a reliance on the closed windows units and mechanical ventilation with only occasional purge ventilation would address the technical aspects of the issue the inclusion of such would undoubtedly diminish the quality of the living conditions available to the affected properties... It would not be unreasonable for future occupiers of all dwellings to expect to be able to open windows to naturally ventilate their properties for periods in excess of occasional purge ventilation rather than rely on mechanical assistance, in order to maintain a reasonable standard of living conditions. I have been particularly mindful in this regard of the national Planning practice Guidance which advises that it is undesirable for material changes in behaviour to be caused by noise such as the need for keeping windows closed for most of the time” (2015/01779/PA – Land at the corner of Aston Lane/Wellhead Lane and to the rear of Aston Lane, Perry Barr).*
- 6.15. Furthermore, *“... I share the Council’s concerns regarding the effect of such mitigation on the living conditions of future occupiers... I agree that it is not unreasonable for future occupiers to expect to be able to open windows to naturally ventilate their properties rather than rely on a mechanical system in order to maintain a reasonable noise environment”(2016/02336/PA – 206-220 Windsor Street, Nechells).*
- 6.16. The acoustic consultant representing the applicant has argued that the windows do not need to be permanently sealed so occupiers can choose to open them for purge or by general choice. Adding that they consider that British Standard 4142 and PPG envisage that there will be circumstances in which closing windows and relying on mechanical ventilation is acceptable. Furthermore, they argue that the Aston Lane appeal decision relating to this matter is not comparable as that site incurred noise for 24 hours a day, whereas the African Village is open late for one night a week.
- 6.17. In response, the African Village has an entertainment licence, with the ability for live and recorded music until 0100hours during the week and 0600hours at the

weekend. Therefore, the premises have the potential to result in unacceptable noise and disturbance to a significant proportion of the occupiers of the development over a considerable period of time and also during the more sensitive evening and night time periods. Whilst it is recognised that the premises is in a busy District Centre location it is considered that the characteristics of the African Village has the real potential to result in noise and disturbance to residents above and beyond what would be tolerated in such a location and as such result in material changes in behaviour in relation to needing to keep windows closed.

- 6.18. The noise report also fails to acknowledge the presence and associated noise emanating from a compressor located to the north west of the site that serves the garage to the north. The noise emanating was intermittent and perceptible at a distance during the officer's day time site visit. Regulatory Services considers that given the noise report has not set out any details with respect to this noise source the impact of this could result in future occupiers of the apartments which have windows in the western elevation of the building being adversely affected by noise. I concur with this view.
- 6.19. I acknowledge the site has had been issued with planning consent for student accommodation under application 2005/07712/PA and subsequently renewed (with amendments) under applications 2007/03284/PA and 2010/03124/PA. However, I do not consider the above approvals provide reasoned justification to override the concerns about noise that this scheme gives rise to so as to make it acceptable. The reasons for this is that there are a number of fundamental differences both in the policy used to assess the aforementioned schemes and the current proposal, recent decisions by the Planning Inspectorate who have dismissed appeals on the grounds of unacceptability of creating enclosed residential accommodation to address unacceptable noise (as identified earlier in this report) as well as differences in the layout of the schemes.
- 6.20. In terms of national planning noise policy, the previous schemes were assessed under the prevailing noise guidance at that time which was contained within PPG 24 whereas the current scheme has been assessed under the current guidance set out in the NPPF and NPPG.
- 6.21. Turning to key differences between layouts of the schemes, the frontage of the previous schemes sat at the back of pavement and the submitted noise report identified that the main source of noise to affect the occupiers was from road traffic which was agreed to be addressed through sealed windows to the front and mechanical ventilation. The current scheme is set back from the road and the submitted noise survey does not recognise this as an issue that has to be dealt with by such measures.
- 6.22. The previous approved schemes also identified that the noise from a grill within the garage to the rear may be an issue and a condition was applied requiring further noise monitoring to determine the appropriate mitigating measures to the affected windows. Concerns about the compressor unit adjacent to the garage building to the north of the site has not been picked up in the current noise survey. I consider the application of a precautionary approach in terms of its potential impact on future residents of the current scheme is a reason to refuse the scheme rather than apply a condition to request an updated noise survey to capture its noise output and mitigating measures. This is important as the noise survey has already demonstrated that the scheme would be adversely affected by the African Village, possibly rendering any further noise survey and mitigation offered to address the noise from the compressor futile. It must also be remembered that the African

Village moved into their current former public house premises post the previous approvals and currently has an entertainment licence until 0600 hours.

- 6.23. Furthermore, the western and eastern elevations of the previous approved schemes had windows serving corridors running along them with the student rooms along those lengths screened from noise by looking into a central courtyard formed by the development. Therefore, though the current scheme fails on noise from the African Village and also possibly from the compressor unit to the north west of the site in terms of their impact on habitable room windows in the western and eastern elevations of the current scheme, no such windows existing in the previously approved scheme.
- 6.24. Finally, the mitigation agreed under the previous approved schemes to accept sealed windows and mechanical ventilation (to the front windows only) is now considered an unacceptable approach and this stance has been supported by the Planning Inspectorate. Those appeals decisions relate to refusal of planning permission for residential schemes where the scheme has been refused on the grounds of noise and the appellant has relied on sealed windows and mechanical ventilation to overcome noise impacts.
- 6.25. Internal layout of the proposed development is considered acceptable. The 1 bedroom units would range from a total floorspace of 47 to 54 sq.m whilst the 2 bedroom units would range from 58 to 76 sq.m. Double bedrooms range from 10.3 to 14.1 sq.m and single bedrooms measure 9.7 sq.m. I consider that this demonstrates that the scheme in general aligns with the sizes contained within national standards. I also note that each unit and their bedrooms would be of a fairly regular shape and that each unit would also be provided with internal storage area.
- 6.26. The nearest directly facing residential dwellings are the flats situated above the commercial premises across Wellington Road to the south of the site which are approximately 40 metres from where the new building would be erected. The windows at first floor level above the African Village Restaurant and bar which face towards the site serve a kitchen and offices with the closest approximately 30 metres from the application site boundary. The nearest garden of a residential dwelling is the rear garden of number 309 Wellington Road which is situated approximately 57 metres away to the west of the application site. On the basis of this assessment, I consider the proposed new development is unlikely to have an adverse overlooking or intrusion of privacy impact. Furthermore, there would be no loss of light or outlook to residential dwellings identified.
- 6.27. The proposed development would not provide any on site communal private amenity area. It is recognised that the provision of on site private amenity space for residential apartment schemes in local centres locations such as these can be problematic and can impact on achieving the desired higher densities. On this basis, I do not consider the non provision of external private amenity area for this scheme as an issue with respect to this scheme.
- 6.28. Parking/highway impact
- 6.29. Transportation Development raise no objection but request that conditions are applied that require details of the type of cycle storage equipment to be provided and agreed and that the doors to the plant rooms open inwards so as to prevent obstruction of footpaths in the site. I concur with this view.

- 6.30. The application site falls within area 2 as set out in adopted Car Parking Guidelines SPD due to its proximity to Perry Barr Railway Station. The proposed development would provide 41 car parking spaces for the 55 units (75%). Despite the provision of parking would fall below 1 space per residential unit I do not consider this would lead to an adverse parking or highway safety impact. The reasons for this includes the fact that the site is located in the defined boundary of Perry Barr District Centre where access to everyday goods and services are within walking distance and the site is well serviced by public transport including bus and rail services.
- 6.31. Ecology
- 6.32. The site currently has limited value in ecological terms. Scope exists to provide for ecological enhancements which I consider can be achieved through a condition. The City Ecologist concurs with these views.
- 6.33. Trees
- 6.34. The site contains 5 trees, one of which is covered by a TPO, whilst there also exists the canopy of other trees that overhang the site. It is proposed to remove the 4 non TPO trees that are situated on the site which comprise a Common Lime, Gean, Sycamore and Laurel. The TPO that exists on site is a Common Lime and is situated at the rear of the site forming part of a row of other trees that in the main run along the rear of the neighbouring site that is occupied by the African Village Restaurant and Bar. The removal of the aforementioned trees is considered acceptable from an amenity perspective. The overhang of tree canopies onto the site along the western boundary, could be covered by appropriate trimming.
- 6.35. The canopy of the TPO tree to the north of the new building extends to a degree so that it will obstruct construction operations and will require a reduction in the lateral spread of the crown towards the proposed development by 3 metres. The crown of that tree naturally tapers inwards in the upper half and therefore the works only need to be completed to the lower section. I consider the extent of the works relative to the full volume of the crown are small and will have no impact on the health and longevity of the tree. The Tree Officer concurs with this view.
- 6.36. S106 Planning obligation
- 6.37. Due to the application exceeding 15 and 20 units, policies TP31 and TP9 of the BDP seek contributions for affordable housing and public open space respectively. Where an applicant considers that a development proposal cannot provide affordable housing as set out in the policy, the viability of the proposal will be assessed. The applicant has confirmed that he is unable to provide any on site affordable housing as part of this development and instead offers a sum of £151,200 for the provision of affordable housing or provision/improvements to POS and childrens play as a commuted sum. A viability appraisal has been submitted and has been independently assessed on behalf of the Council and concludes that the offer is an acceptable sum.
- 6.38. I note that the latest available City data (May 2013) on Public Open Space and Public Playing Field provision identifies that Perry Barr ward has a provision of 5.02 hectares per 1000 population which is double the City wide target. When the availability of these open spaces such as Perry Park and also Perry Hall Park is taken into account I consider that the priority spend for the commuted sum should be on the provision of affordable housing.

- 6.39. The allocation of the commuted sum for affordable housing could assist in the provision of 4 or 5 affordable units in developments elsewhere in the City. Due to the number of affordable units to be provided by the S106 sum, it is deemed preferable in this instance that the provision is made off site as a contribution for example to expanding the provision of affordable housing in schemes elsewhere. This will help in the management and maintenance of the affordable units in the long term in comparison to them being provided (on the scale proposed) within the overall 55 units proposed on site. My Housing Officer concurs with this view.
- 6.40. I therefore recommend that the commuted sum is secured to support the provision of affordable housing using a wider geographic spend profile in the Section 106 agreement which would allow a city wide spend.

7. Conclusion

- 7.1. Whilst the scheme is acceptable in terms of its proposed use, design, impact on visual amenity, residential amenity of neighbouring uses, highway safety and planning obligations, the impact on the residential amenity of future occupiers by noise and disturbance arising from the operation of the African Village Restaurant and Bar is unacceptable. I consider the proposed mitigating measures are not acceptable in that they would be likely to require the occupiers of affected apartments to close their windows and rely on mechanical ventilation for significant periods of time. Furthermore, the lack of acknowledgement of the compressor located to the north west of the application site within the applicants submitted noise survey and subsequently any assessment of the noise it generates, also has the potential to undermine the future practical use and enjoyment for everyday purposes of the residential apartments with windows on the western and northern elevation of the new building.

8. Recommendation

- 8.1. Refuse.

Reasons for Refusal

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| 1 | The proposed noise mitigation measures, with a reliance on closed windows and mechanical ventilation, during periods of the day would result in unacceptable living conditions of future occupiers of the proposal. As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan (2017) and the National Planning Policy Framework. |
| 2 | It has not been adequately demonstrated that noise from a compressor plant located to the north west of the site would not have an unacceptable impact on the residential amenity of future occupiers of the proposal. As such the proposal would be contrary to Policy PG 3 of the Birmingham Development Plan (2017) and the National Planning Policy Framework. |
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Case Officer: Wahid Gul

Photo(s)

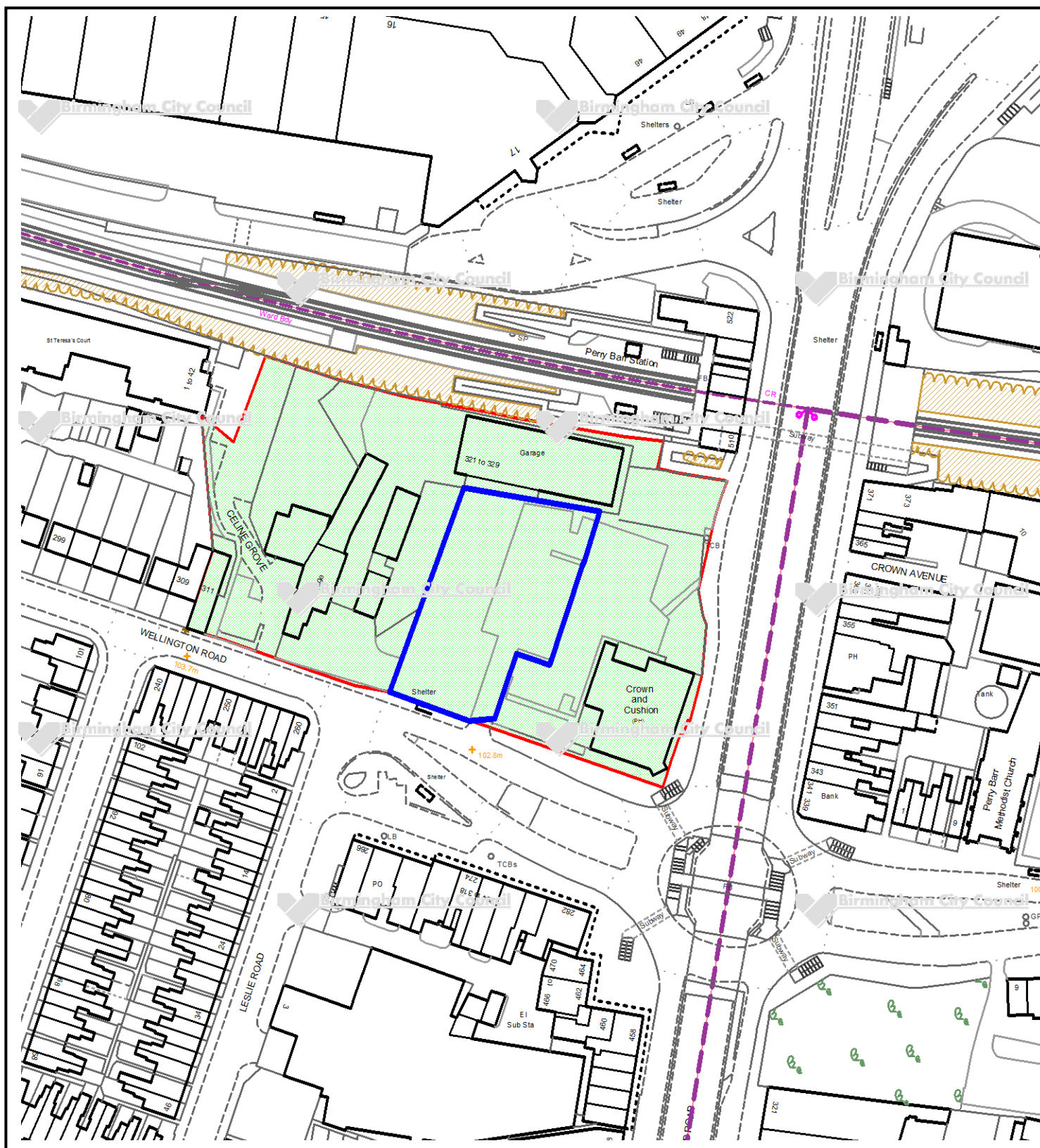


Photo 1 - View of site form across the road



Photo 2 - Site entrance

Location Plan



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| Committee Date: | 26/10/2017 | Application Number: | 2017/04331/PA |
| Accepted: | 17/05/2017 | Application Type: | Full Planning |
| Target Date: | 16/08/2017 | | |
| Ward: | Lozells and East Handsworth | | |

Carnegie Institute, Hunters Road, Hockley, Birmingham, B19 1DU

Retention of a 62 bed HMO (sui generis)

| | |
|------------|---|
| Applicant: | Sutton Carter Investments Ltd 6 Sovereign Court, Graham Street, Birmingham, B1 3JR |
| Agent: | Apse Building Design 47 Summer Road, Kidderminster, DY11 7JS |

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the retention of a 62 bed HMO. The lower ground floor consists of 10 bedrooms, 2 kitchens, 3 bathrooms, lounge (53m²), bin store, 2 store rooms and a boiler room. The ground floor consists of 24 bedrooms, 2 kitchens, 1 double kitchen, lounge (25m²), 2 bathrooms, 3 shower rooms, wc, office, reception. The first floor consists of 28 bedrooms, 4 kitchens and 1 double kitchen, 7 bathrooms, wc and a lounge (20m²).
- 1.2. The internal size of the bedrooms would range in size from 10m² to 17m².
- 1.3. There is a car park at the rear of the site which can accommodate 24 car parking spaces and a further 7 designated spaces at the front.
- 1.4. This application is accompanied by a supporting statement which says that Prospect Housing have partnered with Vanguard Direct to provide temporary accommodation for single males over the age of twenty who have been deemed low risk by referral agencies. A tenancy pre-assessment will be carried out on all prospective residents, along with a risk assessment and a needs assessment to ensure the individuals are suitable for the building.
- 1.5. Couples will be housed in a segregated wing where short term emergency accommodated will be provided to ease the burden statutory services such as Birmingham City Council's homeless teams emergency duty team (EDT).
- 1.6. A policy is in place which does not allow the use of occupation by children at any time.
- 1.7. The building would never be occupied by more than sixty two individual people.
- 1.8. The intention is to provide emergency housing, support and be a temporary stepping stone whilst more permanent accommodation is being sought. Vanguard will manage the complete property on a 24 hour basis, 7 days a week. There will be a

team of qualified support staff around the clock. The staff will include a managing director, operations director, 24/7 on call service, manager, support service, concierge service, security service, maintenance team, administrator, head of support, 3 support workers, day and night concierge, 2 night and 1 day security guards and on-site maintenance.

1.9. The property is registered with Prospect Housing Ltd who are a Registered Provider of Social Housing.

1.10. The applicant has provided the following supporting information:

- Single males over twenty and a wing of the building would be used as emergency housing for couples are only to be housed on site.
- They will not take any alcohol or drug abusers, ex-offenders or sex offenders. All applicants will be vetted thoroughly.
- All windows facing the front and side elevations of the building have been frosted and residents and staff cannot see out, nor can people from the outside see in. No one will have a direct view of the school or the road in front of the building.
- Staff parking will be to the front of the property (allocated spaces within the site) and all resident parking to the rear. There will be no parking on the road at all.
- Access for residents will be from the rear only, staff and visitors from the front.
- There will also be comprehensive CCTV coverage for the outside and inside of the building that will cover all areas at all times and will be monitored internally and externally.
- SIA approved security guards will be on site 24 hours a day 7 days a week.
- Support Staff will be on site 7 days a week.
- Lighting and security lighting is to be provided all around the building.
- No visitors will be allowed to the property after 9pm.
- There will be a complex in and out system in place. All residents and guests must come in through reception and leave through the reception area. All residents must hand their room keys in reception when leaving the property and collect when entering, This will allow to keep a log of in and out's.
- All fire exists are fully alarmed if opened or misused in any way.
- There will be designated smoking and recreation area in the back yard designed to keep residents away from the front of the building for any reason apart from leaving and entering the site.
- The managing agent also has a strict policy on all residents concerning public disorder and anti-social behavior by pro-actively engaging with authorities and SPA's (single point of access), for homelessness and ensuring that any serious incidents which may have an adverse risk on the vulnerability of other residents can be fully investigated, assessed and dealt with swiftly and where appropriate, can result in eviction from the Carnegie Institute.
- Contact has been made with St. Francis Catholic School, St Francis RC Church, St Mary's Convent Church, a local mosque and community institute Masjid At-Taqwa and local residents to inform them of management details, a postal address, email address and contact phone number so that any complaint, issues or concerns raised can be passed on to management and dealt with accordingly.
- A plaque has been installed on the front elevation which contains the contact details including a telephone number, email address and a postal address of our liaison officer so that and issues or concerns can be addressed and resolved.
- West Midlands Police will be able to call at the site at any time and monthly or quarterly meetings will be arranged. The liaison officer and West Midlands Police will have a direct point of contact to each other.

2. Site & Surroundings

- 2.1. The property is situated on Hunters Road, near to the junction with Nursery Road, within the Hockley area of Birmingham. Opposite is St. Francis Catholic Primary School. There are residential properties to the North and commercial properties to the South. The site is within the Lozells and Soho Hill Conservation Area.
- 2.2. The Carnegie Institute comprises a substantial, three storey red brick building fronting directly onto Hunters Road, Hockley, situated on a broadly rectangular shaped sloping site extending to an area of about 0.43 acres (0.17 Hectares). The building was originally built as an Infant Welfare Institute and has recently been used by the NHS giving confidential advice and support to patients, families and their carers.

2.3. [Location Plan](#)

3. Relevant Enforcement History

- 3.1. 2017/0439/ENF Alleged unauthorised operational development and change of use. Investigations pending.

4. Consultation/PP Response

- 4.1. Neighbours, local Councillor's, residents association's, M.P consulted and site and press notice displayed. Combined objections from Councillor Quinnen, Councillor Zaffar and Councillor Hussain on the following issues which they feel the applicant has not outlined in the application:
- No ex-offenders are to be house on site.
 - No sex offenders are to be house on this site.
 - Social housing to be provided to families where there is a substantial shortage in Birmingham.
 - Service providers should establish and develop relationships with key stakeholders and be accessible to ensure that any concerns and issues are addressed adequately and promptly.
 - Registered security provision to be provided at all times.
- 4.2. 1 objection received from the Headmaster of St Francis Catholic Primary School which is directly opposite the Carnegie Institute, expressing the following concerns (in summary): increase in traffic and parking demand, highway safety issues, pedestrian safety concerns.
- 4.3. 11 neighbour objections received expressing concerns (in summary) in relation to: this application is retrospective; there are no details of parking provision on site; too large for the area and would be a strain on local amenities; concerned how this building would operate; concerned that offenders and drug addicts will live there.
- 4.4. Transportation Development – No objection subject to conditions relating to a car parking layout, vehicle circulation areas, access arrangements and cycle storage.
- 4.5. West Midlands Police – No objection and subject to a condition relation to a package of security measures (CCTV, lighting, door and building security, window restrictors).
- 4.6. West Midlands Fire Service – No objection.

- 4.7. Severn Trent Water Limited – No objection subject to a condition relating to the disposal of foul and surface water.
- 4.8. Regulatory Services – Have not commented on this application.
5. Policy context
- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2031
 - Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
 - Places For Living SPG (2001)
 - Specific Needs Residential Uses SPG
 - Lozells and Soho Hill Conservation Area.
 - Car Parking Guidelines (SPD)
- 5.2 The following national policies and technical guidance are applicable:
- National Planning Policy Framework (NPPF) (2012)
 - DCLG Technical housing standards – nationally described space standard
- 5.3. Policy context
- 5.4. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 5.5. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places. All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.
- 5.6. Applications for change of use to Houses in Multiple Occupation need to be assessed against criteria in saved policies 8.23-8.25 of UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality.
6. Planning considerations
- 6.1. The main considerations are whether the retention of this proposal would be acceptable development in principle and whether any harm would be caused to neighbouring occupiers, surrounding amenity or highway safety.

6.2. Background

- 6.3. The Carnegie Institute was originally a children's care home from the Victorian period. More recently, this three storey building has been used by the NHS. Subsequent internal works have resulted in the building being converted into a 62 bed HMO and this application seeks the retention of this use.

6.4. Principle of proposal

- 6.5. The surrounding area consists of a mixture of residential and commercial buildings, with a school opposite. Given the previous uses of the building, including a children's care home, I am satisfied that the proposed change of use to an HMO would be acceptable development in principle, subject to compliance with other local and national planning policy.

6.6. Residential amenity

- 6.7. This 62 bedroom HMO occupies three floors (lower ground floor, ground floor and first floor). Each single bedroom ranges in size from 10m² to 17m² with shared communal facilities such as a kitchen, bathroom and a lounge which are all available on all floor levels. It is considered that the overall provision within the context of the nature of the accommodation proposed is acceptable. In terms of bedroom sizes, the DCLG Technical housing standards – nationally described space standard states that a single bedroom should be a minimum of 7.5m² and a double bedroom should be 11.5m². It is recommended that a condition is imposed to restrict the number of persons living within the building to a maximum of 62. This will ensure that the use does not become over-intensive and would provide a satisfactory level of internal living space and accommodation for its occupiers.
- 6.8. It is considered that given the previous uses of the Carnegie Institute as a children's home and as a facility used by the NHS, that the retention of the HMO use is unlikely cause any additional harm to neighbouring occupiers in terms of noise and disturbance.

6.9. Crime and safety issues

- 6.10. West Midlands Police have assessed this proposal and attended an on-site meeting. No objections are raised subject to a package of security measures (including details of CCTV, lighting, door and building security). I agree with this recommendation and a condition will be imposed accordingly.

6.11. Highway safety

- 6.12. Transportation Development acknowledge that there is a reasonable sized car-park at the rear and parking is also available on front forecourt which would sufficiently accommodate the needs of this use. In addition, many of the occupants of the premises are unlikely to have cars and the change of use of this building is unlikely to generate an increase in traffic or parking demand. No objections are raised, subject to a condition relating to a car-parking layout, access arrangement and cycle storage. I agree with this view and subject to this condition being imposed, I am satisfied that this proposal would not prejudice highway or public safety and is acceptable.
- 6.13. The Council's Conservation officer has assessed this proposal and raises no objection. I am satisfied that this proposal would not undermine the purposes and

provisions of including this land and building within the designated conservation area and is acceptable.

7. Conclusion

- 7.1. The proposal is an appropriate use within this mixed-use area. It would provide residential accommodation with no adverse impact on neighbour amenity or highway safety. Subject to conditions being imposed, I am satisfied that this proposal would comply with local and national planning policy and approval is recommended.

8. Recommendation

- 8.1. Approved subject to conditions

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|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of vehicle parking and turning details |
| 3 | Use resitricted to a maximum of 62 occupants. |
| 4 | Require sthe prior submission of a package of security measures |
-

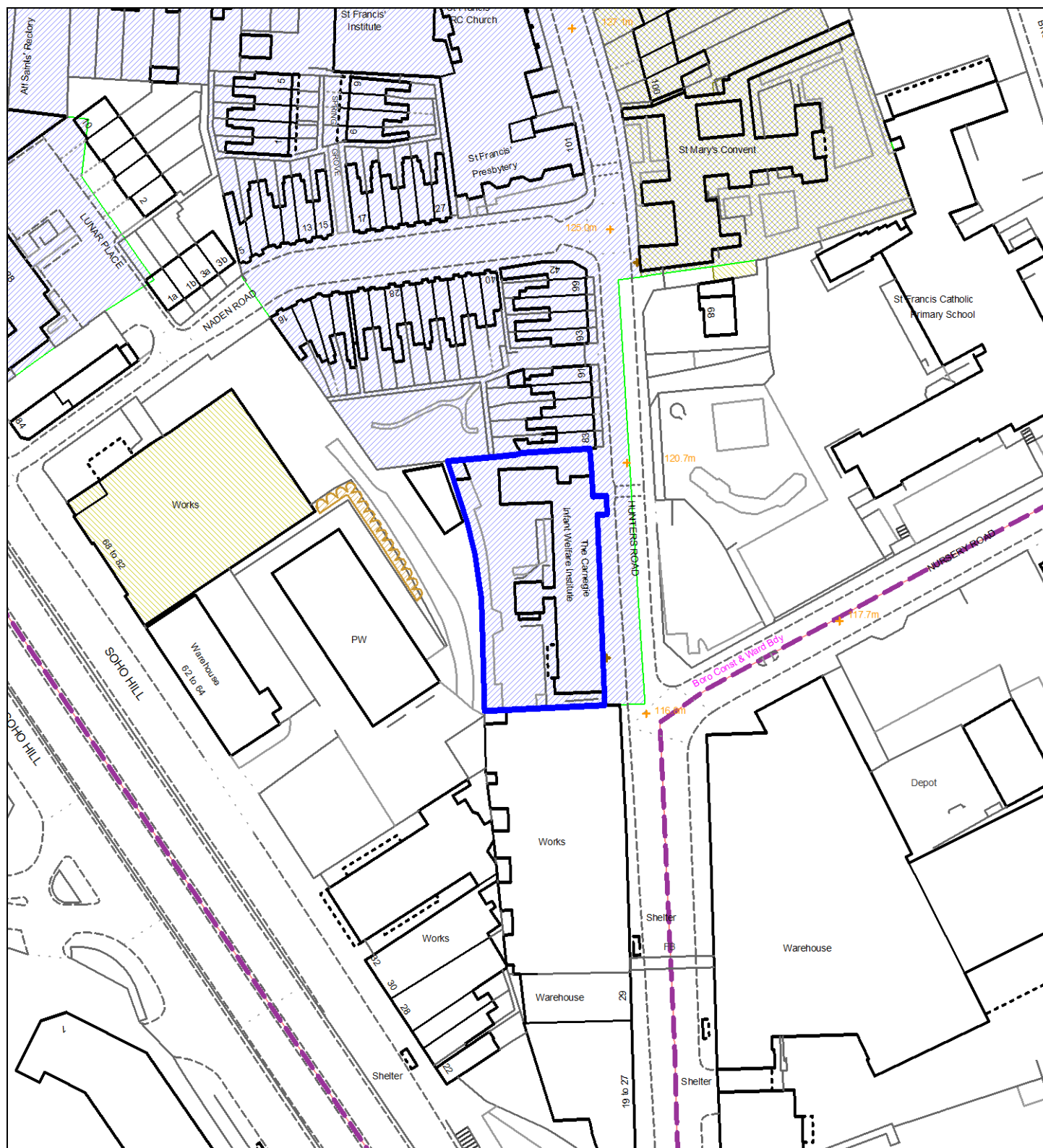
Case Officer: Daniel Ilott

Photo(s)



Figure 1 Front of Site

Location Plan



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|-----------------|------------|---------------------|------------------|
| Committee Date: | 26/10/2017 | Application Number: | 2017/07024/PA |
| Accepted: | 09/08/2017 | Application Type: | Reserved Matters |
| Target Date: | 08/11/2017 | | Development |
| Ward: | Ladywood | | |

Land at Icknield Port Loop, Bounded by Ladywood Middleway, Icknield Port Road, and Wiggin Street, Edgbaston, Birmingham

Reserved matters application for appearance, landscaping, layout and scale following outline planning permission 2011/07399/PA for the erection of 207 dwellings and 300sqm of Use Class A1-A5, B1a and D1 floor space together with associated internal roads, parking, landscaping and open space (Phase 1)

Applicant: Icknield Port Loop LLP
c/o Agent
Agent: Turley
9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. This is the first reserved matters application (appearance, landscaping, layout and scale) for the Icknield Port Loop (IPL) site for 207 dwellings of which 117 units would be houses (3, 4, and 5 bedroom). These would be arranged in terrace blocks running parallel to the Loop and Rotton Park Street or running perpendicular between these at heights ranging from 2-4 storeys in height. The remaining 90 units would be apartments (1 and 2 bedroom) located within one 5-storey block and two 6-storey blocks, facing the Mainline Canal and further within the site adjacent to Rotton Park Street.
 - 1.2. There are two distinctive house types, each being designed by separate architectural practices. The house types seek to provide flexibility to enable adaptation for individuals and families at different stages of their lives. Glenn Howells Architects' houses represent a contemporary take on the traditional Victorian housing stock in the wider locality. These 2, 3 and 4-storey properties consist of a mix of red-multi brick and dark blue brick houses with slender white concrete surrounds and large window openings, whilst elevated living spaces are given juliet balconies with french doors. A number of the units also have small rooftop terrace areas. There would be a total of 57 of these house types and the applicant is seeking flexibility to 46 of these, contained within 5 terraces to be either 2 or 3-storey in height (facing Rotton Park Street and within the centre of the site) or 3 or 4-storey in height (facing the Loop Canal).
 - 1.3. Shed KM have designed the applicants' 'hoUSE' scheme which claims to have drawn inspiration from traditional Victorian and Georgian terrace streets. These 2

and 3-storey house types have been designed to allow purchasers to decide the floor layouts, for example locating the living space to the either the bottom or top floor. The flexibility of the house type also allows a variety of configurations depending on the number of bedrooms, en-suites etc. The appearance of the 'hoUSE' scheme consists of linen (off-white) through coloured fibre cement panel, with large bay windows to the front and rear as well as balconies that would be clad in black powder coated aluminium. These houses are factory built and brought to site fully finished. There would be a total of 60 of these house types and the applicant is again seeking flexibility to 40 of these, contained within 4 terraces to be either 2 or 3-storey in height (facing Rotton Park Street and within the centre of the site).

- 1.4. Glen Howells Architects have also designed the two 6-storey apartment (Villa) blocks, one of which would be located within the entrance square at the junction of the Loop and the Mainline Canal on the main pedestrian approach from the City Centre, and the other at the head of the communal green. Each block would accommodate 20 apartments across 5 floors above the ground floor. The internal arrangement around a central stair core would result in each 2 bedroom apartment having dual aspect living space. The elevation treatment would consist of a light coloured pre-cast concrete frame with profiled bronzed metalwork with slender metal fins set within the grid. Each block would have ground floor commercial space totalling some 300sqm for use classes A1-A5, B1a and D1.
- 1.5. The proposal also includes a single 5-storey apartment (Mansion House) block with a staggered frontage to the Mainline Canal containing 50no. 1 and 2 bedroom apartments. This is based on the 'hoUSE' model and is also a modular approach allowing a variety of apartment sizes within the same building footprint. Each flat would be dual aspect with a balcony overlooking the Mainline Canal. The elevation treatment would match that of the townhouses, consisting of linen (off-white) through coloured fibre cement panels with bay windows and balconies in black powder coated aluminium.
- 1.6. Each house would be provided with a parking space (100%) either within the property's curtilage or an allocated on-street parking bays located close to the property's entrance. 1 space is proposed for every 2 apartments (50%) to be provided either within a car park below the Mansion House or allocated on-street parking bays close to the building's entrances. 12no. parking spaces are also proposed for visitors. Each house would also have provision for 2 bikes housed within secure bike stores on the property. Whilst each apartment would have provision for 1 bike within secure cycle stores within the blocks.
- 1.7. The proposal would also provide new areas of public open space, in accordance with the public realm parameters plan attached to the outline planning permission. 'The Park' to the south western end of the site would be the largest piece of new public open space within this first phase and would include, amongst others, an equipped play space, an events lawn within informal recreational space, a promenade leading to the planned pedestrian bridge over the Loop Canal, terraced gardens overlooking the Loop Canal and the opportunity for a water taxi station at the canal edge.
- 1.8. 'The Green' is a smaller area of public open space and would seek to provide an informal public recreation space. It would be located within the middle section of the site and would link the Loop with one of the 6-storey 'Villa' blocks. In addition to a flexible use lawn there would also be a hard landscaped recreation space and waterside access for recreational use.

- 1.9. 'The Quayside' along the Mainline Canal and its junction with the Loop would include a commercial spill out space from the ground floor commercial space within the other 6-storey 'Villa' block, feature seating areas recreational and commercial mooring points
- 1.10. In terms of private amenity space, the majority of the houses would back on to one of three communal residents courtyards. These shared gardens would be secure and accessed from individual private garden or terrace spaces to each house. The houses backing onto the Loop Canal would have small private hard landscaped areas leading to the canal edge.
- 1.11. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site of this first phase measures some 3.2ha of the wider 22.4ha (17.6 of developable area) Icknield Port Loop site. The application site is generally rectangular in shape and bounded by the Mainline Canal to the north east, the Loop Canal to the south east, the retained buildings (The Stable Block) to the south west and Rotton Park Street to the north west. The site has been cleared and this parcel of land is relatively level.
 - 2.2. The wider IPL site contains a Site of Local Importance for Nature Conservation (SLINC) in the form of the canal loop and adjacent to a Site of Importance for Nature Conservation (SINC) at Edgbaston Reservoir. This wider site also includes 3 statutory listed buildings (canal bridges - all Grade II) and there are 4 Grade II Listed Buildings at the adjoining British Waterways depot at Icknield Port Road
 - 2.3. [Site location](#)
3. Planning History
 - 3.1. 20/09/13 – 2011/07399/PA. Outline planning application for demolition of buildings and a mixed use redevelopment of up to 1150 dwellings, retail, service, employment, leisure and non-residential institutions uses (Use Class C3, B1, A1, A2, A3, A4, A5, D1 & D2) of up to 6960 square metres (gross internal area) (including up to 2500 square metres of retail) (gross internal area) together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings. Change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 & D2). Approved.
 - 3.2. 31/08/17 – 2017/04849/PA. Erection of new leisure centre, including 8 lane, 25 metre main swimming pool and learner pools, fitness and dance studios, car parking with associated new access onto Ladywood Middleway and associated works. Approved.
 - 3.3. Resolved to approve subject to the completion of a Deed of Variation – 2017/04850/PA. Section 73 application to vary conditions 4 (approved plans), 5 (approved access details), 10 (design code), 11 (landscape strategy), 19 (renewable energy statement) and 61 (highway works) of planning approval 2011/07399/PA (which grants outline planning permission for demolition of buildings and a mixed use redevelopment of up to 1150 dwellings, retail, service, employment, leisure, and non-residential institutions uses (Use Classes C3, A1, A2, A3, A4, A5, B1, D1 and

D2) of up to 6960 square metres (gross internal area) (including up to 2500 square metres of retail) (gross internal area), together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings, and which grants full planning permission for change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 and D2) including amendments to the indicative masterplan and associated parameter plans in relation to the proposed first phase of the development and the relocation of the proposed swimming pool to the south-east part of the site. Approved.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions relating to highway works (including a TRO to prohibit waiting on Rotton Park Street to protect vehicular visibility splays), pedestrian visibility splays, cycle storage and a Travel Plan.
- 4.2. Regulatory Services – No objection.
- 4.3. Leisure Services – No objection and seek greater level of detail for the specification of the new areas of Public Open Space as well as cost of supervision of the works.
- 4.4. Canal & River Trust – No objection.
- 4.5. West Midlands Police – No objection and makes observations in relation to ‘Secured by Design’, use of CCTV, appropriate lighting, site management and implementation timing of the park and play equipment to ensure suitable monitoring.
- 4.6. West Midlands Fire Service - No objection.
- 4.7. Nearby residential and commercial premises, residents groups, Ward Councillors and MP consulted with site and press notices posted. No responses received.

5. Policy Context

- 5.1. Birmingham Development Plan (2017), Birmingham Unitary Development Plan (Saved Policies) 2005, Places for Living SPG, Car Parking Guidelines SPD, Greater Icknield Master Plan and the NPPF (2012).

6. Planning Considerations

- 6.1. Policy GA2 of the Birmingham Development Plan 2017 relating to Greater Icknield supports innovative family housing close to the City Centre. The Greater Icknield Masterplan highlights that it has a unique position close to the City Centre with the canal system and Reservoir providing opportunities for waterside living. It adds that these characteristics provide the opportunity to successfully achieve higher density development.
- 6.2. The principle of the residential-led redevelopment of this strategically important site has been established first with the initial outline planning permission (2011/07399/PA), which has been amended (2017/04850/PA) to reflect the design evolution of the scheme. The reserved matters that are for consideration relate to scale, appearance, landscape and layout.
- 6.3. Scale:

- 6.4. The scale of the proposed buildings are within the height parameters approved under the outline consent with the Villa blocks being 6-storeys, the Mansion House being 5-storeys and the terrace houses ranging from 2-4-storeys in height. The application seeks a number of the terraces to have flexibility so that they can be either 2, 3 or 4-storeys in height and enable the development to respond to the needs for residents and the property market, allowing the homes that are most in demand to be realised. However, such terraces of houses would only contain homes of the same typology and height. Terraces in more sensitive locations (i.e. fronting much of the Loop Canal and 'The Park') would be fixed at 3-storeys in height. It is considered that the location of the terraces seeking flexible heights within the context of their location within this first phase and the fixed height buildings would not compromise the place making exercise being undertaken or the quality and character of townscape.
- 6.5. Appearance:
- 6.6. The applicant's decision to have 2 architectural practices working on this first phase has created diversity in their individual approaches whilst also seeking to provide cohesion between them to create a new and distinct character. The design of the the through coloured (Linen/off-white) fibre-cement panel houses would act as an offset to the deeper colours of the red multi and dark blue brick houses. As a collective group they would provide appropriate visual diversity to create a unique character. The appearance of the Villa Blocks and the Mansion House, the latter of which is an adaptation of the linen coloured houses, would also enhance the development as well as the quality and character of the locality. There is sufficient detail to provide reassurance that the individual buildings would be of suitable high design quality.
- 6.7. Landscape:
- 6.8. The application includes detailed landscaping proposals within the open spaces (in accordance with the approved public realm parameter plan) providing a variety of spaces for differing uses and with different characters.
- 6.9. 'The Park' is the largest piece of public open space within Phase 1 and would include an area of some 835sqm of equipped play space as well as a larger area of playable space and informal recreation. It would also include a canalside walkway and access to the water, which could have the potential to be used as a water taxi station. The final details of the play equipment and park furniture are not known at this stage and are covered by conditions attached to the outline consent. The applicant has indicated that there is an aspiration to involve an artist in the development of the play area. A smaller area, called 'The Green' would be a flexible space providing an informal public recreation space and also a waterside access for recreational purposes. The character of the canal footpath and quayside would respond to its waterside setting and include seating areas for passive recreation.
- 6.10. The application includes details of the habitat / biodiversity, tree and planting strategy, to contribute positively to the development's character and create long term structure by using species appropriate to the site conditions. 146 new trees are proposed as part of phase 1, including landmark trees (e.g. Black Poplar, White Poplar and Tulip), parkland trees (e.g. Bald Cypress, Dawn Redwood), street trees (e.g. Bald Cypress, Ornamental Pear and Black Cherry Plum,) and courtyard/garden trees (e.g. Magnolia, Birch Bark Cherry and Black Cherry Plum). Planting includes swales, meadow and lawn areas as well as more ornamental beds in 'The Park' and

reedbed along the Mainline canal frontage. There would also be planting beds below street tree planting and hedgerows would also be used as perimeter treatments. The inclusion of swales, reedbeds, living roofs as well as bird and bat boxes are all proposed significantly improve the ecological value of the site. The proposals have been assessed by the City Ecologist and the Landscape Officer who welcome the proposals.

- 6.11. The choice of hard landscape materials for the public realm, including the canal frontages, quayside, pavements and shared surfaces, consist of amongst others concrete block paving and insitu concrete with imprinted finish and would complement its industrial canal side setting and the proposed buildings. These materials are considered appropriate in terms of visual amenity as well as suitably robust for heavy daily use.
- 6.12. Layout:
- 6.13. The street pattern of the terrace blocks and the apartment buildings reflect details submitted with the recent S73 planning application, creating strong perimeter blocks with good levels of natural surveillance and security to the public realm, including the new areas of public open space the quayside and the Mainline Canal towpath, and achieves good urban design principles.
- 6.14. The new houses fronting Rotton Park Street would have a small planted setback from the back of the pavement with a secure rear yard, accessed via a gated rear service road, which could accommodate a parking space. The houses running perpendicular to Rotton Park Street would have a single parking space driveway to the front of the property, with a hardscaped terrace to the rear overlooking a shared garden which is enclosed and secure. The only exception to this is the terrace block fronting 'The Park' with a shallow planted front garden and allocated on-street parallel parking spaces to the front. The parking to the apartments is either to a below ground car park under the Mansion House or allocated on-street parking.
- 6.15. The canal side houses would all have a hardscaped terrace up to the canal edge with the majority having a single parking space driveway to the front and a limited number with an allocated on-street parallel parking space to the front.
- 6.16. The application site is centrally located within the wider IPL site and as such is isolated from any existing residential properties. Within Phase 1, there would be separation distances between windowed elevation across the shared gardens of some 23-24m and across the shared surface streets between 16m-20m. Separation Distances from windowed elevations to side gables would range from 12.5m to 16.5m. Within the context of this new development, these distances are considered acceptable in terms of residential amenity for future occupiers.
- 6.17. None of the proposed houses would have conventional private rear gardens and the majority would benefit from use of communal courtyards. These properties would have small private terrace areas with access to the shared garden. Other accesses to these communal areas would be controlled via gates from the adjacent street. The aim of these shared gardens is to use soft landscape to provide a series of spaces for recreation in a safe and secure environment. Overlooking of these spaces would be from the surrounding houses. The areas of each of these shared gardens ranges from 700-800sqm increasing to 1400-1500sq if the adjoining private terrace/yard areas are included. This represents an approximate ratio of 50sqm per house. The houses directly backing onto the Loop would have small hardscaped terrace up to the canal edge ranging from 12-20sqm each in size.

- 6.18. The proposal represents a different approach to providing outdoor amenity space for family accommodation. There is a greater emphasis on quality shared spaces, whether public open space or private shared garden as well as key public realms such as the canal footpath and quayside rather than traditional individual private gardens. Some of the house types also incorporate roof terraces and balconies whilst the apartments within the Mansion House would have generous balconies. 'Places for Living' contains standards relating to minimum garden sizes and communal amenity space, and whilst it recognises that such standards can provide a useful guideline in the design process, the main focus should be on achieving the objectives behind the standards. It is considered that the provision of outdoor amenity space that has clearly been integral to the overall design concept, with different areas for different activities for different age groups, would provide an appropriate provision of high quality and easily accessible outdoor amenity space for future residents of the development and also the wider public.
- 6.19. The internal arrangements of the house types and apartments provide an acceptable level of amenity to future residents and comply with the Technical Housing Standards – Nationally Described Space Standard. Furthermore the internal flexibility of hoUSE offers greater diversity for the individual needs of the occupiers. All the houses and apartments would have at least 2-outlook aspects whilst the end terrace units would have 3 outlook aspects and the hoUSE units (houses and apartments) would also benefit from a generous balcony to its side elevation.
- 6.20. Highway safety/Parking
- 6.21. 100% parking provision is proposed for the houses whilst 50% is proposed for the apartments, in addition to 12 visitor spaces. On-street parking provision is also available along Rotton Park Street. In support of the application, justification for this level of provision has been made by the applicant. In addition to highlighting that the site is highly accessible by bus services and other modes of sustainable transport, census data 2011 for car ownership in the Ladywood shows that 52% of households do not own a car. The supporting information also argues that car ownership is generally falling nationally and driving numbers are down for young millennials and that new vehicles sold to 18-34 year olds has significantly dropped over the past few years.
- 6.22. The applicant also draws attention to their recently published 'Port Loop Manifesto' which identifies their objectives, ideas and principles for the development. This sets out that they seek to be at the forefront of innovation particularly in regards to changes in personal transport and the car market as it moves from car ownership to rental, subscription and on demand. The applicant considers that apply maximum parking against standards would not accord with their approach to the site and conflicts directly with the focus of their manifesto. They add that they are a key advocate of strategic goals around health and well-being, climate change and environmental impact to be encouraging a move towards increased use of sustainable forms of transport and away from sole reliance on private cars and that given the site's proximity to public transport and the City's new infrastructure aspirations as set out in 'Birmingham Connected' the site in the long-term will be well positioned to best facilitate reduced reliance on private cars.
- 6.23. In support of this, the applicant has explained that an extensive estate management regime to, amongst other functions, enforce the proper use of parking across the scheme. The new roads are not proposed to be adopted and daily management

would be done through an appointed estates manager based on-site, which would also include prescribed duties to monitor and work with local authority teams to discourage any illegally parked vehicles on footpaths and main link roads surrounding the site.

- 6.24. This scheme is seeking to approach the issue of car parking and wider associated social, economic and environmental issues in a manner that is again different to conventional family orientated housing. The applicant has clearly demonstrated that the incorporation of factors to encourage increased use of sustainable forms of transport and reduce reliance on the private car forms an integral part of the proposal.
- 6.25. Transportation Development has considered the application and recommends a number of conditions. These include, amongst others, a Traffic Regulation Order along Rotton Park Street to protect vehicular visibility from the proposed accesses and to facilitate manoeuvring of service vehicles to / from the proposed access. They add that the TRO would still allow loading / unloading for the proposed commercial units. The suggested conditions have been attached with the exception of cycle storage, which is already attached to the outline consent.

7. Conclusion

- 7.1. The proposal represents a different approach to providing family housing at a higher density than traditional suburban housing, which is a clear aspiration of the City Council for this site and the wider location, as identified in the Birmingham Development Plan and the Greater Icknield Masterplan. The scheme would offer a different product to the City's housing market that would appeal to those looking to embrace a different city dweller lifestyle choice. This first phase would set a benchmark for the wider site in terms of creating a new and distinctive character, containing buildings, public open space and public realms of a high design quality, high levels of amenity for future occupiers and an appropriate approach towards sustainable forms of transport.
- 7.2. This first reserved matters application on IPL meets the Council's wider objectives for this strategically important site as well as being in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to conditions.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the implementation of the approved soft landscape details |
| 3 | Restricts the location of the flexible height units |
| 4 | Removes PD rights for extensions |
| 5 | Removes PD rights for new windows |
| 6 | Removes PD rights for boundary treatments |
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| 7 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 8 | Requires pedestrian visibility splays to be provided |
| 9 | Requires the prior submission of a residential travel plan |
-

Case Officer: Peter Barton

Photo(s)



Photo 1 – View from Roving Bridge with the Loop to the left and Mainline Canal to the right



Photo 2 – View of Rotton Park Street looking North East towards the Mainline Canal



Photo 3

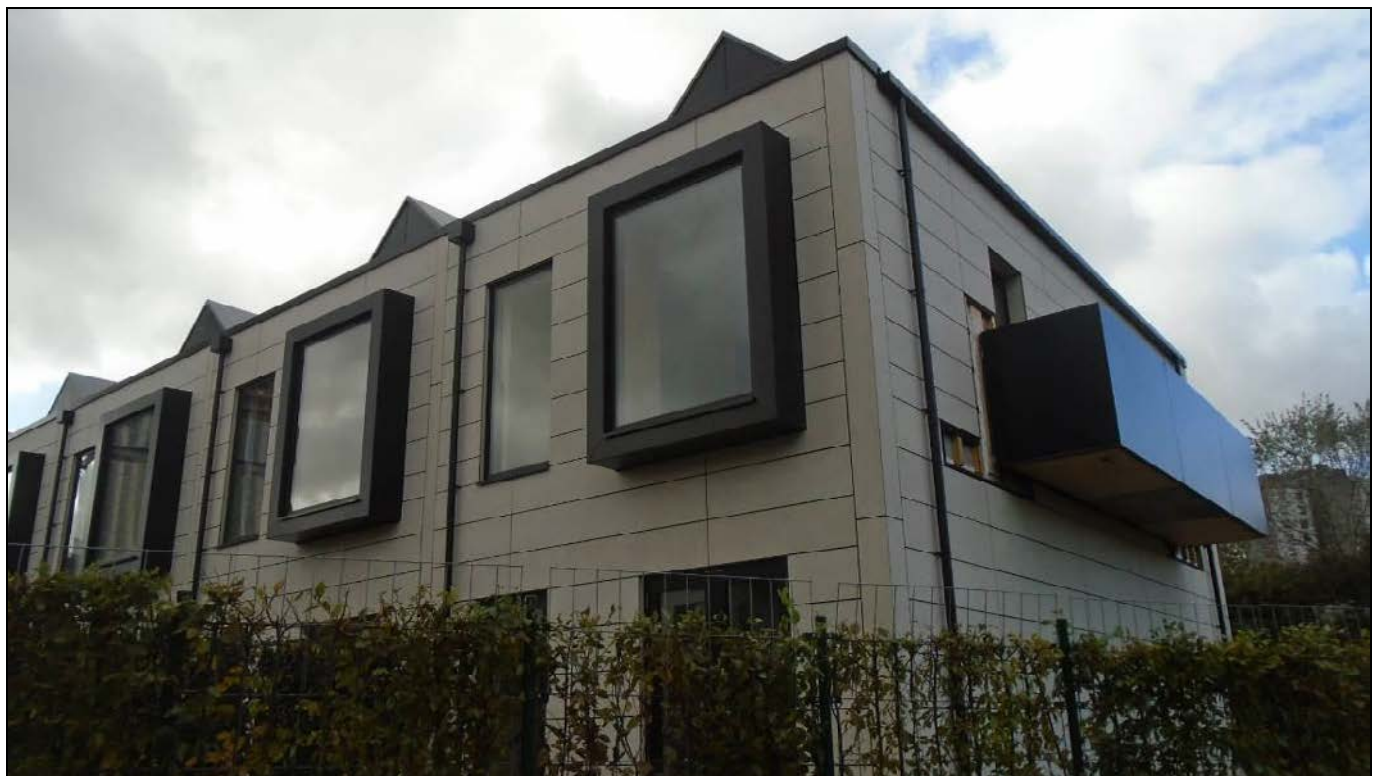
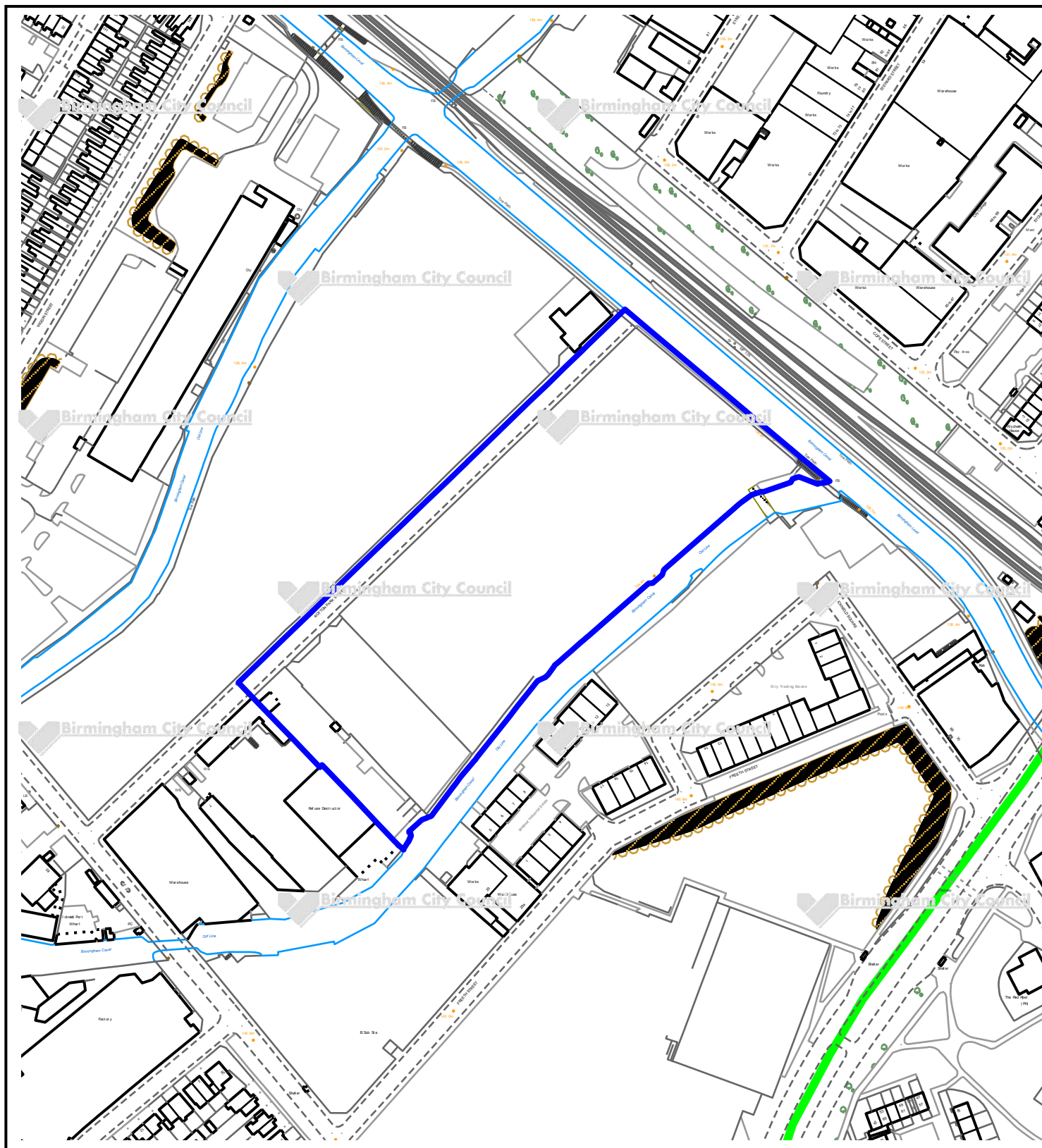


Photo 4

Location Plan



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| Committee Date: | 26/10/2017 | Application Number: | 2017/04245/PA |
| Accepted: | 13/06/2017 | Application Type: | Full Planning |
| Target Date: | 08/08/2017 | | |
| Ward: | Handsworth Wood | | |

29-31 Hamstead Hill, Handsworth Wood, Birmingham, B20 1BN

Erection of 6no dwelling houses, new road and associated works

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| Applicant: | Ashgar |
| | c/o Agent |
| Agent: | Made Architecture Limited |
| | Dutch Barn, Shadowbrook Court, Shadowbrook Lane, Solihull, B92 0DL |

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal includes the demolition of a derelict bungalow in the grounds of and adjacent to No. 29 Hamstead Hill Road and the redevelopment of the site including part of the rear garden of Nos. 29 and 31 Hamstead Hill with 1 detached dwelling house on the site frontage and 5 detached dwelling houses at the rear, accessed via a private driveway.
- 1.2. The proposed site layout would include one detached 2-storey 5-bedroom house on the site frontage of traditional design featuring projecting gables with a double fronted bay window. Materials would consist of facing brickwork and render with tiled roof.
- 1.3. The five detached 4 and 5 bedroom dwellings to the rear would be of individual modern designs. Materials would consist of facing brickwork and render with flat green/biodiversity roofs and timber cladding.
- 1.4. All plots would have rain water harvesting systems to achieve an environmentally progressive and sustainable design.
- 1.5. All bedroom sizes and private amenity space exceed minimum guidelines.
- 1.6. A permeable block paved access road would be created off Hamstead Hill between plot 1 and No. 29 Hamstead Hill with a pedestrian path along one side.
- 1.7. Landscaping would comprise a mix of existing trees and shrubs being retained and new planting with a natural woodland and shrub area proposed to the rear of plot 4 and opposite plot 5. A bridge over the existing pond in the middle of the site would be erected to protect the existing stream allowing access to plot 5. A timber communal waste refuse shed for the properties at the side of no. 29 Hamstead Hill would be located along the access road.

- 1.8. The following documents have also been submitted in support of the application:
- Design and access statement
 - Highways statement
 - Supporting statement
 - Arboricultural report
 - Tree survey assessment
 - Flood risk assessment
 - Bat survey report
 - Diurnal and nocturnal bat survey report
- 1.9. Site area: 0.58 hectares and the proposal represent a density of 10.3 dwellings per hectare.
- 1.10. This application represents a revised scheme to that approved under 2015/06482/PA for 5 new homes.
- 1.11. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The current use of the application site relates to a small bungalow to the front of the site. The rear of the site comprises domestic curtilage, which directly to the rear of the existing dwellings has been laid out as lawn, followed by an area of former orchard which is now very much overgrown and neglected. There is a small pond and wetland area close to the rear boundary.
- 2.2. The application site has a frontage to Hamstead Hill, and to the rear incorporates the rear gardens of Nos 29, 29A and 31 Hamstead Hill. No 29 Hamstead Hill would be retained as the existing dwelling. Part of the site lies to the rear of 27 Hamstead Hill and extends to the rear of properties within Englested Close.
- 2.3. The site slopes to the rear from the west (road side) by some 7m. The change in level is a gradual one and can be used to make the new buildings appear less imposing and more subservient to the main dwellings to the front and around. The development would follow the existing slope of the site and sit on the real ground instead of elevating the ground to suit.
- 2.4. The site itself approximates to 0.58 ha and is essentially garden land. A range of mature and semi-mature trees are situated within the site, with the boundaries of the site being well screened by existing trees and hedgerows. The frontage of the site to Hamstead Hill is similarly screened by a number of mature and semi-mature trees. Some of these trees are protected by a Tree Preservation Order.
- 2.5. The surrounding area is mainly residential and characterised by a range of semi-detached and detached properties of varying design and age. Along Hamstead Hill, adjacent to the site are large detached properties, circa early 20th Century. There are a number of culs-de-sac situated off Hamstead Hill where properties vary in both size and design. There are substantial bungalows immediately adjoining the site in Englested Close, whilst in St Christophers there are both two storey detached properties and a terrace of three-storey dwellings

[Site Location Map](#)

3. Planning History

- 3.1. 28/03/01 - 2000/01639/PA - Erection of 12 detached dwellings – Refused and appeal dismissed on the grounds of neighbour amenity, harm to character and loss/damage to trees.
- 3.2. 23/09/2006 - 2002/04533/PA - Erection of 5 dwellings, formation of two vehicular accesses and demolition of 29A Hamstead Hill – Refused and appeal dismissed on the grounds of neighbour amenity, harm to character and loss/damage to trees.
- 3.3. 08/10/10 - 2010/03728/PA - Outline application with all matters reserved for erection of 6no. bungalows to rear of 29 and 31 Hamstead Hill – Refused on the grounds of harm to character, loss of trees and impact on habitats.
- 3.4. 01/10/2015 - 2015/06482/PA – Erection of 5 new dwelling houses, new access road and associated works – Approved.

4. Consultation/PP Responses

- 4.1. Site notice displayed, local councillors and MP, residents' associations and the occupiers of surrounding properties notified of the application – 6 objections have been received with the following concerns summarised:
 - Loss of privacy/overlooking
 - Devaluing property
 - Loss of pond and current garden/orchard type land
 - Cutting down/loss/damage of trees
 - Land locking of surrounding land
 - Noise pollution
 - Increased traffic, congestion and parked cars
 - Increase in crime
 - Creating a new road between large houses not suitable
- 4.2. Transportation Development – No objection subject to conditions requiring appropriate visibility and pedestrian splays
- 4.3. Regulatory Services – No comments received.
- 4.4. West Midlands Police - Recommend a lighting plan and clarification on proposed boundary treatments.
- 4.5. Severn Trent - No objection subject to a drainage condition.

5. Policy Context

- 5.1. The following local policies are applicable:
 - Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
 - Places for Living SPD 2001
 - Mature Suburbs SPD 2008
 - Car Parking Guidelines SPD 2012
- 5.2. The following national policies are applicable:
National Planning Policy Framework (NPPF) 2012

6. Planning Considerations

Principle and Character

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005 and the Birmingham Development Plan 2017. The NPPF is also a material consideration.
- 6.2. The principle of residential development on this site has already been established under the previous planning permission (2015/06482/PA). The issues for consideration with this application are the impact of the creation of an additional dwelling, within the context of the existing approved scheme, on the character of the locality, visual and residential amenity, as well as highway safety, ecology and trees. Plot 1 fronting Hamstead Hill and plot 4 to the rear would, in general, remain as previously approved and the new road would follow the same route with the exception of a minor alteration to the turning head to accommodate an access to the additional unit. Three new houses have consent to the north of the new road and to the rear of nos. 29 and 31, and the current application seeks to replace these with four new houses. The space to accommodate the additional dwelling has been achieved by reducing the size of the approved plot 5 from approx. 1400sqm to 450sqm and the insertion of plot 6 at 950sqm. The space between these plots has also been slightly reduced. It is considered that the impact of the proposed amended scheme on the area's open and spacious character would be similar to that of the approved scheme and is acceptable. The design of the individual units remains modern with suitable space for landscaping to the front as well as elsewhere within the plots.

Residential Amenity

- 6.3. The proposals meet the requirements for distance separation in Places for Living SPD and as such, I am satisfied that there would be no unacceptable impact on the residential amenity of neighbouring occupiers. The layout and design is such that no undue overlooking of adjacent properties would occur. The size of the gardens and total floor space of the proposed dwellings would provide generous accommodation for future occupiers.
- 6.4. In addition, details are recommended to be secured by conditions for proposed lighting and boundary treatment. The layout follows the principles in Places for Living which promotes the creation of safe residential environments and it seems likely that the development of this currently undeveloped site could potentially enhance the security of this area where there is currently very limited natural surveillance, I note that the Police have raised no objection.

Highway Safety

- 6.5. Transportation Development raise no objection to the scheme, subject to conditions requiring appropriate pedestrian and visibility splays. These suggested conditions are appropriate and necessary and as such have been attached. I consider the proposed development would contain adequate car parking with 3-4 spaces per dwelling. It is not considered traffic and parking demand generated by the proposed development would result in a significant increase at this location. I would raise no objection to the proposal on highway safety or parking grounds.

Ecology

- 6.6. The City Ecologist raises no objection to the proposed development subject to conditions relating to landscape and ecological management plan, construction ecological management plan, details of green/brown roofs and scheme for ecological/biodiversity/enhancement measures.
- 6.7. An updated Diurnal and Nocturnal Bat Survey 2017 found no bats to be utilising the buildings. Three species of bats were recorded with one species being light sensitive therefore the ecologist has requested that any lightening proposed is reviewed. As such, a condition has been attached to require the prior submission of a lighting scheme.
- 6.8. The habitat enhancement measures recommended in the applicant's ecological assessment report to reduce any potential impact on habitats during site clearance works has been secured by condition. The proposals provide significant scope to incorporate biodiversity enhancements, which can also be secured by way of condition as recommended. I therefore consider that the proposed development would have no detrimental impact on protected wildlife species.

Trees

- 6.9. Of the 52 individual trees and 6 groups of trees surveyed, only 2 Category B trees (moderate quality) on the site frontage would be lost to allow for the access road to be created. All other category B and A (high quality) trees on the site frontage and within the site would be retained. The remainder of the trees to be removed (approximately 14) would fall within categories C (low quality) and U (small scale, dead or dying trees needing to be removed). The Tree Officer raises no objection to the proposed development subject to a condition relating to an arboricultural method statement. I concur with this view.

7. Conclusion

- 7.1. The proposed development would provide 6 well designed new dwellings within an existing mature suburb close to local amenities and services including public transport services. The cul-de-sac development in terms of design, layout, access point and density would not undermine or harm the positive characteristics of the area. The proposed development would not have an unacceptable impact on the amenities of adjoining occupiers, highway safety, trees or wildlife. Relevant conditions attached to 2015/00482/PA have been reapplied. The application is therefore in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to conditions

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- 1 Requires the prior submission of a noise study to establish residential acoustic protection
 - 2 Requires the prior submission of hard and/or soft landscape details
 - 3 Requires the prior submission of hard surfacing materials
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- 4 Requires the prior submission of boundary treatment details
 - 5 Requires the prior submission of sample materials
 - 6 Requires the prior submission of drainage plans
 - 7 Requires the prior submission of earthworks details
 - 8 Requires the prior submission of a landscape management plan
 - 9 Requires the prior submission of level details
 - 10 Requires the prior submission of a lighting scheme
 - 11 Arboricultural Method Statement - Submission Required
 - 12 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 13 Requires the prior submission of details of green/brown roofs
 - 14 Requires prior submission of construction ecological management plan
 - 15 Requires prior submission of landscape and ecological management plan
 - 16 Requires the prior submission of window frame details
 - 17 Requires the prior submission of design of bridge details
 - 18 Requires the implementation of tree protection
 - 19 Requires the prior submission of external doors
 - 20 Retention of the sustainable measures shown in the scheme
 - 21 Requires pedestrian visibility splays to be provided
 - 22 Requires the prior approval of an amended turning head layout
 - 23 Requires the scheme to be in accordance with the listed approved plans
 - 24 Limits the approval to 3 years (Full)
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Case Officer: Laura Reid

Photo(s)

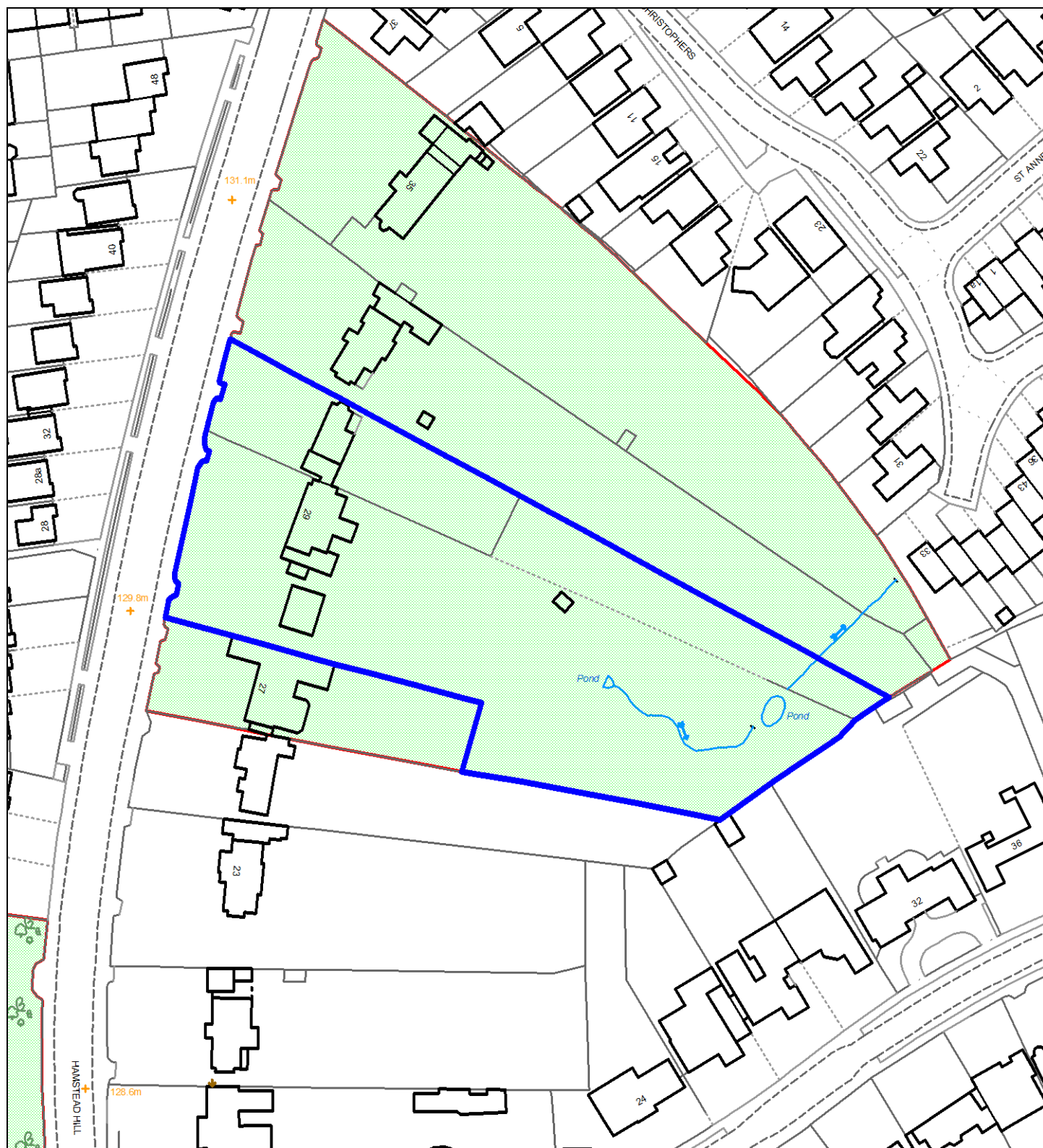


Figure 1 - Rear of No. 29 Hamstead Hill and No. 31 Hamstead Hill



Figure 2 – Access from Hamstead Hill

Location Plan



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| Committee Date: | 26/10/2017 | Application Number: | 2017/06498/PA |
| Accepted: | 27/07/2017 | Application Type: | Full Planning |
| Target Date: | 21/09/2017 | | |
| Ward: | Sutton Trinity | | |

Land off Douglas Road, Sutton Coldfield, Birmingham, B72 1NG

Demolition of existing garages and the erection of 6 bungalows with garages and associated parking and landscaping

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| Applicant: | Fitzpatrick Group Ltd c/o Agent |
| Agent: | The Space* Studio 15a The Orb, Albion Street, Birmingham, B1 3ED |

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the demolition of existing garages and the erection of six bungalows with garages and associated car parking.
- 1.2. The proposed bungalows would be sited on land to the rear of 2 to 24 Douglas Road with vehicular access gained from the existing private road, between 20 and 22 Douglas Road. The development would involve one bungalow sited perpendicular to the rear boundary shared with 22 and 24 Douglas Road and would face northeast towards the remainder of the site. The bungalows on Plots 2 to 6 would face southeast towards the private access road and the rear boundaries belonging to the existing residential properties at 6 to 20 Douglas Road. They would be set back between 1.5 and 2.4 metres from the back of the proposed footpath that would be provided as part of the development. The bungalows would follow the natural fall in the site levels and retaining walls would be provided to support the change in levels.
- 1.3. The bungalows would be low in scale with no rooms within the roof space and would be designed with a pitched roof, bay windows and they would all include a conservatory. Building materials would comprise brickwork with rendering and concrete or natural clay roof tiles, timber or UPVC doors and windows.
- 1.4. Internally, the three-bed bungalows in Plots 1 and 6 would measure 99sqm in gross internal floor area (GIA) and would comprise a study, bathroom, lounge, kitchen/dining room and three bedrooms measuring 7.52sqm, 7.54sqm and 15.7sqm (one bedroom would include an en-suite). The two-bed bungalows in Plots 2, 3, 4 and 5 would measure 74.3sqm in GIA and would comprise a bathroom, store, kitchen, lounge and two bedrooms measuring 10.8sqm and 13.4sqm. All bungalows would meet the minimum gross internal floor areas and bedroom sizes as set out in the Technical Housing Standards - Nationally Described Space Standards. Rear gardens would measure between 80sqm and 275sqm and would comply with the minimum guidelines set out in Places for Living SPG.

- 1.5. 200% parking provision is proposed for each bungalow. Garages are proposed for Plots 1 to 5, which would be designed with a pitched roof and would measure 3m (w) x 6m (l) x 3m (h) for the single garages and 6m (w) x 6m (l) x 5m (h) for the double garages.
- 1.6. Site Area: 0.255 hectares. Density: 24 dwellings per hectare.
- 1.7. Amended plans were received during the application to address bedroom sizes and to include a vehicular waiting area within the access road. The application is supported with a Design and Access Statement, Transport Statement, Engineering Appraisal, Drainage Statement and a Phase 1 Desk Study.

1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a backland site, located to the rear of residential properties fronting Douglas Road, Coles Lane and Maple Road. The site is currently occupied by rental garages and is also used unlawfully for the storage of touring caravans. The site comprises mainly grass land and hard surfacing and the site levels fall gradually southwest to northeast. There are two mature trees located along the west boundary and a number of mature trees located in neighbouring gardens that overhang the boundary of the site. Access to the site is via an existing private access road, approximately 4.4 metres wide and 42 metres long, located between 20 and 22 Douglas Road.
 - 2.2. The surrounding area is predominantly residential in character and comprises mainly semi-detached dwellinghouses, of similar design, scale and plot size, and the majority of houses have road frontages and are set back on a regular building line with parking to the front and some with garages to the rear. I also note that there are bungalows in the surrounding area at 1, 3 and 5 Maple Road. There are also backland form of developments in the immediate area, including housing developments built in tandem (i.e. where a new dwelling is in the grounds of an existing property sharing the same highway access, such as 55 Elms Road, 12a and 12b Maple Road, 151a and 151b Coles Lane) and cul-de-sac developments. Adjoining the site to the northwest is a builder's yard, which is located to the rear of 100, 100a and 102 Coles Lane.
 - 2.3. The site has good accessibility to public transport services with regular bus services on Coles Lane and Sutton Coldfield Railway Station is located within approximately 1.5km to the northwest of the site. Sutton Coldfield Town Centre is located approximately 1.4km north of the site.
 - 2.4. [Site Location](#)
3. Planning History
- 3.1. 17 January 2008 - 2007/06751/PA - Certificate of Lawfulness for the use of the premises for the storage of caravans for a period in excess of 10 years, refused.
 - 3.2. 16 December 2010 - 2008/02388/PA - Certificate of lawfulness for existing use of the premises for storage of caravans for a period in excess of 10 years, refused because insufficient evidence had been provided to demonstrate that the application site has been used for the storage of caravans for a continuous period of ten years prior to the date on which the application was submitted.

- 3.3. Relevant planning history to rear of 7 Maple Road, which consists of 8 garages.
- 3.4. 12 August 2008 - 2008/02726/PA - Erection of one detached chalet bungalow on disused garage court, refused on the grounds that the proposed bungalow would be out of character with surrounding development, by virtue of its position behind the established building line, and would cause visual intrusion in the garden area to the rear. Furthermore, it would constitute piecemeal development preventing the use of this and adjacent land for more comprehensive development in the future. Subsequent appeal dismissed.
- 3.5. 29 September 2009 - 2009/03531/PA - Demolition of existing garages and erection of 1no. two bedroom bungalow, refused on the grounds that the proposed bungalow would be out of character with surrounding development, by virtue of its position behind the established building line. Subsequent appeal dismissed.
4. Consultation/PP Responses
- 4.1. Ward Councillors, M.P, Residents Associations and adjoining occupiers were notified. Site Notice displayed outside site on Douglas Road.
- 4.2. Sutton Coldfield Town Council - Objects to the application on the grounds of insufficient parking and access to the site.
- 4.3. Councillor Pears - Objects to the application and considers that this well used facility should be retained and supports residents objections.
- 4.4. 19 letters of objection have been received from nearby occupiers stating the following:
- Remove a useful and valuable site for the storage of caravans and garages for storage and it is noted that there are no other sites locally to take on over 30 caravans that would be displaced.
 - False statements have been made in the supporting documents about the site being derelict, overgrown and empty of caravans. An objector has advised that the site has been occupied continuously by more than 30 caravans, with maintenance carried out at regular intervals to maintain the garages, access route and security fence to prevent vandalism and anti-social behaviour.
 - Lack of parking for additional family and visitors and no consideration has been given to emergency vehicles when refuse is being collected, or the access road is blocked by visitors.
 - Inadequate parking on Douglas Road to accommodate additional parking demand.
 - Access road is very narrow; would only allow single lane traffic with no pedestrian footpath; and would be difficult for refuse vehicles and delivery trucks to manoeuvre.
 - Increase traffic congestion in a residential area and would cause disruption and a potential safety hazard for pedestrians, especially children.
 - Majority of garages are used by small businesses for storage, which involves very little traffic on the site compared to the proposed development, which would involve more frequent traffic flow, causing vehicles to reverse out into Douglas Road.
 - Transport Statement has exaggerated the number of existing vehicles using the site and these figures should be disregarded.

- Harm the amenities of existing residents, in terms of noise and air pollution and impact on safety, privacy, light and enjoyment of existing properties.
- No need for one and two bed properties in Sutton Coldfield.
- Out of character.
- Development is poorly integrated, fails to complement, the neighbouring buildings and the local area more generally in terms of scale, layout, density and access.
- Site is too small for six bungalows and would result in a clear example of town cramming and constitute over development of the site.
- Location of the bungalows, behind other properties and some considerable distance from the highway, would be isolated from, and not relate to, surrounding development.
- Contrary to Mature Suburbs SPD, which seeks to ensure that new developments relate well to the identified character of the area, overlooks public space and does not have an adverse effect on the quality of the build environment. A similar application to the rear of 7 Maple Road, 2009/03531/PA was refused twice for these same reasons.
- Development does not provide a wide range of properties as specified in the BDP.
- The development is contrary to the UDP, as it advises that "People should be able to move around freely, easily and safely throughout the City: therefore in new developments, streets and routes should generally link up rather than take the form of culs-de-sac and dead ends'. The UDP further states that in order "To ensure that places feel safe, pleasant and legible, the fronts and backs of buildings should be clearly defined. Windows and more active rooms should face the public realm and main entrances should open onto the public realm, whereas the backs of buildings should be private and face other backs'.
- It would result in further applications being submitted.
- The existing garages to be retained by Douglas Road residents would appear unsightly to potential new residents.
- Concern that the right of way access to the rear of properties in both Douglas Road and Coles Lane would not be maintained throughout the development works.
- No sustainable elements or reducing emissions are part of the development.
- Problem of access for sewage and surface water drainage.
- High risk of flooding and the site will not cope during torrential rain and if this continues to occur insurance companies will not insure properties in the area.
- Existing trees would present a risk to the proposed bungalows and reduce light.
- It is requested that the trees to the rear of 25 Maple Road are not damaged or removed as they provide privacy and wildlife habitats. It is also requested that the bungalows are not allowed to increase by an extra storey in the future and that the metal fence to the boundaries remain.
- Impact on the local wildlife, in particular bats.
- Increase anti-social behaviour and crime in the area.
- Construction of these properties would be a massive inconvenience and would cause disruption of access to garages and to the rear of properties in Douglas Road. There is also a concern for highway safety during construction as debris could fall from vehicles onto other vehicles and/or be left in the road.

- 4.5. Regulatory Services – No objection subject to conditions to require a contamination remediation scheme and land verification report and a charging point for electric vehicles.
- 4.6. Transportation Development – No objections subject to conditions requiring a pedestrian visibility splay, alterations to the footway crossing at the applicants expense and parking areas are laid out prior to first occupation.
- 4.7. Severn Trent Water – No objection subject to suitable drainage.
- 4.8. West Midlands Police – No objection.
- 4.9. West Midlands Fire Services - No objection following receipt of additional information from the applicant to confirm that the access road can provide sufficient access for fire service and that the road would be constructed to the requirement of building regulations which would include the need to accommodate a 15tonne vehicle.

5. Policy Context

- 5.1. National Planning Policy Framework (NPPF), Birmingham Unitary Development Plan (2005) saved policies; Birmingham Development Plan (2017); Car Parking Guidelines SPD, Mature Suburbs SPD, Places for Living SPG and the 45 Degree Code SPD.

6. Planning Considerations

- 6.1. The main considerations are whether the proposed development would be an acceptable location for housing in principle and whether the development would result in a detrimental impact on the local character, on residential amenity, highway safety, biodiversity and trees.
- 6.2. Policy Context and Principle of Development
 - 6.1. The National Planning Policy Framework (NPPF) requires housing applications to be considered in the context of the presumption in favour of sustainable development. It also advises within its core planning principles that planning should encourage the effective use of land by reusing land that has been previously developed, provided that it is not of environmental value. It also advises that planning should actively manage patterns of growth in order to make the fullest possible use of public transport, walking and cycling.
 - 6.2. Policy PG3 for the Birmingham Development Plan (BDP) 2017 advises that all new development would be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy.
 - 6.3. Policy TP28 of the BDP advises that new residential developments should be located outside flood zones 2, 3a and 3b; be adequately serviced by existing or new infrastructure, which should be in place before the new housing for which it is required; be accessible to jobs, shops and services by modes of transport other than the car; be capable of remediation in the event of any serious physical constraints, such as contamination or instability, by sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP, in particular the

policies for protecting core Employment Areas, open space and the revised Green Belt.

- 6.4. The application site does not fall within a high risk area for flooding and would be adequately serviced by the existing private access road, which would be altered to provide a vehicular waiting area to allow two-way access and a footpath would be installed to the front of the proposed bungalows. The development would also require new drainage and lighting to the access road, which would be secured through planning conditions, if mindful to approve the application. The application site is also located in an accessible location close to jobs and shops in Sutton Coldfield Town Centre, which can be accessed by regular bus services that operate along Coles Lane and where there is a bus stop close to the road junction between Douglas Road and Coles Lane. I am not aware of any physical constraints and the site does not contain any historic or cultural assets.
- 6.5. I therefore consider that the application accords with Policy TP28 of the BDP and the NPPF and would be a suitable location for new housing in principle, subject to the following site specific considerations.
- 6.6. Impact on Local Character
- 6.7. Places for Living SPG advises that backland developments can be a useful form of infill housing such as bringing derelict land into use. However, it further notes that a high standard of design is required to overcome any constraints and that proposals for backland developments should also consider the effect on the existing street frontage and neighbouring buildings, local character, existing trees/landscaping, satisfactory access and the amenity of neighbouring occupants.
- 6.8. The Council's Mature Suburbs: Guidelines to Control Residential Intensification SPD also applies to this application because the surrounding area is generally uniform in character. The SPD advises that when considering new developments within a mature suburb the key is to ensure that the development does not harm the distinctive character and identity of an area.
- 6.9. The proposed scheme would provide a form of backland development comprising six bungalows located to the rear of the existing properties in Douglas Road, Coles Lane and Maple Road. I recognise that the proposed development would not reflect the prevailing character of the adjoining roads, which are identified primarily by frontage development. However, there are already examples of backland developments in the area that comprise one or two dwellings which are accessed by similar long and narrow access roads, for example, at 151a and 151b Coles Lane, 12a and 12b Maple Road and 55 Elms Road. There are also bungalows in the immediate area at 1, 3 and 5 Maple Road.
- 6.10. The proposed bungalows would be of a scale and design that would be appropriate for this backland site and the proposed layout shows a good spatial arrangement between the bungalows and separation from neighbouring properties. The development would provide an acceptable back to back relationship with the existing dwellinghouses in Maple Road and the access road to the front of the plots would provide a defensible space between the proposed bungalows and the adjoining rear gardens to the properties in Douglas Road.
- 6.11. The development would not appear cramped or result in an over development of the site and I am satisfied that the proposed development would provide a high quality scheme that would not have a detrimental impact on the character of the local area.

- 6.12. I acknowledge that there have been two previous refused applications for the demolition of existing garages and erection of one bungalow on land to the rear of 7 Maple Road to the north-west of the application site, with the only differences between the two applications being made to the scale and design of the bungalow. Appeals were lodged for each refused application and both were dismissed. In the last appeal (decision dated 15 June 2010), the Planning Inspector concluded that 'The proposed location of this bungalow, behind other properties and some considerable distance from the highway, would be isolated from, and not relate well to, surrounding development. It would result in a form of development out of keeping with the general linear and regular layout of properties within the area'.
- 6.13. The current proposal is distinctly different to the appeal decision referred to above, with it representing a more comprehensive approach to backland development. Whilst it clearly does not accord strictly with the character of existing residential development, taking into account the application site's previously development land status in a backland location, not forming part of domestic curtilages and the scale and nature of the proposed residential units, it is considered that on balance it represents a form of development where the benefits outweighs the harm.
- 6.14. Impact on Residential Amenity
- 6.15. The proposed bungalows would be set back at least 5 metres from existing rear gardens to neighbouring properties to comply with the minimum guidelines set out in Places for Living SPG and I do not consider that the proposed development would result in any adverse impact on the amenities of existing occupiers in terms of overlooking, overshadowing and loss of outlook. I also consider that the proposed development would not result in a significant increase in vehicular movement along the access road to cause a noise disturbance to existing occupiers. I therefore consider that the proposed development would retain a good standard of amenity for existing residents, in accordance with Policy PG3 of the BDP and the National Planning Policy Framework. I have attached conditions to remove Permitted Development Rights for any future enlargements or new windows/dormers/rooflights to the proposed bungalows and to ensure an acceptable outdoor lighting scheme is provided to the access road.
- 6.16. The proposed development would provide acceptable living environments for future occupiers in terms of room sizes and layouts, and all gardens would comply with the minimum guidelines as set out in Places for Living SPG.
- 6.17. Regulatory Services have raised no objection subject to conditions to require appropriate mitigation against potential land contamination and to require a charging point for electric vehicles. I have attached a condition to secure a strategy for contamination remediation and a land verification report. However, I do not consider it necessary or reasonable, in this instance, to require a charging point for electric vehicles given that the development is for units that could accommodate appropriate in-curtilage infrastructure if desired by future occupiers.
- 6.18. Impact on Highway Safety
- 6.19. The proposed development would provide 200% parking provision for each bungalow and the level of car parking proposed would comply with the maximum guidelines contained within the Car Parking Guidelines SPD. The access road also widens to 8 metres to the front of Plots 2 to 6 and would therefore be capable of accommodating visitor parking without obstructing the access road.

- 6.20. The submitted vehicle tracking plan demonstrates that the access road can provide adequate manoeuvring space for a refuse vehicle and a fire service vehicle. West Midlands Fire Services have raised no objection and have confirmed that the development would provide adequate access for fire service.
- 6.21. The Transport Statement concludes that the traffic generation from the site would be modest in relation to the flows from the previous use of the site and that the proposed development would have negligible impact in traffic terms.
- 6.22. Transportation Development raise no objection to the development in principle, however, they consider that there would be an increase in traffic generation to the site compared to the existing use of the site for garage storage and the storage of touring caravans. Transportation Development note the narrow width of the access road (4.3m) from Douglas Road and which would not allow 2 vehicles to pass and could result in some reversing movements onto Douglas Road. However, considering the level of traffic likely to be generated to/from the proposed dwellings during peak hour, the occasions of traffic attempting to pass on the access road are likely to be relatively low and would not undermine highway safety. Most of the adjacent dwellings on Douglas Road have existing off-street parking facilities and on-street parking has been observed as being relatively low. The applicant is proposing to improve the pedestrian visibility splay at the access point with Douglas Road, therefore I consider that a satisfactory level of visibility would be available at the access.
- 6.23. Biodiversity and Trees
- 6.24. The application site consists of short grass, dirt tracks, hardsurfacing and garages. I am of the view that the proposed bungalows are a sufficient distance away from the existing trees and that there would be no future pressure from prospective occupiers to have any of the trees pruned or removed due to overshadowing or presenting a risk to the bungalows.
- 6.25. With regards to the impact on biodiversity, the Council's Ecologist has carried out a site visit and has advised that there could be limited roosting opportunities within some of the existing garages and although there is a low risk of bats using the garages for roosting, it is recommended that a precautionary approach to demolition of the garages should be adopted, to ensure that in the unlikely event that bats are present, the legal protection afforded to bats and their roosts is not breached. I concur with these views and consider it necessary and reasonable to attach a condition to require a method statement for the demolition of the garages in order to safeguard protected species during the development works. The Ecologist has also recommended a condition to enhance the biodiversity value of the site, which I have attached accordingly and I have included an informative for the applicant to ensure they follow suitable safeguarding measures during vegetation clearance in order to protect wild birds and their nests.
- 6.26. Other Matters
- 6.27. I note that residents have expressed concern that the site boundary is incorrect and that the site includes land that is also owned by adjoining residents in Douglas Road and Coles Land and by the business (Robinsons) in Coles Lane. Concern has also been raised about whether the right of way access to the rear of the properties in both Douglas Road and Coles Lane would be maintained throughout the development work so residents can access the rear of their properties and garages.

The applicant has responded and advised that the site boundary is correct and that the access road is in their ownership. They have also confirmed that they have a vested interest in ensuring that the right of way and access road are well maintained and attractive.

- 6.28. Furthermore, I note the concerns raised by residents about the loss of the community and business use of the site for the storage of touring caravans and the storage of business goods within the existing garages, however, the applicant has confirmed that they may decide to cease this use and that the site would then become derelict if it is not redeveloped. I also consider that the material consideration of the loss of this storage use is of limited weight and the planning benefits associated with this development holds greater weight
- 6.29. Community Infrastructure Levy (CIL)
- 6.30. The submitted application forms specify that the floor area of the development would be 494sqm GIA and this would equate to a CIL payment of £34,086.

7. Conclusion

- 7.1. The proposed development would make efficient use of a previously developed site and would provide six bungalows. I recognise that there is a highway safety concern about the narrow width of the access road from Douglas Road, however, the harm to highway safety would not be significant to justify a refusal and the proposed development would bring a number of benefits, including a contribution to the housing supply and securing a long term use of the site. I also consider that the development would not have a detrimental impact on the amenities of existing occupiers, trees and wildlife.
- 7.2. Whilst the proposal does not reflect the predominant established frontage residential development character of the locality, taking into account the application site's previously development land status in a backland location, not forming part of domestic curtilages and the scale and nature of the proposed residential units, it is considered that on balance it represents a form of development where the benefits outweighs the harm

8. Recommendation

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

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|---|---|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of level details |
| 4 | Requires the prior submission of a drainage scheme for foul and surface water flows |
| 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 of a lighting scheme
 - 10 Requires the prior submission of a protected species method statement for the demolition of the garages
 - 11 Requires the prior submission of details of bird/bat boxes
 - 12 Removes PD rights for new windows
 - 13 Removes PD rights for extensions
 - 14 Requires the parking area to be laid out prior to use
 - 15 Requires pedestrian visibility splays to be provided
 - 16 Alterations to the footway crossing at the applicants expense
 - 17 Requires the scheme to be in accordance with the listed approved plans
 - 18 Implement within 3 years (Full)
-

Case Officer: Helen Hawkes

Photo(s)

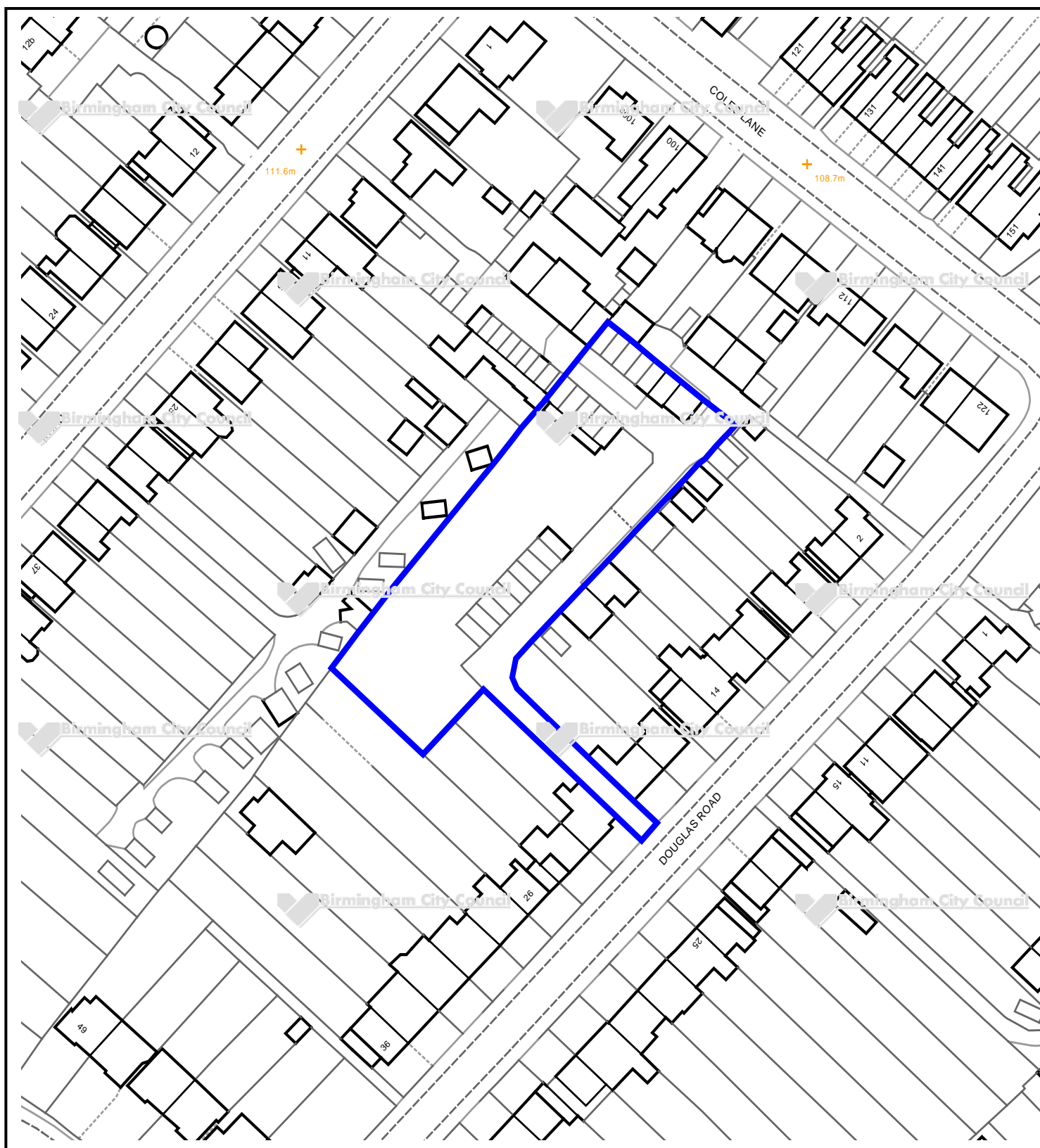


Photo 1 - Existing Garages



Photo 2 - Facing Plots 1 and 2

Location Plan



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|-----------------|--------------|---------------------|---------------|
| Committee Date: | 26/10/2017 | Application Number: | 2017/04809/PA |
| Accepted: | 16/06/2017 | Application Type: | Full Planning |
| Target Date: | 11/08/2017 | | |
| Ward: | Sutton Vesey | | |

85 Donegal Road, Sutton Coldfield, Birmingham, B74 2AB

Erection of two storey side and single storey rear extensions and conversion into two dwellings

Applicant: Mr M Olley
85 Donegal Road, Sutton Coldfield, Birmingham, B74 2AB
Agent: NB Architectural Design
57 Stonor Park Road, Solihull, B91 1EG

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Proposal includes the erection of 2 storey side, 2 storey and single storey rear extensions to allow the conversion of the exiting dwelling house into 2, three bedroom semi-detached dwelling houses.
 - 1.2. The proposed 2 storey rear extension would have 3 individual hipped roofs with valleys and the single storey element would have a flat roof. The 2 storey side extension and part of the single storey rear extension would replace an existing single storey garage. The first floor element of the 2 storey side extension which has a pitched roof has been reduced in length to comply with the 45 degree code in respect of 83 Donegal Road and is also set off the boundary with the extended no.83 by 0.2m.
 - 1.3. Dwelling 1 would have a living room, dining room, kitchen/family room and a WC at ground floor with a double bedroom, 2 single bedrooms and a bathroom at first floor level.
 - 1.4. Dwelling 2 would have a living room, kitchen/family room and WC at ground floor with 2 double bedrooms (1 with en-suite), single bedroom and bathroom at first floor.
 - 1.5. 380sq.m of rear private amenity space would be retained and split between the 2 dwelling houses.
 - 1.6. 2 off-street car parking spaces would be provided for each dwelling house.
 - 1.7. [Link to Documents](#)
2. Site & Surroundings

2.1. The application site is a detached dwelling house which is rendered with a pitched roof on Donegal Road, close to the junction with Queslett Road East. Donegal Road consists predominantly of semi-detached dwelling houses, many of which have been extended at the side giving an appearance of terracing in certain parts of the road.

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

3. [Planning History](#)

3.1. None relevant.

4. [Consultation/PP Responses](#)

4.1. Transportation Development – No objections subject to conditions relating to visibility splays and construction of footway crossing.

4.2. Regulatory Services – No objections.

4.3. Councillors, Residents Associations and nearby occupiers notified. 4 letters have been received objecting to the proposal on the following grounds:

- Proposal will cause parking and highway problems on Donegal Road.
- New owner has had a large tree removed.
- House should remain detached.
- Loss of privacy.
- Properties will share a large garden.
- Disruption during construction.
- Adverse impact on visual appearance of no's 83 and 85, make properties from 79 to 85 look like a terrace..
- 2 storey side extension will reduce light to bedroom window at no.83.
- Impact on drainage at no.83.

5. [Policy Context](#)

5.1. Birmingham Development Plan 2017, UDP (2005), saved policies, Places for Living SPG, Mature Suburbs SPD, 45 Degree Code, NPPF (2012).

6. [Planning Considerations](#)

6.1. **Policy** - Policy PG3 of the BDP states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New developments should reinforce or create a positive sense of place and local distinctiveness that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.

6.2. Paragraph 3.14C of the UDP states that development should have regard to the development guidelines set out in "Places for Living" and Paragraph 3.14D outlines a number of good urban design principles against which new development will be assessed. In particular this includes the impact a proposal would have on the local character of an area, including topography, building lines, scale, massing, views, open spaces, landscape, boundary treatments and neighbouring uses. The scale

and design of new and extended buildings should generally respect the area surrounding them and reinforce and evolve any local characteristics.

- 6.3. Places for Living SPG also highlights that responding to the local context can ensure the unique identity of a place is not harmed as well as avoid any potential adverse impact on neighbouring buildings, landscape and uses. It identifies numerical guidelines for garden, bedroom sizes and separation distances for new residential developments
- 6.4. The National Planning Policy Framework states that all Housing applications should be considered in the context of the presumption in favour of sustainable development. Developments should respond to local character and reflect the identity of local surroundings and materials. It is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character of an area and the way it functions.
- 6.5. **Principle** – I have no objection to the principle of the extensions and sub-division of the existing detached properties into 2 dwelling houses. The existing dwelling house is the only detached property in this part of Donegal Road which is characterised predominantly by semi-detached dwellings.
- 6.6. **Design and Character** – The area does have some characteristics of a mature Suburb, however, there are a diverse style of dwelling types in Donegal Road with no.85 being the only detached property in the immediate area and a later addition to the road. I consider the main issue of character/visual amenity is the closing of the existing gap to no.83 and the creation of a terraced appearance which would extend to no.79.
- 6.7. The applicant has included a gap of 0.2m to no.83 and created a set back at first floor with a lower ridge line to minimise the visual impact of the first floor side extension. I accept that the gap would be closed and other first floor extensions in this stretch of dwellings would create a terracing appearance, however, I think it would be unreasonable to refuse planning permission on the grounds of visual amenity as a precedent has been set for allowing 2 storey side extensions in this part of Donegal Road. It is also noted that the proposed side extension would sit higher than no. 83 creating a varied ridge line and a visible gap above the existing flat roof side extension.
- 6.8. I consider the overall design is acceptable subject to materials matching the existing dwelling house and a suitable condition is recommended.
- 6.9. **Residential Amenity** – The first floor side extension has been reduced in length so it complies with the 45 degree code in respect of the first floor rear bedroom window in the extension at no. 83 Donegal Road. The proposal would comply with the required minimum separation distance in relation to the rear of no's 105-109 Queslett Road East and the proposal would not result in any overlooking or loss of privacy to adjoining residents.
- 6.10. **Residential Standards** – The proposed accommodation is of an acceptable standard and exceeds the minimum floorspace and bedroom size requirements for this type of dwelling house as set out in the Technical Housing Standards (nationally described space standard). The garden size for each dwelling house would be well in excess of 70sq.m as required by Places for Living SPG.
- 6.11. **Highways** – 2 car parking spaces would be provided for each dwelling house.

Transportation Development raise no objections subject to conditions requiring visibility splays to be maintained at the access points and any new footway crossing to be provided to BCC specifications. I concur with this view.

6.12. **CIL** – The additional floor space is less than 100sq,m and exempt from CIL.

7. Conclusion

7.1. I consider that the proposal to extend and sub-divide the existing property into 2 dwelling houses, as amended is acceptable.

8. Recommendation

8.1. Approve Subject to Conditions.

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|---|---|
| 1 | Requires the prior submission of an amended front garden/driveway layout plan |
| 2 | Requires the prior submission of hard and/or soft landscape details |
| 3 | Requires the prior submission of boundary treatment details |
| 4 | Requires the prior submission of sample materials |
| 5 | Requires vehicular visibility splays to be provided |
| 6 | Requires pedestrian visibility splays to be provided |
| 7 | Footway crossing to be provided at applicants expense |
| 8 | Requires the scheme to be in accordance with the listed approved plans |
| 9 | Implement within 3 years (Full) |
-

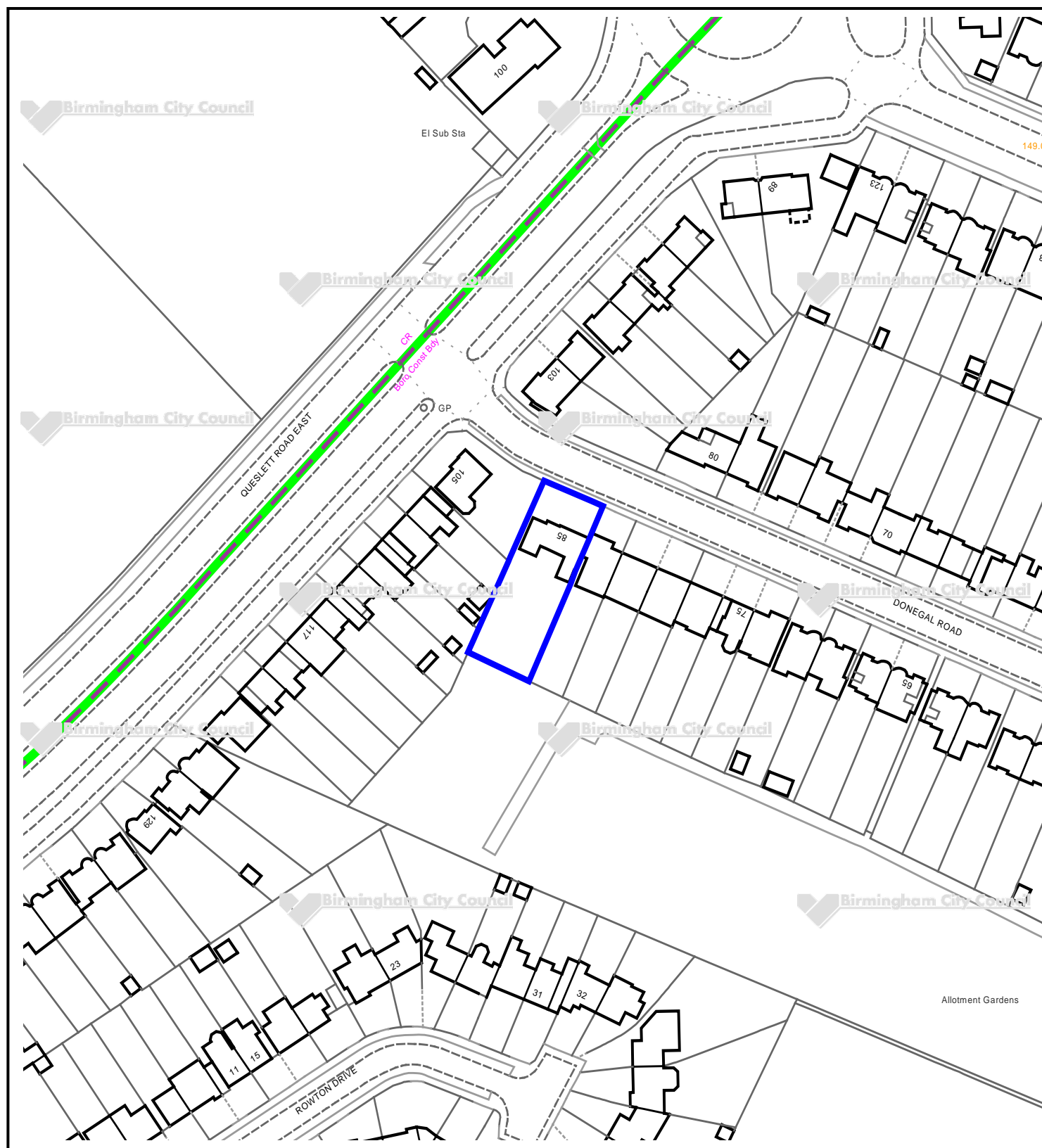
Case Officer: John Davies

Photo(s)



Figure 1 – Front elevation of 83 and 85 Donegal Road

Location Plan



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| | | | |
|-----------------|------------------|---------------------|------------------------|
| Committee Date: | 26/10/2017 | Application Number: | 2017/07053/PA |
| Accepted: | 14/08/2017 | Application Type: | Variation of Condition |
| Target Date: | 13/11/2017 | | |
| Ward: | Sutton Four Oaks | | |

Units 8 And 9, Mulberry Walk, Mere Green Road, Sutton Coldfield, Birmingham, B75 5BP

Variation of condition 14 attached to planning approval 2017/02461/PA to extend the opening hours for Units 8 and 9 only to between 07:00 and 23:30 hours Sundays to Wednesdays, 07:00 and 24:00 hours on Thursdays and between 07:00 and 01:00 hours Fridays and Saturdays

| | |
|------------|---|
| Applicant: | Gusto Restaurants Ltd 98 King Street, Knutsford, WA16 6HQ |
| Agent: | Emery Planning Partnership Ltd Units 2 - 4 South Park Court , Hobson Street, Macclesfield, SK11 8BS, |

Recommendation

Approve Temporary

1. Proposal

1.1. The application is for the variation of condition 14 attached to planning permission 2017/02461/PA to extend the opening hours for Units 8 and 9 only to between 07:00 and 23:30 hours Sundays to Wednesdays, 07:00 and 24:00 hours on Thursdays and between 07:00 and 01:00 hours Fridays and Saturdays.

1.2. Condition 1 currently reads:

Limits the hours of use

The units shall only be open for customers between 07:00 and 23:00 hours Sundays to Thursdays and between 07:00 and 24:00 hours Fridays and Saturdays, in order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

1.3. This application originally sought to extend the opening hours to between 07:00 and 00:30 hours Sunday to Wednesday and between 07:00 and 01:30 hours Thursday to Friday, with no changes to Saturday hours. They then realised that they had incorrectly excluded changes to Saturday hours and following my Officer's advice it was agreed that the hours would be amended to reflect the opening hours of existing late-night premises in the Mere Green District Centre.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located within the Primary Shopping Area of Mere Green District Centre and relates to the Mulberry Walk development, which is situated on the corner of Mere Green Road and Lichfield Road. Mulberry Walk (formerly known as Spring UR site) was granted consent in 2012 under application 2012/04410/PA for a mixed scheme comprising 22 units in speculative retail, restaurant and café use. The development has recently been completed and is now partially occupied by M&S Foodhall (Unit 1); Card Factory (Unit 2); Warrens Bakery (Unit 3); Boots Optician (Unit 4); So Aromatic (Unit 5g); Explore Learning (Unit 5h); Specsavers (Unit 5k); Le Bistrot Pierre (Units 6/7); Loungers (Unit 11); Prezzo (Unit 12); Caffé Nero (Unit 13); and Boots Pharmacy (Unit 14). There are currently 9 vacant units.
- 2.2. The surrounding area is predominantly commercial in character, with the exception of residential accommodation located on the opposite side of Lichfield Road. The site is well served by regular bus services.
- 2.3. [Site Location](#)
3. [Planning History](#)
 - 3.1. There have been numerous applications for this site, with the most relevant being:
 - 3.2. 31 August 2012 - 2012/04410/PA - Planning permission for demolition of existing buildings and erection of mixed use development comprising retail foodstore (Class A1 - 1,779sqm floorspace), non-food retail units (Class A1 - 2,901sqm floorspace), restaurant/cafe units (Class A3 - 1,372sqm floorspace), car parking, pedestrian walkway, public square and associated landscaping, public realm works and servicing, subject to conditions.
 - 3.3. 30 January 2014 - 2013/08851/PA - Approved minor material amendment to 2012/04410/PA to extend the opening hours by one hour, to provide obscure glazing to the front elevations of Units 1 and 11, amend Condition 32 to identify Unit 1 as the Class A1 retail foodstore and minor alterations to Unit 1, Unit 5k, the service yard and the car parking area, subject to conditions.
 - 3.4. 9 July 2014 - 2014/04693/PA - Approved non-material amendment to 2013/08851/PA for amendments to the site boundary line and alterations to the car parking layout, subject to conditions.
 - 3.5. 8 June 2015 - 2015/03319/PA - Approved for variation of conditions numbers 5 (Sample Materials), 6 (Hard and Soft Landscaping Details), 7 (Hard Surfacing Materials), 20 (Extraction and Odour Control Details) and 22 (CCTV Scheme) attached to planning permission 2013/08851/PA to allow for amended wording to those conditions and update Conditions 32 (Limits the total area for each Use Class) and 33 (Planning Schedule) as approved by the non-material amendment consent 2014/04693/PA, subject to conditions.
 - 3.6. 10 June 2015 - 2015/03882/PA - Application for Prior Notification for the proposed demolition of existing buildings, accepted as needing prior approval from the Council and that permission be granted.
 - 3.7. 14 April 2016 - 2016/02299/PA - Approved for non-material amendment to Planning Permission 2015/03319/PA for a change in the Lichfield Road elevation (Unit 5K) from a single shop front door to a double shop front door; omission of the door to the sub-station; additional Electricity Board man access door to concertina gate and a

rendered spandrel above the gate; omission of Unit 6 shop front doors to Mere Green Road elevation; additional sliding door in the Mere Green Road elevation of Unit 14; alterations to the door arrangements in shop fronts in the new courtyard elevation; omission of the dispensing hatch in Unit 14; and omission of the trolley bay and fitting of the remaining shop front to Holden's Way with clear glazing to Unit 14, subject to conditions.

- 3.8. Unit 5h - 27 October 2016 - 2016/07416/PA - Planning permission granted for change of use from speculative retail/restaurant/cafe use (Use Class A1/A3) to education facility (Use Class D1), subject to conditions.
- 3.9. Unit 5b - 3 May 2017 - 2017/02093/PA - Planning permission granted for change of use from speculative retail/restaurant/cafe use (Use Classes A1/A3) to an Estate Agent (Use Class A2), subject to conditions.
- 3.10. 23 May 2017 - 2017/02461/PA - Planning permission granted for variation of Condition 32 attached to Planning Permission 2015/03319/PA to vary the wording to read "The ground floor gross internal area (GIA) shall not exceed 1,050 sqm for the Class A1 retail foodstore shown as Unit 1 on Drawing Number 101V and Units 2, 4, 5a, 5c, 5d, 5e, 5f, 5j, 5k and 14 shall operate in Use Class A1 only, unless otherwise agreed in writing by the Local Planning Authority", subject to conditions.

4. Consultation/PP Responses

- 4.1. Ward Councillors, Residents Associations and nearby occupiers were consulted. Press Notice advertised and Site Noticed displayed. No responses from public participation have been received.
- 4.2. Transportation Development - No objection.
- 4.3. Regulatory Services - No objection.
- 4.4. West Midlands Police - Awaiting comments.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan (UDP) 2005 (saved policies), Shopping and Local Centres SPD and National Planning Policy Framework.

6. Planning Considerations

- 6.1. The main consideration for this application is whether the proposed extended opening hours would have a detrimental impact on the amenities of nearby residents.
- 6.2. Policy Context
- 6.3. The National Planning Policy Framework contains a presumption in favour of sustainable development and includes a set of core land-use planning principles which underpin both plan-making and decision-taking. Within the core planning principles, the NPPF requires planning to always seek to secure high quality design; a good standard of amenity for existing and future occupiers of buildings; to encourage the effective use of land by reusing land that has been previously developed; to actively manage patterns of growth to make the fullest possible use of

public transport; and to conserve heritage assets in a manner appropriate to their significance.

- 6.4. Policy PG3 for the Birmingham Development Plan (BDP) 2017 advises that all new development would be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy.
- 6.5. Policy TP21 of the Birmingham Development Plan sets out the hierarchy of centres and identifies Mere Green as a District Centre. The policy seeks to maintain and enhance the vitality and viability of the centres.
- 6.6. Saved Policy 8.7 of the adopted Unitary Development Plan (UDP) 2005 applies to new hot food shops and restaurants/cafes and advises that where a proposal involves evening opening, account will be taken of the following factors in addition to other considerations: proximity (to both the premises themselves and area that are likely to be used for car parking purposes) and extent of any nearby residential accommodation, the nature and character of the centre, and ambient noise levels. With these factors in mind, the Council will be particularly concerned to ensure that proposed restaurants do not give rise to additional problems of noise and disturbances, such as to cause demonstrable harm, for the occupiers of any nearby dwellings. To ensure this, the policy recommends that evening opening hours are restricted by condition, to no later than 11.30pm.
- 6.7. Impact on Amenity
- 6.8. The applicant has advised that Gusto Restaurants are a highly respected band of restaurants throughout the country and are known as a venue to enjoy a good meal with family and friends in a relaxed atmosphere. Gusto Restaurants have noticed in recent months an increase demand from customers in all of their units who, rather than moving onto another venue such as a typical crowded high street pub, would rather stay in the relaxed atmosphere of the restaurant and enjoy one or two drinks such as a cocktail or Prosecco. As a result the Gusto chain wishes to capitalise on this change in customer requirements and encourage diners to remain in the unit. It is not their intention to attract customers who have not had a meal, it is simply to retain those customers that are already in the unit and wish to enjoy a further drink.
- 6.9. The application site relates to two vacant units located within a parade of other café/ restaurants, which have a frontage onto a pedestrian only area, adjacent to the Old Speckled Hen public house and a public car park. The application unit forms part of a larger mixed use development, known as Mulberry Walk, which was approved in August 2012 under application 2012/04410/PA and a condition was attached to limit the opening hours for all of the units to the hours applied for by the applicant at the time (these being between 8am and 11pm Sundays to Thursdays and between 8am and 12midnight Fridays and Saturdays).
- 6.10. The application site also falls within the Primary Shopping Area of Mere Green District Centre where there are two public houses and other restaurants in the centre. One of the existing public houses located within the centre is The Mare Pool public house, which is open until 12midnight Sundays to Thursdays and 1am on Fridays and Saturdays. The proposed opening hours in this application would be similar to the opening hours of The Mare Pool PH. I also do not consider that the proposed opening hours are unreasonable given that the site is located in a District Centre.

6.11. The nearest residential properties are located on the upper floors of the commercial premises to the north of the site, on the opposite side of Mere Green Road. On-street parking is not permitted along this section of Mere Green Road and customers visiting Units 8 and 9 are likely to park their vehicles away from any nearby residential properties and in the adjoining car park, or along the service road off Lichfield Road or in the Sainsbury's pay and display car park. I therefore do not consider that there would be any increase in noise disturbance arising from customers traveling to and from the application site by car during these later opening hours.

6.12. However, I recognise that there are only a small number of late evening uses in Mere Green District Centre and as such, the ambient noise levels are generally low. I also note that the prospective restaurant would have an area for outdoor seating next to the pedestrian walkway. I therefore agree with Regulatory Services that a one year temporary approval should be recommended to enable the Local Planning Authority the ability to assess whether the customers visiting the restaurant beyond the approved opening hours would result in an unacceptable noise disturbance to existing residents.

6.13. Community Infrastructure Levy (CIL)

6.14. The application is not liable for CIL.

7. Conclusion

7.1. I consider that the proposed variation to Condition 14 attached to Planning Permission 2017/02461/PA is in keeping with other late evening premises located within Mere Green District Centre and that a one year temporary consent would allow the Local Planning Authority the ability to assess whether the proposed extended hours would cause a detrimental impact on the amenity of nearby residents in terms of noise and disturbance. Subject to this condition to allow the extended hours for a temporary period, I consider that the application would be in accordance with Policies PG3 and TP21 of the Birmingham Development Plan and the National Planning Policy Framework.

8. Recommendation

8.1. That a one year temporary consent be granted subject to the following conditions:

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|---|--|
| 1 | Requires the approved drainage scheme to be maintained. |
| 2 | Requires the approved hard and/or soft landscape details to be maintained. |
| 3 | Requires the approved hard surfacing materials to be maintained. |
| 4 | Requires the approved lighting scheme to be maintained. |
| 5 | Requires the approved bollards to be maintained. |
| 6 | Requires the approved refuse storage to be maintained. |
| 7 | Requires the car park to operate in accordance with the approved parking |
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- management strategy.
- 8 Requires the development to operate in accordance with the approved commercial travel plan.
 - 9 Requires the parking area to be used for parking, loading and unloading of vehicles.
 - 10 Requires the delivery and service area to be kept clear of obstruction.
 - 11 Requires the cycle storage to be maintained.
 - 12 Requires deliveries to operate in accordance with the approved Code of Best Practice for the management and operation of the delivery process.
 - 13 Requires service yard gates to be closed during loading and unloading of goods.
 - 14 Limits the hours of use between 07:00 and 23:30 hours Sundays to Wednesdays, between 07:00 and 24:00 hours on Thursdays and between 07:00 and 01:00 hours Fridays and Saturdays, except for all other units which shall only be open to customers between the hours of 07:00 and 23:00 hours Sundays to Thursdays and between 07:00 and 24:00 hours Fridays and Saturdays.
 - 15 Requires the extraction and odour control equipment to be maintained.
 - 16 Requires the approved litter bins to be maintained.
 - 17 Requires the approved CCTV system to be maintained.
 - 18 Requires shopfront, signage and lighting details to be implemented as shown in the submitted details.
 - 19 Limits the noise levels for Plant and Machinery
 - 20 Requires the prior submission of details for tree works
 - 21 Protects retained trees from removal
 - 22 Requires tree replacement within 2 years post development
 - 23 Requires the agreed mobility access to be maintained
 - 24 Requires a commitment to local employment.
 - 25 Prevents obstruction to the glazed elevations fronting Lichfield Road and Mere Green Road for all Units except Units 1 and 14 to ensure active window frontages. Requires the glazed elevations fronting Lichfield Road and Mere Green Road for Units 1 and 11 to be installed as shown on Drawing Number 101V.
 - 26 Requires pedestrian access to the foodstore (Unit 1) to be retained on both elevations (Lichfield Road and the new public square)
 - 27 Limits the ground floor gross internal area of Unit 1 as a retail foodstore to 1,050sqm and restricts the use of Units 2, 4, 5a, 5c, 5d, 5e, 5f, 5j, 5k and 14 shall operate in Use Class A1 only.
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28 Requires the scheme to be in accordance with the listed approved plans

29 Requires the hours of use to discontinue on or before 26th October 2018

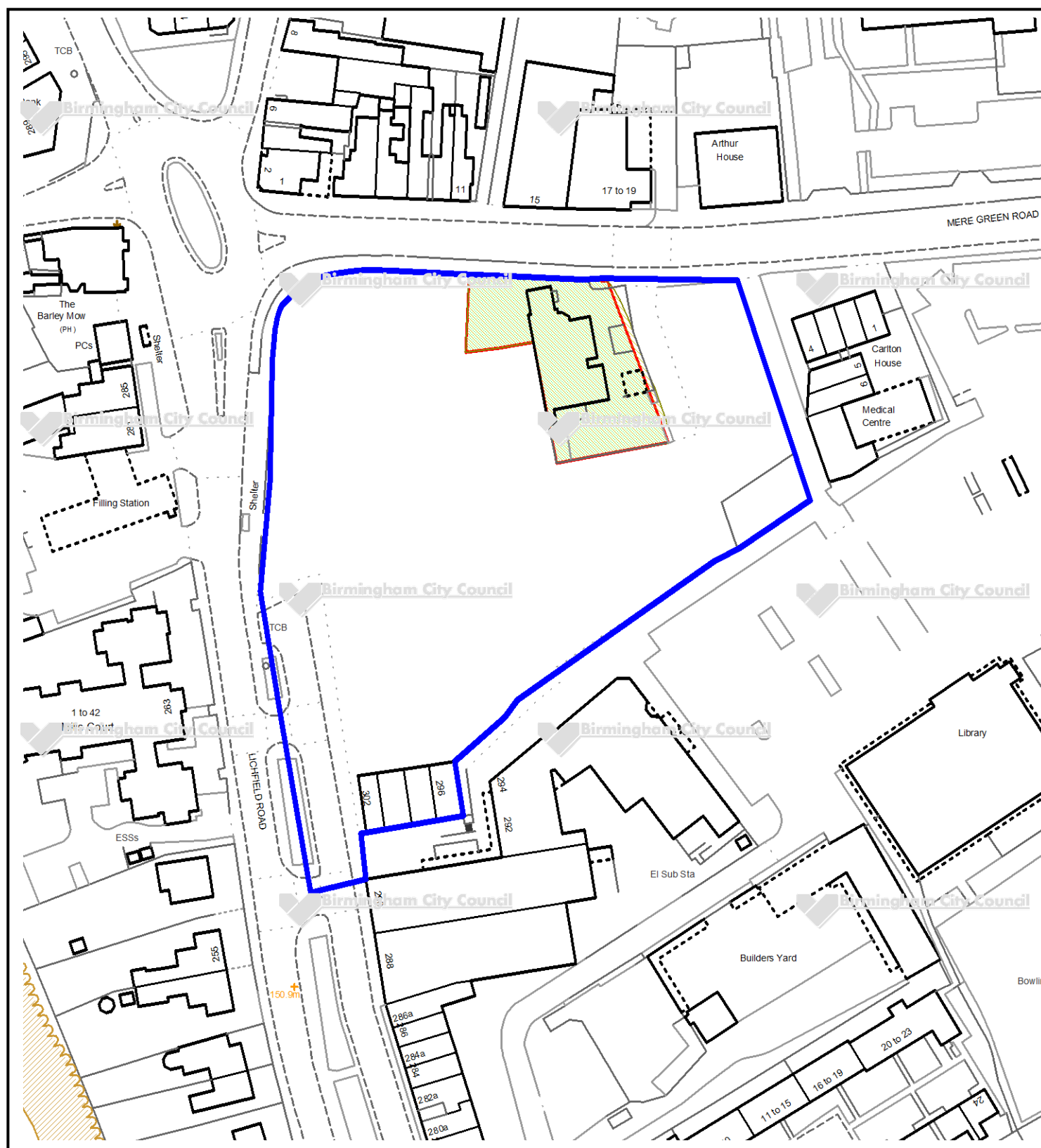
Case Officer: Helen Hawkes

Photo(s)



Application Site

Location Plan



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Birmingham City Council

Planning Committee

26 October 2017

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 | 15 | 2017/07182/PA Land off Erasmus Road / Stratford Road Sparkbrook Birmingham B11 Erection of 15 dwellings for affordable rent with associated car parking and landscaping |
| Approve - Conditions | 16 | 2017/06064/PA 144 Bromford Lane Erdington Birmingham B24 8DE Demolition of existing and erection of car showroom, repair workshop, MOT testing centre, vehicle storage/display area, valet facility and associated infrastructure and landscape works |
| Approve - Conditions | 17 | 2017/06396/PA Former Haden Street Car Park Haden Street/Moseley Road Sparkbrook Birmingham Minor material amendment attached to approval 2015/05615/PA for increase in height, infill of corner recess and changes to curtain walling, cladding and external lighting |

| | | | |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 26/10/2017 | Application Number: | 2017/07182/PA |
| Accepted: | 15/08/2017 | Application Type: | Full Planning |
| Target Date: | 14/11/2017 | | |
| Ward: | Sparkbrook | | |

Land off Erasmus Road / Stratford Road, Sparkbrook, Birmingham, B11

Erection of 15 dwellings for affordable rent with associated car parking and landscaping

| | |
|------------|---|
| Applicant: | Birmingham City Council BMHT, 1 Lancaster Circus, Birmingham, B4 7DJ |
| Agent: | BM3 Architecture Ltd 28 Pickford Street, Birmingham, B5 5QH |

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The application proposals relate to the proposed erection of 15no. two, four and five bedroom dwellings on land at the junction of Stratford Road and Erasmus Road, Sparkbrook.
- 1.2. The proposals comprise a long terrace of 13 dwellings fronting Stratford Road and a pair of semi-detached dwellings fronting Erasmus Road. The appearance of the dwellings would reflect the late Victorian period terraced properties prevalent in the Sparkbrook area, making use of facing brick, tiled roofs, concrete lintels, grey framed UPVC windows along with feature parapets and chimneys to add visual interest.
- 1.3. The proposed dwellings would comprise 3no. 2-bed dwellings; 10no. 4-bed dwellings; and 2no. 5-bed dwellings. The residential properties would comprise the following internal layouts:
 - 2 bed dwelling – hallway, living room, kitchen diner, utility room, store and WC at ground floor; 2 double bedrooms (13.4sqm and 13.7sqm), family bathroom and airing cupboard at first floor = 82sqm floorspace
 - 4 bed dwelling - hallway, living room, kitchen, dining room, store rooms and WC at ground floor; 3 double bedrooms (11.5sqm - 13.5sqm), 1 single bedroom (7.5sqm) family bathroom and airing cupboard at first floor = 123sqm floorspace
 - 5 bed dwelling - hallway, living room, kitchen, dining room, utility room, store rooms and shower room at ground floor; 3 double bedrooms (11.6sqm - 12.6sqm), 2 single bedrooms (7.5sqm – 9.2sqm), family bathroom and airing cupboard at first floor = 142.4sqm floorspace
- 1.4. Each of the proposed dwellings would benefit from private external amenity space in the form of a rear garden. The garden sizes would measure between 52sqm for the

2-bed plots and up to 100sqm for a 5-bed plot. Plot 1 (4-bed dwelling) would have the largest garden at 105sqm. Each of the gardens would be provided with a shed and bin storage area, and rear gates leading to parking spaces and bin collection points. The gardens would benefit from lawned areas populated by shrub mixes and areas of hardstanding. Public realm landscaping is proposed in the form of landscaped borders populated with shrub mixes.

- 1.5. Parking is proposed to be provided to the rear of the dwellings in the form of rear parking courts, accessible from Erasmus Road and Auckland Road, maintaining a strong residential presence along the Stratford Road frontage. Parking is proposed to provide 100% parking provision for the 2-bed dwellings, with 200% parking provision provided for the 4-bed and 5-bed dwellings.
- 1.6. The application site measures 0.38hectares, amounting to a density of approximately 40 dwellings per hectare.
- 1.7. The proposals are made as a part of the Birmingham Municipal Housing Trust programme and comprise the development of 15 dwellings for affordable rent. The tenure and type of housing has been proposed in order to address significant unmet need for social housing in the Sparkbrook Ward, particularly for 4 and 5 bedroom units. The proposal is made to contribute to meeting local demand for affordable family housing in both the ward and the wider district.
- 1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a linear strip of land fronting Stratford Road, within the centre boundary of Sparkbrook Neighbourhood Centre, however outside the primary shopping area. The site is currently in use as a temporary car park and area of public open space. A number of trees are present on the site, with existing street furniture located on the Stratford Road and Erasmus Road frontages. This area of Stratford Road forms part of the red route, which prevents vehicles from stopping or waiting at any time.
- 2.2. The site surroundings comprise a mix of residential and commercial uses, with the area immediately to the west and north of the site being in residential use, with a new block of 36 flats recently constructed at the junction of Stratford Road and Auckland Road and existing Council housing located on Auckland Road and Erasmus Road. Beyond the residential properties, are commercial premises which are predominantly in light industrial uses. To the south and east is a mix of commercial and retail premises within the primary shopping area of Sparkbrook Neighbourhood Centre.
- 2.3. [Site Location](#)

3. Planning History

- 3.1. 02.02.2007 - 2006/07627/PA - Change of use of existing open grass land to temporary car park (4 years). (Retrospective) – Approved temporary.

4. Consultation/PP Responses

- 4.1. Transportation Development – recommend amendments to secure the proposed rear parking courts.
- 4.2. Regulatory Services – recommend conditions to secure contaminated land remediation and electric vehicle charging points.
- 4.3. Education – no comment.
- 4.4. City Ecologist – recommend condition to secure ecological enhancement.
- 4.5. Local Lead Flood Authority – recommend condition to secure drainage layout.
- 4.6. West Midlands Police – no objection.
- 4.7. Severn Trent – no objection subject to condition to secure drainage plans for the disposal of foul and surface water flows.
- 4.8. Site Notice posted. Ward Members and neighbours notified. One letter of support received stating that new residential development would be a positive addition to the site. One letter of objection received raising concerns in respect of the loss of the temporary car park and green space.

5. Policy Context

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

6. Planning Considerations

- 6.1. **Principle of Development** – The application site comprises a brownfield site in a sustainable location, however it is noted that part of this land forms public open space. The application site surroundings are a mix of residential and commercial, with the site located on the edge of Sparkbrook Neighbourhood Centre.
- 6.2. The NPPF states at paragraph 49 that planning applications to deliver housing should be considered in the context of the presumption in favour of sustainable development (paragraph 14).
- 6.3. Policies TP27 and TP28 of the Birmingham Development Plan relate to sustainable neighbourhoods and the location of new residential development. Policy TP27 states that all new residential development will need to demonstrate that it is meeting the requirements of creating a sustainable neighbourhood, characterised by a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources; attractive, safe and multifunctional public spaces; and long-term management of buildings, public spaces, waste facilities and other infrastructure.

- 6.4. Policy TP28 goes on to state that new residential development should: be located outside flood zones 2, 3a and 3b; be adequately serviced by existing or new infrastructure which should be in place before the new housing for which it is required; be accessible to jobs, shops and services by modes of transport other than the car; be capable of remediation in the event of any serious physical constraints, such as contamination or instability; and be sympathetic to historic, cultural or natural assets.
- 6.5. The application site is located within a sustainable location with good access to public transport, and a number of public services accessible within a reasonable walking distance. The site is unconstrained in respect of flood risk and other designations, with part of the site currently used as a temporary car park. The proposals comprise a mix of dwellings, which seek to meet a range of affordable housing needs. Furthermore, the site was identified in the 2016 Strategic Housing Land Availability Assessment as available in the medium term, and could deliver around 14 dwellings (site E147).
- 6.6. Policy TP30 of the BDP indicates that new housing should be provided at a target density responding to its context. The density of the proposed development at 40 dwellings per hectare is considered acceptable on the grounds that the site is well served by public transport, with a number of bus services available within a short walking distance of the application site. Furthermore, this density broadly reflects the character of Sparkbrook Ward and the surrounding residential areas.
- 6.7. Policy TP9 of the BDP relates to public open space, stating that the loss of open space should be resisted. The proposed loss of public open space is regrettable however given the site's location within Sparkbrook Neighbourhood Centre and the site's proximity to the highway, I am dubious as to the quality of the public open space and the contribution that it would make towards the amenity of prospective residents and the general environment. The proposed change of use of this land to accommodate 15 dwellings would address a significant need within the Ward to deliver housing for affordable rent and overall improve the existing environment which is in poor condition at present. On balance, I consider that the proposals would have a positive impact on the quality of the environment.
- 6.8. I consider that the application proposals are acceptable in principle, being compliant with relevant adopted planning policy.
- 6.9. **Layout and Design** – The application proposals seek to make optimal use of the linear site, and enhance the dominant Stratford Road frontage of the site, whilst introducing an active frontage to Erasmus Road. The proposed layout incorporates a strong built form alongside private landscaped gardens and parking provision to the rear of the dwellings. The site would be accessed by vehicles via driveway accesses off Erasmus Road and Auckland Road. The layout presents the opportunity for the new residential scheme to relate to and open out the existing surrounding residential premises layout, resulting in a degree of cohesiveness between the existing and the proposed residential premises.
- 6.10. The proposed development would reflect the character and appearance of the prevailing residential style within the wider Sparkbrook area and would improve on the existing appearance of the immediately surrounding residential properties located on Auckland Road and Erasmus Road. The proposed dwellings have a uniform appearance which is enhanced by additional details which add visual interest. The proposals would result in a strong frontage which contributes towards a good quality residential environment.

- 6.11. The application submission specifies details in respect of proposed materials and boundary treatments to construct the scheme. These are considered to be appropriate in the context of the scheme however I am of the view that it would be appropriate to attach conditions to secure the appearance of the proposed residential dwellings to any grant of planning permission.
- 6.12. I consider that the proposals would have an acceptable impact on visual amenity and would contribute positively towards the streetscene at this location.
- 6.13. **Landscape and Ecology** – The application proposals seek to incorporate public realm landscaping in the form of mix shrub planting on the development borders at the junctions of Erasmus Road and Auckland Road. I consider that the proposed landscaping would have a positive impact on the existing environment and it is understood that this would be managed by the applicant, Birmingham Municipal Housing Trust.
- 6.14. The private gardens for each of the dwellings would benefit from areas of lawn and hardstanding with shrub mix in place. The City Ecologist recommends a condition to secure ecological enhancement across the gardens, which I consider would be appropriate in the context of the scheme.
- 6.15. The Tree Officer has been consulted on the scheme, raising concerns regarding levels across the site and the impact that the scheme would have on existing trees on the site. Following discussions with the applicant, it is understood that the site is to be subject to level treatments to enable the development to be constructed, with the existing difference in levels to be incorporated into the rear gardens as a feature. The trees on site are not subject to a Tree Preservation Order, or considered to be of significant value however it is noted that they are proposed to be retained. The Tree Officer is concerned regarding the practical implications for the retention of the trees, and whilst I note that the root protection area would be tight against the line of development, I do not consider that such would warrant a reason for refusal.
- 6.16. **Residential Amenity** – The application proposals seek to deliver 15no. residential dwellings for affordable rent. The proposed dwellings comply with the Nationally Described Spatial Standards, exceeding the minimum floorspaces for the total dwelling and meeting the bedroom standards set out within the document. Furthermore, I am of the view that the indicative layouts of the dwellings, supplemented by furniture layouts, would be functional and would be conducive to the creation of a good living environment and an acceptable standard of residential amenity.
- 6.17. The proposed garden sizes exceed the guidelines set out within Places for Living SPG of a minimum of 52sqm for 2 bedroom dwellings and a minimum of 70sqm for larger dwellings, and would provide an acceptable external amenity space for recreation and functional activities, with dedicated bin store space and storage sheds supplied. Boundary treatments are proposed to secure the privacy of residents, which are considered appropriate and consistent with the surrounding residential character of the area.
- 6.18. Places for Living SPG sets out the recommended separation distances between residential dwellings, requiring 21m between windowed elevations and 12.5m between windowed elevations and flank walls. Gardens should be a minimum length of 10m. All plots achieve the minimum separation distances required in Places for Living SPG. Whilst 2no. existing dwellings do have windows in their side

elevations, both would significantly exceed the separation distance from the nearest plot.

- 6.19. With regard to neighbouring residential amenity, the proposed orientation of the dwellings would not breach the 45 Degree Code to the existing residential properties to the north of the application site. The proposed development would not have an adverse impact on outlook, overlooking or loss of privacy.
- 6.20. I consider that the application proposals would secure a good level of residential amenity for prospective residents and would be unlikely to have an adverse impact on neighbouring residential amenity. In order to maintain a good level of residential amenity, a condition is recommended to secure the installation of the recommended glazing specification as detailed within the Noise Impact Assessment submitted in support of the planning application.
- 6.21. **Highway Safety** – Car Parking Guidelines SPD specify a maximum parking provision of 2 spaces per residential unit, totalling 30 spaces for the proposal. The proposals comprise 27no. parking spaces (one space per dwelling for 2 bed dwellings and 2 spaces for 4 and 5 bed dwellings), equating to 100% parking provision for 2 bed dwellings and 200% provision for the larger dwellings. This is considered to be appropriate in the context of the scheme and its proposed tenure.
- 6.22. Transportation Development has been consulted on the application proposals and they have commented that the scheme has the potential to be satisfactory in highway terms however raise concerns regarding security issues and control of access associated with the rear parking court areas, alongside the arrangements for refuse collection. Whilst I appreciate the concerns raised, West Midlands Police have raised no objection to the arrangement and although it would be preferable to secure parking on the frontages of the dwellings, this would further restrict an already constrained site. I maintain the view that the development as proposed has made the optimal use of a linear site within a densely populated area. I would therefore consider that it would be appropriate to secure the access and security of the rear car parking courts through a planning condition to secure gated / barrier access for residents.
- 6.23. With regard to refuse collection arrangements, plots 1 to 4 and plot 15 would benefit from having their refuse collected from the front of their property. The submitted application drawings demonstrate locations accessible from Erasmus Road and Auckland Road to utilise the existing routes of refuse collection vehicles. These collection points are located a maximum of 35m from the collection point. The existing collection point off Auckland Road, serving properties 32 – 44 Auckland Road is understood to be in place and would be utilised by prospective residents. I consider a condition to secure these refuse collection points would be appropriate.
- 6.24. With regard to the application proposals, new vehicular accesses and footway crossings are proposed to facilitate the development, and it is recommended that conditions are attached to any grant of planning permission to secure the completion of such works at the applicant's expense. Further, the existing turning head off Auckland Road will be extended to facilitate the proposed development. I consider this it would be appropriate to attach a condition to secure the construction of the road prior to occupation of the residential dwellings. A condition to secure pedestrian visibility splays is recommended alongside this.

- 6.25. I consider that the application proposals would be unlikely to have an adverse impact on highway safety given the likely trip generation and orientation of the site access.
- 6.26. **Other Matters** – Due to the scale of the application proposals, the scheme does not generate a requirement for public open space contribution under Policy TP9 of the BDP. The application site is located within a low residential value area and accordingly no CIL contribution is required.
- 6.27. Policy TP31 of the BDP relates to affordable housing, requiring schemes of 15 dwellings or more to provide policy compliant affordable housing (35% of the scheme). Given that the application forms part of the Birmingham Municipal Housing Trust programme for the delivery of housing for affordable rent, the scheme proposes 100% affordable housing and the requirement is consequently satisfied.
- 6.28. Regulatory Services recommend a condition to secure electric vehicle charging points for the use of the development. As each of the proposed dwellings would benefit from allocated, dedicated parking to the rear of the premises, I would consider that provision would be in place for electric vehicles to be charged via the mains electricity source from the dwelling and it would therefore be unnecessary to require such a condition.
- 6.29. As a result of the application proposals, the stopping-up of ancient highway crossing the site would be required. A resolution to secure the stopping up of this highway link is therefore recommended as part of the determination of the application.

7. Conclusion

- 7.1. The application proposals seek to secure the provision of 15no. houses available for affordable rent through the Birmingham Municipal Housing Trust programme. The proposals are acceptable in principle and would result good quality residential living accommodation.
- 7.2. Whilst it is noted that there are concerns raised by Transportation Development, on balance, the scheme would secure significant benefits in terms of the delivery of affordable housing and the regeneration of a key site within Sparkbrook Neighbourhood Centre.
- 7.3. For the reasons set out above, the application is recommended to be approved subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.
- 8.2. That no objection be raised to the stopping-up of ancient highway crossing the application site and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

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|---|--|
| 1 | Requires the prior submission of level details |
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- 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 scheme for ecological /biodiversity/ enhancement measures
 - 5 Requires the prior submission of a sustainable drainage scheme
 - 6 Requires the prior submission of drainage plans for foul sewage and surface water
 - 7 Requires the prior submission of hard and/or soft landscape details
 - 8 Requires the prior submission of boundary treatment details
 - 9 Requires the prior submission of details of refuse collection
 - 10 Requires the prior submission of sample materials
 - 11 Prevents occupation until the service road has been constructed
 - 12 Requires the proposed accesses and footway crossings to be installed to BCC specification
 - 13 Requires the prior submission of gates / barriers to restrict the access of the rear parking courts to residents only
 - 14 Grants a personal permission to Birmingham Municipal Housing Trust
 - 15 Removes PD rights for extensions
 - 16 Removes PD rights for new windows
 - 17 Requires pedestrian visibility splays to be provided
 - 18 Requires the scheme to be in accordance with the listed approved plans
 - 19 Implement within 3 years (Full)
-

Case Officer: Claudia Clemente

Photo(s)



Figure 1: Stratford Road frontage looking north



Figure 2: Stratford Road frontage looking west

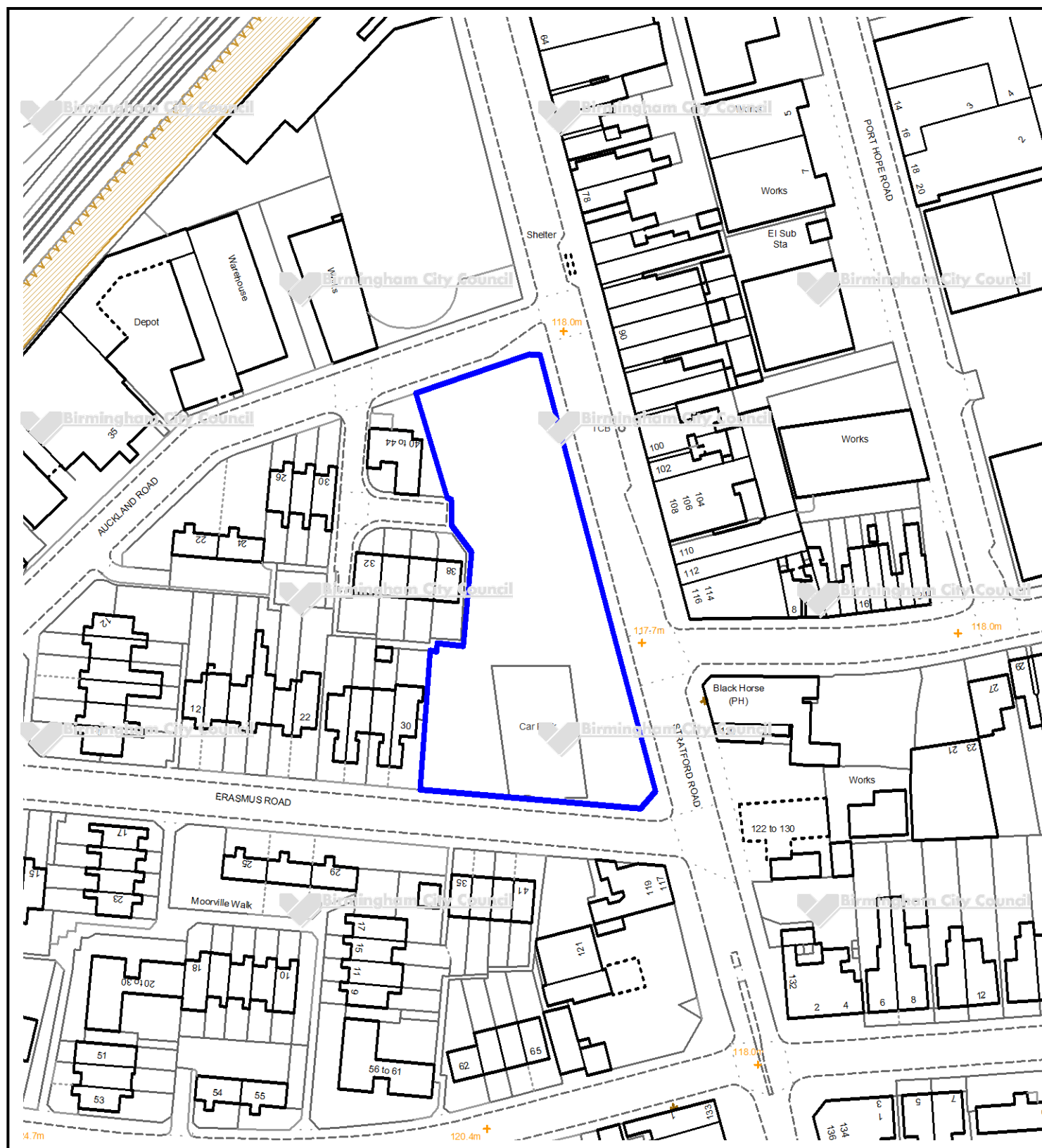


Figure 3: Erasmus Road frontage – existing temporary car park



Figure 4: Stratford Road frontage

Location Plan



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| Committee Date: | 26/10/2017 | Application Number: | 2017/06064/PA |
| Accepted: | 11/07/2017 | Application Type: | Full Planning |
| Target Date: | 27/10/2017 | | |
| Ward: | Tyburn | | |

144 Bromford Lane, Erdington, Birmingham, B24 8DE

Demolition of existing and erection of car showroom, repair workshop, MOT testing centre, vehicle storage/display area, valet facility and associated infrastructure and landscape works

| | |
|------------|--|
| Applicant: | LSH Auto Properties (UK) Limited c/o Agent |
| Agent: | Terence O'Rourke Everdene House, Deansleigh Road, BH7 7DU |

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the demolition of the existing dealership and a replacement erection of Mercedes car showroom, after sales facility comprising car preparation and workshop, MOT testing centre, car wash/ valet facility together with vehicle storage and associated infrastructure and landscaping works.

Demolition of existing buildings

- 1.2. All permanent and temporary buildings would be demolished to facilitate the redevelopment on site through a phased demolition and construction approach to ensure that the current car showroom with associated operations continues to operate during demolition and building programme. The total existing gross floor space to be demolished is approximately 1,760 sq. metres.

1.3. Car showroom/ workshop and valet buildings

- 1.4. The two-storey curved shaped showroom/ after sales workshop building would sit to the north of site and wrap around the corner junction of Bromford Lane and Tyburn Road with customer parking area to the south of the main showroom building. The proposed main showroom/ workshop building would be two-storey in height and to a maximum height of 7 metres when viewed from Tyburn Road frontage and less than 10 metres from the lower ground floor to the top of the canopy within the rear element of the main building, which is due to level changes on site. The central core feature with Mercedes star logo at the centre of the building and roof staircase structure would be approximately 15 metres in height. The ground floor of the main building would contain a showroom, together with a workshop at ground floor level. Part of the first floor would contain offices and back of house facilities with the remainder shown as void over the showroom and workshop areas. The combined gross floor area for the proposed replacement showroom/ workshop and valet buildings would be of 4,655 sq. metres, which would be a net increase of 3,136 sq.

metres (1,760 sq. metres existing floor area). The proposal would increase the number of working bays within the workshop from 8 to 10 standard bays with lifts, one MOT testing and one wheel realignment bay. The proposal also leaves sufficient space within the workshop building for flexibility reasons for expansion to provide two flat bays to meet future needs (if required).

- 1.5. The single-storey flat roof valet building would be located to the southeast (rear) of the site. The valet building would comprise jet wash and dry preparation area, car delivery suite and offices with a gross floor area of 570 sq. metres.
- 1.6. The external finishes proposed to the showroom would be aluminium framed glazed curtain walling with architecture profiled cladding panels. The proposed elevations incorporate large areas of glazing to address Bromford Lane and Tyburn Road junction that would also allow the showroom to display vehicles. The valet building would use similar cladding as the showroom building with windows into the office space.
- 1.7. A supporting statement has been submitted that confirms that the car showroom would continue to operate between 0800-2000 hours Monday to Friday, 0900-1800 hours Saturday and 1100-1700 hours on Sundays. The Aftersales (to include workshop, MOT, car wash, etc.) would continue to operate 0600-2000 hours Monday to Friday and 0800-1700 hours on Saturdays with no Sunday openings.

Minor works/ buildings

- 1.8. Other works include installation of a sub-station and electric switch, refuse storage, cycle storage to the side of adjoining property No. 521 Tyburn Road and rear of adjoining residential properties on Tyburn Road. Amended plans have been submitted to the change design and material of the electric switch building on the Tyburn Road frontage to be similar in appearance to the valet/ showroom building. The plans also show that there would be an acoustic fence installed to the side and rear boundary of No. 521-525 Tyburn Road adjacent to the electric switch, refuse storage, sub-station and external ramp area to provide access to the workshop area.

Parking and traffic circulation

- 1.9. The site would continue to be serviced by two existing access points with vehicle and pedestrian areas from Bromford Road frontage and service arrangements from Tyburn Road frontage, which would also continue to accommodate a Transporter Route into the site. The areas to the north of the valet building would be used for outdoor display area for used cars. The east of the site would be used to provide additional storage area for vehicles. A total of 372 car parking spaces within the curtilage of the site would include an external display area for 149 used vehicles, with 172 spaces for vehicle storage, 30 customer and 21 staff parking spaces.

Landscaping and boundary

- 1.10. The proposal would result in the loss of 34 trees and 3 groups of shrubs that the arboricultural survey has identified are of moderate or low quality. The proposal includes a detail landscape proposal that shows the planting of 29 no. new trees, retains of two trees and hedgerow trees and hedges throughout the site as well as landscaped frontages to Tyburn Road/ Bromford Lane junction and the Birmingham and Fazeley Canal to the rear and side and rear of existing residential properties on Tyburn Road. No details have been provided for hard surfacing or type of boundary treatment to be installed at the site.

Investment and Employment

- 1.11. The proposal would provide a car dealership for used cars and create a benchmark for the applicants UK auto operation. It would generate significant investment of £15 million through the redevelopment of this site and safeguard 40 jobs and create a further 24 full-time equivalent jobs on site.

Construction phasing and temporary accommodation

- 1.12. A demolition and construction phasing plan and construction management plan has been submitted that shows that the proposal would comprise 6 phases and a number of temporary accommodations would be required for car showroom, 3no. workshop bays, 2 no. dry valet, storage containers, jet wash and dry prep area that would remain operational during the demolition and construction stage of development. Supporting statements also confirm that vehicle preparation, aftersales workshop facility, smart repair and vehicle photographic operations would be relocated to other sites during the demolition and construction stage.
- 1.13. The following documents have been submitted in support of the proposal:
- Design and Access/ Planning Statement
 - Drainage Strategy and Flood Risk Assessment
 - Phase 1 Land Contamination Assessment
 - Transport Statement and travel plan
 - Noise Assessment Report
 - Phase 1 Ecological Appraisal
 - Arboricultural Assessment
 - Lighting Strategy
 - Construction phasing management plan
 - Energy Statement
 - Utilities Assessment
 - Phased programme for development
- 1.14. Since the original submission, there have been amendments received that include removal of canopies over part of used vehicle display area, re-siting of sub-station, design of valet building etc.
- 1.15. An Environmental Impact Assessment (EIA) screening opinion issued by the Local Planning Authority concluded that development proposed does not require an Environmental Impact Assessment.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is currently occupied by a number of permanent and temporary buildings occupied by car showroom, mot/ repair, paint spraying, car wash/valeting, wheel re-alignment etc. uses. The site is approximately 1.87 hectares and is situated at the junction of Tyburn Road and Bromford Lane. Both vehicular and pedestrian access to the site is via a shared access from Bromford Lane frontage on the western edge of the site. Transporter and service delivery access is gained from the north-east via an existing shared service road from Tyburn Road frontage. The existing site has approximately 250 external parking spaces.

- 2.2. The site is situated within a core employment area as defined by Birmingham Development Plan. The site slopes from north to south and is situated within Flood Zone 1. There is a mix of residential and small scale commercial uses to the north and northwest of the site. There is a block of 22 semi-detached dwellings and commercial uses to include a number of car showrooms and vacant former council offices to the east of the application site on the Tyburn Road frontage. Directly to the south are a vehicle rental company and Birmingham and Fazeley Canal with industrial/ commercial uses beyond. Birmingham and Fazeley Canal to the south of the site is a Site of Local Importance for Nature Conservation and archaeological interest. Buffet Island Chinese Restaurant, which is Category “B” Locally Listed Building, is situated to the west of the site approximately 50 metres from the application site. The application site is also located within outer zone of a Hazardous Installation, the Esso Terminal site on Wood Lane.

[Location Map](#)

3. Planning History

- 3.1. 18-11-2003 – 2003/06965/PA – Erection of dwarf wall, railings and gates, 1.8m tall – Approved subject to conditions.
- 3.2. 04-08-2003 – 2003/04664/PA – Installation of 2no. 6m high CCTV cameras as part of the Outer Circle Bus Showcase Scheme – Approved subject to conditions.
- 3.3. 03/02/2004 - 2003/07076/PA - Erection of vehicle preparation building, including paintwork repairs, washing and valeting, outdoor car parking/storage and landscaping – Approved subject to conditions.
- 3.4. 02/10/2013 - 2013/05906/PA - Display of 5no. internally illuminated signs and 1no. non illuminated flag pole – Approved subject to conditions.
- 3.5. 28/07/2016 - 2016/04054/PA - Erection of external wash bay to the side elevation and retention of access gates and railings – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Site and press notices displayed. Adjoining neighbours, Resident Association, Ward Councillors and MP consulted – No responses received.
- 4.2. West Midlands Fire Services – No objections.
- 4.3. Employment Access Team – Awaiting comments.
- 4.4. Health and Safety Executive – No objections.
- 4.5. City Ecologist – No objections to the demolition subject to Birmingham Fazeley canal being adequately protected from any demolition debris and/ or fuel and oil spills. Recommend native species hedge/ trees through the landscaping condition and lighting towards the rear of the site along the canal corridor to be kept low and directional in order to protect any commuting or foraging route for birds.
- 4.6. Regulatory Services – No objections subject to conditions to include noise levels from plant and machinery, provision of vehicle charging points and operation/ days of use to remain as per existing.

- 4.7. Severn Trent – No objection subject to a drainage condition for the disposal of foul waste and surface water flows.
- 4.8. Environment Agency – No objections subject to a modified land contamination condition in order to protect controlled waters at all times, notably the underlying secondary aquifer that runs beneath the site.
- 4.9. Canal and River Trust – No objections subject to conditions to include:
- Drainage scheme to ensure that any water discharge is disposed of appropriately
 - Appropriate screens to be provided for valet building in order to prevent any overspray onto the canal.
 - Construction environmental management plan in order to protect the canal during demolition and construction stage of the development,
 - Any landscaping scheme approved to be implemented and maintained thereafter;
 - Appropriate boundary treatment to be installed along the canal corridor,
 - Lighting columns along the canal boundary as per the lighting assessment are reduced to the minimum height, and the directional into the site for biodiversity reasons.
- 4.10 BCC Local Lead Flooding Authority – Initially raised objection to the proposal as the Flood Risk Assessment and Drainage Strategy provided did not meet the requirements of the LLFA with regards to surface water flooding, greenfield/ brownfield runoff rates for all return periods up to the 1 in 100 year plus climate change event, and the proposed finished floor levels, and the Operation and Maintenance of the proposed SuDS features etc. It is noted that the proposed outfall is to the Birmingham and Fazeley Canal, however no evidence of correspondence with the Canals & Rivers Trust (C&RT) has been included to demonstrate that the Canal & Rivers Trust are in acceptance of the proposed discharge rates and locations. Other outstanding information remains in relation to petrol/ oil interceptors that are not shown as layout plans and information on permeable paving and proposed attenuation storage units.
- 4.11 Further supporting information was subsequently submitted and the LLFA are now content with the current proposals subject to conditions in relation to sustainable drainage and a drainage system operated in accordance with the approved sustainable drainage operation and maintenance plan.
- 4.10. Wayleaves and Property Development – Awaiting comments.
- 4.11. West Midlands Police – No objections subject to Secure by Design Commercial Development initiatives.
- 4.12. Transportation – No objections subject to conditions to include parking management strategy, parking and vehicle circulation areas marked out and used for no other purpose, secure cycle storage and travel plan.
5. Policy Context
- 5.1. NPPF (2012), Birmingham Development Plan (2017), Saved Policies – Birmingham Unitary Development Plan (2005), SPG Places for All/ Living (2001), The 45 Degree Code (2006), Loss of Industrial Land for Alternative Uses (2006), SPD Car Parking Guidelines (2012), Floodlighting SPG (2000)

6. Planning Considerations

6.1. The main considerations in the determination of this application area:

6.2. **Planning Policy** – The NPPF is based on the principles of sustainable development and requires the planning system to balance economic, social and environmental factors. The planning system plays a fundamental role in securing economic growth. At National level, paragraph 21 of the NPPF requires LPA to set out a clear economic vision and strategy for their area and proactively encourages sustainable development. The planning system should support existing business sectors, taking account of whether they are expanding or contracting out and, where possible, identify and plan for new and emerging sectors. Policies should be flexible enough to accommodate need not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Local Planning Authorities should identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.

6.3. Policy TP18 of the Birmingham Development Plan outlines the core employment areas that will “be retained in employment use and will be focus of economic regeneration activities”. The BDP and Loss of Industrial Land to Alternative Uses SPD seek to protect employment locations throughout Birmingham. The policy states that employment land within clusters of commercial and business uses should be recommended for retention in employment uses. The SPD policy allows certain uses such as car dealerships within core employment areas.

6.4. **Principle of use** – The application site is currently utilised as a car dealership with car showroom, repairs, valeting etc. all operating at the site. There would be no change to the permitted use class, and current buildings would be replaced with a modern, enhanced car dealership that would result in significant economic benefits through investment into the city and create additional employment opportunities within the area. The site is allocated as core employment land within the adopted BDP and an improved modern car dealership site would be beneficial to the area and city as a whole. The car showroom, workshops, MOT, part and storage areas are all considered to be an appropriate use in this core employment area. Consequently, I consider that the proposed replacement car dealership would support sustainable economic growth that carries significant weight under NPPF and adopted BDP. Planning and Growth Strategy are supportive of the proposal.

6.5. **Design and character** – The existing permanent and temporary buildings to be demolished hold little architectural merit. The remainder part of the site is largely covered in impermeable hardstanding and canopies, which forms a large area for car parking, although there are areas of grass and tree planting adjacent to the western boundary and through the centre of the site. The proposal presents opportunity to improve the overall character of this site. The demolition of the current buildings/ canopies would mean alterations to the site layout with the proposed building to be sited northeast boundary of the site at the junction of Bromford Lane and Tyburn Road and the car park and storage areas being located to the south and east of the site. Given the limited contribution that the existing buildings have to the character and appearance of the area, I have no objection to the demolition of these buildings. Consequently, I consider that the redevelopment of this site would improve the appearance of street scene and contribute to the enhancement of the wider environment.

- 6.6. The application site is constrained by existing site levels, residential dwellings on Tyburn Road, access/ junction arrangements from Bromford Lane/ Tyburn Road, adjoining canal etc. which have been addressed through the design solution of the site and to meet the client's requirements. The main car showroom building would be two-storey in height, occupying the northern part of the site. Part of the site would be re-graded with lower ground floor workshop area (void area above) created within the building with more functional openings within the side of the building. The building height, due to changing ground levels, would range from 7 metres (Tyburn Road frontage and 11 metres (rear of the building within the site) with central core feature with Mercedes star logo at the centre of the building at 15.5 metres in height. The roofscape would be lower than the overall height of the existing canopy on Tyburn Road frontage.
- 6.7. The proposed main car showroom building is designed to be modern fully glazed structure to address the prominent corner junction of Bromford Lane and Tyburn Road. The design of the showroom building and areas around it are influenced by the corporate branding of Mercedes Benz that can readily be seen in other parts of the country. The valet building would be subservient that is required for the functioning of the site and its low level design and location to the rear are both appropriate in overall context of the site. The scale and massing continues to be sympathetic to the commercial and residential character of this stretch of Tyburn Road. The forward projecting canopy with the building set back would help reduce the building's scale and massing. The materials proposed for the showroom and valet building would be in keeping with Mercedes branding and in context with the site and surrounding area that includes a number of showrooms. Consequently, I consider that the proposal is acceptable and the quality of the finished scheme would depend on the quality of the detailing, it is considered that this quality can be achieved through appropriate conditions.
- 6.8. **Impact on residential amenity** – In a residential to residential context, a distance of 12.5 metres as set out within SPG Places for Living has been accepted as a reasonable distance to achieve an acceptable level of outlook between windows of habitable rooms and opposing two-storey flank wall, although this has to be adjusted for significant changes in levels. The main car showroom with associated facilities would be located approximately 12.5 metres from side elevation of nearest property No. 521 Tyburn Road. The building would be located much closer than the existing canopy structure to the adjoining residential property No. 521 Tyburn Road. There are first floor landing and ground floor kitchen windows situated to the side of No. 521 Tyburn Road, and the ground kitchen window can be regarded as a habitable window. The garden areas to the rear and side of the adjoining property No. 521 Tyburn Road slopes from north to south towards the canal similar to the application site and there is an existing 1.8 metre high brick wall with railings on top with existing trees to be retained. This degree of separation of 12.5 metres, level changes and intervening landscape planting area to be extended with acoustic fencing would ensure the amenity of these residents would continue to be protected. There have been no objections received from any neighbouring properties.
- 6.9. The proposal would have minimal impact on light/ outlook from the rear elevation of the adjoining dwellings No. 521-523 Tyburn Road as the side and rear element of the proposed showroom building would be situated at a lower level by approximately 2.5 metres. The showroom building from the adjoining dwellings would be visible from an oblique angle as it is situated at a distance of over 21 metres from rear habitable windows. The valeting building to the southern part of the site adjacent to canal is situated over 27 metres from the rear of dwellings No. 521-547 Tyburn Road and comply with guidelines as per Places for Living. As there are different land

levels within the site in the context of existing residential properties, it is considered reasonable to impose site level and earthworks conditions in order to protect the amenity of adjoining residents.

- 6.10. The application site is located at the junction of Tyburn Road and Bromford Lane, where there are a mixture of commercial and residential premises with a large number of the premises in the vicinity of the site being car showrooms and repair centres. A noise assessment report has been submitted that takes into consideration the impact of the proposed development on existing noise sensitive receptors within the immediate vicinity of the site and includes consideration of other operational noise sources within the proposed development, delivery activities, use of car park etc. The report concludes that the operational noise level from the development including deliveries likely to have a low impact below the internal and external noise levels. Supporting statements confirm that as part of reorganisation of operation, the existing bodywork/ cosmetic repair facility associated with paint spraying/ solvents has been removed from this site and relocated elsewhere. Amended plans have submitted to show that an acoustic fence would be installed to the side and rear boundary of No. 521-525 Tyburn Road, where the external ramp to the showroom, sub-station, electricity switch and refuse areas are to be sited. Regulatory Services have raised no objections subject to a number of conditions in relation noise levels from plant and machinery in order to achieve a reasonable level of noise amenity and odour protection to adjoining residential properties on Tyburn Road. The site is currently utilised by a car showroom with associated vehicle repair, valet etc. and therefore a replacement showroom with workshops situated on lower ground level, subject to the imposition of condition to restrict noise levels from plant and machinery, is unlikely to generate significant noise and disturbance to residential occupiers within the immediate vicinity of the site. I largely concur with this view but consider that an additional condition should also be imposed to restrict any paint spraying occurring on-site.
- 6.11. Regulatory Services and Environment Agency have reviewed the submitted Phase 1 land contamination study, where they have concluded that contamination is present and remediation is required. They have also confirmed that there is no information provided for full remediation or a mitigation plan. Consequently, they have recommended imposition of land contamination conditions as further investigations need to be undertaken post demolition of the buildings to assess the risk of potential on-site contamination and to ensure that the development protects all controlled waters. I concur with this view.
- 6.12. Policies TP1 and TP43 within the Birmingham Development Plan, seeks to assist in reducing the City's carbon footprint and improve air quality. The Planning, Design and Access Statement state that there would be a number of electric vehicle charging points for customers on site. Regulatory Services have recommended imposing a condition in relation to electric vehicle charging points on site. Consequently, the proposal would allow the potential to reduce vehicle emissions and improve air quality associated with the development.
- 6.13. **Impacts on highway safety** – A Transport Statement and vehicle tracking plans using large refuse vehicles and car transporter have been submitted as part of the application. The proposal would result gross floor area of 4,893 sq. metres, which is an increase of 3,136 sq. metres when compared to the existing gross floor area of 1,757 sq. metres. The vehicular and pedestrian access would continue to remain from Bromford Lane frontage via a left in/ left out access arrangement. The main access into the showroom building would be located to the southeast elevation with 30 dedicated customers parking to the south of the main building. A total of 319

parking spaces would be laid out across the sites, which are broken down into 30 customer bays, 18 staff spaces, 145 used car display spaces and 172 storage vehicles. A total of 20 cycle spaces (10 racks) are provided within the site along with a shower room and changing facilities within the main building. In terms of deliveries and servicing, this would continue to be accessed via the existing service road to the north of the site between No. 547 and 549 Tyburn Road frontage. Transportation Development have raised no objections subject to conditions to include a parking management strategy and travel plan. The application site is situated within sustainable location with good public transport available on Tyburn Road and Bromford Lane. Consequently, the proposal, subject to imposition of conditions, is unlikely to have an adverse impact on highway safety within the immediate vicinity of the site.

- 6.14. **Impact on ecology** – The Canal and River Trust and City Ecologist have reviewed the supporting statements and raise concern with regards to construction of the new buildings and potential dust emissions, debris, water seepage, oil spillage etc. The Canal and River Trust have recommended that a construction environmental management plan condition be imposed in order to protect any threat to the water environment of the adjoining canal and wider network. I do not consider that it is necessary as the supporting statements have been submitted with regards to construction management and phasing, which will be conditioned to be implemented accordingly. Any concerns in relation to water seepage, oil spillage etc. would be addressed through the drainage strategy that addresses oil interceptors, information on permeable paving and proposed attenuation storage units. However there is no information provided in relation to dust emission, material/ debris, screening etc. during demolition stage. The siting and the proposed scale of development adjacent to the canal (SLINC) and residential dwellings and I consider that it is reasonable to impose condition in relation to demolition method statement/ management plan.
- 6.15. The Lighting Assessment report confirms that the car parking, access routes and general pathways would be lit by maximum 8 metre high lighting columns to an average of 20 lux. The walkways for pedestrians would be an average of 5lux. The strategy ensures compliance with the requirements of the criteria for control of light pollution for an environmental zone classification “E4”, which is defined as “high district brightness area, such as industrial estates and town centres”. The Canal and River Trust and City Ecologist have reviewed submissions and have recommended that lighting towards the rear of the site, along the canal corridor be kept to low level or directional in order to ensure that there is no direct light spill onto the canal corridor in order to protect any commuting or forging route for Bats. I concur with this view and a condition is imposed accordingly.
- 6.16. **Impact on trees and landscaping** – Given the prominent location of the site, the intention is for the proposed showroom to be visual presence in the street scene, rather than being hidden heavy perimeter landscaping. It is recognised that due to the nature of car showroom uses, there is often a demand for significant areas of hardstanding around the building to display vehicles externally and for these areas to be in the most prominent positions. The proposal would result in loss of 34 trees and hedges around the site. Whilst this is regrettable, there would be 29 replacement trees mainly around side and rear of residential boundaries and along the canal corridor as part of landscaping scheme. The proposal has been amended and does retain two trees alongside residential boundary with No. 521 Tyburn Road. My Tree Officer has reviewed the arboricultural report and raised no objections, and recommends the opportunity for further tree planting as part of landscaping scheme around the entire site.

- 6.17. City Ecologist has confirmed that the current site is relatively low in biodiversity interest and the proposed landscape scheme would increase the buffer between the canal and hardsurfacing area and around residential properties. The amended landscape scheme has also been reviewed by my Landscape Officer and concerns have been addressed by providing a variety of mixed tree, shrub and hedge planting provided on site. They have recommend that conditions be imposed to include landscaping to be implemented in accordance to agreed plans, site levels, boundary treatment, hard surface materials and landscape management plan that would ensure that the proposal makes a substantial contribution to the site and overall area in amenity and biodiversity terms.
- 6.18. **Impact on archaeology** – Archaeology policies within the NPPF and BDP require archaeological investigations for development affecting sites of archaeological importance. The Historic Environment Records show that the site is in close proximity to, an area of some archaeological importance – Birmingham and Fazeley Canal. The plans show that that there would be no encroachment onto the canal. My Conservation Officer and the Canal and Rivers Trust have raised no objection to the proposal.
- 6.19. **Impact on flooding and drainage** – The Canal and River Trust have commented that they would require a drainage condition to be imposed due to the proximity of the site to the canal boundary to ensure that there is adequate surface and foul drainage. A Flood Risk Assessment and Drainage Strategy have been submitted as part of supporting documents as the site covers an area of approximately 1.87 hectares. It identifies the site as being entirely within Flood Zone 1 and therefore the site is at low risk of flooding. The Environment Agency have raised no objections to the proposal. The Council as Lead Local Flooding Authority has raised no objections subject to conditions to include submission of further surface water drainage details and a maintenance and management plan relating to a sustainable drainage scheme.
- 6.20. **Impact on health and safety** – The application site is situated within outer zone of a Hazardous Insulation site. Esso's Birmingham terminal on Wood Lane is a large scale petrol storage site that is classed as major hazardous site by HSE and situated approximately 100 metres to the south of the site. The proposed development would not change the overall use of the site that would remain as a car dealership and the proposed buildings would not be situated any closer to the terminal than the current buildings that are in situ. Consequently, the proposal would not result in any greater risk than the previous use and Health and Safety Executive have raised no objection to the proposal on this basis

7. Conclusion

- 7.1. The proposal would involve the re-use of the existing site and would provide a modern purpose-built car dealership that would improve the character and appearance of the site and surrounding area. The proposed facility is in a suitable core employment location with good links to the strategic highway network and no adverse impact on highway safety or neighbour amenity. The proposal would also introduce new tree planting as part of landscape scheme that would enhance the setting of this prominent corner junction, rear of adjoining residential properties and Birmingham and Fazeley Canal to the rear. The proposal is in accordance with relevant policy and guidance as set out above and planning permission should be granted subject to conditions.

8. Recommendation

8.1. Approve subject to conditions

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|----|--|
| 1 | Requires the prior submission of sample materials |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission of a contamination remediation scheme |
| 4 | Requires the prior submission of a contaminated land verification report |
| 5 | Limits the hours of operation for car showroom/ sales (0800-2000 hours Monday to Friday, 0900-1800 hours on Saturdays and 1100-1700 hours on Sundays & Bank holidays). |
| 6 | Limits the hours of operation for workshop and valet operations (0600-2000 hours Monday to Friday and 0800-1700 hours on Saturdays). |
| 7 | Requires the submission of electric vehicle charging point(s) prior to occupation |
| 8 | Limits the noise levels for Plant and Machinery |
| 9 | Requires the prior submission of a Demolition Management Plan/Method Statement |
| 10 | Requires the scheme to be in accordance with phasing plan |
| 11 | Requires the prior submission of a drainage scheme |
| 12 | Requires the prior submission of a sustainable drainage scheme |
| 13 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 14 | Requires the scheme to be in accordance with the approved landscape details |
| 15 | Requires the prior submission level details |
| 16 | Requires the prior submission earthworks details |
| 17 | Requires the submission of hard surfacing details prior occupation. |
| 18 | Requires the submission of boundary treatment details prior to occupation |
| 19 | Requires the prior submission of a lighting scheme. |
| 20 | Requires the prior submission of a landscape management plan |
| 21 | Requires the parking area to be laid out prior to use |
| 22 | Requires the submission of a parking management strategy prior to occupation |
| 23 | Requires the submission of cycle storage details prior to occupation |
-

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- 24 Requires the scheme to be in accordance with the approved Travel Plan details
 - 25 Prevents paint spraying operations
 - 26 Implement within 3 years (Full)
-

Case Officer: Mohammed Akram

Photo(s)



Figure 2: View from Bromford Lane

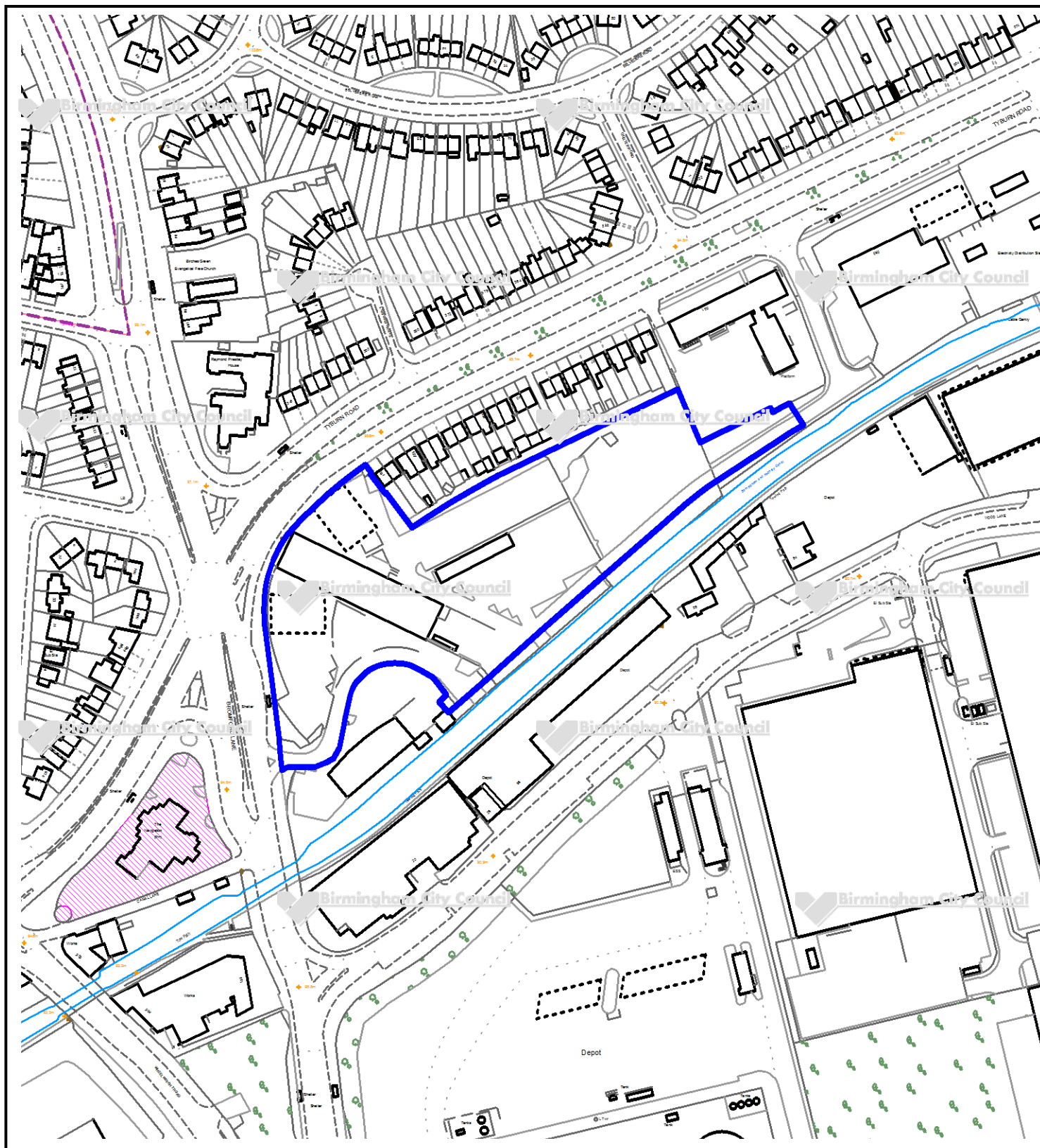


Figure 2: Internal view of the site



Figure 3: Existing vehicle storage area rear of the site

Location Plan



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| | | | |
|-----------------|------------|---------------------|--------------------------|
| Committee Date: | 26/10/2017 | Application Number: | 2017/06396/PA |
| Accepted: | 21/07/2017 | Application Type: | Minor Material Amendment |
| Target Date: | 27/10/2017 | | |
| Ward: | Sparkbrook | | |

Former Haden Street Car Park, Haden Street/Moseley Road,
Sparkbrook, Birmingham

Minor material amendment attached to approval 2015/05615/PA for increase in height, infill of corner recess and changes to curtain walling, cladding and external lighting

Applicant: Dr Qamar Nawaz
458 Belchers Lane, Birmingham, B9 5SX
Agent: Mr Riz Khan
Flat 27 Rocksborough House, 111-123 Warwick Road, Solihull, West Midlands, B92 7GA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent was granted (App. No. 2015/05615/PA) in December 2015 for the erection of a two storey unit to provide warehouse/ offices/ laboratory space, together with car parking and landscaping works (Sui Generis Use).
- 1.2. Consent is now sought for minor material amendments attached to approval 2015/05615/PA for an increase in height, infill of corner recess and changes to curtain walling, cladding and external lighting.
- 1.3. The proposed building would be located close to the corner of Moseley Road and Haden Street. Its siting and general footprint would be largely unchanged, apart from a relatively small infill of 37.5sq.m (approx. 6.7m x 5.6m) on the corner facing Moseley Road/ Haden Street to provide a rectangular shaped building, rather than having a recessed element.
- 1.4. Externally, the car parking area and cycle storage facilities have been rationalised in order to protect 2 mature trees on the frontage. The amount of car parking has been reduced from 8 spaces to 5 and the proposed cycle/ motorbike shelter has been increased in size by around 50 per cent to provide 3 cycle stands and 2 anchors for motorcycles.
- 1.5. The materials proposed to Moseley Road and Haden Street frontages would be largely unchanged. The building would be constructed of brickwork on the ground floor, with cladding above. High quality flat cladding panels (colour to be agreed) would be provided on Moseley Road and Haden Street elevations. Metal sheeting

would be used on the rear elevation and the side elevation facing the adjoining premises.

- 1.6. 3 horizontal bands of windows would be provided on the Moseley Road frontage, instead of 6 large glazed windows. The proposed windows would be goosewing grey with red trim and would be recessed. Prominent glazed screen with aluminium frame to provide an entrance feature on the corner of Moseley Road and Haden Street would be retained.
- 1.7. The secondary frontage, on Haden Street, which was to provide 2 large windows and a number of smaller windows, would comprise high quality flat cladding in 2 bands of colours. The elevation would be illuminated by up-lighting.
- 1.8. It was originally proposed to provide a shallow mono pitched roof, with rooflights, behind a parapet wall. The proposed height would have been 9.6m. It is instead now proposed to provide a flat roof above the offices fronting Moseley Road, thereby reducing the height to the Moseley Road elevation to 9m. To the warehouse element at the rear it is proposed to provide a pitched roof. This would result in an eaves height to Haden Street of 9.8m and ridge height of 11.3m.
- 1.9. Internally, the warehouse area would be increased from 400sq.m (approx.) to 480sq.m, whilst the office/ meeting rooms/ research/ W.C's would be increased from approx. 488sq.m (over 2 floors) to approx. 500sq.m (over 3 floors).
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site was a former City Council Pay and Display car park, which was purchased by the applicant in 2015. It is located on the corner of Moseley Road and Haden Street. It is surrounded by industrial/ commercial premises. There is a repair/ MOT centre adjoining to the north, tile sales/ warehouse premises to the south (opposite side of Haden Street), industrial premises adjoining to the rear and a DIY warehouse on the opposite side of Moseley Road.
- 2.2. The surrounding area is predominantly industrial/ commercial in character.
- 2.3. [Location Map](#)

3. Planning History

- 3.1. 28/03/1963 – 22815000 - Use of site as car park – Approved.
- 3.2. 16/12/2015 - 2015/05615/PA - Erection of two storey unit to provide warehouse/ offices/ laboratory space, together with car parking and landscaping works (Sui Generis Use) – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Local Councillors, Residents Associations and local occupiers notified. No comments received.

- 4.2. Regulatory Services - No objections to the proposed amendments.
- 4.3. Transportation Development – Site plan, clarification of floor areas and business needs should be provided. Also, improvements to cycle storage facilities are needed – Site/ floor plans and additional information provided.
- 4.4. West Midlands Police – No objections.
- 4.5. West Midlands Fire Service – No objections.
- 5. Policy Context
- 5.1. NPPF (2012), Birmingham Development Plan (2017), Birmingham Unitary Development Plan, Saved Policies (2005), Places for All SPG (2001), Car Parking Guidelines SPD (2012).
- 6. Planning Considerations
- 6.1. In determining variation of minor material amendment applications the DCLG advises Local Planning Authorities to focus on national or local policies or other material considerations which may have changed since the original grant of permission, as well as the changes sought. Since the granting of the previous consent the Birmingham Development Plan 2017 has been adopted.
- 6.2. Para's. 3.8 & 3.10 of the UDP, which emphasised the need to protect and enhance what is good in the City's environment and to improve what is less good, have been superseded. Policy PG3 of the BDP is now used to guide Place Making. It is stated that 'all new development will be expected to demonstrate high quality, contributing to a strong sense of place'.
- 6.3. The main issues for consideration are the effect of the proposed amendments upon the character and appearance of the surrounding area and highway/ parking issues.
- 6.4. Principle of Development
- 6.5. The principle of the development was established by the granting of planning consent (Under App. No. 2015/05615/PA) in December 2015, for erection of two storey unit to provide warehouse/ offices/ laboratory space, together with car parking and landscaping works (Sui Generis Use). The application site is currently vacant, but was previously used as a Pay and Display car park. The surrounding area is predominantly industrial/ commercial in character and it was considered that the principle of the use would be acceptable in this location.
- 6.6. Visual Appearance
- 6.7. This application seeks consent to increase in the proposed height, infilling of a corner recessed area and changes to curtain walling, cladding and external lighting.
- 6.8. Moseley Road is a key road corridor into and out of the city on a busy bus route. The proposed amendments to the Moseley Road elevation would comprise reducing the proposed height of the front elevation from 9.6m to 9m, whilst increasing the height at the rear from 9.6m to between 9.8m (eaves) and 11.3m (ridge). I consider that the reduced height to the Moseley Road elevation would better accord with the height of the adjoining premises which are around 7m high. The increased height to the rear/

Haden Street would not have any additional impact on nearby commercial occupiers in terms of loss of light or outlook.

6.9. Likewise, infilling of the corner recessed area fronting Moseley Road/ Haden Street would not detrimentally impact on the surrounding area or the appearance of the proposed building. A prominent glazed screen with aluminium frame to provide an entrance feature would be retained. In addition, high quality flat cladding panels would be provided on Moseley Road and Haden Street elevations, together with 3 horizontal bands of windows on the Moseley Road frontage and feature up-lighting to illuminate bands of cladding along Haden Street. These amendments are considered relatively minor in nature and would positively contribute to the appearance of the streetscene/ area.

6.10. Impact on Highway Safety

6.11. The agents have provided additional plans/ information to address comments made by Transportation Development. A site plan clearly indicates additional cycle/ motorbike storage provision and floor plans show that the amount of development is not dissimilar to that previously approved. The proposed warehouse area would be increased from 400 sq.m (approx.) to 480sq.m, whilst the office/ meeting rooms/ research/ W.C's would be increased from approx. 488sq.m (over 2 floors) to approx. 500sq.m (over 3 floors). These amendments are considered acceptable and would be unlikely to have a detrimental impact in terms of parking or highway safety.

6.12. Trees

6.13. There are two existing mature trees along the boundary with Moseley Road. The trees appear as part of the line of street trees along Moseley Road and have amenity value. The approved plans show the retention of these trees, which is supported, and conditions are attached requiring their retention/ protection in accordance with the previous consent. The landscape Officer has expressed no objections to the proposals.

7. Conclusion

7.1. The proposed minor material amendments would have no detrimental impact on local amenity or highway safety and would positively contribute to the character and visual appearance of the proposed building/ area.

8. Recommendation

8.1. Approve subject to conditions.

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|---|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of a drainage scheme |
| 4 | Limits the noise levels for Plant and Machinery |
| 5 | Requires the prior submission of hard and/or soft landscape details |
-

-
- 6 Requires the prior submission of hard surfacing materials
 - 7 Requires the prior submission of boundary treatment details
 - 8 Requires the prior submission of a landscape management plan
 - 9 Requires the prior submission of sample materials
 - 10 Requires the prior submission of level details
 - 11 Requires the scheme to be in accordance with the listed approved plans
 - 12 Requires the prior submission of roller shutter details
 - 13 Requires the prior submission of sliding gates details
 - 14 Requires the prior making good of the existing vehicular access
 - 15 Retention of trees
 - 16 Requires that the trade counter is incidental to the main use
 - 17 Requires the prior installation of means of access
 - 18 Prevents occupation until the turning and parking area has been constructed
 - 19 Requires the prior approval of the siting/design of the access
 - 20 Requires the parking area to be laid out prior to use
 - 21 Requires the prior submission of cycle storage details
 - 22 Requires the implementation of tree protection
 - 23 No-Dig Specification required
-

Case Officer: Tony White

Photo(s)



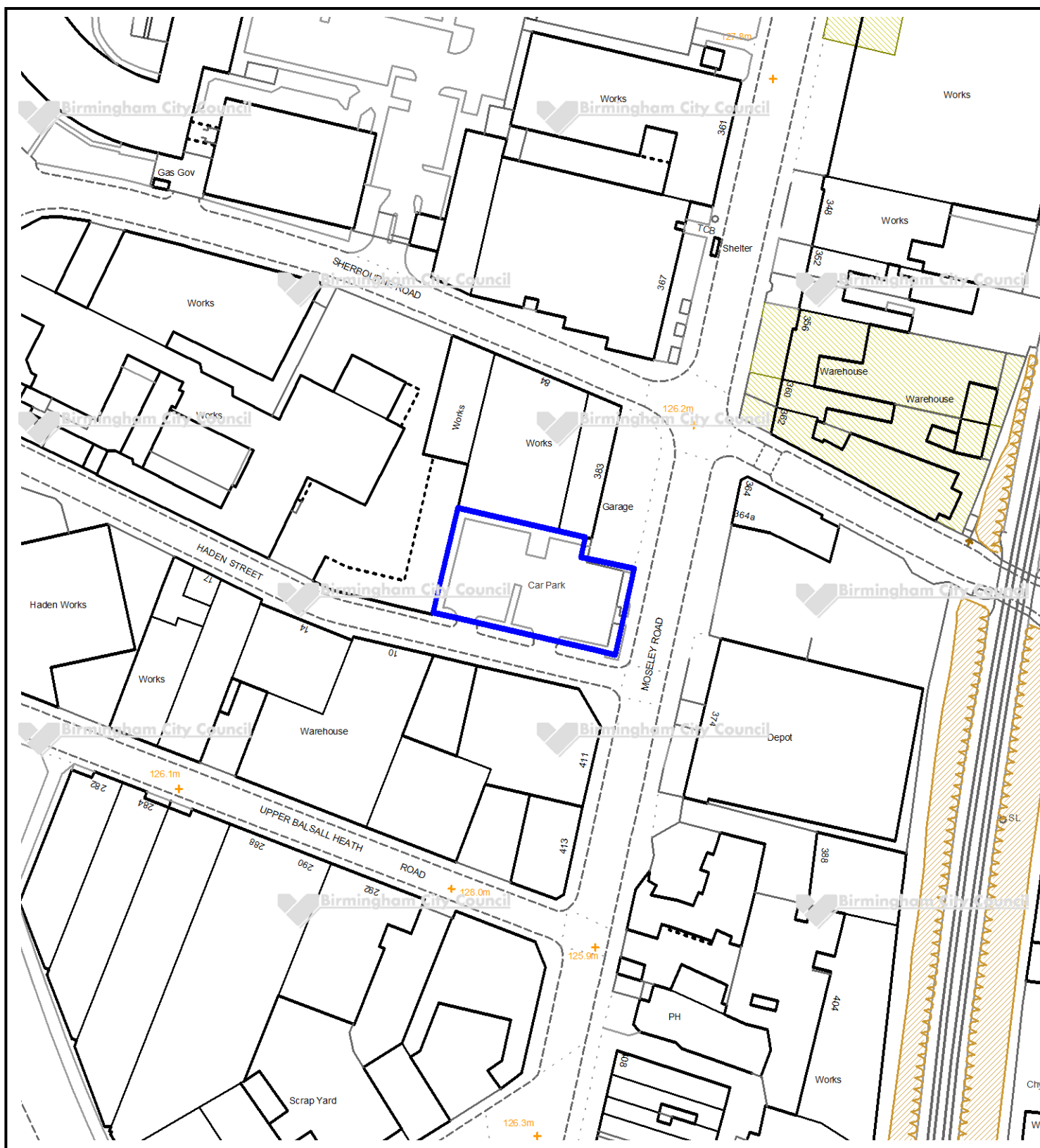


Figure 1: View from Moseley Road



Figure 2: View of Adjoining Premises

Location Plan



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Birmingham City Council

Planning Committee

26 October 2017

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

| <u>Recommendation</u> | <u>Report No.</u> | <u>Application No / Location / Proposal</u> |
|---------------------------|-------------------|--|
| Defer – Informal Approval | 18 | 2017/02922/PA Land to the east of Ardath Road Kings Norton Birmingham B38 9PH Erection of residential development for 171 dwellings and associated works |
| Approve - Conditions | 19 | 2017/01785/PA 25 Somerset Road Edgbaston Birmingham B15 2QB Erection of two storey and single storey rear extension. |
| Approve - Conditions | 20 | 2017/01786/PA 25 Somerset Road Edgbaston Birmingham B15 2QB Listed Building Consent for erection of two storey and single storey rear extension including first floor balcony, installation of 3 rooflights and 5 windows to attic and insulation to roof and internal alterations. |

West Heath Primary School
Rednal Road
West Heath
Birmingham
B38 8HU

Demolition of existing school buildings and the erection of new two storey school building and service yard; creation of new replacement MUGA (multi-use games area), sports field and external play areas; overflow parking area; landscaping and associated works

| | | | |
|-----------------|--------------|---------------------|---------------|
| Committee Date: | 26/10/2017 | Application Number: | 2017/02922/PA |
| Accepted: | 03/05/2017 | Application Type: | Full Planning |
| Target Date: | 30/11/2017 | | |
| Ward: | Kings Norton | | |

Land to the east of Ardath Road, Kings Norton, Birmingham, B38 9PH

Erection of residential development for 171 dwellings and associated works

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| Applicant: | Bellway Homes West Midlands Limited c/o Agent |
| Agent: | Cerda Planning Vesey House, 5-7 High Street, Sutton Coldfield, Birmingham, B72 1XH |

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1. Planning permission is sought for the erection of 171 dwellings and associated works. The proposed mix of units would comprise:

- 62, 2 bedroom units (comprising 2 blocks of 9, 2 bedroom flats and 44 houses);
- 74, 3 bedroom units; and
- 35, 4 bedroom units.

1.2. The houses and flats would be traditional in design with pitched gabled roofs constructed from brick or brick and render. They would incorporate design features including decorative lintels above windows, integral garages in one of the four bedroom house types and canopies above front doors. The houses would be a mix of two storey and two and a half storey in height with the two proposed apartment blocks being three storey.

1.3. One vehicular access point is proposed from Parsons Hill and an emergency access point with pedestrian access is proposed off Ardath Road. As such, the internal access road would provide a loop around the site with two culs-de-sac and a link road spur off the loop. All of the properties would front the internal road layout. Eight of the proposed four bedroom properties fronting the wooded bank to the east of the site boundary would be accessed off a private shared driveway.

1.4. All of the proposed 171 dwellings would meet or exceed the minimum National Space Standards of 61sq.m for a two bedroom apartment, 70sq.m for a two bedroom house, 84sq.m for a three bedroom house and 97sq.m for a four bedroom house. The two bedroom flats would measure 61sq.m or 62sq.m with the two bedroom houses being 70sq.m or 74.2sq.m; three bedroom units would range in

size from 84sq.m to 101sq.m and the four bedroom houses would range from 111.4sq.m to 140.7sq.m.

- 1.5. The majority of the proposed development would meet or exceed the separation distance guidelines in Places for Living of 21m between building faces and 12.5m from windowed elevations to flank walls. Front to front distances would be squeezed in places to a minimum of 10.5m for plots 42 and 43 where they form the enclosure to the emergency/pedestrian access and 15m between the apartment blocks at 3 storeys and the opposing houses on plots 70 and 147. The majority of the rear to rear separation distances would meet or exceed the 21m Places for Living guideline.
- 1.6. All but 28 of the proposed gardens would comply with the guidelines of 52/70sq.m for 2/3+ bedroom dwellings in Places for Living and 30sq.m for apartments. The two bedroom houses would have gardens ranging in size from 41sq.m to 81sq.m; the three bedroom units would range from 42sq.m to 189sq.m whilst the four bedroom units would have gardens ranging from 78sq.m to 178sq.m. The apartment blocks would have a communal amenity space of 527sq.m and 345sq.m equating to 59sq.m and 38sq.m per unit respectively.
- 1.7. Boundary treatments proposed include 1.8m high fencing for rear and side boundaries between plots; 1.8m brick wall for exposed plot boundaries along the Ardath Road frontage and a 1.2m black railing around corner plot frontages; the apartment blocks and alongside the two properties fronting the emergency access link. 11 individual trees of C12 and U grade comprising of Maple, Ash, Oak, Willow and Acacia and two small groups of C12 grade self-seeded trees comprising of Hawthorn, Ash and Elder are proposed to be removed. 90 new trees are proposed within the development.
- 1.8. Parking is proposed to be provided by a mix of garages and parking spaces to the front/side of each property or by an integral garage. A number of the units would have their allocated parking within a private forecourt which all the relevant units would front/access from/to. The dwellings provision would range from 1 space to 4 spaces (100-400% parking provision). The apartments would have a 100% parking with a further 3 visitor spaces. Overall, 385 parking spaces would be provided within the site averaging at 225% per unit (2 spaces).
- 1.9. The application is accompanied by a Design and Access Statement; Planning and Affordable Housing Statement; Viability Appraisal; High Energy impact Compaction Trial Assessment; Noise Assessment; Site Investigation Interpretative Report; Employment Land Marketing Report; Transport Assessment and Travel Plan; Geotechnical Interpretative Report; Gas Risk Assessment; Soil Investigation; Flood Risk Assessment and Drainage Strategy including Sustainable Urban Drainage Assessment and an Ecological Assessment.
- 1.10. The original Section 106 offer from the applicant was for an off-site financial contribution of £580,275 towards play facilities in Kings Norton park and 5 low cost/shared ownership dwellings (amounting to 3%) on site. Amended plans have been submitted during the course of the application that has altered the proposed layout, amenity provision and car parking provision. The Section 106 offer has also been amended at my request, resulting in 17 no. social rent, 2 and 3 bedroom properties (9.94%) and an off-site financial contribution of £110,000 towards play facilities in Kings Norton Park.

- 1.11. Site area 4.47 hectares, development density of 38 dwellings per hectare. The Applicant also owns the large area (1.69 ha) of wooded embankment alongside the site's eastern and southern boundaries.

1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located off Ardath Road in Kings Norton, which at this point in its length, is fronted on both sides by industrial/employment development. The site, is a former landfill, and has remained vacant for a significant number of years. The majority of the site comprises 2 infilled clay pits with landfill material to a depth of 18m. Further along Ardath Road, the area becomes residential in nature.
- 2.2. The site falls approximately 6.5m north to south and 5.5m east to west. The highest point is located in the north east corner with the lowest point in the south west corner. The eastern and southern edges contain a wooded embankment, which would be retained as part of this proposal. This embankment slopes up from the application site to abut rear gardens of dwellings within Lazy Hill and Ardath Road. These properties sit significantly above the application site and overlook the application site.
- 2.3. To the north, the site is bordered by residential dwellings on the opposite side of Parsons Hill and by rear gardens of dwellings within Lazy Hill and Ardath Road to the east and south. The western boundary of the site comprises a mix of commercial and light industrial/office uses along Ardath Road and Facet Road.
- 2.4. The site is located in a wider residential area and is well served by public transport running along Wharf Road/Parsons Hill and to the nearby Kings Norton Green Neighbourhood Centre. Within walking distance of the site is a small parade of shops located to the east at the top of Parsons Hill that includes an off licence; hot food takeaway, newsagent and a MacDonalds Drive thru Restaurant. Kings Norton Neighbourhood Centre is located approximately half a kilometre to the west of the application site and contains a range of services including shops, a police station, pubs, pharmacy, post office, library and a church.
- 2.5. [Site Location Map](#)

3. Planning History

Extensive planning history relating to this and the wider site including:

- 3.1. 1 December 2016. 2016/08923/PA. Pre-application enquiry for residential development comprising approximately 168 houses. Positive advice provided in relation to the principle of development; advice provided on layout, design and Section 106 requirements.
- 3.2. 5 November 2009. 2009/02939/PA. Planning permission granted for a change of use to vehicle storage compound, new lighting and associated portacabins.
- 3.3. 5 April 2001. 2000/05363/PA. Planning permission granted for the erection of palisade fencing and CCTV equipment.

- 3.4. 12 October 1995. 1995/00724/PA. Outline planning permission would have been refused for the redevelopment for B1 (Business), B2 (General Industrial) and B8 (Warehousing) Uses on the grounds of insufficient information relating to risk to public health and the proposal conflicts with policy for development on or near to landfill sites. Non-determination appeal dismissed on 5 March 1997.
- 3.5. 16 May 1963. Application reference 01477043. Planning permission granted for a light industrial factory unit.
- 3.6. 7 January 1960. Application reference 01477022. Planning permission granted for use as tip.
- 3.7. 24 September 1959. Application reference 01477017. Planning permission refused for an Industrial factory estate.
- 3.8. 3 September 1953. Application reference 01477002. Planning permission approved for the winning of clay for brick and tile manufacture.
- 3.9. 22 December 1949. Application reference 01477001. Planning permission approved for winning clay.
- 3.10. 25 November 1948. Application reference 01477000. Planning permission approved for the continued development of clay and gravel workings.

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and resident associations notified. Site and press notice posted. Two letters of objection and one letter of comment received from residents in Lazy Hill and a business on Facet Road. A letter of objection has also been received from Councillor Griffiths. Objections/comments relate to the following:
 - Request proof and assurance that all landfill gases/toxins will be secured or disposed of safely;
 - All traffic onto Parsons Hill will be disruptive to traffic flows;
 - Request a guarantee that the adjacent woodland will not be disturbed during construction as it is home to badgers, foxes, hedgehogs, bats, owls and slow worms;
 - Having over 100 houses below the houses on Lazy Hill will have a detrimental impact on quality of life through loss of privacy, noise pollution, air pollution and traffic;
 - Unknown risk of anti-social behaviour from the proposed tenants;
 - Concerned about unwanted access at the rear of properties in Lazy Hill;
 - Intensity of development is not appropriate;
 - Not enough facilities locally for the proposed number of new residents eg doctors; hospitals; schools etc.
 - Is the concrete slab being removed so that houses would be at a lower level – the eastern boundary adjacent to the existing industrial units may be affected;
 - Proximity of houses may affect access to existing premises for maintenance/future developments;
 - Impact on houses from adjacent noise sources – boundary fencing?
- 4.2. Councillor Peter Griffiths – objects to the proposed development as the offer of affordable housing at less than 10% is well below BDP policy and the development

also involves traffic exiting onto Parsons Hill which already has speed bumps to slow descending traffic down. It may be better to exit onto Ardath Road with a traffic light junction onto Baldwins Road/Parsons Hill.

- 4.3. Transportation – No objections subject to safeguarding conditions relating to a Section 278 Agreement, visibility splays and cycle storage for the apartments.
- 4.4. Severn Trent Water – No objection. Recommend drainage safeguarding condition.
- 4.5. Education – Request a Section 106 off-site financial contribution.
- 4.6. Lead Local Flood Authority – No objection subject to relevant drainage conditions.
- 4.7. Local Services - No objections in principle. As the development is over 20 dwellings it would be subject to both an off- site POS and play area contribution in accordance with the UDP: 447 people generated from the 171 dwellings divided by 1000 x 20,000 (2 hectares per thousand population) = 8940m - 1225m (average area of junior play area) = 7715 x £65 (average cost of laying out POS /m2 = £501,475 + £110,000 (average cost of toddlers play area)= £611,275. This would be spent on the provision, improvement and/or maintenance of POS and Play facilities at Kings Norton Park and Playing Fields within the Kings Norton Ward.
- 4.8. Regulatory Services – No objection subject to conditions relating to contaminated land, implementation of noise measures and vehicle charging points.
- 4.9. Natural England – No objection.
- 4.10. West Midlands Police – No objection.
- 4.11. Environment Agency – No objection. Comments provided in the form of informatives for the applicant in relation to waste and the protection of controlled waters.
- 4.12. Fire Service – no response received.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP); Saved Policies of the Birmingham Unitary Development Plan; NPPF; NPPG; Loss of Industrial Land to Alternative Uses SPD; Places for Living SPD; Public Open Space in New Residential Development SPD.

6. Planning Considerations

- 6.1. The Applicant has engaged in pre-application discussions with the Local Planning Authority (Ref. 2016/08923/PA) and the proposed scheme has been modified, and additional work undertaken/information provided, to take on board Officer comments made.
- 6.2. I consider the key planning issues to be assessed under this outline to be:
 - the loss of industrial land;
 - the principle of residential development;
 - highways impacts, access and parking;
 - broad design issues (principles);
 - impact on the amenity of existing residential occupiers;

- ecology/trees;
- flooding/drainage;
- ground conditions; and
- planning obligations/CIL

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. Paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The BDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations.
- 6.4. Paragraph 7.5 and Policy TP17 of the BDP covers the City's portfolio of employment land and premises and identifies that *"it is intended to meet the needs of all types and sizes of businesses and will ensure that desirable employment development is not lost due to a lack of site availability by ensuring that supply leads demand."*
- 6.5. Policy TP17 identifies the minimum amounts of land that should be readily available for development in each of the categories. This site is classified as 'Good Urban' (Good quality sites suitable for locally based investment, likely to exceed 0.4Ha and below 10Ha) and on this basis the BDP identifies a 'minimum reservoir' requirement of 31Ha. The application site is not identified within the BDP as being an allocated Regional Investment Site (RIS) or located in a Core Employment Area.
- 6.6. Paragraph 22 of the NPPF states that *"planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. 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."*
- 6.7. Policy TP20 of the BDP identifies that outside of RIS and Core Employment Area sites, *"there may be occasions where employment land has become obsolete and can no longer make a contribution towards the portfolio of employment land. In such cases change of use proposals from employment land to other uses where it can be demonstrated that either the site is considered to be non-conforming or where the site is no longer attractive for employment development having been actively marketed, normally for a minimum of two years, at a price which accords with other property of a similar type in the area. Where it is argued that redevelopment for employment purposes would be commercially unviable, a viability assessment may also be required which should include investigations into the potential for public sector funding to overcome any site constraints."* Further detail is provided within the 'Loss of Industrial Land to Alternative Uses' SPD.
- 6.8. The NPPF, at Paragraphs 47-50, seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

- 6.9. Policy TP27 of the BDP explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.10. With respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.11. Paragraphs 3.14D-E of the Saved Policies of the UDP explain that new housing development should be designed in accordance with good urban design principles. Policies PG3 and TP27 of the BDP also confirm the importance of place making and creation of sustainable neighbourhoods. Policy TP30 details density requirements and states that in areas well served by public transport developments should achieve at least 50 dwellings per hectare and elsewhere a minimum of 40 dwellings per hectare. The Council's Places for Living SPG encourages good quality residential accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.
- 6.12. Policy TP31 of the BDP, and the Council's Affordable Housing SPG, require 35% of the total residential accommodation to be affordable. Paragraph 50 of the NPPF explains that where LPAs have identified that affordable housing is needed, they should set policies of meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified...such policies should be sufficiently flexible to take account of changing market conditions over time. Policy TP31 goes further to state *"where the applicant considers that a development proposal cannot provide affordable housing in accordance with the policy requirement...the viability of the proposal will be assessed."*
- 6.13. Policy TP9 of the BDP, and the Council's Public Open Space in New Residential Development SPD states that on sites of over 20 dwellings or more, provision of new public open space will normally be required within the curtilage of the development site. It goes on to state that play areas will normally be expected to be provided within 400m of all dwellings.
- 6.14. Policy TP6 of the BDP requires that as part of their Flood Risk Assessment (FRA) and Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.
- 6.15. Paragraph 109 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net gains in biodiversity where possible and contribute to the Government's commitment

to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures). Policy TP8 of the BDP similarly identifies that all development should, where relevant, contribute to enhancing Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.

Loss of Industrial Land

- 6.16. Loss of employment land policy acknowledges that there may be occasions where employment land has become obsolete and can no longer make a contribution towards the portfolio of employment land. In such cases, the policy requires it is demonstrated that the site is either a non-conforming use or the site is no longer attractive for employment development. This can be evidenced through active marketing for a minimum of two years.
- 6.17. A marketing report has been submitted in support of the application. This includes a letter from Harris Lamb, who has previously marketed the site, which refers to the fact that the site was marketed by Colliers International for at least four years, but there is no further detail provided on how the site was marketed. Further evidence has been subsequently submitted in support of the application.
- 6.18. The additional marketing evidence along with the earlier submission provide sufficient evidence that the site has been marketed for at least two years, including adverts in the Birmingham Post and the presence of marketing boards on site along with information relating to enquiries made for the site and the reasoning given for these not progressing. I also attach weight to the clear record of engagement with the City Council in seeking to find ways to progress the site as evidenced by the accompanying correspondence provided between the site agents and the City Council.
- 6.19. Given the apparent effort that has been undertaken into seeking an industrial occupier for the site along with the work undertaken to understand the ground conditions and likely costs of addressing site abnormalities; I consider that the tests set out in policy TP20 of the BDP have been met and that it is no longer attractive for employment development.
- 6.20. In the light of the above, and the comments received from your Strategic Planning Officer, I am satisfied that the proposal meets the policy requirements in respect of loss of industrial land and would have no objection in principle to redevelopment for an alternative use.

Principle of Residential Development

- 6.21. Both national and local planning policy seeks to accelerate the delivery of high quality housing in sustainable locations. This development would make a significant contribution to the City's housing supply, providing a mix of accommodation, including potential for a good number of larger, family units. The site was previously developed, lies within walking distance of Kings Norton Neighbourhood Centre (with access to local shops/services), and has established public transport, walking and cycling networks. There are predominantly residential areas to the north, east, south and west including houses beyond the other industrial uses on Ardath Road to the west.

- 6.22. The application site is located in a low risk flood zone. A mix of housing types and sizes are proposed. The density of development on the site at 38 dwellings per hectare, would accord with that recommended in the BDP for this location.
- 6.23. It is therefore considered that both national and local planning policy support the principle of residential redevelopment on this site.

Ground Conditions

- 6.24. The site was formerly used for industrial purposes and landfill. In support of the application, a Geotechnical Interpretative Report; Site Investigation interpretative Report and a Gas Risk Assessment have been submitted. The site has been found to be affected by high levels of methane (although generation rates are low) and elevated contaminants concentrations in soil that may pose a risk to human health. The risk to controlled waters receptors has also been considered.
- 6.25. It is proposed that the ground is treated using dynamic compaction to ensure that it is geotechnically stable and suitable for development. Additional ground gas monitoring is recommended after compaction is completed to confirm the ground gas regime. Continuous ground gas monitoring is also recommended during the compaction process to ensure off-site migration does not occur. The report recommends that a contingency plan be put in place in case of hazardous gas conditions being found at the site perimeter. Following this process, as the properties are constructed, additional remedial measures are required to address contamination issues. These include the placement of an engineered cover system in gardens and landscaped areas and the incorporation of ground gas protection measures into proposed buildings.
- 6.26. Regulatory Services are satisfied with the scope of the proposed remedial measures as set out in the reports. However before any development commences (including dynamic compaction works) a remediation implementation and verification plan is required that provides full details all of the remedial measures set out in the above reports and the verification to be undertaken. It should include full details of any further monitoring to be undertaken and contingency plans in the event of gas migration.
- 6.27. I note that the Environment Agency has raised no concerns in respect of potential contamination or impact on controlled waters. They have however provided a number of informatives that should be provided to the applicant in respect of waste management and these will be forwarded to the applicant.
- 6.28. I concur with the view of Regulatory Services and the Environment Agency and the suggested safeguarding conditions are recommended below.

Design and Layout

- 6.29. Policy TP27 of the BDP requires that new housing provides a wide choice of housing sizes, types and tenures. This proposal would see the site developed for 171 dwellings on a 4.47 hectare site. This would provide a density of 38 dwellings per hectare. Given the sites location within walking distance of Kings Norton Neighbourhood Centre and accessible by public transport; I consider the density proposed to be acceptable and in general accordance with policy.
- 6.30. The mix of dwelling types and sizes proposed would meet the aim of the BDP for a variety of housing. The housing mix for the development comprises:

- 36% 2 bedrooms (62 units comprising 2 blocks of 9, 2 bedroom flats and 44 houses);
 - 44% 3 bedrooms (74 units); and
 - 20% 4 bedrooms (35 units).
- 6.31. The houses and flats would be traditional in design with pitched gabled roofs constructed from brick or brick and render. They would incorporate design features including decorative lintels above windows, integral garages in one of the four bedroom house types and canopies above front doors. The houses would be a mix of two storey and two and a half storey in height with the two proposed apartment blocks being three storey. I and my City Design advisor are satisfied that the proposed scale would be appropriate for the local context.
- 6.32. The layout demonstrates the provision of 171 units with a mix of 2, 3 and 4 bedroom properties with one access points off Parsons Hill and an emergency/pedestrian access off Ardath Road. Whilst, a formal access off Ardath Road would be preferable alongside the proposed access off Parsons Hill, the applicant has been unwilling to facilitate this as the application site sits amongst existing light industrial units and they consider that this would not be an attractive access into the development.
- 6.33. The proposed new housing would front the existing Parsons Hill, would back onto Ardath Road (for the reasons explained above) and would front the new internal loop road/culs-de-sac creating a clearly defined public realm with private gardens that would be framed by buildings. This would create a successful 'back to back' relationship providing a logical and coherent sense of place. The development would see a density of 38 dwellings per hectare. Further improvements in design and layout have been sought during the application process; I and my City Design Advisor are satisfied that the proposed layout and density is acceptable, in accordance with policy in the BDP, NPPF and Places for Living.
- 6.34. The proposed 171 dwelling development would have separation distances and rear amenity areas that would generally comply with the guidelines in Places for Living. 28 of the houses proposed would have rear garden areas that would fall short of the 52/70sq.m guideline. On those plots where the garden sizes fall short of the guidelines, a condition is recommended to remove permitted development rights. The apartments have 38/59sq.m amenity space per flat proposed against the guideline of 30sq.m per unit. I and my city Design Advisor consider the garden sizes to be acceptable despite a number of them falling short of the Places for Living guideline as the overall layout and place making is considered acceptable.
- 6.35. With the exception of Plots 42 and 43, the proposed layout meets the front to front/ rear to rear and windowed elevation to flank wall separation guidelines. The layout is squeezed in places but I consider this to be acceptable in order to achieve the necessary design and layout for the site. The narrowest point would be 10.5m front to front between plots 42 and 43. However, I consider this acceptable in design to promote a form of enclosure for the emergency/pedestrian access point off Ardath Road.
- 6.36. All of the units would meet or exceed the national space standards for bedrooms and overall dwelling sizes, which although not yet adopted by the Council, do provide a useful yardstick to judge the adequacy of accommodation size.

- 6.37. The proposed development aims to be sensitive to the context of the surrounding area and appropriate to its character. The architectural style would be traditional in design utilising brick and render as the primary materials. Buildings are designed to include details such as front door canopies and decorative lintels above windows.
- 6.38. Extensive discussions have been undertaken with Officers during the course of the application and the layout now proposed represents the result of these discussions. The layout identifies that the requirements of Places for Living would generally be met. As such, my design officer raises no objections on design, scale and layout issues. I concur with this view and recommend an obscure glazing condition for all dwellings with side facing windows.

Impact on Existing Amenity

- 6.39. The closest existing residential properties are those on Ardath Road to the south. Two pairs of semi-detached two storey houses are proposed adjacent to existing properties on Ardath Road with a 7.5m gap between the new and existing properties. The new dwellings would be sited forward of the existing however, given the gap between them, a breach of the 45 degree code would not occur. Nor would any overlooking of private amenity space would occur between the existing and proposed.
- 6.40. New properties are also proposed along a new loop road internally within the site whereby new properties would look outwards of the site and would look at existing properties on Ardath Road. No overlooking or loss of privacy would occur to these properties due to the minimum 25m and maximum 40m separation distance and that the existing and proposed would be separated by the existing wooded embankment that is to remain. I also note an objection from a resident in Lazy Hill to the east of the site regarding the detrimental impact that the proposal would have on their quality of life through the loss of privacy, noise pollution, air pollution and traffic. The properties in Lazy Hill are situated on land that sits a minimum of five metres above the application site on the other side of a densely wooded embankment. As such, I do not consider that the residents of Lazy Hill would suffer a detrimental impact in relation to any of the grounds suggested aside from a short period of time during construction where noise by heard.
- 6.41. I note that comments have been made regarding the proposed development from an adjacent industrial occupier commenting that the development may preclude development on adjacent sites. I agree that this may occur however, no development proposals are with the LPA for development on adjacent sites and as such, whilst this could be a material planning consideration; little weight can be attached to this in the current application. The development has been designed to have the minimal impact on all adjacent occupiers as possible. I also note the query regarding levels and can confirm that the existing slab would not be removed and minimal differences between existing and proposed levels would occur. The submitted levels plan shows an existing level of 147.62 to 147.65 in the area where the slab is (around plots 19-21) and the proposed finished floor levels are 147.8, therefore there is only a slight raising of levels in this area.
- 6.42. I am satisfied that the proposed development demonstrates that it would have an acceptable relationship to existing properties immediately abutting the site.

Landscape and Ecology

- 6.43. An ecological assessment has been completed in support of the application. The wooded embankment around the southern and eastern edges of the site is a Potential Site of Importance (PSI), which are sites that are known to contain or potentially contain biological or geological interest, but are yet to be evaluated against Birmingham and Black Country Local Site criteria and/or are yet to be formally adopted as a Site of Importance for Nature Conservation (SINC) or a Site of Local Importance for Nature Conservation (SLINC).
- 6.44. The assessment identifies that there is hardstanding across much of the site, which is being colonised by grasses, self-seeded vegetation and scrub. The southern and eastern sections of the site comprise steep embankments covered with broad-leaved woodland and dense scrub. These embankments are separated from the main body of the site by metal palisade fencing. A swathe of semi-improved grassland runs west-east across the centre of the site, connecting into the wooded embankment. Some smaller areas of this grassland habitat are also present with the eastern woodland, although these are being encroached by the woodland and scrub. Lines of trees/scrub are present along the northern and south-western boundaries.
- 6.45. The site's habitats were assessed for their potential to support protected species. Specific surveys for bats and badgers were also completed. The survey identified that there are no built structures that are suitable for roosting bats. A limited number of trees with low bat roost potential are present; these are all located along the wooded embankment, and would be retained as part of the proposals. The woodland/woodland edge habitats provide opportunities for foraging and commuting bats. There are records of bat activity along Worcester and Birmingham Canal SLINC, less than 50m to the west of the wooded embankment, and it is possible that bats using the canal corridor also forage / commute across favourable parts of the site.
- 6.46. In regards to badgers; there are three active badger setts in the woodland on the eastern embankment. The majority of the three setts' entrances are located in the wooded embankment, and all tunnels lead away from the main body of the site and into the embankment. The badger group's foraging activity appears to be restricted to the woodland embankment and residential gardens to the east. There are a number of well-worn mammal paths through the woodland that connect the setts and lead up the woodland slope towards the residential gardens. There is no evidence that badgers are using the main body of the site for foraging; much of this area provides unfavourable conditions for foraging because of the nature of the underlying substrate. However, there is some limited access onto the site. These northern boundary access points/routes do not appear to be used very regularly, but there is evidently some movement across the northern boundary as there are a couple of records of badger road casualties along the adjacent section of Parson's Hill. There is no evidence that badgers are exiting the site at the southern end of the woodland belt on Ardath Road, which is only a short distance from Worcester and Birmingham Canal corridor.
- 6.47. The majority of the entrances associated with the three setts can be retained as part of the proposals. There are three entrances that would be impacted (damaged/disturbed) by the development; these entrances are located within, or immediately adjacent to, the development footprint. It is likely that all three entrances would need to be permanently closed for which a Natural England badger licence will be required. The badger group's core area of foraging habitat, the woodland embankment, will be retained and will not be publicly accessible, therefore in the longer term, the conservation status of the badger group is unlikely to be adversely

affected by the development proposals. The City Ecologist raises no objection in principle to the mitigation approach for the badgers and safeguarding conditions are recommended. I concur with this view.

- 6.48. The site's woodland and scrub habitats offer nesting and foraging opportunities for a variety of common / widespread garden and woodland bird species. A number of such species were recorded during the survey, including song thrush (Red List species) and dunnoek (Amber List species). Although the site does include habitats that are suitable for other protected / notable species, notably reptiles and amphibians, it is unlikely that these species are present due to the site's relative isolation from more extensive areas of suitable habitat and the relatively recent establishment of the suitable habitats.
- 6.49. The habitats present across the main body of the site is characteristic of early-successional brownfield sites: patches of bare ground, interspersed with areas of sparser vegetation colonised by finer grasses and a variety of herbaceous species, and areas of denser vegetation, dominated by grasses, competitive self-seeded species and scrub, where the underlying substrate is more nutrient-rich. Collectively these habitat patches provide useful habitat resources for pollinating insects and other invertebrates, small mammals and birds. Re-development of the site would result in the loss of these habitats however; the City Ecologist considers that there is scope to re-establish areas of nectar and pollen-rich planting as part of the proposed landscaping scheme.
- 6.50. The PSI woodland/scrub on the southern and eastern embankments is perhaps of greatest ecological value. This area supports a main badger sett, provides habitat resources for nesting birds and foraging bats and is a useful habitat corridor providing a connection to Worcester and Birmingham Canal. This area would be retained under the proposals, and needs to be effectively protected during site clearance and construction works. A limited number of trees, including those along Parson's Hill where the site access is proposed, and tree groups along the western boundary and in the south-west corner, as well as the areas of scrub across the main body of the site, are proposed for removal. The City Ecologist considers that good practice mitigation measures will need to be implemented during clearance of this vegetation to minimise impacts on nesting birds and post-development, in order to minimise disturbance to bats foraging and commuting along the woodland corridor; the lighting scheme for the site will need to ensure light spillage into the woodland is minimised.
- 6.51. The submitted landscaping plans include limited areas of native tree and shrub planting. A native-species hedge along the Parson's Hill frontage is proposed, with native bulb planting behind this. Elsewhere, the proposed planting is predominately ornamental in character, although some of the varieties selected will have wildlife-value, for example in providing food sources (nectar, pollen, berries), shelter and nesting sites. There is scope to increase the proportion of native species. In addition, the City Ecologist considers that to compensate for the loss of the more species-rich, semi-improved grassland present across the central section of the site, the grass road verges adjacent to the woodland should be seeded with a low growing, species-rich flowering lawn mix that responds well to regular, short mowing. This species mix should include bird's-foot-trefoil, clovers, self-heal and finer grasses (all currently present on the site), which will provide valuable nectar and pollen sources and larval food plants used by butterflies.
- 6.52. Revised landscaping plans have been submitted which address the issues that the City Ecologist and your Landscape Officer raised. The amended landscaping

proposals have replaced the semi-ornamental shrub mix adjacent to the eastern boundary south of plots 10, 11 and 22 with a native shrub mix and a flowering lawn has replaced the standard amenity turf for the road verge adjacent to the retained woodland on the southern and eastern boundary. The landscaping proposals would also include the planting of 90 trees including Silver Birch, Field Maple, Tulip Trees and Whitebeam following the removal of 11 individual trees of C12 and U grade comprising of Maple, Ash, Oak, Willow and Acacia and two small groups of C12 grade self-seeded trees comprising of Hawthorn, Ash and Elder. The City Ecologist and your Landscape Officer consider the proposals acceptable and I concur with their view.

Drainage/Flood Risk

- 6.53. The application site is located within Flood Zone 1 and is considered to be at low risk of river or sea flooding and there have been no historic flood events recorded on the site. In terms of surface water flooding, the site has a low risk apart from a small isolated area of medium risk. The submitted Flood Risk Assessment (FRA) identifies that no existing drainage remains on site.
- 6.54. In relation to foul water discharge, it is proposed to discharge to the existing public foul sewer in Ardath Road at an unrestricted discharge rate. In regards to surface water discharge, the proposal would see this discharged to the existing surface water sewer in Ardath Road, to the west of the site, at a restricted flow of five litres per second. Attenuation is proposed in the form of oversized pipes providing 609 cubic metres storage for the 1 in 30 year event. All additional flows up to and including the 1 in 100 year and 30% climate change would be stored in below ground crates providing a further 567 cubic metres storage.
- 6.55. As the proposed drainage and Sustainable Urban Drainage (SuDs) system was discussed with the Lead Local Flood Authority (LLFA) prior to submission, the LLFA are in acceptance of the principles in the FRA and consider that further information required as part of the drainage strategy can be secured by drainage conditions. In addition, neither the Environment Agency nor Severn Trent Water has raised objections and, as per the LLFA, have requested suitable drainage conditions. I concur with this view and the relevant safeguarding conditions are recommended below.

Transportation

- 6.56. Access to the site is currently obtained from Ardath Road. This road is a single carriageway road and connects to Parsons Hill by means of a priority junction where a right turning lane is not provided. Traffic in the area focusses on the Wharf Road, Parsons Hill and Bell Lane that provide and link to an extended east-west access route across south Birmingham to Shirley and Solihull. The application sites fronts Parsons Hill, where a footway on the south side carriageway is not provided. This road frontage, along Parsons Hill and Wharf Road, includes traffic calming in the form of speed bumps.
- 6.57. The proposed development would be accessed by vehicles solely from Parsons Hill by means of a priority junction. A pelican crossing to the west of the access point is also proposed. An emergency access point with pedestrian access is proposed off Ardath Road. The internal access road would provide a loop around the site with two culs-de-sac and a link road spur off the loop. Trip generation analysis within the submitted Transport Assessment has been considered. This shows that the

proposed development would generate approximately 80 trips (two-way) in the morning peak and evening peak hours.

- 6.58. Parking is proposed to be provided by a mix of garages and parking spaces to the front/side of each property or by an integral garage. A number of the units would have their allocated parking within a private forecourt which all the relevant units would front/access from/to. The dwellings provision would range from 1 space to 4 spaces (100-400% parking provision). The apartments would have a 100% parking with a further 3 visitor spaces. Overall, 385 parking spaces would be provided within the site averaging at 225% per unit (2 spaces).
- 6.59. Transportation has reviewed the proposed development, the submitted transport assessment and the likely trip generation rates. They consider that while some increase in traffic at this location will result it is not considered this will be of a level significant enough to warrant concern. This is supported by the TRICS analysis carried out and detailed within the submitted Transport Assessment. They also consider that a good level of parking is provided within the site. In reflection of this, Transportation has raised no objections subject to conditions. Although the Fire Service has not responded, I consider their interests have been addressed in the submission as the layout has been assessed for the ability of large vehicles to access the site.
- 6.60. I am satisfied that the layout adequately demonstrates that an appropriate level of parking is provided, particularly bearing in mind the site's sustainable location, close to local services and good public transport links; and the proposal would have limited impact on the surrounding road network (taking into account objections received from local residents on this ground). Secure cycle storage, pedestrian visibility splays and a Section 278 Agreement are required and these can be secured via conditions. The Section 278 Agreement is required to secure footway improvements and the proposed pelican crossing on Parsons Hill. As such, the requested safeguarding conditions requested by Transportation are recommended below.

Sustainability

- 6.61. In terms of the site's inherent sustainability credentials, it is previously developed land and so its development would allow for a significant contribution to the housing target for South Birmingham to be accommodated on 'brownfield' land. It would also ensure that this important site would be put into long term active use.
- 6.62. Whilst no sustainable features are incorporated into the site development, aside from SuDs attenuation in tanks under the site and permeable paving; the site is located in a sustainable position that minimises the need to travel, has good public transport links and is located close to facilities. It is:
- close to Kings Norton Neighbourhood Centre;
 - within reasonable walking distance of doctors surgeries, schools and other services;
 - close to both Pershore Road and Bells Lane, which are both high frequency bus routes, connecting to outlying areas and the city centre,
 - adjacent to the Worcester and Birmingham Canal, which forms part of the city cycle network.
- 6.63. I therefore consider that the proposal meets the requirements for sustainable development.

Affordable Housing/Planning Obligations/Community Infrastructure Levy (CIL)

- 6.64. Whilst the applicant acknowledges the normal policy requirement for affordable housing (35%) and open space in respect of a proposal of this nature, the originally-submitted scheme included an affordable provision of 5 houses (3%) and a full off-site open space contribution of £611,275. Clearly, the 3% affordable housing offer fell below policy requirements and as such, a financial appraisal was submitted to support this offer.
- 6.65. The appraisal has been independently assessed by LSH and significant discussions have been undertaken between the applicant, viability consultants and your Planning and Housing Officers. These discussions have determined that the provision of affordable housing is key and as such, all but £110,000 (cost of a toddler play area) of the £611,275 offered for off-site public open space should be utilised instead to increase the provision of affordable housing on site as a new park is to be constructed within the Ward at the Primrose Estate and Kings Norton Park is within walking distance of the application site.
- 6.66. Further discussions have been undertaken with Housing colleagues and the applicants which; following Cabinet approval in April this year for joint venture partnering with the private sector to accelerate growth, would secure the provision of 17 properties for social rent at a value of £1.668 million. This would allow the City's Municipal Housing Trust venture or other Registered Social Landlord to secure these properties for their provision as affordable housing. This negotiation has increased the affordable housing offer from 5 units to 17 (3% to 9.94%) and from shared ownership to social rent tenure. My housing colleagues consider this to be an acceptable outcome and I concur with their view.
- 6.67. As such, the Section 106 offer sits at £110,000 for the provision, improvement and/or maintenance of play facilities at Kings Norton Park and 17 no., 2 and 3 bedroom houses for social rent. This is in accordance with the financial viability appraisal that has been independently assessed.
- 6.68. Whilst I note the request from Local Services for an off-site contribution of £611,275 towards public open space and children's play, I consider the provision of affordable housing to be the greater priority in this instance given the sites proximity to existing and to be constructed parks. As such, I consider the offer of £110,000 towards off site play facilities to be acceptable. I also note the request from Education for a financial contribution however, any Education funding via the planning system is now derived from city-wide CIL monies. The application site sits primarily outside of the designated 'High Value' residential area boundary (apart from the frontage to Parsons Hill) and therefore this development is not subject to CIL.

7. Conclusion

- 7.1. The proposal would provide sustainable residential development on a brownfield site, close to public transport links and local facilities, and with good accessibility through the site and to surrounding areas. A marketing exercise has been undertaken to meet policy requirements in terms of loss of this formerly industrial site. The proposed housing provision would accord with that recommended in national and local adopted policy and, whilst the proposal includes an affordable housing provision at 9.94% that sits below the policy requirement and an off-site financial contribution of £110,000 for children's play (also below policy requirements), a financial viability assessment submitted by the applicant has demonstrated that the scheme would

otherwise be unviable. As such, the proposal is therefore supported and recommended for approval subject to conditions.

8. Recommendation

8.1. I. That consideration of Application No. 2017/02922/PA be deferred pending the completion of a suitable Section 106 Legal Agreement to require:

- a) A contribution of £110,000 (index linked to construction costs from the date of the committee resolution to the date on which payment is made) to be spent towards the provision/improvement and/or maintenance of play facilities at Kings Norton Park within the Kings Norton Ward.
- b) The provision of 17 affordable housing units comprising 13 no., 2 bedroom, and 4 no. 3 bedroom properties, for social rent.
- c) Payment of a monitoring and administration fee associated with the legal agreement of £3,850.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 28 November 2017 planning permission be REFUSED for the following reason:-

- a) In the absence of any suitable planning obligation to secure a financial contribution of £110,000 for play facilities, and the provision of 17 affordable housing units comprising 13 no. 2 bedroom and 4 no. 3 bedroom properties for social rent; the proposed development conflicts with the TP9 and TP31 of the BDP and the Public Open Space in New Residential Developments SPD.

III. That the Head of Economy be authorised to prepare, seal and complete the appropriate Section 106 legal Agreement.

IV. That in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 28 November 2017, favourable consideration would be given to application 2017/02922/PA subject to the conditions listed below.

| | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires the prior submission of a drainage scheme |
| 6 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 7 | Requires the prior submission of a legally protected species and habitat protection plan |
| 8 | Requires the prior submission of a construction ecological mitigation plan |

-
- 9 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 10 Requires the prior submission of a habitat/nature conservation management plan
 - 11 Requires the prior submission details obscure glazing for specific areas of the approved building
 - 12 Requires the prior submission of details of a communal satellite dish
 - 13 Requires the prior submission of hard surfacing materials
 - 14 Requires the prior submission of a landscape management plan
 - 15 Requires the prior submission of a lighting scheme
 - 16 Requires the prior submission of a construction method statement/management plan
 - 17 Requires the prior submission of sample materials
 - 18 Requires the prior submission of details of refuse storage
 - 19 Removes PD Rights for hard surfacing of front garden
 - 20 Removes PD rights for boundary treatments
 - 21 Removes PD rights for extensions
 - 22 Requires the prior submission of cycle storage details
 - 23 Requires pedestrian visibility splays to be provided
 - 24 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 25 Requires the provision of vehicle charging points.
 - 26 Requires the prior submission of a construction employment plan.
 - 27 Requires Noise Mitigation Measures to be provided
 - 28 Implement within 3 years (Full)
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1: Existing access on Ardath Road



Photograph 2: Proposed access location on Parsons Hill

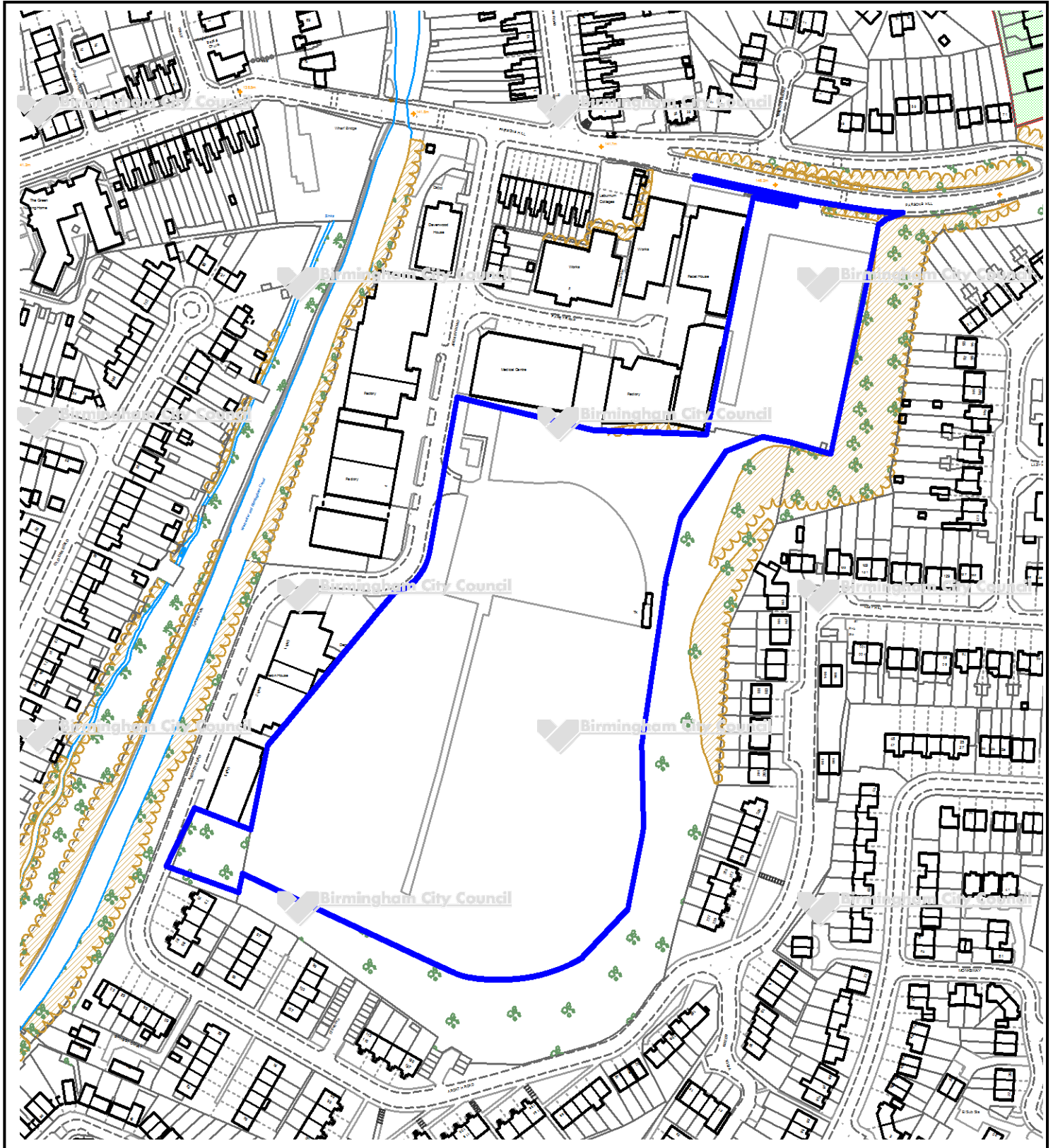


Photograph 3: Application site looking south



Photograph 4: View of application site looking south west

Location Plan



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| | | | |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 26/10/2017 | Application Number: | 2017/01785/PA |
| Accepted: | 24/04/2017 | Application Type: | Householder |
| Target Date: | 19/06/2017 | | |
| Ward: | Edgbaston | | |

25 Somerset Road, Edgbaston, Birmingham, B15 2QB

Erection of two storey and single storey rear extension including first floor balcony

| | |
|------------|--|
| Applicant: | Mr Soheb Hussain c/o Agent |
| Agent: | Mr Mike Lapworth Burnhill, Lineholt Lane, Ombersley, Droitwich, Worcestershire, WR9 0JU |

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a two storey and single storey rear extension including first floor balcony, installation of 3 rooflights and 5 windows to attic and insulation to roof and internal alterations. The rooflights and windows, the insulation of the roof and the internal alterations do not require planning permission and are part of an accompanying listed building consent application (reference 2017/01786/PA) elsewhere on the agenda.
- 1.2. The proposed development involves the construction of an extension to the property which has previously been granted planning permission, however, the works which have been carried out on site have been subject to enforcement action (reference 2015/1438/ENF). A significant number of unauthorised works have taken place at the building, particularly internally to the property. No conditions had been formally discharged and it was found that the extension was being built using bricks which did not match the existing property. Since an initial site visit was made to the site when the application was first submitted, large parts of this extension have now been removed. Significant remedial works have also been carried out internally to reinstate features which had previously been removed. This new application seeks to regularise the works, along with the accompanying listed building application elsewhere on this agenda.
- 1.3. The proposals involve the creation of a new kitchen, utility, family room and garage at ground floor level. A new master bedroom with dressing room, en-suite and first floor walk on balcony would be created at first floor.
- 1.4. The two storey extension to the main dwelling would be located to the northern elevation of the property. The two storey extension would have a maximum depth of 12.1m with a width of 10m. The extension incorporates a bay window column within the rear elevation to a projecting Dutch gable along with a pair of matching gables on the eastern elevation. A single storey extension would be built off the eastern wall

of the proposed two storey extension with a width of 3m and a maximum depth of 8.5m off the original rear wall of the property. The single storey section would have a flat roof design with a decorative balustrade above which forms part of a walk on balcony accessed from the first floor master suite.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a large detached property set in well established grounds with a side coach house. The dwelling is a Grade II* listed building and was built in 1861. The dwelling was designed by J B Chatwin in a Jacobean style. The application site is located in a predominately residential area, although there are some education/hospital residential properties on the adjacent side of Somerset Road. Mead Rise and Birch Hollow surround the north, east and west of the site. These roads are 1960's cul-de-sacs and many of the properties have gardens which back onto the boundary of the site.

2.2. [Site Location](#)

3. Planning History

- 3.1. 09/08/2010 – 2009/06063/PA – Permission granted for erection of two storey and single storey rear extension, installation of dormer windows to coach house, detached pavilion, garden buildings, relocation of tennis court and roof alterations to main dwelling.
- 3.2. 09/08/2010 – 2009/06072/PA – Listed Building Consent granted for the erection of two storey and single storey rear extension, installation of dormer windows to coach house, detached pavilion, garden buildings, relocation of tennis court, roof alteration and internal alterations/refurbishment to main dwelling.
- 3.3. 08/11/2010 – 2010/03408/PA – Permission granted for erection of a two storey and single storey rear extension to include an extension of the basement area, roof alterations to the main house, installation of dormer windows to the coach house, erection of detached pavilion and garden buildings, the relocation of a tennis court and the installation of replacement gates and railings to the front.
- 3.4. 08/11/2010 – 2010/03409/PA – Listed Building Consent granted for the erection of a two storey and single storey rear extension to include an extension of the basement area, roof alterations to the main house, installation of dormer windows to the coach house, erection of detached pavilion and garden buildings, the relocation of a tennis court and the installation of replacement gates and railings to the front.
- 3.5. 12/03/2015 – 2014/09508/PA – Permission granted for the installation of flat roof above existing courtyard to side.
- 3.6. 12/03/2015 – 2014/09537/PA – Listed Building Consent granted for the installation of flat roof above existing courtyard to side and internal alterations.
- 3.7. 28/10/2015 – 2015/07884/PA – Permission refused for a non material amendment to approval 2010/03408/PA for amendments to approved windows, doors and balcony.

- 3.8. 17/05/2016 – 2016/03296/PA – Pre-application discussion for the erection of a two storey extension.
- 3.9. 27/04/2017 – 2017/03004/PA – Pre-application enquiry for the installation of vehicular entrance gates, sliding gates and boundary railings.
- 3.10. 2017/01786/PA – Listed building consent for erection of two storey and single storey rear extension, installation of windows to attic and insulation to roof and internal alterations – Awaiting decision, elsewhere on the agenda.

Enforcement history:

- 3.11 2015/1438/ENF – Unauthorised works to Grade II* Listed Building including, extension and associated works; external alterations and internal alterations – Awaiting decision.

4. Consultation/PP Responses

- 4.1. Neighbours and local ward councillors were consulted for the statutory period of 21 days and the application advertised through a site notice and press notice. A letter of objection has been received anonymously with the concerns raised in relation to the following issues:
- Works being carried out on site without planning consent.
 - Damage being caused to the heritage asset.
 - Noise issues.
 - Health and safety issues.
 - The skill level of workers on site and payment methods to them.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan 2005 (Saved Policies).
 - Places For Living 2001.
 - Extending Your Home 2007.
 - 45 Degree Code SPD.
 - Edgbaston Conservation Area Character Appraisal.
- 5.2. The following national policies are applicable:
- National Planning Policy Framework.
 - Grade II* Listed Building.

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale, design and siting of the proposed development, the impact of the proposed extensions upon the character and appearance of the existing Grade II* Listed Building and the wider Edgbaston Conservation Area and the impact upon the amenity of neighbouring dwellings.
- 6.2. Previous planning consents were granted in 2010 under application references 2009/06063/PA and 2009/06072/PA and then as part of a subsequent scheme under references 2010/03408/PA and 2010/03409/PA. This approval consented a

number of alterations to the property including a proposed two storey and single storey rear extension to include an extension of the basement area, roof alterations to the main house, installation of dormer windows to the coach house, erection of detached pavilion and garden buildings, the relocation of a tennis court and the installation of replacement gates and railings to the front.

- 6.3. A later planning permission (reference 2014/09508/PA) was granted in 2015 for the installation of a flat roof above the existing courtyard to side.
- 6.4. An enforcement case was opened in 2015 (reference 2015/1438/ENF) following a site visit being made to the property. It was noted that works had been carried out on the previously approved two storey and single storey rear extension using materials which did not match the original property. Upon further inspections by the Conservation Officer it was found that a number of further internal works had been carried out which had no planning permission. These in summary included:
 - Alterations to the roof including roof lights, felt roofing to bay/oriel windows and replacement stone parapets;
 - Replacement of original sash and casement windows;
 - Insertion of new windows (without matching historic design and form);
 - Removal of fireplaces;
 - Removal of joinery including skirting, panelling and banisters;
 - Removal of decorative Jacobethan strap-work ceilings and replacement with lower gypsum ceilings with classical architraves;
 - Removal of internal doors;
 - Removal of original lime wall lining, application of internal insulation and covering with gypsum plaster boarding;
 - Opening up of internal walls; and
 - Erection of new stud walls.
- 6.5. Works had also been carried out to the coach house and the infilling of the courtyard area between the main dwelling and the coach house although these works were in accordance with the relevant previous planning consents.
- 6.6. Following protracted discussions with the owner and their agent, a new planning application has been submitted which proposes to rebuild the previously approved two storey and single storey rear extension and also to regularise the numerous internal works which have been carried out on site.
- 6.7. A set of amended plans have been submitted which have removed the previously approved extensive single storey extensions which were located along the western boundary of the site. This included a swimming pool and billiard room.
- 6.8. The proposed rear extension complies with your Committee's 45 Degree Code policy and therefore would not have an adverse impact upon the occupiers of adjacent dwellings in terms of loss of light.
- 6.9. The proposed development complies with the numerical guidelines as contained within 'Places For Living' and 'Extending Your Home'.
- 6.10. The scale, mass and design of the proposed rear extension is acceptable. The proposal is to a largely identical footprint and design as previously approved by your Committee in 2010. I do not consider that the proposed development would have a dominant or harmful impact upon the architectural appearance of the property. The proposed works would replace the previous extension which was constructed using

inappropriate materials. A number of conditions are recommended to be attached any planning consent in order to ensure that the detailing of the proposed extension is appropriate.

- 6.11. Following further information being provided as part of this submission my Conservation Officer raises no objections to the proposal. He has had continuing dialogue with the applicant and their agent over the past two years and has visited the property on a regular basis.
- 6.12. I consider that following the unsatisfactory works which have previously been carried out, the proposed remedial works on site would have an overall benefit and would enhance the significance of the Grade II* Listed Building and the character and appearance of the Edgbaston Conservation Area. I therefore recommend that approval is granted for this scheme.
- 6.13. Concerns have been raised by a local resident regarding noise issues on site. However, any noise created shall only be for a limited period whilst construction works are carried out on site.
- 6.14. Concerns have also been made by a resident regarding the health and safety of workers on site and claims that they being paid 'cash in hand'. This is not a planning matter and therefore is not a consideration in terms of the assessment of this application.

7. Conclusion

- 7.1. I consider that the proposed remedial works being carried out on site would enhance the significance of the Grade II* Listed Building and the character and appearance of the Edgbaston Conservation Area. 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:

-
- 1 Requires the prior submission of sample walling/render panel/stonework/brickwork
 - 2 Requires the prior submission of window frame details
 - 3 Requires the prior submission of hard and/or soft landscape details
 - 4 Requires the prior submission of sample materials
 - 5 Requires the scheme to be in accordance with the listed approved plans
 - 6 Requires the prior submission of details of rainwater goods
 - 7 Requires the submission of details regarding extraction and ventilation
 - 8 Requires works to be carried in accordance with an agreed phasing plan
-

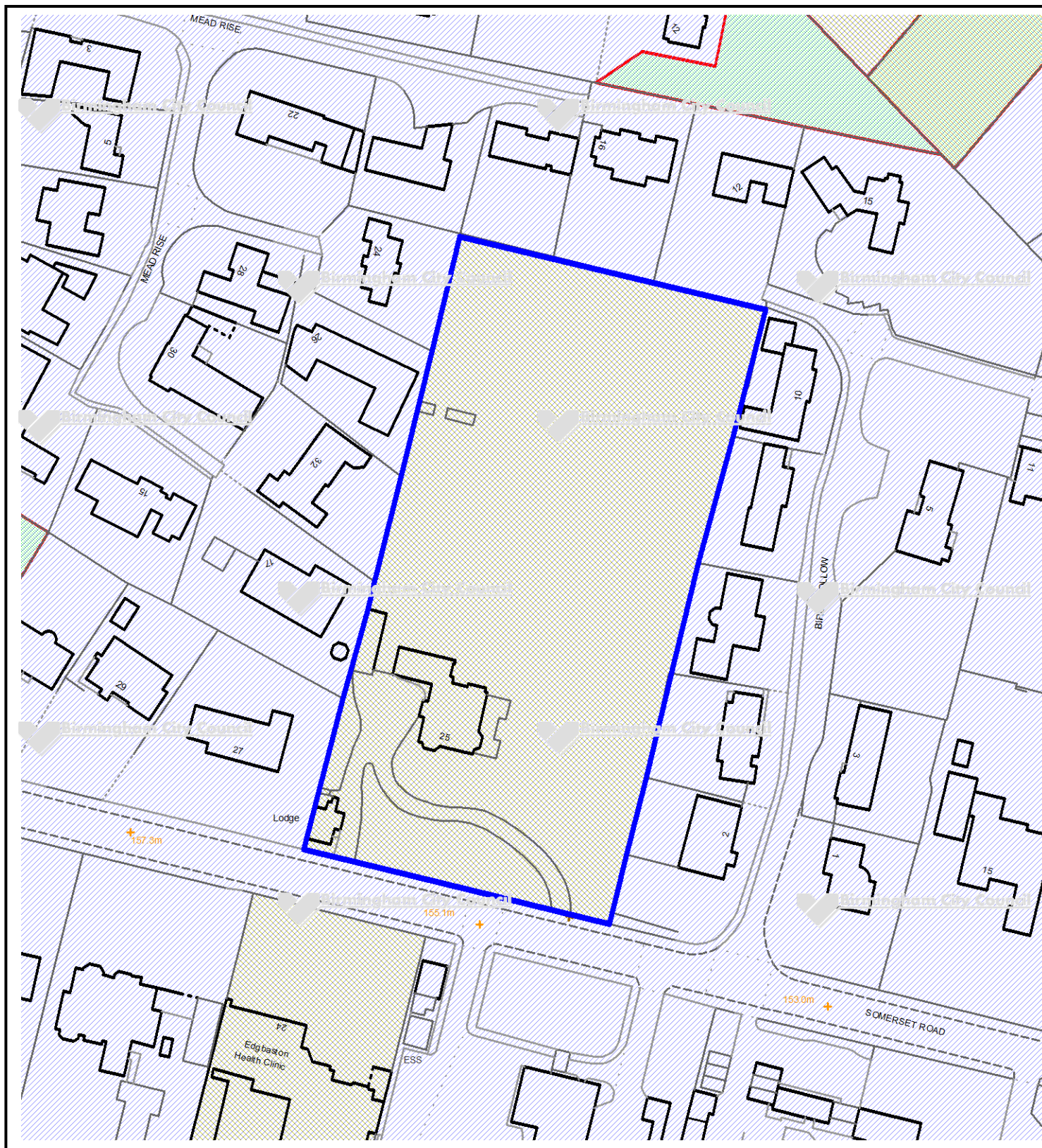
Case Officer: George Baker

Photo(s)



Figure 1 – Eastern elevation showing the new extension to the right hand side (not the current state of works)

Location Plan



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|-----------------|------------|---------------------|-----------------|
| Committee Date: | 26/10/2017 | Application Number: | 2017/01786/PA |
| Accepted: | 04/04/2017 | Application Type: | Listed Building |
| Target Date: | 30/05/2017 | | |
| Ward: | Edgbaston | | |

25 Somerset Road, Edgbaston, Birmingham, B15 2QB

Listed Building Consent for erection of two storey and single storey rear extension including first floor balcony, installation of 3 rooflights and 5 windows to attic and insulation to roof and internal alterations.

Applicant: Mr Soheb Hussain
c/o Agent
Agent: Mr Mike Lapworth
Burnhill, Lineholt Lane, Ombersley, Droitwich, Worcestershire, WR9 0JU

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Listed building consent is sought for the erection of a two storey and single storey rear extension including first floor balcony, installation of windows to attic and insulation to roof and internal alterations.
 - 1.2. The proposed development involves the construction of an extension to the property which has previously been granted planning permission, however, the works which have been carried out on site have been subject to enforcement action (reference 2015/1438/ENF). There is a current enforcement case relating to this property (reference 2015/1438/ENF). A significant number of unauthorised works have taken place at the building, particularly internally to the property. No conditions had been formally discharged and it was found that the extension was being built using bricks which did not match the existing property. Since an initial site visit was made to the site when the application was first submitted, large parts of this extension have now been removed. Significant remedial works have also been carried out internally to reinstate features which had previously been removed. This new application seeks to regularise the works, along with the accompanying planning application elsewhere on this agenda.
 - 1.3. The proposals involve the creation of a new kitchen, utility, family room and garage at ground floor level. A new master bedroom with dressing room, en-suite and first floor walk on balcony would be created at first floor.
 - 1.4. The two storey extension to the main dwelling would be located to the northern elevation of the property. The two storey extension would have a maximum depth of 12.1m with a width of 10m. The extension incorporates a bay window column within the rear elevation to a projecting Dutch gable along with a pair of matching gables on the eastern elevation. A single storey extension would be built off the eastern wall

of the proposed two storey extension with a width of 3m and a maximum depth of 8.5m off the original rear wall of the property. The single storey section would have a flat roof design with a decorative balustrade above which forms part of a walk on balcony accessed from the first floor master suite.

- 1.5. Other works have already been carried out and are proposed to be carried out to the second floor of the property. 3 No. rooflights have been installed to the front and side elevations of the dwelling. New stone gable windows are also proposed to be installed to the front, rear and side elevations of the building at this level.
- 1.6. Significant levels of internal works have been carried out at the dwelling without prior consent with the removal of large levels of historic fabric. These works have been subject to enforcement case (reference 2015/1438/ENF). A large amount of the required remedial works have now been carried out internally and include the reinstatement and restoration of fireplaces and surrounds, wall lining, windows, staircases, handrails, balustrades and ceiling detailing. Works are currently on-going on site with respect to this element of the development. Consent is sought to regularise the remedial works which have taken place.

1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a large detached property set in well established grounds with a side coach house. The dwelling is a Grade II* listed building and was built in 1861. The dwelling was designed by J B Chatwin in a Jacobean style. The application site is located in a predominately residential area, although there are some education/hospital residential properties on the adjacent side of Somerset Road. Mead Rise and Birch Hollow surround the north, east and west of the site. These roads are 1960's cul-de-sacs and many of the properties have gardens which back onto the boundary of the site.

2.2. [Site Location](#)

3. Planning History

- 3.1. 09/08/2010 – 2009/06063/PA – Permission granted for erection of two storey and single storey rear extension, installation of dormer windows to coach house, detached pavilion, garden buildings, relocation of tennis court and roof alterations to main dwelling.
- 3.2. 09/08/2010 – 2009/06072/PA – Listed Building Consent granted for the erection of two storey and single storey rear extension, installation of dormer windows to coach house, detached pavilion, garden buildings, relocation of tennis court, roof alteration and internal alterations/refurbishment to main dwelling.
- 3.3. 08/11/2010 – 2010/03408/PA – Permission granted for erection of a two storey and single storey rear extension to include an extension of the basement area, roof alterations to the main house, installation of dormer windows to the coach house, erection of detached pavilion and garden buildings, the relocation of a tennis court and the installation of replacement gates and railings to the front.

- 3.4. 08/11/2010 – 2010/03409/PA – Listed Building Consent granted for the erection of a two storey and single storey rear extension to include an extension of the basement area, roof alterations to the main house, installation of dormer windows to the coach house, erection of detached pavilion and garden buildings, the relocation of a tennis court and the installation of replacement gates and railings to the front.
- 3.5. 12/03/2015 – 2014/09508/PA – Permission granted for the installation of flat roof above existing courtyard to side.
- 3.6. 12/03/2015 – 2014/09537/PA – Listed Building Consent granted for the installation of flat roof above existing courtyard to side and internal alterations.
- 3.7. 28/10/2015 – 2015/07884/PA – Permission refused for a non material amendment to approval 2010/03408/PA for amendments to approved windows, doors and balcony.
- 3.8. 17/05/2016 – 2016/03296/PA – Pre-application discussion for the erection of a two storey extension.
- 3.9. 27/04/2017 – 2017/03004/PA – Pre-application enquiry for the installation of vehicular entrance gates, sliding gates and boundary railings.
- 3.10. 2017/01785/PA – Erection of two storey and single storey rear extension, installation of windows to attic and insulation to roof and internal alterations – Awaiting decision, elsewhere on the agenda.
- Enforcement history:
- 3.11. 2015/1438/ENF – Unauthorised works to Grade II* Listed Building including, extension and associated works; external alterations and internal alterations – Under investigation.

4. Consultation/PP Responses

- 4.1. Historic England – a recommendation was made that on the first floor landing only one smaller opening should be permitted between the primary landing and the secondary landing, whereas two openings have been proposed. Comments also made that they expected the staircase newel on the ground floor to be retained but a full restoration to the Victorian staircase is now proposed. There is also no record of where the Art Deco fireplaces are to be reinstated on the first floor.
- 4.2. Neighbours and local ward councillors were consulted for the statutory period of 21 days and the application advertised through a site notice and press notice. A letter of objection has been received anonymously with the concerns raised in relation to the following issues:
- Works being carried out on site without planning consent.
 - Damage being caused to the heritage asset.
 - Noise issues.
 - Health and safety issues.
 - The skill level of workers on site and payment methods to them.

5. Policy Context

- 5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017.
- Birmingham Unitary Development Plan 2005 (Saved Policies).
- Places For Living 2001.
- Extending Your Home 2007.
- 45 Degree Code SPD.
- Edgbaston Conservation Area Character Appraisal.

5.2. The following national policies are applicable:

- National Planning Policy Framework.
- Grade II* Listed Building.

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale, design and siting of the proposed development, the impact of the proposed extensions upon the character and appearance of the existing Grade II* Listed Building and the wider Edgbaston Conservation Area and the impact upon the amenity of neighbouring dwellings.
- 6.2. Previous planning consents were granted in 2010 under application references 2009/06063/PA and 2009/06072/PA and then as part of a subsequent scheme under references 2010/03408/PA and 2010/03409/PA. This approval consented a number of alterations to the property including a proposed two storey and single storey rear extension to include an extension of the basement area, roof alterations to the main house, installation of dormer windows to the coach house, erection of detached pavilion and garden buildings, the relocation of a tennis court and the installation of replacement gates and railings to the front.
- 6.3. A later planning permission (reference 2014/09508/PA) was granted in 2015 for the installation of a flat roof above the existing courtyard to side.
- 6.4. An enforcement case was opened in 2015 (reference 2015/1438/ENF) following a site visit being made to the property. It was noted that works had been carried out on the previously approved two storey and single storey rear extension using materials which did not match the original property. Upon further inspections by the Conservation Officer it was found that a number of further internal works had been carried out which had no planning permission. These in summary included:
- Alterations to the roof including roof lights, felt roofing to bay/oriel windows and replacement stone parapets;
 - Replacement of original sash and casement windows;
 - Insertion of new windows (without matching historic design and form);
 - Removal of fireplaces;
 - Removal of joinery including skirting, panelling and banisters;
 - Removal of decorative Jacobethan strap-work ceilings and replacement with lower gypsum ceilings with classical architraves;
 - Removal of internal doors;
 - Removal of original lime wall lining, application of internal insulation and covering with gypsum plaster boarding;
 - Opening up of internal walls; and
 - Erection of new stud walls.
- 6.5. Works had also been carried out to the coach house and the infilling of the courtyard area between the main dwelling and the coach house although these works were in accordance with the relevant previous planning consents.

- 6.6. Following protracted discussions with the owner and their agent, a new planning application has been submitted which proposes to rebuild the previously approved two storey and single storey rear extension and also to regularise the numerous internal works which have been carried out on site.
- 6.7. A set of amended plans have been submitted which have removed the previously approved extensive single storey extensions which were located along the western boundary of the site.
- 6.8. The proposed rear extension complies with your Committee's 45 Degree Code policy and therefore would not have an adverse impact upon the occupiers of adjacent dwellings in terms of loss of light.
- 6.9. The proposed development complies with the numerical guidelines as contained within 'Places For Living' and 'Extending Your Home'.
- 6.10. The scale, mass and design of the proposed rear extension is acceptable. The proposal is effectively to an identical footprint and design as previously approved by your Committee in 2010. I do not consider that the proposed development would have a dominant or harmful impact upon the architectural appearance of the property. The proposed works would replace the previous extension which was constructed using inappropriate materials. A number of conditions are recommended to be attached to any planning consent in order to ensure that the detailing of the proposed extension is appropriate.
- 6.11. Following further information being provided as part of this submission my Conservation Officer raises no objections to the proposal. He has had continuing dialogue with the applicant and their agent over the past two years and has visited the property on a regular basis in order to continue monitoring the remedial works which have been carried out internally at the dwelling. It is considered that the works have been carried out to a very high standard which is appropriate for a property of this heritage status. Comprehensive drawings have also been provided in relation to aspects of the internal detailing. These include skirting, windows, banisters, ceilings, architraves, parapets etc. As these have been submitted this removes the need for adding further conditions in respect of these works.
- 6.12. Comments have been made by Historic England in relation to various internal works. Issues raised regarding the opening on the first floor landing and the staircase newel on the ground floor have been addressed as part of amended plans received. They have also commented upon Art Deco fireplaces being reinstated on the first floor of the property. My Conservation Officer advises that these fireplaces were actually on the ground floor and have been reinstated as part of the ongoing remedial works.
- 6.13. I consider that following the unsatisfactory works which have previously been carried out, the proposed remedial works on site would have an overall benefit and would enhance the significance of the Grade II* Listed Building and the character and appearance of the Edgbaston Conservation Area. I therefore recommend that approval is granted for this scheme.
- 6.14. Concerns have been raised by a local resident regarding noise issues on site. However, any noise created shall only be for a limited period whilst construction works are carried out on site.

- 6.15. Concerns have also been made by a resident regarding the health and safety of workers on site and claims that they being paid 'cash in hand'. This is not a planning matter and therefore is not a consideration in terms of the assessment of this application.

7. Conclusion

- 7.1. I consider that the proposed remedial works being carried out on site would enhance the significance of the Grade II* Listed Building and the character and appearance of the Edgbaston Conservation Area. 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 of sample walling/render panel/stonework/brickwork |
| 2 | Requires the prior submission of window frame details |
| 3 | Requires the prior submission of hard and/or soft landscape details |
| 4 | Requires the prior submission of sample materials |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
| 6 | Requires the prior submission of details of rainwater goods |
| 7 | Requires the submission of details regarding extraction and ventilation |
| 8 | Requires works to be carried in accordance with an agreed phasing plan |
-

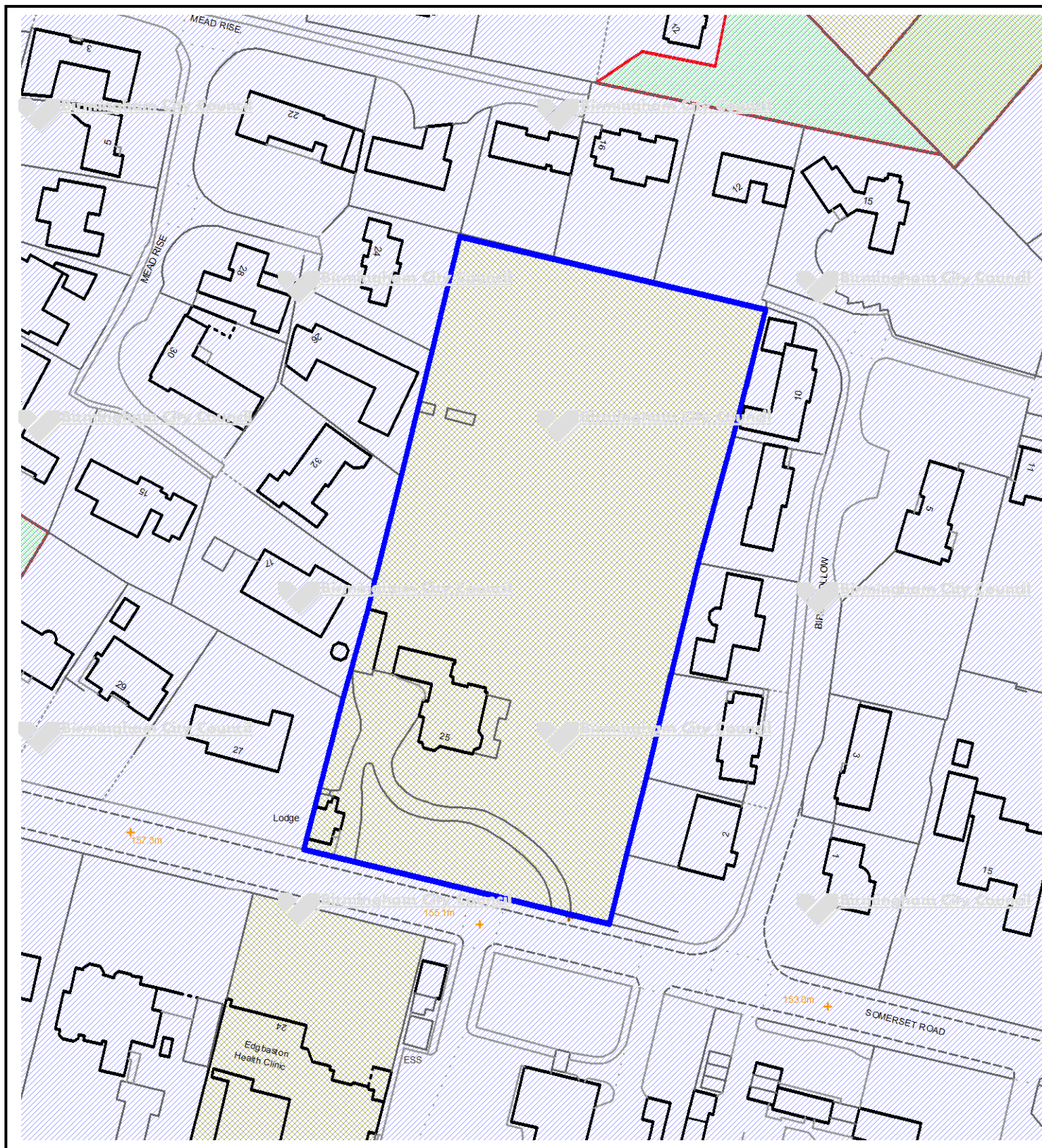
Case Officer: George Baker

Photo(s)



Figure 1 – Eastern elevation showing the new extension to the right hand side (not current state of works).

Location Plan



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|-----------------|------------|---------------------|---------------|
| Committee Date: | 26/10/2017 | Application Number: | 2017/03908/PA |
| Accepted: | 08/05/2017 | Application Type: | Full Planning |
| Target Date: | 31/10/2017 | | |
| Ward: | Northfield | | |

West Heath Primary School, Rednal Road, West Heath, Birmingham, B38 8HU

Demolition of existing school buildings and the erection of new two storey school building and service yard; creation of new replacement MUGA (multi-use games area), sports field and external play areas; overflow parking area; landscaping and associated works

| | |
|------------|--|
| Applicant: | Balfour Beatty Regional Construction c/o Agent |
| Agent: | Tweedale Limited 265 Tettenhall Road, Wolverhampton, West Midlands, WV6 0DE |

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission was granted earlier this year for the retention of three temporary single storey modular buildings to provide additional classroom facilities until 6 April 2020.
- 1.2. Planning permission is now sought for the demolition of the existing school buildings and their replacement with a new one and two storey building along with alterations to the existing outside hard play areas and the replacement of the existing multi use games area (MUGA). Following structural surveys of the buildings, the existing school is no longer considered 'fit for purpose' and as such, needs to be replaced with new facilities that accord with the appropriate educational space requirements. The existing school would remain in operation whilst the new school is being constructed and would be demolished following occupation of the new building. The area that the school currently occupies would be replaced with a new MUGA and playing field.
- 1.3. At present, the school operates on a 2 form entry (FE) basis with around 420 pupils. No expansion over these numbers is proposed through this application. However, a further 20 SEN (special educational needs) children may be accommodated at the school.
- 1.4. The main school building occupies the eastern half of the site with a separate kitchen; dining; arts and science annex building in the south western corner of the site. All of the buildings are single storey in height. The existing school has a built footprint of approximately 2,316sq.m and an annex of 575sq.m giving a total area of demolition of 2,891sq.m. The proposed replacement building would have a new floor area of approximately 2,207sq.m in the form of a one and two storey building.

- 1.5. The new school building would measure 61 metres in length, 31 metres and 19.9m in width for the single and two storey parts respectively and 11 metres in height for the two storey block, 7m for the main hall building and 5.7m for the single storey elements.
- 1.6. The new building would comprise the school's main hall and dining facilities along with supporting areas for these including kitchen, food storage areas and toilets; storage facilities for the hall and break out areas along with staff rooms, offices, medical room, library and six classrooms and associated accommodation at ground floor (2 per year group for reception, Year 1 and Year 2). Eight classrooms (two per year group for years 3 to 6); staff room, toilets and break out spaces would be provided at first floor.
- 1.7. The proposed new build school would be one and two storey in height. The main teaching block would be two-storey with lower, single storey elements (being the main hall, dining, and administration/reception facilities) located to the west where an existing embankment exists. The new school building would be 'L' shaped. The two-storey teaching block would have mono-pitched roofs with a lower central spine corridor. The new main hall would have a higher, one and a half storey flat roof section, whilst the dining hall area would have a slightly lower flat roof. The proposed entrance area would have a triangular shaped canopy that would rise to a point to provide a design feature to announce the main entrance. The new school would be constructed with block work, with walls colour rendered in white/off-white with blocks of primary colours.
- 1.8. Nine trees would need to be removed comprising 3 Category 'B', 4 Category 'C' and 2 Category 'U'. Six of the trees are located adjacent to the existing access through the site with the remaining three being located along the site boundary and adjacent to existing play areas. The trees comprise 1 Birch and 2 Cherry at Category B, 1 Apple, 1 Ash and 2 Scots Pine at Category C and 1 Ash and 1 Plum at Category U.
- 1.9. 47 car parking spaces are provided within the school site including 2 disabled spaces and these are proposed to remain. Cycle parking provision would also remain unchanged with 10 covered spaces provided. The existing vehicular access position off Rednal Road would be relocated by approximately 8m to the west under the proposals to allow easier vehicular access to the rear part of the site for servicing. A temporary construction access is proposed off Wakeford Road to the north of the school site.
- 1.10. 50 staff currently work at the site (this includes non-teaching staff) and this is not proposed to alter.
- 1.11. Amended plans have been received during the course of the application which have tweaked the design of the school and address access and servicing issues.
- 1.12. A Planning Statement, Arboricultural Assessment, Ecological Assessment Report including Bat Survey, Transport Statement, Flood Risk Assessment and Drainage Strategy and a Design and Access Statement are submitted in support of the application.
- 1.13. The application has been screened regarding the requirement for an Environmental Impact Assessment and the LPA has determined that one is not required.
- 1.14. Site area: 1.77Ha.

1.15. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the West Heath Primary School off Rednal Road, West Heath. The application site sits within the wider school complex, to the south east corner of the site. The main school buildings are sited to the north and west of the application site. The site is generally flat with levels dropping away towards the north western corner towards the houses in Orwell Drive. Wakeford Road also falls along the site boundary towards the same corner of the site.
- 2.2. The school is located in a looped part of and off the main Rednal Road in an area which is predominantly residential in character, with a mix of single storey bungalows, two-storey semi-detached and terraced dwellings and two storey flats on either side of the main school entrance. There are further dwellings off Orwell Drive bordering the school site to the west and on the northern side of Wakeford Road. The eastern boundary of the site is a public right of way and allotments.
- 2.3. The existing school buildings comprise a mixture of single storey buildings that are largely sited to the eastern side of the site with an annex building in the south west corner. The caretaker's house is located along the eastern boundary. Three, single storey temporary teaching chalet blocks are also located in the eastern corner. There are a number of evergreen trees along the south east boundary.
- 2.4. The main school entrance is accessed from the Rednal Road loop, which is approximately 110 metres from the junction with the main Rednal Road. The pupil access is separated from the vehicular access to the school's car park. There is a secondary pedestrian access on the northern boundary of the school, off Wakeford Road.
- 2.5. The surrounding area is largely residential in nature.

[Site Location](#)

3. Planning History

- 3.1. 21 September 1999. 1998/05392/PA. Planning permission granted for alterations to boundary treatment to reposition pedestrian entrance.
- 3.2. 9 May 2003. 2003/01315/PA. Planning permission granted for the erection of 2.4 metre high powder coated palisade fencing around school boundary.
- 3.3. 28 April 2011. 2011/00750/PA. Planning permission refused under Regulation 4 as requested information not submitted for the change of use of existing grassed area to form extension to existing car park and installation of new fencing and gates.
- 3.4. 14 July 2011. 2011/03234/PA. Planning permission granted for the conversion of existing grassed area to form new car park and erection of fencing.
- 3.5. 13 July 2015. 2015/03373/PA. Planning permission granted for the creation of a multi-use games area (MUGA) on existing playing field.

- 3.6. 5 April 2017. 2016/09087/PA. Temporary planning permission granted until 6 April 2020 for the retention of three temporary single storey modular buildings to provide additional classroom facilities.
4. Consultation/PP Responses
- 4.1. Neighbours, Local Ward Councillors, MP and resident associations notified. Press notice and three site notices posted. 3 site notices posted in Rednal Road, Wakeford Road and Orwell Drive. Two letters of objection/comment received from residents in Wakeford Road and Rednal Road.
- 4.2. The comment/objection received from the resident in Rednal Road relates primarily to parking as the loop road is extremely crowded around the closing and opening times of the school. Some of the parking is restrictive to the residents. Possibly having double yellow lines down one side may resolve this or there being a parking area for parents built on the closest part of the park. The other concern was if the temporary wooden buildings are replaced with anything larger. At the moment light to the rear of the residence is greatly reduced by trees at the bottom of the neighbouring garden and this should not be made worse.
- 4.3. The comment/objection received from the resident in Wakeford Road concerns the proposed 2 storey building being next to the house and that no loss of light or privacy to the garden will occur from this proposal. The school already has very large trees that are causing cracking to our walls and possible subsidence and assurance is sought that any damage caused to our property from demolition or digging, will be put right. Parking is very limited and Wakeford Road gets very congested at school time, with drivers not taking care of where they park. We do hope with the expansion of the school, adequate parking is being considered, not just for staff, but also a drop off area.
- 4.4. Local Services - No objections or observations on the proposals on behalf of the service since there appears to be an increase rather than decrease in school playing field area.
- 4.5. Regulatory Services – No objection.
- 4.6. Sport England - The proposed development does not fall within either our statutory remit or non-statutory remit therefore Sport England has not provided a detailed response in this case.
- 4.7. Severn Trent Water – No objection subject to a drainage condition.
- 4.8. West Midlands Police – No objections.
- 4.9. Birmingham Public Health – No response received.
- 4.10. Lead Local Flood Authority – No objection subject to drainage safeguarding conditions.
- 4.11. Education – Have no comments to make.
- 4.12. Transportation -No objection subject to conditions relating to a demolition management plan, construction management plan, Works altering Rednal Road vehicular access to be covered by an appropriate agreement (MOU). Includes new access, reinstatement of existing access, potential relocation of street light,

replacement guard rail, amended road markings, updated School travel plan and details of temporary access works to be submitted.

- 4.13. Fire Service – no response received.

5. Policy Context

- 5.1. Birmingham Development Plan (2017), Saved Policies of the Birmingham Unitary Development Plan 2005; NPPF; NPPG; Places for All SPD; Car Parking Guidelines SPD.

6. Planning Considerations

Policy and Principle

- 6.1. Policy TP36 of the Birmingham Development Plan states that *“proposals for the upgrading and expansion of existing schools and development of new schools in locations where additional provision is required will be supported”* where the school has safe access by cycle and walking; has safe drop-off and pick-up provision; provides outdoor facilities for sport and recreation and avoids conflict with adjoining uses.
- 6.2. Paragraph 72 of the NPPF identifies 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”* and that Local Planning Authorities should *“give great weight to the need to create, expand or alter schools.”*
- 6.3. Planning permission is sought for the demolition of the existing ageing school buildings on site and their replacement with a new, modern school building of both one and two storeys in height. The existing buildings are in a very ageing and poor state of maintenance and repair leading to replacement buildings being more cost effective than further repairs. Whilst the new school buildings would be constructed where the current MUGA and playground are located, these facilities would be replaced following demolition of the existing school along with a grassed playing field that would be a new addition to this school. As such, I consider that there would be no loss of these facilities in the longer term. On this basis, I consider that the proposed development would be in accordance with both BDP and NPPF policy in relation to the upgrading of existing schools.

Scale, Design and Impact on Residential Amenity

- 6.4. The main school building occupies the eastern half of the site with a separate kitchen; dining; arts and science annex building in the south western corner of the site. All of the buildings are single storey in height. The existing school has a built footprint of approximately 2,316sq.m and an annex of 575sq.m giving a total area of demolition of 2,891sq.m. The proposed replacement building would have a new floor area of approximately 2,207sq.m in the form of a one and two storey building.
- 6.5. The new school building would measure 61 metres in length, 31 metres and 19.9m in width for the single and two storey parts respectively and 11 metres in height for the two storey block, 7m for the main hall building and 5.7m for the single storey elements.
- 6.6. The new building would comprise the school's main hall and dining facilities along with supporting areas for these including kitchen, food storage areas and toilets;

storage facilities for the hall and break out areas along with staff rooms, offices, medical room, library and six classrooms and associated accommodation at ground floor (2 per year group for reception, Year 1 and Year 2). Eight classrooms (two per year group for years 3 to 6); staff room, toilets and break out spaces would be provided at first floor.

- 6.7. The proposed new build school would be one and two storey in height. The main teaching block would be two-storey with lower, single storey elements (being the main hall, dining, and administration/reception facilities) located to the west where an existing embankment exists. The new school building would be 'L' shaped. The two-storey teaching block would have mono-pitched roofs with a lower central spine corridor. The new main hall would have a higher, one and a half storey flat roof section, whilst the dining hall area would have a slightly lower flat roof. The proposed entrance area would have a triangular shaped canopy that would rise to a point to provide a design feature to announce the main entrance. The new school would be constructed with block work, with walls colour rendered in white/off-white with blocks of primary colours.
- 6.8. The layout of the school site and positioning of the proposed new buildings has been the subject of extensive discussion in order to achieve the optimal layout for the school and minimise and improve the impact that the proposal may have on adjacent residential occupiers. The proposed location for the new school building has been assessed as the only viable option given the requirement to maximise school play areas and maintain maximum distances from adjacent dwellings whilst maintaining the school as a functioning education facility.
- 6.9. The adjacent residential development in Wakeford Road and Orwell Drive sits below the ground level of the school by an approximate residential storey meaning that the school building would sit approximately 5m above the ground level of 21 Wakeford Road and Orwell Drive. The hall and its associated servicing rooms would be closest to the existing properties in Orwell Drive and Wakeford Road.
- 6.10. The associated service rooms to the hall would face the existing side of 21 Wakeford Road and would be single storey (3.5m) in height with a hall behind with a roof height of 7m. Taking into account the 5m level difference, the building at its closest point to 21 Wakeford Road would have a ridge height (flat roof) that would sit approximately 1.5m above the ridge height of the residential house. Whilst this would appear to dominate the existing dwelling, the school building would be approximately 25m from the house which is screened heavily by existing trees. As such, I consider this relationship to be acceptable. In relation to the property at 79 Orwell Drive, the first floor windows would overlook the school building, which would be the side elevation of the proposed hall, at an oblique angle. The hall would have a height of 7m to a flat roof and would be 4m taller than the ridge height of 79 Orwell Drive. Once again, this relationship could appear as dominating to the existing housing however, the building has been sited as far as possible away from the existing housing; with the lower height elements and those without windows nearest to existing residential properties and would be some 30m away. On this basis, I consider the building to have limited impact on existing residential amenity.
- 6.11. In relation to 33 Orwell Drive, this property is screened by a significant tree canopy and would overlook the proposed service yard that would be located approximately 22m from the dwelling. As the service yard would have limited deliveries during the week and would be primarily during school hours, I consider this relationship to be acceptable and would have limited impact on residential amenity.

- 6.12. The proposed school building would be sited away from the existing residential properties in Rednal Road and this relationship is therefore improved by this proposal. In relation to other properties on Wakeford Road, I note the letter of comment from the occupier of 83 Wakeford Road and confirm that the school building would be sited significantly away from this property and as such no loss of light or overlooking would occur. In relation to the properties that face the northern boundary of the school site on Wakeford Road, the school building would be over 41m from the properties, which would comply with separation guidelines even when taking the level difference of 3m into consideration.
- 6.13. The proposal has been the subject of extensive discussions at both pre-application and following submission and a number of design and layout amendments have been undertaken to respond to concerns raised. As such, I and my design advisor consider that the layout, scale, design and impact on adjacent residential amenity is acceptable. The proposed development would alter the orientation of the school buildings and their position on site to the benefit of adjacent residential occupiers and on this basis; I consider that the proposed development would have a beneficial impact on adjacent occupiers in the longer term. Regulatory Services have raised no objections and I concur with their view. The design and palette of materials of the new buildings would be in contrast to the adjacent residential properties but not to their detriment and as such; I consider the design of the proposal to be in keeping with its surroundings.

Highway and Transportation Issues

- 6.14. A Transport Statement has been submitted in support of the application. This identifies that bus route 49 runs along Rednal Road. The nearest bus stop is located 125 metres from the school gate providing good accessibility to the school by public transport.
- 6.15. There is a pelican crossing on Rednal Road, the location of which means that it is well used, that provides a safe means of access across the road to and from the school. As well as the white zig-zag road markings associated with the pelican crossing, there are also guard railings. There is a school crossing patrol at the pelican crossing. This operates during the main school arrival and departure times. On both approaches to the school along Rednal Road, and to warn drivers that they are approaching a school, there are school flashing light facilities and triangular warning signs.
- 6.16. Car parking restrictions apply along most of Rednal Road. No parking is allowed between 8.30 am and 9.30 am, and between 3 pm and 4 pm. However, there are parking spaces provided on the south side of Rednal Road and to the east of the pelican crossing. These parking spaces can be used at any time and can accommodate approximately 20 to 30 cars.
- 6.17. Providing vehicular access to the school, and running between Rednal Road and the school, is a "loop road" which is also part of Rednal Road. The loop road provides vehicular access to dwellings as well as the school. Not all the dwellings have private vehicular drives, and residents park on the carriageway. Car parking is not restricted but cars tend to be parked on the one side of the road. There are yellow zig-zag markings and "School Keep Clear" markings on the road at both the vehicular and pedestrian entrances to the school and there are guard railings between the footway and carriageway.

- 6.18. The vehicular and pedestrian entrances to the school are also separated within the school site by guard railing to ensure that there is no vehicle / pedestrian conflict on the school site.
- 6.19. There is another pedestrian entrance to the school from Wakeford Road. Wakeford Road is to the north of the school site and is a quiet residential road. Guard railing is located between the footway and the carriageway opposite the entrance to the school on Wakeford Road. Posts are located on the footway to the east of the school entrance to avoid any on-footway parking at the school entrance gate. There are no parking restrictions on Wakeford Road and the road functions well at school arrival and departure times.
- 6.20. A footpath runs along the eastern boundary of the school site where there is a further entrance to the school from the footpath. This entrance is currently used as a vehicular and pedestrian entrance, and serves the caretaker's accommodation. It is proposed to close this entrance as part of the proposed development.
- 6.21. There are extensive residential areas to the north and south of the school. Parents and children arrive in the morning at the other two entrances to the school on Rednal Road loop road, and Wakeford Road. It is understood that these two main entrances are each used by 40% to 45% of children attending the school. There is a staff car park on the school site accessed from the loop road. Parents and visitors are not allowed to use the staff car park during normal school hours.
- 6.22. The transport statement identifies that many parents and children walk to school, although many others arrive in cars. The school gates are unlocked at 8.30am and children arrive at different times; as such there is a natural staggering of arrivals. Staff members are positioned at both of the main school gates during the morning arrival period to allow parents to leave their children at the school gate. There are pre-school activities on site for children to partake in. Parents are allowed onto the school site to collect their children at 3pm and whilst there is no staggering of departures at the end of the day, approximately 100 children remain on site for post school activities until 4pm and between 30 and 50 children are on site from 7.30am to 6pm. The statement identifies that during the departure period, the loop road and the main Rednal Road remain operational during the drop off and pick up periods and sufficient car parking is available.
- 6.23. Transportation has advised that as part of proposals; the existing vehicular access to the staff car park off Rednal Road would be moved slightly to the left to aid vehicular access through to the rear part of the site and new service yard. As this is a BCC application works to the highway will be covered by an appropriate agreement (memorandum of understanding). They also raised concerns regarding the temporary access from Wakeford Road as the site levels may be an issue however, further information has been submitted and this is now considered acceptable. Transportation have subsequently raised no objections subject to the submission of a Demolition/Construction Management Plan which will also need to cover the need for any traffic management that may be required e.g. temporary TRO's along with a new school travel plan.
- 6.24. Transportation have noted in the application submission that there are concerns with regards to vehicles on the loop road. The head teacher has asked parents to use it in the manner of a one-way street during drop off/pick up times. The District Engineer advises that a petition was submitted in 2014 requesting a one way system but there were no funds. In order for this to happen there would be a cost of £20K for the TRO, street works and electricity supply for signage. Transportation

requested that this is discussed with Education and ascertain if the funds could be found to enable these works to be undertaken for highway safety reasons. I have discussed this with the applicant/agent and no further information has been provided regarding this funding, as such, I assume that provision has not been made for this within this proposed development. Noting that Transportation has raised no objection to this proposal, I consider the proposed development to be acceptable in traffic and highway safety terms.

Drainage and Flood Risk

- 6.25. The accompanying Flood Risk Assessment and Drainage Strategy identifies that the site is located in Flood Zone 1 whereby the risk from river or tidal flooding is extremely low. The proposal would utilise the existing private combined drain; see foul water discharged into the existing sewer system whilst surface water would be to be stored within an underground attenuation tank located in the north-western corner of the site beneath the proposed hard play area.
- 6.26. Significant further SuDs assessment and drainage work has been undertaken by the applicant following an initial objection by the Lead Local Flood Authority (LLFA). The LLFA considers that while the phased nature of the development is not ideal, the site is constrained and there remains a need to maintain continuity of the facilities in order to continue teaching. I concur with this view and the LLFA recommended safeguarding conditions are proposed below.

Trees, Ecology and Landscaping

- 6.27. An arboricultural assessment has been submitted in support of the application. Nine trees would need to be removed comprising 3 Category 'B', 4 Category 'C' and 2 Category 'U'. Six of the trees are located adjacent to the existing access through the site with the remaining three being located along the site boundary and adjacent to existing play areas. The trees comprise 1 Birch and 2 Cherry at Category B, 1 Apple, 1 Ash and 2 Scots Pine at Category C and 1 Ash and 1 Plum at Category U. My Arboricultural Officer considers that the impacts from the proposal on existing trees have been greatly reduced by the consideration of the tree constraints plan in the design with the B category trees T23 and T27 being the only significant removals, internal to the school landscape and are acceptable. I concur with this view. Safeguarding conditions are proposed relating to replacement trees and landscaping and the protection of trees proposed to remain.
- 6.28. A preliminary ecological appraisal and a bat survey have been submitted in support of the application. The preliminary bat appraisal recommended nocturnal bat surveys of the main and annex building, as it's assessed as having high suitability for roosting bats. In addition, the Preliminary Ecological Appraisal recommends that a great crested newt Habitat Suitability Index (HSI) assessment should be completed of any ponds within 500m of the site, due to the presence of an on-site pond.
- 6.29. At the time that the preliminary ecological appraisal (PEA) was undertaken, it was unclear whether the pond would be retained, and so the HSI was recommended to address the worst-case scenario of loss of the pond. It was subsequently confirmed that the pond would be retained, as such, the submitted Construction Ecological Management Plan (CEcMP) identifies how it will be protected during site works, and describes precautionary approach to clearance of suitable terrestrial habitat that minimises the risk of harm to great crested newts (in the unlikely event that they are present) as well as amphibians and reptiles.

- 6.30. Further bat surveys were also subsequently undertaken. No bats were recorded emerging from the annex building during the third survey and no foraging or commuting activity was detected. The City Ecologist has advised that the results of the three surveys of the main and annex buildings provide confidence to conclude that there are no roosting bats currently. Therefore, these buildings can be demolished without the need for specific bat protection measures.
- 6.31. As bats have been recorded foraging and commuting across the site, additional recommendations are included in the bat survey report to mitigate the impact of the development on bats:
- Lighting – impacts on bats should be minimised through the careful use of lighting in critical areas only. Lighting should be kept at a low level, with spillage kept to a minimum and lighting directed away from suitable commuting and foraging features (primarily northern and eastern boundaries).
 - Habitat enhancement – the development should enhance the value of the site for bats by providing new roosting habitat (bat boxes on the new buildings / mature trees) and including “bat-friendly” planting in new landscape planting).
- 6.32. The City Ecologist raises no objections to the proposed development and as recommended a number of safeguarding conditions relating to an ecological construction plan; bird/bat boxes and that the development is implemented in accordance with the submitted details. I concur with this view and the relevant ecology conditions are recommended below.

Other Issues

- 6.33. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. The proposed demolition and re-build of the existing school and the possible pupil increase for a further 20 SEN students; would be in accordance with the requirements of the BDP and the NPPF policies. The design of the proposed school buildings would sit comfortably with the surrounding residential area and its scale, siting and design would not have an unacceptable impact on the adjacent residential. No highway concerns have been raised and car parking provision is to remain as existing. Site pick up and drop off will continue as at present. Temporary construction access is proposed off Wakeford Road and this is acceptable despite the considerable level differences.
- 7.2. The proposed development would accord with all relevant BDP Policies in relation to design; trees, ecology and landscaping; drainage and highway issues.
- 7.3. I note that the NPPF includes the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide economic and social benefits; would provide new modern teaching facilities, would provide local employment during construction and does not have an environmental impact that could be regarded as significant; I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

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

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the agreed mobility access to be maintained |
| 3 | Requires the prior submission of a sustainable drainage scheme |
| 4 | Requires the prior submission of a drainage scheme |
| 5 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 6 | Requires the prior submission of a construction ecological mitigation plan |
| 7 | Requires the prior submission of details of bird/bat boxes |
| 8 | Requires the implementation of the submitted mitigation/enhancement plan |
| 9 | Requires the prior submission of hard and/or soft landscape details |
| 10 | Requires the prior submission of hard surfacing materials |
| 11 | Requires the prior submission of a construction method statement/management plan |
| 12 | Requires the prior submission of sample materials |
| 13 | Requires the prior submission of a commercial travel plan |
| 14 | Arboricultural Method Statement - Submission Required |
| 15 | Implement within 3 years (Full) |
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1: Wakeford Road School Entrance



Photograph 2: Existing annex building, MUGA and playground – looking south west

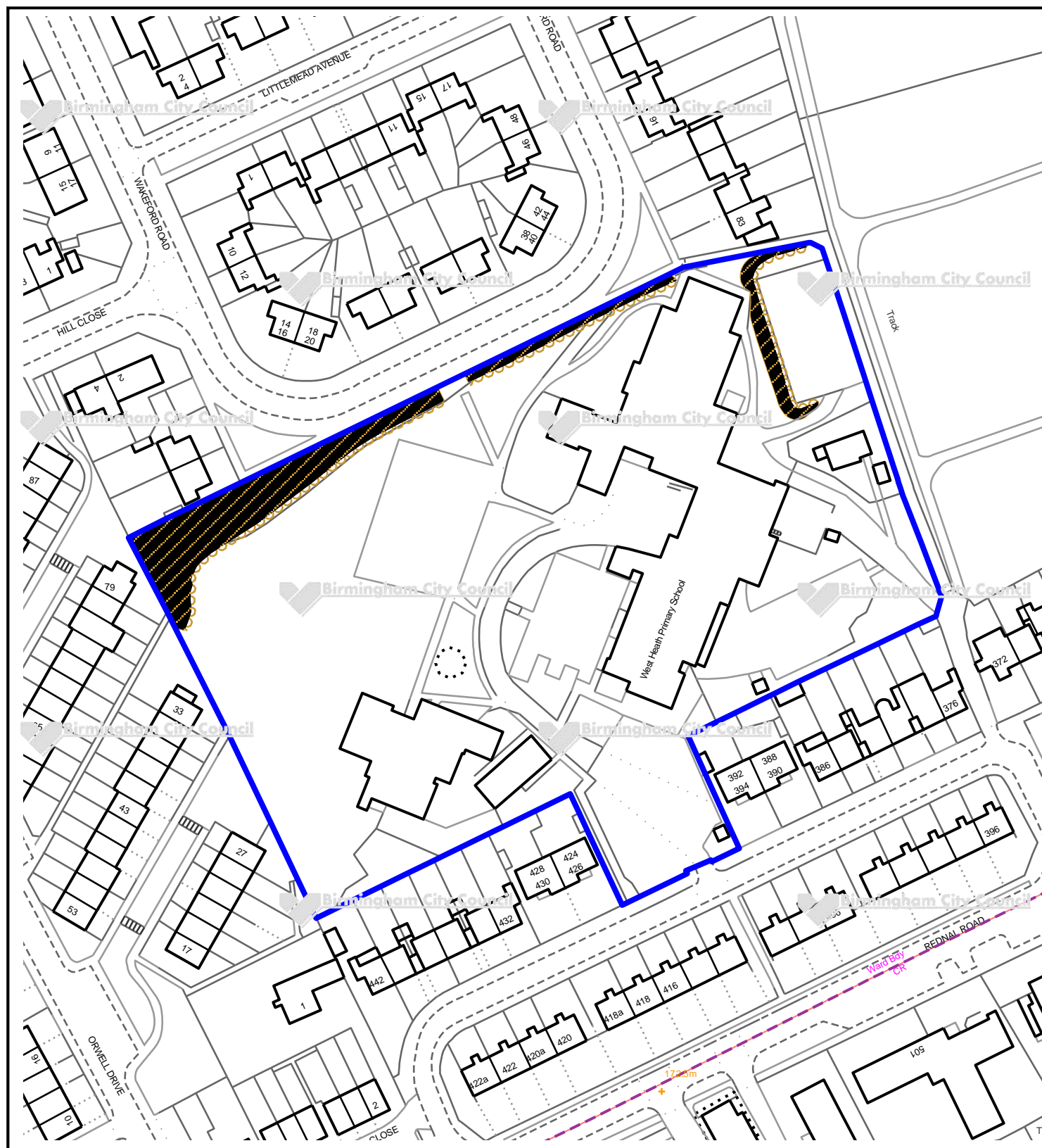


Photograph 3: Existing school buildings and playground – looking south east



Photograph 4: Existing MUGA and houses in Orwell Drive – looking west

Location Plan



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Birmingham City Council
Planning Committee 26 October 2017

Appeal Decisions Received from the Planning Inspectorate in September 2017

| <u>CATEGORY</u> | <u>ADDRESS</u> | <u>USE</u> | <u>DECISION</u> | <u>TYPE</u> | <u>PROCEDURE</u> |
|------------------------|--|--|-------------------------------|--------------------|-------------------------|
| Householder | 35 Tudor Hill, Sutton Coldfield | Erection of two storey forward extension including side dormer window and alterations to existing front dormer window. 2017/01248/PA | Allowed (see note 1 attached) | Delegated | Written Representations |
| Advertisement | Burger King, Over 67-69 High Street, City Centre | Display of one internally illuminated digital LED display panel. 2017/00073/PA | Allowed (see note 2 attached) | Delegated | Written Representations |
| Advertisement | Land at Holloway Circus, Adjacent Kensington House | Display of 1 internally illuminated hoarding. 2017/02121/PA | Dismissed | Delegated | Written Representations |
| A3/A5 Uses | 640 Bristol Road, Selly Oak | Retrospective change of use from retail (Use Class A1) to restaurant/cafe (Use Class A3) with ancillary take-away sales. 2017/01292/PA | Dismissed | Delegated | Written Representations |
| Residential | Lawnswood, 49 Bracebridge Road, Sutton Coldfield | Demolition of existing dwelling house and erection of a new detached dwelling house with garage and associated works. 2016/06707/PA | Dismissed | Delegated | Written Representations |
| Residential | 84 Marshall Grove, Kingstanding | Erection of detached bungalow to side. 2016/09324/PA | Dismissed | Delegated | Written Representations |
| Other | Outside 4 Corporation Street, City Centre | Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00317/PA | Dismissed | Delegated | Written Representations |
| Other | Newton Street (opposite The Crown PH) City Centre | Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00331/PA | Dismissed | Delegated | Written Representations |

Birmingham City Council
Planning Committee 26 October 2017

Appeal Decisions Received from the Planning Inspectorate in September 2017

| <u>CATEGORY</u> | <u>ADDRESS</u> | <u>USE</u> | <u>DECISION</u> | <u>TYPE</u> | <u>PROCEDURE</u> |
|------------------------|---|---|------------------------|--------------------|-------------------------|
| Other | Junction of Hill Street and Navigation Street, City Centre | Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00335/PA | Dismissed | Delegated | Written Representations |
| Other | Outside Lichfield House 51-79 Smallbrook Queensway, City Centre | Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00320/PA | Dismissed | Delegated | Written Representations |
| Other | Moor Street Queensway/ Junction Albert Street, City Centre | Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00322/PA | Dismissed | Delegated | Written Representations |
| Other | Corner Holloway Head/Ellis Street, City Centre | Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00333/PA | Dismissed | Delegated | Written Representations |
| Other | Outside Colmore Building, 20 Colmore Circus Queensway, City Centre | Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00337/PA | Dismissed | Delegated | Written Representations |
| Other | James Watt Queensway, After Methodist Central Mission, City Centre | Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00338/PA | Dismissed | Delegated | Written Representations |
| Other | 11 Norley Grove, Moseley | Application for a Certificate of Lawfulness for the proposed erection of a rear outbuilding. 2016/05143/PA | Dismissed | Delegated | Written Representations |

Total - 15 Decisions: 13 Dismissed (87%), 2 Allowed

Cumulative total from 1 April 2017 - 55 Decisions: 44 Dismissed (80%), 10 Allowed, 1 Part Allowed

Notes relating to appeal decisions received in September 2017

Note 1: (35 Tudor Hill)

Application refused because: 1) The proposed extension does not provide an adequate separation distance to No. 6 Park View and would lead to a loss of light and outlook. 2) The design of the proposed extension would be out of keeping with the design/character/appearance of the existing house. 3) The design of the proposed extension would be out of keeping with the existing character of the street scene. 4) The size of the proposed extension would be out of scale with the existing house and would dominate its appearance/the street scene.

Appeal allowed because the Inspector decided that any shortfall in the separation distance must be considered in the context of the proposed development. The trees and vegetation on the bank which separates the appeal property from No.6 Park View are very prominent and significantly obscure the appeal property. The proposed development would not be harmful to the character and appearance of either the existing dwelling or the area with regard to the street scene.

Note 2: (Above 67-69 High Street)

Application refused because: 1) The proposed advertisement display panel by reason of its scale, illumination and location would present an unacceptably dominant and unduly obtrusive feature in the street scene and on the building. 2) It would adversely affect the visual amenity of the existing building and street scene.

Appeal allowed because the Inspector considered that the area of the building to be covered by the sign is very plain and the overall character and appearance of the immediate vicinity is somewhat "grey". The sign would add some colour and vibrancy and have an acceptable effect upon the visual amenity of the area.