

Birmingham City Council

Planning Committee

07 July 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	8	2016/02541/PA 49 Hill Village Road Sutton Coldfield Birmingham B75 5BH Outline application with all matters reserved for the demolition of existing cottage and erection of 2 no. dwelling houses
Determine	9	2016/01939/PA Queen Parade Island Sutton Coldfield Birmingham B73 6EJ Display of 3 non illuminated free standing post mounted signs

Committee Date:	07/07/2016	Application Number:	2016/02541/PA
Accepted:	29/03/2016	Application Type:	Outline
Target Date:	24/05/2016		
Ward:	Sutton Four Oaks		

49 Hill Village Road, Sutton Coldfield, Birmingham, B75 5BH

Outline application with all matters reserved for the demolition of existing cottage and erection of 2 no. dwelling houses

Applicant: Mr Donald Robertson
Rose Cottage, 49 Hill Village Road, Sutton Coldfield, Birmingham,
B75 5BH,

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is in outline form with all matters reserved (access, appearance, layout, scale and landscaping) and includes the demolition of the existing cottage on the site and the erection of 2 new dwelling houses. The site would gain access from the existing private driveway from Hill Village Road which is between 3 and 3.1 metres wide and 30 metres in length.
- 1.2. Illustrative plans have been submitted which indicate how the site could be developed with 2 detached dwelling houses. The plans show one regular shaped plot with the proposed dwelling set slightly further back into the site than the existing cottage and a further dwelling set to the north-west which would include a rectangular shaped area of the existing garden within a large irregular shaped plot.
- 1.3. The indicative layouts show double garages and parking for both dwellings with good sized private amenity areas. The layout also shows how the site could be developed without impacting on the root protection areas of protected trees in adjacent gardens.
- 1.4. The application is supported by a Tree Survey and Ecological Appraisal and Daytime Bat Assessment.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. Application site comprises Rose Cottage, a traditional detached dwelling that has been altered over time. It is located at the end of a private driveway approximately 30 metres in length which gains access off Hill Village Road. The driveway which

slopes down from Hill Village Road to Rose Cottage runs between the side elevation of no.47 Hill Village Road and a brick built retaining wall adjacent to no.51B.

2.2. Rose Cottage is a traditional, 2 storey brick built dwelling house with a clay tiled pitched roof located in the south-east corner of the site. It has a parking area to the front of the dwelling. It is set in a mature garden of irregular shape containing mainly fruit trees and planting on the boundaries. A Tree Preservation Order covers trees on the adjoining properties including a purple beech in the garden of 388 Lichfield Road.

2.3. The application site is set at a lower level than Hill Village Road and is relatively flat with a terraced garden adjacent the rear of no's 51A and 51B Hill Village Road. The properties to the rear on Lichfield Road which have long sloping gardens are at a much lower level than the application site.

2.4. [Site Location](#)

3. Planning History

3.1. 14/03/2016. 2015/09573/PA. Outline application with all matters reserved for the demolition of existing cottage and erection of 2 no. dwellings and 1 no. bungalow. Withdrawn by the applicant.

4. Consultation/PP Responses

4.1. Transportation Development – No objections subject to conditions requiring the existing level of visibility to be maintained at the access point and the submission of a demolition and construction traffic management plan.

4.2. Regulatory Services – No objections subject to a condition requiring an electric charging point.

4.3. Severn Trent Water – No objections subject to a condition requiring drainage details. Advise that a public sewer may cross the site.

4.4. West Midlands Fire Service – No objections subject to condition requiring each dwelling to be installed with a sprinkler system.

4.5. West Midlands Police – No comments to make.

4.6. Councillors, Residents Associations and nearby occupiers notified. 7 letters have been received objecting to the proposal on the following grounds;

- Access to the site is a long, narrow single drive which emerges onto Hill Village Road, close to the junction with Sherifoot Lane.
- Access drive between gable wall of no.47 and high retaining wall at no.51B Hill Village Road is only between 3 and 3.1m wide and is not wide enough for fire engines, constructors' vehicles, removal vehicles and refuse collection vehicles.
- Access should be a minimum of 3.7m to allow for fire service access, existing access was not built for vehicular traffic.
- No footpath is provided for children or OAP's.
- Retaining wall adjacent no.51B had major reinforcement a few years ago and was subject to a dangerous structure notice. Increase in use of access could

- lead to further damage and danger. (Structural survey recently commissioned by the applicant shows the top layers of brickwork on the wall need re-building).
- Additional vehicles using the access drive would add to highway safety hazards being so close to the access with Sherifoot Lane. Vehicles wishing to enter the site may have to queue on Hill Village Road if there is a vehicle leaving the site. Single yellow lines have been introduced on this section of Hill Village Road in 2015 because of difficulties in traffic flow and concerns about safe egress from drives on the application site side of Hill Village Road.
 - Loss of amenity through vehicle noise, fumes and light pollution related to the access drive, no. 47 has 2 bedroom windows facing the access drive.
 - Impact on views from gardens and house value.
 - Loss of outlook from existing properties.
 - No scope for widening the proposed access and vehicles could not pass each other on the access drive.
 - No indication of arrangements for refuse collection or recycling.
 - How would adjoining properties be protected during construction with heavy plant entering the site.
 - Loss of privacy, existing screen trees and bushes would be removed, new property would be much closer to boundaries and at a higher level.
 - Detrimental impact on natural drainage leading to increased levels of groundwater seeping into adjoining gardens.
 - Impact on protected purple beech tree in adjacent garden.
 - Loss of old property with character and mature garden.
 - Loss of garden will affect wildlife including bats, hedgehogs and badgers.
 - Overdevelopment of the site and out of character with the road.

5. Policy Context

- 5.1. UDP (Adopted 2005), Draft Birmingham Development Plan, Places for Living SPG, NPPF, NPPG.

6. Planning Considerations

- 6.1. **Policy** – Paragraph 3.8 of the UDP states that proposals should protect and enhance what is good in the City’s environment and improve what is less good. Paragraph 3.10 states that proposals, which would have an adverse effect on the quality of the built environment, would not normally be allowed.
- 6.2. Paragraph 3.14 of the UDP states that the design and landscaping of all new development is expected to contribute to the enhancement of the City’s environment.
- 6.3. 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.

- 6.4. Policy 5.20 of the UDP states that proposals for new residential developments should be carefully designed, so that they do not detract from the character of the surrounding area.
- 6.5. Policy PG3 of the emerging BDP, as modified by the proposed main modification PMM4 consulted upon last year, 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.
- 6.6. Places for Living SPG is the adopted supplementary planning guidance for design issues for new residential developments. This includes numerical guidelines which are intended to protect the amenities of existing residents from the effects of new developments.
- 6.7. 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.
- 6.8. **Background** – A previous application for the demolition of the existing cottage and the erection of 2 dwelling houses and a bungalow on the site was withdrawn by the applicant following concerns relating to intensification of the use of the access leading to potential highway safety problems, impact on protected trees and potential loss of amenity to nearby residential occupiers.
- 6.9. **Principle of development** – Rose Cottage is a traditional detached dwelling of some merit, however, it is not statutorily or locally listed and has been altered over time. I would not raise any objections to the principle of its demolition and replacement with 2 dwelling houses on the site which is in a residential area.
- 6.10. **Character of the area/design** – I do not consider this particular site is located within a mature suburb due to the number of ad-hoc developments that have taken place in the area and the diverse types of housing including detached and semi-detached dwellings, flat developments and bungalows. This was reinforced by the Planning Inspector in a recent appeal in nearby Sherifoot Lane where he concluded the area had not been planned in a homogenous nature and was not a mature suburb. The site is backland, however, it already contains a dwelling house, therefore, I do not consider the development of the site in principle would have an adverse impact on the character of the area.
- 6.11. The elevational details showing 2 storey detached properties of a modern design are indicative only and matters relating to appearance and scale are reserved for future consideration.
- 6.12. The proposal may require a significant retaining structure at the rear of the properties fronting Hill Village Road due to the change in site levels and conditions are attached requiring levels details and details of any retaining structures.
- 6.13. **Residential amenity** – The indicative layout shows how the site could be developed for 2 dwellings without adversely impacting on the residential amenities of existing occupiers through overlooking or loss of privacy. The house types submitted are also

indicative, however, they demonstrate that minimum separation distances can be achieved with no first floor windows to habitable rooms being within 10 metres of the site boundaries which is the minimum separation distance required by Places for Living to preserve privacy and prevent overlooking.

- 6.14. I note that the properties to the rear of the site fronting Lichfield Road have long sloping rear gardens and are situated much lower than the application site. Careful consideration would need to be given to the layout and landscaping at the reserved matters stage to ensure adequate screening is retained, in particular on the rear boundary of the site to minimise the visual impact of the proposed dwellings on the rear of properties fronting Lichfield Road. The site is at a lower level than properties fronting Hill Village Road and the proposed development would have minimal visual impact on these properties.
- 6.15. **Highways** – The principal objections to the proposal from local residents are on highway grounds including inadequate access width, poor visibility at junction with Hill Village Road, possibility of cars queueing on Hill Village Road when waiting to turn into the site, how would refuse and emergency vehicles enter the site, how would construction vehicles enter the site and highway safety issues around the junction with Sherifoot Lane.
- 6.16. Transportation Development previously objected to the proposal for the development of the site for 3 dwellings (2015/09573/PA) on highway safety grounds, however, they have not objected to this application subject to conditions that the existing pedestrian visibility is maintained at the access point and a demolition/construction management is submitted to provide details of how construction traffic will access the site and how materials will be taken from and delivered to the site.
- 6.17. Transportation Development note that the existing driveway which is approximately 3 metres wide would be used as a shared access for vehicles and pedestrians as is the case with the existing cottage although it would not be wide enough for 2 way traffic. They comment that the vehicular visibility to the north of the access is restricted and pedestrian visibility is also restricted at the access point. However, Transportation Development are of the view that it is an existing established access and they consider that only one additional dwelling is unlikely to intensify the use of this access significantly and is unlikely to have a severe impact on surrounding highways.
- 6.18. A Traffic Regulation Order (single yellow line prohibiting waiting between 8am-5pm Monday to Friday) has been introduced along this side of Hill Village Road, between its junctions with Sherifoot Lane and Holly Lane, to prohibit parking in the vicinity of the junctions and across drive-ways. This TRO would improve the visibility from the accesses compared to the previous situation and records also confirm there has not been any recorded accidents during the last five years on this section of Hill Village Road.
- 6.19. With regard to the indicative layout, Transportation Development have commented that there is adequate parking for each dwelling and there is sufficient space for vehicles to turn and leave the site in a forward gear.
- 6.20. West Midlands Fire Service have been consulted on the application and would raise no objection subject to a sprinkler system being installed in each of the proposed dwellings. A suitable condition is attached.

- 6.21. Transportation Development conclude with regard to the above points that, on balance, there is no significant highway/transportation reason to advise refusal. I concur with this view.
- 6.22. **Trees** – The applicants have submitted a tree survey in support of the application. The majority of trees within the site are fruit or cypress trees and of limited amenity value, however, the loss of trees on the site will need to be compensated by satisfactory replacements within a comprehensive landscaping scheme. The adjoining properties fronting Holly Lane and Lichfield Road are covered by a Tree Preservation Order and 2 trees, a purple beech and a cedar of Lebanon are in close proximity to the boundary with the application site. The applicant has amended the indicative site layout to show the root protection area of these trees and show how the site could be developed without impacting on these trees. The Tree Officer raises no objection to the proposal subject to a tree protection condition.
- 6.23. **Ecology** – An Ecological Appraisal and Daytime Bat Assessment has been submitted in support of the application. It concludes that the buildings have moderate potential for roosting bats, however, it recommends that further bat activity surveys are carried out on the site and that any demolition works are carried out in the winter months with a qualified ecologist on site during the removal of the roof tiles. The appraisal also recommends that replacement native planting be secured as part of a landscaping scheme and that bird and bat boxes be provided. It also concludes that the site has limited potential for protected species. The Planning Ecologist has raised no objections in principle subject to conditions requiring further bat surveys and habitat mitigation in the form of bat and bird boxes.
- 6.24. **Other Issues** - The applicant has provided a structural survey of the retaining wall on the boundary of the access drive and no.51B Hill Village Road. It refers to work to the base of the wall that was done in the 1990's that is still robust, however, it states that the top brick courses need re-building to make the wall safe. The applicant is currently looking into the ownership of the wall prior to the remedial work being carried out.

7. Conclusion

- 7.1. I consider the principle of the demolition of the existing cottage and erection of 2 dwelling houses on the site is acceptable. Indicative plans show how the site could be developed, however, all matters are reserved for future consideration. The main issue is the suitability of the access and given the on balance view of Transportation Development, I do not consider a refusal of planning permission could be justified on highway safety grounds.

8. Recommendation

- 8.1. Approve Subject To Conditions.

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|---|--|
| 1 | Requires the submission of reserved matter details following an outline approval |
| 2 | Requires the prior submission of a drainage scheme |
| 3 | Requires the prior submission of an additional bat survey |
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- 4 Requires the prior submission of details of bird/bat boxes
 - 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 construction method statement/management plan
 - 9 Requires the prior submission of sample materials
 - 10 Requires the prior submission of level details
 - 11 Limits the layout plans to being indicative only
 - 12 Requires the implementation of tree protection
 - 13 Requires details of sprinkler systems
 - 14 Requires the prior submission of retaining wall details
 - 15 Requires pedestrian visibility splay to be retained
 - 16 Requires the scheme to be in accordance with the listed approved plans
 - 17 Limits the approval to 3 years (outline)
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Case Officer: John Davies

Photo(s)



Figure 1 – View of access driveway

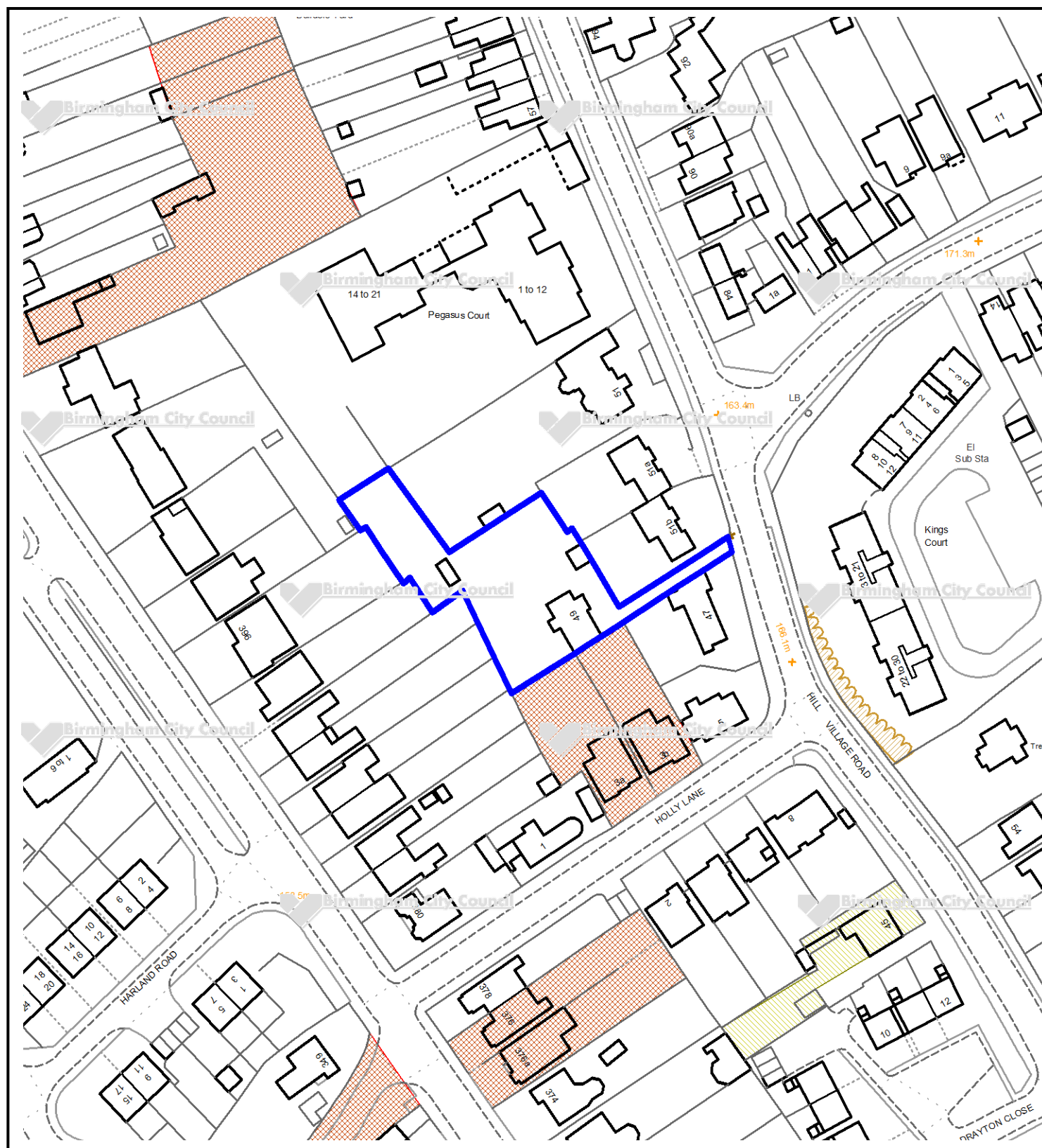


Figure 2 – Existing cottage



Figure 3 – Existing garden

Location Plan



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Committee Date:	07/07/2016	Application Number:	2016/01939/PA
Accepted:	10/03/2016	Application Type:	Advertisement
Target Date:	26/05/2016		
Ward:	Sutton Trinity		

Queen Parade Island, Sutton Coldfield, Birmingham, B73 6EJ

Display of 3 non illuminated free standing post mounted signs

Applicant:	Birmingham City Council Room M49, Council House, Victoria Square, Birmingham, B1 1BB
Agent:	Immediate Solutions Dean Clough, Halifax, West Yorkshire, HX3 5AX

Recommendation
Determine

1. **Report Back**

- 1.1 This application was considered by members at the Planning Committee held on 26 May 2016 and was deferred minded to refuse on the grounds that the size and number of signs was detrimental to visual amenity on this pleasantly landscaped island.
- 1.2 The applicant has responded to the concerns raised by the Planning Committee and have submitted a revised scheme for consideration which incorporates a reduction in the size of the proposed signs and a reduction in the height of the posts.
- 1.3 The signs would measure 1 metre in width x 0.45 metres in height instead of 1.5 metres in width x 0.5 metres in height (this equates to a 40% reduction in size) and the overall height of the signs above ground level would be 0.55 metres instead of 0.65 metres. The number and siting of the proposed signs remain unchanged.
- 1.4 Your committee are therefore requested to determine the revised application and if minded to approve, a list of conditions are attached to this report. However, if minded to refuse, I would recommend the following reason for refusal:

The proposed three advertisements by reason of their location and scale would be detrimental to the visual amenities of the surrounding area. As such the proposal would be contrary to Paragraphs 3.8, 3.10 and 3.14D of the Birmingham UDP 2005 and the National Planning Policy Framework.

2. **Proposal**

- 2.1. Advertisement consent is sought to display three non-illuminated free-standing signs on the Queen Parade roundabout.
- 2.2. The proposed signs would be sited near to the edge of the roundabout and would measure 1.5 metres in width by 0.50 metres in height and would be positioned 0.15

metres above ground level. The maximum height of the signs from carriageway level would be 1.05 metres.

2.3. [Link to Documents](#)

3. [Site & Surroundings](#)

- 3.1. The application site relates to a roundabout at the junction with Queen Street, Birmingham Road (A5127), Brassington Avenue and Manor Road. The roundabout is located to the south of The Gracechurch Centre and falls within Sutton Town Centre. The roundabout includes areas of grass, trees, shrubs, road signs and a tall post mounted sign advertising 'The Royal Town of Sutton Coldfield'. The surrounding area is predominantly commercial in character.

3.2. [Site Location](#)

4. [Planning History](#)

- 4.1. 15 April 1997 - 1996/04914/PA - Display of one vertical post and board sign stating The Royal Town of Sutton Coldfield, five year temporary approval subject to conditions.
- 4.2. 17 June 2002 - 2002/02044/PA - Renewal of advertisement application N/04914/96/ADV for retention of sign, approved.

5. [Consultation/PP Responses](#)

- 5.1. Transportation Development - No objection to the amended details, subject to a condition to ensure the height of the signs does not exceed 1.05 metres above the carriageway.

6. [Policy Context](#)

- 6.1. Birmingham's adopted Unitary Development Plan (UDP) 2005, Draft Birmingham Development Plan, Sutton Coldfield Town Centre Regeneration Framework SPD, Planning Practice Guidance and the National Planning Policy Framework.

7. [Planning Considerations](#)

- 7.1. The adopted UDP resists proposals that would have an adverse effect on the quality of the built environment and emphasises that improving the quality of the built environment is one of the most important of the plan's objectives.
- 7.2. Policy PG3 for the emerging Birmingham Development Plan (BDP), as modified by the proposed main modification 4 consulted upon last year states that all new development will be expected to demonstrate high design quality and contribute to a strong sense of place.
- 7.3. Paragraph 67 of the NPPF states that 'Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.' Control over advertisements should be efficient, effective and simple in concept and operation.
- 7.4. The Planning Practice Guidance advises that 'amenity' is "... usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an

advertisement or site for the display of advertisements, where residents or passers-by would be aware of the advertisement”.

- 7.5. In line with the above local and national planning policies, I consider that the main issues to be considered are the impact of the proposed advertisements on amenity and public safety.
- 7.6. Impact on Amenity
- 7.7. The proposed signs would be situated around the roundabout island with a good separation distance between the signs. The existing trees and shrubs would form a backdrop for the signs and I am of the view that the proposed signs, in terms of height and size, would not have a detrimental impact on the visual amenity of the surrounding area.
- 7.8. Impact on Public Safety
- 7.9. The position of the signs has been amended following advice from Transportation Development and they now sit to the right of the chevron instead of the left hand side. A drawing has also been provided to show that the height of the sign would not exceed 1.05 metres above the carriageway level.
- 7.10. I am satisfied that the proposed three signs are acceptable and would not have a detrimental impact on public safety. I do not consider that the condition recommended by Transportation Development is necessary given that the submitted drawings indicate the height of the signs above the carriageway and a condition is attached to secure the submitted drawings.
8. Conclusion
- 8.1. I consider that the design, scale and location of the proposed signs are acceptable and would not adversely impact on amenity or highway safety.
9. Recommendation
- 9.1. I recommend approval subject to the following conditions:

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|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the approval to 5 years (advert) |
-

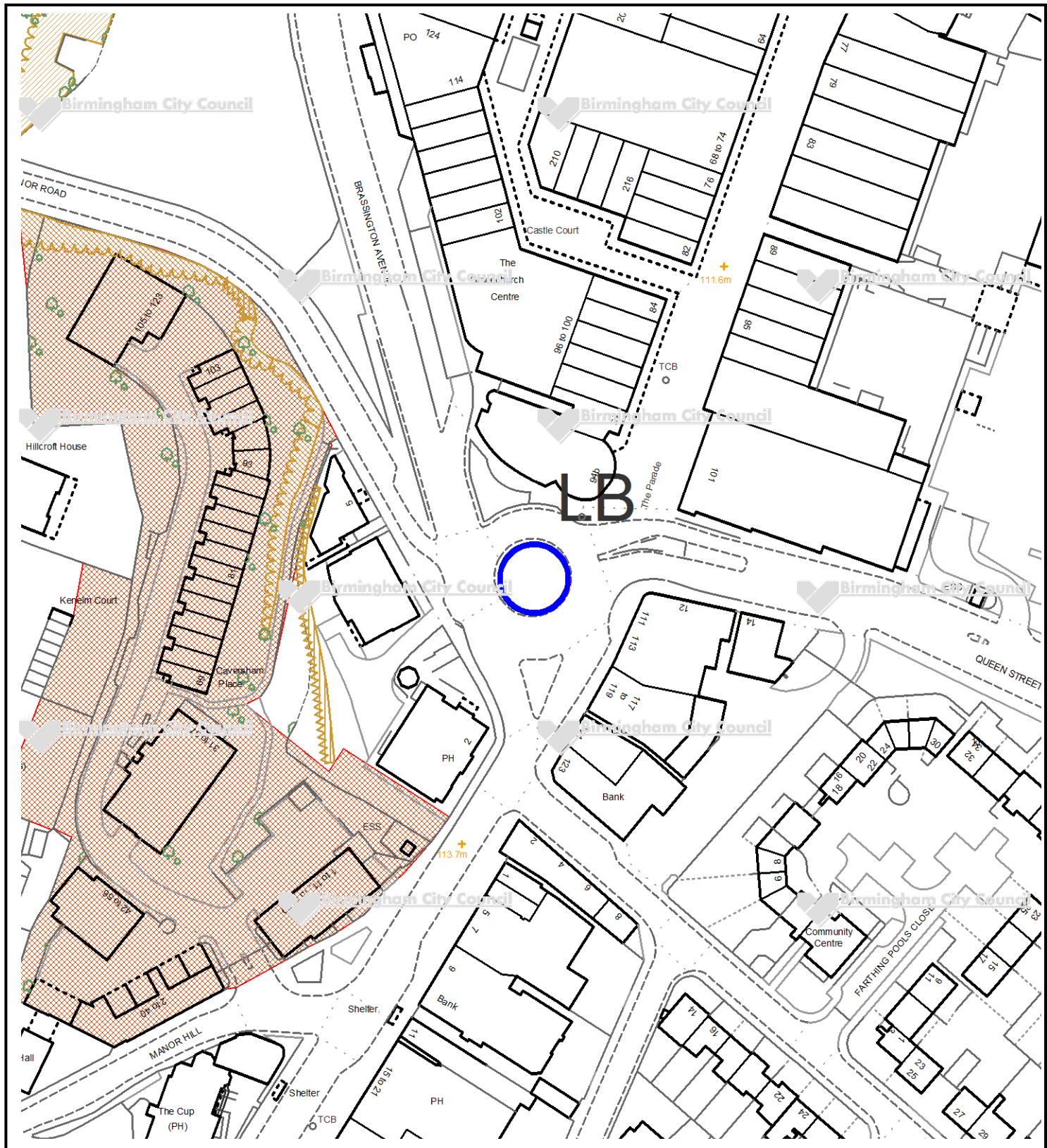
Case Officer: Helen Hawkes

Photo(s)



Application Site

Location Plan



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Birmingham City Council

Planning Committee

07 July 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Temporary Until 06 July 2019	10	2016/03457/PA Paradise Circus Multi Storey Car Park Paradise Circus City Centre Birmingham B1 2NB Display of 1 internally illuminated advertisement banner

Committee Date:	07/07/2016	Application Number:	2016/03457/PA
Accepted:	21/04/2016	Application Type:	Advertisement
Target Date:	16/06/2016		
Ward:	Ladywood		

Paradise Circus Multi Storey Car Park, Paradise Circus, City Centre, Birmingham, B1 2NB

Display of 1 internally illuminated advertisement banner

Applicant: Signature Outdoor Ltd
1st Floor, 2 Snow Hill, Snow Hill Queensway, Birmingham, B4 6GA
Agent:

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application seeks advertisement consent for the display of 1 no. externally illuminated UPVC banner on the east elevation of Paradise Circus multi storey car park on Paradise Circus Queensway.
- 1.2. The banner would be displayed on the east elevation of the car park onto Paradise Circus Queensway made of UPVC and steel measuring 12m (h) x 22m (w) x 0.5m (d) set 2.6m above the ground. The banner would be externally illuminated with downlighters at 300cd/m.
- 1.3. In addition, suicide prevention measures in the form of wire mesh inserts are shown on the proposed plans. These measures require full planning permission and would be the subject of a separate planning application.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a multi storey car park with elevations on Paradise Circus Queensway, Brindley Drive and Cambridge Street. To the north is student accommodation. Approximately 35m to the north of the site are two advertising hoardings and one 30m to the east. To the south, directly opposite the site is Baskerville House, a Grade II Listed Building. To the south west is Library of Birmingham. To the east is Paradise Circus redevelopment site.

[Site Location](#)

3. Planning History

- 3.1. None relevant.

4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management notified. Press and site notice posted. No response received.
- 4.2. Transportation Development – No objections subject to conditions restricting the levels of illumination and consent to 3 years.

5. Policy Context

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

6. Planning Considerations

- 6.1. Paragraph 67 of the National Planning Policy Framework states that advertisements should be subject to control only in the interest of amenity and public safety, taking account of cumulative impacts.
- 6.2. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.
- 6.3. The policy on large format banners states that adverts will only normally be permitted where the application building is to be scaffolded for building related work and the scaffolding covers an entire elevation. It states the advertisement element should occupy no more than 40% of the extent of the scaffolded elevation or 500 square metres, whichever is the lesser.
- 6.4. The application site is within an urban and commercial city-centre context. The proposed advertisement banner, as amended, would be in proportion with the existing car park and would occupy 30% of the elevation to be compliant with the SPD's 40%. Whilst no works are currently ongoing on the car park and therefore no scaffolding is required, the site to the front on Paradise Circus Queensway is currently being redeveloped, including a new highway layout. The area is therefore in transition and will be for a number of years.
- 6.5. I conclude that the cumulative impact with existing advertisements, including when viewed from the Conservation Area to the north, is acceptable. In addition, the banner has been relocated more to the north of the site so as to not have a significant detrimental impact on the setting of Baskerville House, a Grade II listed building to the south of the site.
- 6.6. I therefore raise no objection to the proposed banner on the grounds of public amenity subject to the consent being limited to a period of three years in order not to prejudice the Paradise Circus redevelopment.
- 6.7. The proposed banner would be visible to vehicular traffic using Paradise Circus Queensway. The sign would be static and would not interfere with street signage or traffic signal equipment.
- 6.8. Transportation Development have no objections subject to a condition limiting the levels of illumination to 300cd/m and consent to 3 years. They have noted that the banner would be overhanging the Highway Maintainable at Public Expense and

would therefore require licensing. I concur with this view and consider the proposal would not have a detrimental impact to highway users. An informative has been attached to make the applicant aware that licensing is required.

7. Conclusion

- 7.1. The proposed banner would be in scale with the car park and is in accordance with the SPD's guideline maximum size for this type of advertisement. I consider the proposal to be acceptable for a temporary period.

8. Recommendation

- 8.1. Approve Temporary

1 Limits the intensity of the approved illumination to 300cd/m

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

3 Limits the approval to 6 July 2019

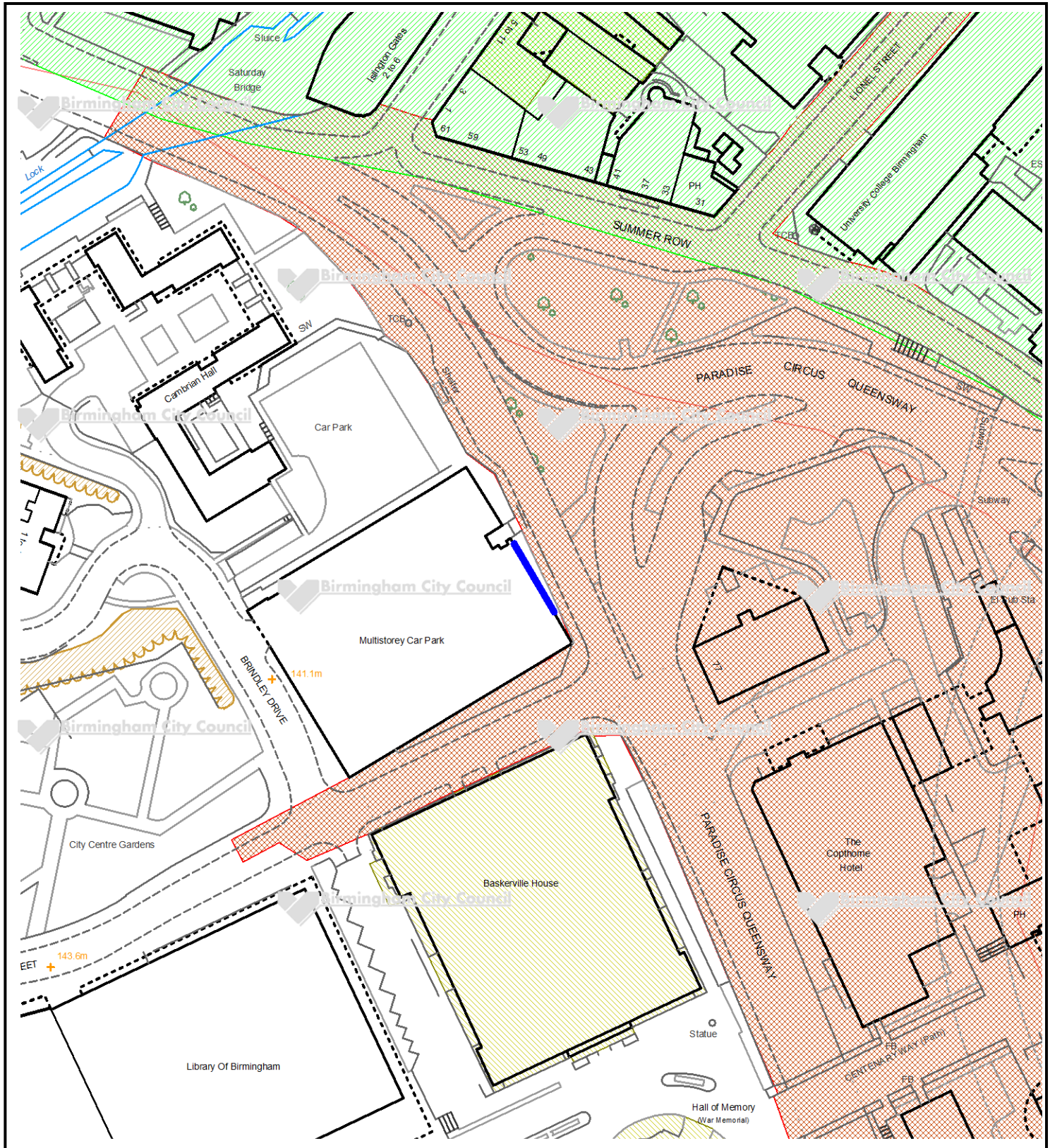
Case Officer: Anh Do

Photo(s)



Fig 1 View West

Location Plan



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Birmingham City Council

Planning Committee

07 July 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	11	2016/03916/PA 16 Flint Green Road Acocks Green Birmingham B27 6QA Change of use from residential dwelling (Use Class C3) to residential care home (Use Class C2)
Approve - Conditions	12	2016/04294/PA 86 Kyrwicks Lane The Hereford Arms PH Sparkhill Birmingham B11 1TD Erection of two storey side and rear extension to existing hostel (use class Sui Generis)

Committee Date:	07/07/2016	Application Number:	2016/03916/PA
Accepted:	11/05/2016	Application Type:	Full Planning
Target Date:	06/07/2016		
Ward:	Acocks Green		

16 Flint Green Road, Acocks Green, Birmingham, B27 6QA

Change of use from residential dwelling (Use Class C3) to residential care home (Use Class C2)

Applicant: New Leaf Recovery CIC
95 The Common, Earlswood, Solihull, West Midlands, B94 5SJ

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the proposed change of use from a residential dwellinghouse (C3 use class) to a residential care home (C2 use class) for people using the applicants' detoxification and rehabilitation services. The applicant advises that detoxification involves trained staff administering medication to clients which will be reduced down and finally stopped. Once clients are fully abstinent from all substances, they will then engage in the rehabilitation programme; accessing group and individual therapy and professional counselling sessions at the premises in order to address the behaviours underlying their addiction.
- 1.2. The property would consist of 7 bedrooms (5 single and 2 double) as well as shared facilities consisting of a lounge, dining room, kitchen, utility room and 4 bathrooms. The property has a large driveway to the side of the property, which the applicant suggests can accommodate up to four vehicles.
- 1.3. The premises would be staffed 24hours a day. During the day there would be at least two support workers on site, who then handover to an evening Support Worker and a Night Worker providing overnight support. There would also be a Registered Manager on the unit on site Monday to Friday, along with office staff, a Catering Manager and a number of volunteers providing Peer Mentor support.
- 1.4. The applicant explains that clients are required to reside under strict house rules; they must refrain from bringing any substances onto the premises, being accompanied when leaving the premises, and adhere to the strict supervised visitation policy. They add that their service is registered and regulated by the Care Quality Commission.
- 1.5. The applicants' current premises are at 24 Flint Green Road (approved under 2014/06818/PA) for up to 7 residents and is a rental property on which they have been given notice. The applicant is in the process of purchasing number 16 in order to replicate the facilities currently on offer at number 24. The applicant has

expressed that they are not proposing to operate from both buildings. The applicants add that they have been at number 24 for over two years and there have been no reported incidents of illegal drug use or dealing, anti-social behaviour or crime associated with the premises.

1.6. [Link to Documents](#)

2. Site & Surroundings

2.1. The application premises are a 2.5-storey detached period property, similar in appearance to the applicants' existing premises at number 24. However, the application site is detached with a long side private drive-way. The surrounding area is predominantly residential, many of which are also traditional properties from a similar era. Many properties on Flint Green Road are single-occupied family housing, though a number appear to have been converted to flats or HMOs (nos. 9-17, 23-31, 20, 34-36 and 40). Many properties have on-site parking and on-street parking is also unrestricted except at its junction with Warwick Road.

2.2. [Site location](#)

3. Planning History

3.1. This site: None

3.2. 24 Flint Green Road:

3.3. 08/01/15 – 2014/06818/PA. Change of use from residential dwelling (C3 use class) to residential care home (C2 use class). Approved.

3.4. 22/07/09 – 2009/01546/PA. Erection of single storey building for training accommodation for persons with learning difficulties. Approved.

4. Consultation/PP Responses

4.1. Transportation Development – No objection subject to conditions relating to cycle storage, vehicle parking and turning detail and pedestrian visibility splays.

4.2. Regulatory Services – No objections.

4.3. West Midlands Police – Advise that they have undertaken a site visit, a telephone conversation with the applicant and liaised with the local neighbourhood police team and raise no objections.

4.4. Neighbouring properties and local residents' groups and Councillors consulted with a site notice posted.

4.5. An objection has been received from Councillor Roger Harmer on the following grounds:

- Loss of a family home in area where there is significant representation of C2 uses.
- Important to limit the number of C2 uses in an area to a reasonable number to protect the character of an area.
- Overcrowding with 9 residents and staff.

- Located within proposed Conservation Area.
 - Concerns over the internal plans.
 - Impact of the additional bathrooms on drainage infrastructure in the area, which suffers from low water pressure.
 - Noise and inappropriate discussion from residents when using the garden impact on neighbour amenity.
- 4.6. An objection from Acocks Green Neighbourhood Forum has been received raising the following matters:
- Support the concerns of the residents of Flint Green Road.
 - Loss of a family dwellinghouse.
 - Close proximity to an existing care home (no. 24) and others in the wider area.
 - Concern over certain elements of the internal layout.
 - Suitable facilities required for vulnerable and disabled residents.
 - Drainage problems in the locality.
 - Noise and disturbance from residents when the garden at no. 24 is in use by residents.
 - Within proposed Conservation Area.
 - Request a site visit.
- 4.7. An objection has been received from the Yardley Conservation Association on the following grounds:
- Support the concerns of the residents of Flint Green Road.
 - Loss of a family dwellinghouse.
 - Located within a proposed Conservation Area.
 - Close proximity to other similar uses.
 - Request a site visit.
- 4.8. An objection has been received on behalf of Acocks Green Focus Group who object to the application on the following grounds:
- Area is characteristic of family homes.
 - Recent refusal at 2 Francis Road on the grounds of an over-intensive form of non-family accommodation.
 - Lead to a more transient population.
 - Ample provision of C2 facilities in the locality and call into the question the claim that there is a shortage of provision of services in the area.
 - Concern over certain elements of the internal layout.
 - Add to drainage problems in the locality.
 - Noise and disturbance from residents when garden at no. 24 is in use.
 - Within proposed Conservation Area and predominantly family homes are likely to be better cared for.
- 4.9. A representation has been received from Arden Residents Association objecting to the application on the following grounds:
- Loss of family house and contrary to policies 3.8 and 3.10 of the UDP.
 - Transient nature of the residents.
 - Number of C2 or HMO uses in the locality.
 - Loss of period features to properties.
 - Level of rubbish associated with such uses.
 - Inadequate sewer system.

- 4.10. A petition containing 37 signatures has been submitted objecting to the application (but not to the applicants as a company nor the work that they do) on the following grounds:
- Contrary to Policy 5.19A of the UDP which seeks to maintain existing housing stock especially where there is a high concentration of properties which have been converted into institutional uses.
 - Contrary to Specific Needs Residential Uses SPG in relation to the cumulative effect of such uses as well as amenity space and parking.
 - Fail to make a positive contribution to the local neighbourhood as set out in the NPPF.
 - Inappropriate proximity of garden to neighbouring properties.
 - Transient residents and provide no contribution socially or financially to the area.
 - No evidence that the service meets the needs of local residents.
 - Poor and misleading application and no reference to drug or alcohol rehabilitation.
 - No accurate figures provided relating to the number of staff at any one time.
- 4.11. 15 responses received from neighbouring properties and residents from the wider area objecting on the following grounds:
- With the exception of no. 24, the row of properties has been preserved as large family homes.
 - Detrimental to neighbour amenity / quiet residential street.
 - Contrary to policy 5.19a of the UDP which seeks to maintain existing housing stock especially where there is already a high concentration of properties which have been converted to institutional uses.
 - High concentration of institutional uses in the area including providers of mental health, urgent housing for people aged 16-21 years and nursing homes. Proposal is contrary to Policy 8.25 of the UDP in relation to cumulative effect of such uses.
 - The period of rehabilitation do not give the residents time to positively contribute to the community or feel they are part of it.
 - A commercial property would be far more suitable for the proposed use.
 - Application is misleading and does not mention drug or alcohol rehabilitation.
 - Area is already saturated with such uses/services.
 - Overlooking and loss of privacy and breach of Article 8 of the ECHR to have respect for private and family life, his home and correspondence.
 - Not appropriate that clients should use the garden as a place to relax as neighbours can hear intimate details of clients' personal lives. This breaches patient confidentiality and also Article 1 of Protocol 1 of the ECHR to peaceful enjoyment of property.
 - Contrary to Specific Needs Residential Uses SPG in relation to amenity space and parking.
 - Worsen existing parking problems and congestion. There have been numerous collisions at the road's junction with Warwick Road. Contrary to 3.1, 3.10 and 6.39 of the UDP and the NPPF.
 - Within proposed Conservation Area.
 - Over-intensive form of non-family development contrary to policies 3.8 and 3.10 of the UDP, Places for Living SPG and the NPPF.
 - Residents are generally not local so the services provided do not meet the needs of local residents.

- Contrary to paragraphs 69 and 152 of the NPPF in relation to the planning system facilitating social interaction and creating healthy, inclusive communities.
- Transient residents contribute minimally to the local economy.
- Loss of a 5-bed house would impact on the Council's housing targets.
- Unclear on number of staff.
- On-site parking is inadequate creating hazards for pedestrians and potential issues for emergency vehicles.
- Flint Green Road suffers with low water pressure and not resolved due to excessive demand.
- Need to retain large period properties for family use.
- Impact on young families and children.
- Fail to make a positive contribution to the local neighbourhood.

5. Policy Context

- 5.1. Birmingham UDP, Pre-submission Birmingham Development Plan 2031, Places for Living SPG, Specific Needs Residential Uses SPG, Car Parking Guidelines SPD and the NPPF.

6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005.
- 6.2. The NPPF is clear that “the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment...”.
- 6.3. The NPPF and the Pre-submission Birmingham Development Plan are material considerations. The Pre-submission Birmingham Development Plan is at an advanced stage and as such holds some weight. The proposal raises a variety of planning-related matters which are discussed below.

- 6.4. Policy:
- 6.5. Paragraph 69 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions should (but not limited to) aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Paragraph 123 advises that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 6.6. The adopted UDP aims to protect and enhance what is good in the City's environment and to improve what is less good. Paragraph 5.7 aims to ensure that there is a variety of housing to meet the full range of needs throughout the City.
- 6.7. Paragraph 8.29 of the Birmingham UDP specifically relates to planning applications for residential homes, highlighting that proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance. It adds that such uses are normally most appropriately located in large detached properties set in their own grounds. Furthermore, where a proposal relates to a site in an area which already contains premises in similar uses, and/or houses in multiple paying occupation and/or properties converted into self-contained flats, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. Other considerations include highway safety, outdoor amenity space provision and the appearance of any external alterations. The Specific Needs Residential Uses SPG reiterates these policies in relation to proposed residential care homes.
- 6.8. Cumulative Impact:
- 6.9. The provision of a residential care home within an established residential area is appropriate in principle to create a balanced community, though the issue of an over-concentration of institutional uses, as well as flat conversions and HMOs on the residential character and appearance of the area is a relevant consideration and evidently a real concern to local residents. Flint Green Road consists of generously-sized period properties (predominantly semi-detached villas) with some more modestly-sized interwar and post war infill housing.
- 6.10. Many of the period villas to the southeast side of Flint Green Road (odd numbers) have been converted into flats and HMOs. To the northwest side of Flint Green Road (even numbers) however there are a greater proportion of houses in single family occupation, though a small number have been converted to flats or HMOs. This side of the road also contains the applicants' existing C2 use at no. 24. Approximately 50% of properties on Flint Green Road are in single family occupation. Overall, the existing character and appearance of the Flint Green Road is a pleasant green suburban location, lined with sizeable period properties and on-street parking, within close proximity to a major transport corridor (Warwick Road) and a town centre (Acocks Green District Centre).
- 6.11. With the exception of the existing C2 use at no. 24, it appears that the closest other C2 uses are to the northeast at the junction between Flint Green Road, Rockwood Road, Sherbourne Road and Arden Road (Flint Green House – 15 bed registered car home for adults with mental health issues), and at 976-978 Warwick Road (Pathway - supported living for those aged 16-21 years). Whilst these are relatively nearby, it is considered that they do not impact on the existing character and

appearance of Flint Green Road and the application site nor create an unacceptable cluster of C2 uses. Furthermore and in light of the above, whilst the proposal would result in the loss of house suitable for single family occupation, it is considered that an additional C2 use in this location would not have such a harmful impact upon the character and appearance of the locality to justify a reason for refusal, which has been largely retained despite the existing flat, HMO and C2 conversions. As such no objection is raised in principle to the proposed change of use.

- 6.12. Residential amenity:
- 6.13. The proposed accommodation is detached and would provide 7 bedrooms (5 single and 2 double) for a total of 9 residents. Bedroom sizes range from 7sqm to 16.5sqm, though the smallest bedroom also includes a 2.3sqm space/storage making a total size of 9.3sqm. The property would also include a communal lounge, dining room, kitchen, utility room and 4 bathrooms. Internally, it is considered that this space is acceptable and would provide adequate amenity for future occupiers. Externally, there is a rear garden measuring some 210sqm, which equates to 23sqm per resident, exceeding the 16sqm per resident guideline in Specific Needs Residential Uses SPG, and is considered sufficient for residents' needs.
- 6.14. It is recognised that the presence of up to 9 residents as well as varying numbers of staff/volunteers at the property is over and above what might normally be expected from a 5 bedroom single occupation house. However, it is located just off the busy Warwick Road and there are other properties on Flint Green Road which have been converted into flats that see a greater number of residents, and comings and goings, than when used as a single occupation house. Within this context it is considered that noise and disturbance is unlikely to have such an adverse impact on neighbour amenity to support a reason for refusal. Regulatory Services raise no objection to the application.
- 6.15. Concerns raised by residents in relation to noise emanating from the garden, as experienced at no. 24, are noted. However, it is unlikely that noise levels would be significantly different to that of a large family using the garden. Regarding the content of discussions being overheard, this is not a material consideration in the determination of the application.
- 6.16. A neighbouring property has also made particular reference to their kitchen being directly overlooked by the proposed bedroom 4. Whilst this concern is recognised, this arrangement is no different to this room being occupied as a bedroom in the existing single occupation house and as such would cause no greater loss of privacy/amenity.
- 6.17. Highway safety:
- 6.18. The proposal includes the provision of off-street tandem parking. The length of the private drive is around 20m, which is sufficient to accommodate up to 4 cars and suitable for staff parking. Car Parking Guidelines SDP seeks a standard of 1 parking space per 3 bed spaces, which would equate to 3 parking spaces for this development. The site has good access to frequent bus and train services. Transportation Development have assessed the proposal and concluded that the proposed use is unlikely to have a material impact on the surrounding network.
- 6.19. Transportation Development has recommended a number of conditions relating to a parking layout, pedestrian visibility splays and cycle storage. However it is considered that these are not necessary as the existing driveway would be retained

as existing and the premises could accommodate any bike used by a staff members rather than the provision of a shelter, or similar, which would be uncharacteristic of this residential context.

- 6.20. Other matters:
- 6.21. Paragraph 5.19A of the UDP refers to maintaining and protecting the existing housing stock. It highlights that the loss to other uses of housing which is in good condition, or could be restored to good condition at reasonable cost, will normally be resisted. Adding that, such loss of residential accommodation will only be permitted if there are good planning justifications or an identified social need for the proposed use. The current proposal would result in the loss of a house suitable for single family occupation, though it is noted that internal works would be relatively minor and ultimately could be restored back at a later time if required. However, the proposed use would relocate an existing service which is currently provided and as such it is considered that there is an identified social need for the proposal.
- 6.22. With regard to reference to human rights, it should be noted that the rights of the objectors need to be balanced with the rights of the applicant. This consideration is in essence an extension of the planning balancing exercise which already forms the heart of the UK planning system's approach to decision-making.
- 6.23. Representation has been made from local residents in relation to existing drainage problems resulting from low water pressure. The existing property is connected to the mains sewer and whilst the proposal might result in increase usage this would not represent a reason for refusal.
- 6.24. The application site falls within an area being investigated by local residents as a potential new conservation area. At present however, it has no formal recognition (e.g. as a draft conservation area). The proposal also does not include any external alterations to the property.
- 6.25. It is recognised that such uses and associated residents might represent a transient population and their contribution to the community and local economy would be influenced by their individual circumstances/needs. The NPPF is clear that the planning system should "... deliver a wide choice of high quality homes ... and create sustainable, inclusive and mixed communities...". Furthermore, Policy TP29 of the Pre-submission Birmingham Development Plan 2031 seeks to deliver a range of dwellings to meet local needs and support the creation of mixed balanced and sustainable neighbourhoods. Policy TP26 identifies that a sustainable neighbourhood is characterised by, amongst others, "a wide choice of housing sizes, types, and tenures to ensure balanced communities catering for all incomes and ages". As discussed elsewhere in this report, whilst there are other C2 uses and similar 'institutional' uses in the locality the impact on the residential character and appearance of the area is considered acceptable. Furthermore, there would not be an over-concentration of C2 uses in the locality that result would have an adverse impact on the balance of the community.
- 6.26. Some representations received on this planning application have made reference to a recent application at 2 Francis Road (2015/08085/PA), which sought to increase the number of bedrooms within a HMO from 8 to 11. This was refused on the grounds of inadequate parking, noise and disturbance on neighbour amenity, unsatisfactory living environment for future occupants and over-intensive form of non-family accommodation. Whilst this scheme raises similar planning issues to the

current planning application it is not comparable as it related to the increase in the number of bedrooms within an existing HMO.

7. Conclusion

- 7.1. The resulting loss of an existing family dwellinghouse to form a care home would not have such an adverse impact on the character and appearance of the locality that could support a reason for refusal. The relocation of this existing facility would continue to meet a demand, contribute to social inclusion and the additional C2 use would not create an unacceptable cluster. Furthermore, there would be no adverse impact on neighbour amenity or highway safety. Therefore, the application is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the prior submission of a management plan |
| 2 | Restricts the number of residents to a maximum of 9 persons. |
| 3 | Prevents the use from changing within the use class |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Limits the approval to 3 years (Full) |
-

Case Officer: Harjap Rajwanshi

Photo(s)

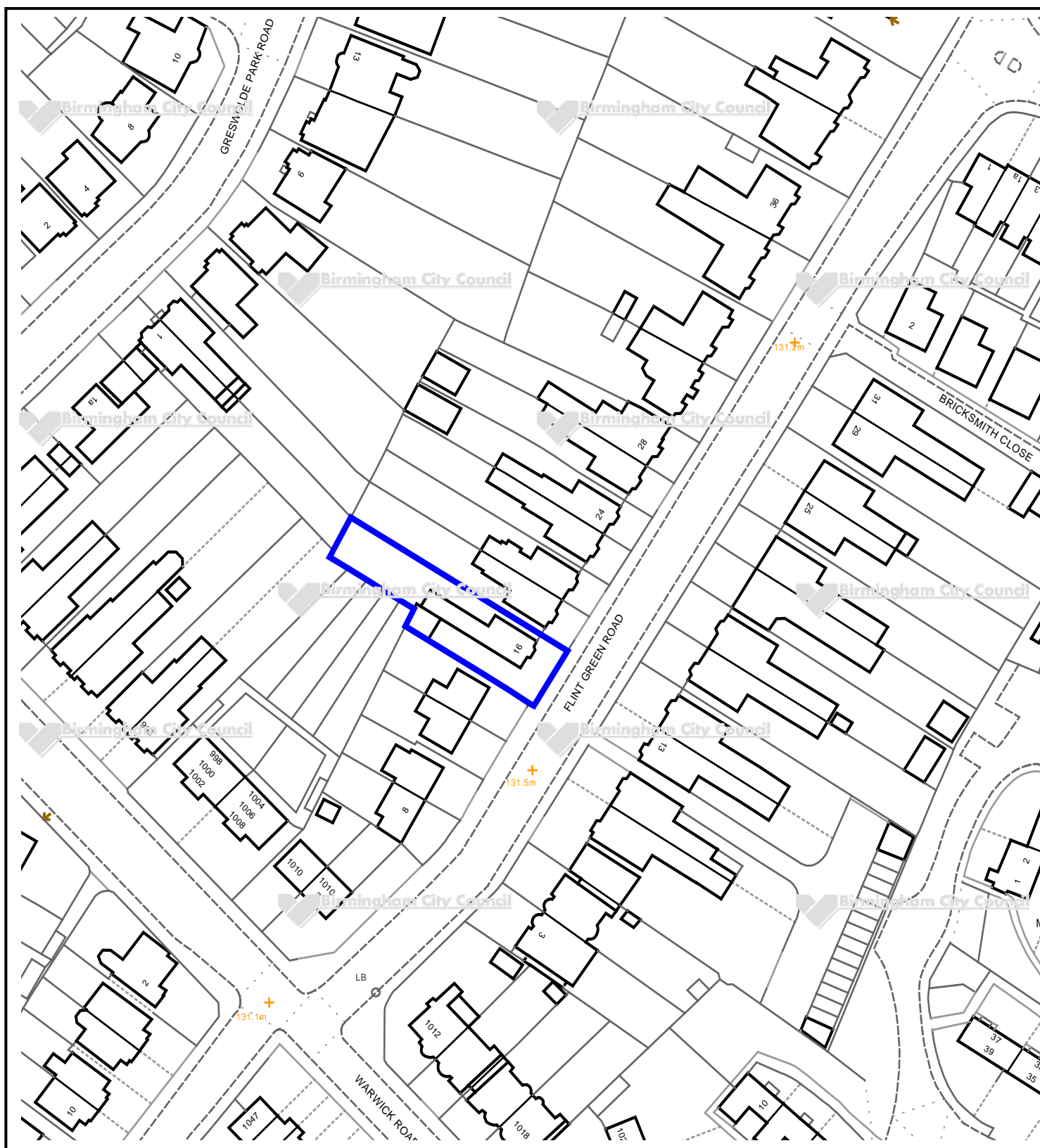


Figure 1 – Flint Green Road



Figure 2 – Frontage of 16 Flint Green Road

Location Plan



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Committee Date:	07/07/2016	Application Number:	2016/04294/PA
Accepted:	18/05/2016	Application Type:	Full Planning
Target Date:	13/07/2016		
Ward:	Sparkbrook		

86 Kyrwicks Lane, The Hereford Arms PH, Sparkhill, Birmingham, B11 1TD

Erection of two storey side and rear extension to existing hostel (use class Sui Generis)

Applicant: Mr Imtiaz Mir
The Hereford Arms, 86 Kyrwicks Lane, Birmingham, B11 1TD
Agent: Design Space 2 Ltd
408F The Big Peg, 120 Vyse Street, Birmingham, B18 6NF

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application relates to the erection of a two storey extension to an existing building which is operated as a hostel for the homeless at the former Hereford Arms pub at the junction of Kyrwicks Lane and Priestley Road.
- 1.2. The proposed extension would measure 18m (max) x 17m (max) x 7.6m to the ridge of the roof, and would total an additional floorspace of 436sqm. The proposed extension would accommodate an additional 31 single bedrooms, measuring between 7.5sqm – 8.5sqm. The bedrooms are proposed to comprise of a single bed, desk, chair, and a small cupboard. The rooms are proposed to be lockable with each tenant being provided their own key to access the building and their room for the duration of their stay.
- 1.3. Alongside the bedrooms, communal facilities (kitchen, lounge, dining room, bathrooms) would be provided at ground floor and a consultation and interview room, computer room and washing facilities are proposed on the first floor (resulting in an overall loss of 1 existing bedroom). The total number of bedrooms proposed at the extended hostel would be 40 single bedrooms.
- 1.4. The proposed Kyrwicks Lane elevation would incorporate a pitched roof slightly lower than the height of the existing building and would incorporate 2 gables, vertical windows would be provided with cills at ground floor. This elevation would be generally symmetrical. This would front existing industrial premises located on the opposite side of Kyrwicks Lane.
- 1.5. The proposed extension would sit behind the existing Priestley Road elevation to be retained and would be set back from the road frontage by 12 metres, however would be concealed by the existing building. The rear windowed elevation would be set

back 21m from the rear of the residential property located at 1 Erasmus Road. The closest elevation to this property is a gable end without windows.

- 1.6. A side elevation is proposed to sit against the flank wall of 46 Priestley Road. This is a total of 5 metres away from the property. This elevation is comprised of a gable end with no windows. The first floor windows on the side elevation that would overlook the rear gardens of 46 Priestley Road and 1 Erasmus Road are proposed to be subject to obscured glazing in order to limit the instances of direct overlooking and are located approximately 13.5 metres away.
- 1.7. The extension is proposed to be constructed of brick and tile, with the elevations to be completed with facing brickwork and rendered brickwork. Windows will be provided to match the existing double glazing. A 1.8 metre brick wall is proposed as a boundary treatment to the rear and side of the proposed extension.
- 1.8. The application proposals incorporate the creation of an enclosed communal private amenity space to the rear, which would amount to a total of 163sqm. Plans submitted indicate proposals for formal landscaping and seating areas and appropriate boundary treatments which would ensure privacy and a degree of noise containment with the landscaping acting as a buffer.
- 1.9. A small amount of car parking (3 spaces) is proposed within the application site, accessed from Priestley Road and set behind security gates. The car parking would be proposed to accommodate the support workers located at the hostel and visiting staff as it is considered unlikely by the applicant and management company that residents would have access to their own cars.
- 1.10. Details regarding the proposed operation of the hostel have been provided by Prospect Housing, a not-for-profit organisation committed to providing the highest quality accommodation and holistic support for people at risk of homelessness. This includes young people, care leavers, offenders, and refugees. Prospect Housing confirms that any prospective residents are referred through either the Birmingham Homeless Hub or a Registered Social Landlord.
- 1.11. Following referral, an assessment of the individual would be undertaken by the hostel which provides the opportunity to accept or reject the resident dependent on the reference, homelessness history and general track record. An interview would then be undertaken by the hostel to assess the general attitude of the individual at which point an offer is made or the resident rejected. All residents considered must be over the age of 35, which seeks to address the demographics of the area. Each resident is given a Handbook which gives information about the services they can expect from the hostel, and some ground rules for being a good co-resident and neighbour. Residents are able to stay for periods ranging between 2 weeks to 3 months.
- 1.12. Prospect Housing currently offers floating support to the 11 residents accommodated at the hostel, amounting to a total of about 1.5 days per week. The proposed extension would enable Prospect Housing to provide 1 full time and 1 part time support worker at the hostel to provide dedicated support to the 40 prospective residents. Alongside the additional facilities proposed (computer room and consultation room), greater direct support can be provided to residents. Security and CCTV will also be provided on site.
- 1.13. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a two-storey detached painted brick former public house building that is operating as a hostel for homeless people. Currently, the existing property accommodates a manager's office, eleven bedrooms with shared kitchen / lounge and five w/c areas. There is a communal private amenity area provided to the rear and side of the building. A total of 15 parking bays are accommodated within the yard area that is accessed from Kyrwicks Lane.
- 2.2. The application site is located within a mixed residential / commercial area. Adjacent to the west is an industrial building that manufactures medical equipment. Sparkbrook Neighbourhood Centre (Stratford Road) is located 190 metres to the east of the application site. The nearest residential properties are located on Priestley Road (approximately 11m from the application premises). Industrial and commercial premises are located on the opposite side of Kyrwicks Lane.

2.3. Site Location

3. Planning History

- 3.1. 15.01.2016 – 2015/09549/PA – Erection of two storey side and rear extension to existing hostel (Sui Generis). Withdrawn by applicant.
- 3.2. 29.05.2014 – 2014/03198/PA - Application for non-material amendment attached to planning approval 2013/04308/PA for removal/ installation of windows and internal alterations to include addition of en-suites to bedrooms and re-siting of bedroom and dining areas. Approve.
- 3.3. 04.10.2013 – 2013/04308/PA - Erection of two storey side and rear extensions to create 13 no. additional bedrooms to existing hostel (Sui Generis) with associated car park and amenity area. Approved subject to conditions.
- 3.4. 25.08.2010 – 2010/03824/PA - Change of use from public house with living accommodation to hostel for the homeless (Sui Generis). Approved subject to conditions.
- 3.5. 16.09.2010 - 2010/02297/PA - Change of use from public house with living accommodation to hostel. Withdrawn by applicant.

4. Consultation/PP Responses

- 4.1. Transportation Development – no objection subject to conditions to secure an amended car park layout, siting and design of means of access, cycle storage details, adequate pedestrian visibility splays, amended boundary treatment, reinstatement of redundant footway and the proposed gates to be set back a minimum of 5 metres from the footway.
- 4.2. Regulatory Services – no objection subject to conditions related to ground contamination and installation of noise insulation.
- 4.3. West Midlands Police – no objection.

- 4.4. Ward Members and neighbours notified. Seven letters of objection and a petition against received (20 signatures) on the grounds of noise and disturbance, anti-social behaviour and possible overlooking from the extension into private properties.
- 4.5. Three letters of support and a petition in support received (48 signatures) stating that the current use is an improvement on the former use of the site as a pub and is currently well managed and operated.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Unitary Development Plan (2005); Places for Living SPG (2006); Development involving Former Public Houses SPG (1996); Residential Uses (Specific Needs) SPG (2001); Pre-Submission Birmingham Development Plan 2031 (2013)

6. Planning Considerations

Background

- 6.1. The application site has been operated as a hostel for the homeless since August 2010. Planning permission was granted for an extension to the existing building to facilitate an additional 13 bedrooms (24 in total) in October 2013 under 2013/04308/PA. This permission remains extant, and therefore the approved extension could be built out to achieve a total of 24 bedrooms with no further planning consent required. In essence, the current application would create a further 16 bedrooms over and above those already existing and approved at the application site.
- 6.2. Due to the proposed reconfiguration of the approved floorspace and incremental increase in the extension, the proposals at the subject of this current planning application would create a further 86sqm of floorspace in addition to that approved.

Principle of the Development

- 6.3. As outlined above, the hostel has been operating for a number of years. The current proposals however would significantly increase the size of the hostel, and material considerations associated with this aspect are considered in the addressed in this section of this report.
- 6.4. Residential Uses (Specific Needs) SPG builds on paragraph 8.29 of the Birmingham UDP, stating that a two room letting (living room / kitchen and separate bedroom) should achieve a minimum of 6.5m² for a room for an individual. However, the recently published Technical Housing Standards: Nationally Described Space Standard refers to a minimum 7.5m² (including at least 2.15m in width), and sets out that this is applicable to all tenures, which I would consider includes Houses in Multiple Occupation and hostels. I therefore consider it appropriate to assess the bedroom spaces on the minimum requirement of 7.5m². The existing and proposed bedrooms would meet these minimum requirements.

Design and Layout

- 6.5. The application proposals comprise the erection of a two storey rear and side extension. The proposals are considered to be of a comparable scale to the existing

building, not exceeding the height of the existing, which has an established relationship with the surrounding residential uses, and seeking to achieve an appropriate relationship with the streetscene. Also, the scale of the overall extension in terms of mass has been reduced following extensive discussions with the applicant. Amendments include incorporating gable features, using a mix of materials (brickwork and render) and introduction of extra fenestration, which breaks up and adds interest to the proposed facades. The extensions would be proportionate in scale and similar in material to match the existing and those buildings in the surrounding area. As such, I consider that the proposed extension is well designed and would address the character of the existing building adequately.

- 6.6. Whilst the extension would be just under double the size of the existing building with a current floorspace of 260sqm, I consider that this is broadly in proportion with the existing building, and would not appear to be unduly dominant in the context of the streetscene, particularly in respect of the proposed orientation, with the opportunity to extend the building to address Kyrwicks Lane, which would continue and reinforce the established building line. The projecting extension is in a similar location to the previously approved extension. The extension would also result in the creation of two enclosed amenity areas and parking area.
- 6.7. In terms of appearance, the proposed extension would follow the form of the existing building and include fenestration, which would also follow the form and rhythm of the existing building, including cill and header details, predominantly on the Kyrwicks Lane elevation. The materials proposed would seek to reinforce this relationship with the existing building whilst seeking to improve the appearance of the application site.
- 6.8. Further, the separation distances that are proposed would ensure that the extension would not appear over-dominant compared to the residential properties to the north and east of the application site, particularly as it would not exceed the height of the existing public house.
- 6.9. The proposed internal layout seeks to achieve a total of 40 bedrooms at ground and first floor, three of the single bedrooms would be en-suite which could provide for residents with specific needs, toilet and washing facilities, a large kitchen (15.7sqm), a large dining / living room (33.8sqm), staff office, computer room, consultation / counselling room, laundry and kitchenette would also be provided. I consider that the proposals would be conducive to the extended use of the building as a hostel.
- 6.10. The proposed private external communal amenity space would accommodate seating areas and hard and soft landscaping which would create a pleasant and secluded environment which would be of benefit to prospective residents. Separate cycle and bin storage is proposed to be provided away from the dedicated amenity space.
- 6.11. I consider that the proposals are acceptable in respect of the proposed design and layout.

Impact on Residential Amenity

- 6.12. The application site is located within a mixed commercial area, with residential properties located to the immediate north and east, and industrial / commercial premises located to the west. Further north, the character of the area changes to become predominantly industrial.

- 6.13. The 40 bedrooms (in total) proposed at the extended hostel would each achieve a minimum of 7.5sqm floorspace, compliant with the relevant minimum guidelines, as set out within Specific Residential Needs: Hostels SPG. Indicative bedroom layouts have been submitted in support of the application proposals which demonstrate that the internal bedroom layout is functional, providing a single bed, desk, chair, and a small cupboard. Each bedroom would have a window with an outlook over an external amenity space or the street. Alongside this, communal kitchen, dining / living room, laundry, access to computers / internet, consultation room and the support of a full time member of staff at the hostel would contribute significantly towards achieving a positive residential environment for prospective tenants.
- 6.14. Whilst the proposals seek to increase the capacity of the hostel from the approved 24 bedrooms to 40 bedrooms, the current application proposals only seek to secure an additional 86sqm of floorspace on top of that previously approved. The additional bedrooms and facilities (computer room and consultation / counselling room) are proposed to be achieved through the extension and reconfiguration of the approved floorspace, which would reduce the size of previously approved bedrooms. I consider that the proposed increased capacity of the hostel is acceptable as the floorspace proposed would be functional and well arranged. A condition to restrict the number of residents is attached to maintain the proposed level of residential amenity.
- 6.15. Regulatory Services have commented on the proposals, requiring noise insulation to be provided to protect prospective residents from the industrial premises located to the west of the application site. I consider that this would be both reasonable and necessary and would contribute towards the mitigation of any noise generated by the prospective residents.
- 6.16. Further, Regulatory Services recommend conditions associated with ground contamination at the site. Whilst I note that there are a number of industrial premises located nearby, I do not consider that this would warrant such intrusive investigations to be required at the site as reasonable or necessary, particularly as the former use of the site was as a public house.
- 6.17. The proposed external amenity space amounts to approximately 163sqm of landscaped, private communal outdoor space. The proposed boundary treatments would ensure an adequate level of privacy without having an adverse impact on the residential amenity of neighbouring properties. Given the circumstances of the prospective residents, I consider that dedicated and uncompromised external amenity space would be of great benefit to the future users and would contribute positively to the prospective residents. I consider that the amount of external amenity space proposed is adequate in accordance with adopted local policies relating to hostels and Places for Living SPG.
- 6.18. Due to the orientation of the proposed extension, the development would not breach the 45 Degree Code to any of the neighbouring properties.
- 6.19. With respect to separation distances, the windowless gable end of the rear elevation is located 10 metres away from the nearest ground floor window of 1 Erasmus Road. The closest first floor window from the rear windowed elevation of 1 Erasmus Road is 21 metres away. These are sufficient in respect of the distances required by Places for Living SPG. Boundary treatment is also proposed to reduce the impact of the building on the surrounding residential properties.

- 6.20. Obscure glazing is proposed on the side windows which would overlook rear private gardens on Priestley Road and Erasmus Road. Alongside this, boundary planting is proposed which would reduce instances of overlooking. The windows on the side elevation are located approximately 13.5m away from the boundary of the application site and would not be required to be obscured under the requirements of Places for Living SPG.
- 6.21. The petition received which objects to the proposed extension refers to concerns regarding the use of the premises as a homeless hostel in a residential area, fear of crime and anti-social behaviour and concerns of the extended use generating excess noise and disturbance.
- 6.22. The petition and individual comments objecting to the scheme are noted and I acknowledge the distress that incompatible uses can have upon a residential environment. Notwithstanding this, the proposed extension would be subject to noise insulation to habitable windows and achieves adequate separation from existing residential properties.
- 6.23. I therefore consider that the proposals would not have an adverse impact upon the residential amenity of prospective residents at the hostel or neighbouring residential amenity, due to the proposed design, layout and mitigation measures that would be in place.

Impact on Highway Safety

- 6.24. The application proposals incorporate a small amount of car parking (3 spaces) intended for staff and visitors and separate cycle parking to the rear of the building. The application site is located within walking distance of Sparkbrook Neighbourhood Centre where bus services provide direct routes to Birmingham City Centre and Solihull is available.
- 6.25. Transportation Development raises no objection to the application proposals, indicating that it would be unlikely that prospective residents would have access to their own car and the proposed car parking would be sufficient for the extended use of the application site on that basis. Further, there is low parking demand in the surrounding roads at the proposed development which would be unlikely to result in increased pressure on the highway network.
- 6.26. Given the proposed format of the car parking, Transportation Development recommends a number of conditions (outlined above) to ensure that the proposed parking would not have an adverse impact on highway safety. I consider that these are reasonable and necessary.

Cumulative Impact - Fear of Crime, Crime and Anti-Social Behaviour

- 6.27. Regard has been had to this issue on the basis that concerns have been raised by local residents. The extended hostel would be subject to management by Prospect Housing, with a full time dedicated support worker based on site, who would ensure the smooth running of the hostel and be the point of contact for resolving complaints and issues. CCTV, on site security and a part time support worker would also be based at the extended hostel.
- 6.28. The applicant can confirm that there have been no Police call outs or Police enquires associated with the hostel use and no complaints to Environmental Protection with regards to noise impact or disturbance on neighbours; whereas the

previous pub use was a regular source of noise, disturbance and anti-social behaviour to nearby residents. West Midlands Police have been consulted on the proposals and raise no objection.

- 6.29. A petition has been received objecting to the application proposals signed by 20 local residents, stating concerns regarding fear of crime and the demographic of the people that would be likely to be resident in the hostel.
- 6.30. The concerns of local residents regarding fear of crime are noted. The proposed type of use of the application site often raises concern in respect of fear of crime and anti-social behaviour amongst local residents and the Police, at locations throughout Birmingham and the rest of the country. However, the proposed use relates to the accommodation of vulnerable people who require support and assistance in securing temporary shelter whilst they resolve personal issues and work towards achieving long term accommodation. Further, the premises would cater for a wide age range of residents and full time management arrangements are in place to oversee the premises.
- 6.31. I do not consider the fear of crime or potential actual crime and anti-social behaviour outweighs the site being policy compliant, within sufficient management arrangements in place, and addressing a substantial need for such a use. West Midlands Police raise no concerns and are satisfied with the operation of the current hostel.
- 6.32. I consider that in order to maintain the operation of the site, it is necessary to attach conditions to any grant of planning permission which would require that existing CCTV is maintained and would be extended to cover the extension, and the submission of a formal management plan for the hostel to be approved by Birmingham City Council prior to the operation of the extension.

7. Conclusion

- 7.1. The proposal complies with the objectives of the policy context as set out above and, notwithstanding the objections raised, is recommended for approval subject to the attached conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

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| 1 | Requires the prior submission of sample materials |
| 2 | Requires the prior submission of boundary treatment details |
| 3 | Requires a maximum of 40 adult residents on the premises at any one time. |
| 4 | Requires the prior submission of hostel management and operation plan |
| 5 | Requires the prior submission of a CCTV scheme |
| 6 | Requires the prior approval of an amended car park layout |
| 7 | Requires gates to be set back |
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- 8 Requires the prior submission of cycle storage details
 - 9 Requires pedestrian visibility splays to be provided
 - 10 Requires the prior approval of the siting/design of the access
 - 11 Requires reinstatement/ installation of footway crossing on Kyrwicks Lane
 - 12 Requires the prior submission a noise study to establish residential acoustic protection
 - 13 Requires the prior submission of extraction and odour control details
 - 14 Requires the scheme to be in accordance with the listed approved plans
 - 15 Limits the approval to 3 years (Full)
-

Case Officer: Claudia Clemente

Photo(s)

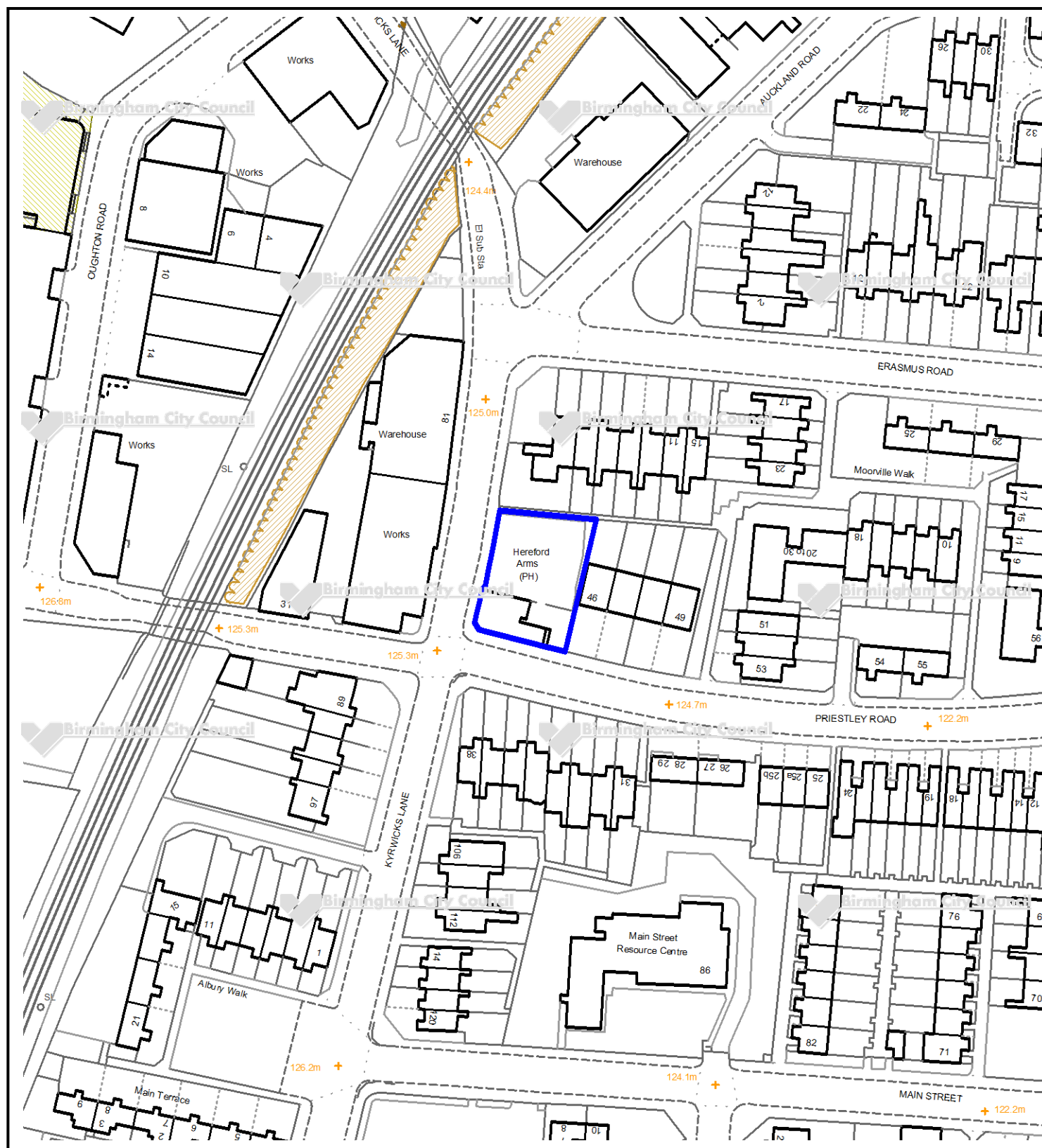


Figure 1: Southern Elevation



Figure 2: Western Elevation

Location Plan



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Birmingham City Council

Planning Committee

07 July 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	13	2016/03063/PA Beechenhurst House 10 Serpentine Road Selly Oak Birmingham B29 7HU Minor Material Amendment attached to approval 2015/05416/PA for removal of some accommodation within roof of existing building and associated external works, extension to proposed annex block and amended design (with total number of studios increasing to 65) and incorporation of caretaker's accommodation within stable block
Approve - Conditions	14	2016/00157/PA 1327 Stratford Road Hall Green Birmingham B28 9HH Change of use from gym (Use Class D2) to community centre and after school education centre, with ancillary provision for worship for its users (Use Class D1)
Approve - Conditions	15	2016/03187/PA 356 High Street Harborne Birmingham B17 9PU Demolition of former public house and redevelopment of the site for 14 apartments with associated access, parking, cycle and bin storage

Approve - Conditions	16	<p>2016/02337/PA</p> <p>27 Norfolk Road Edgbaston Birmingham B15 3PU</p> <p>Proposed demolition of the existing building and erection of 4 storey building providing 57 assisted living apartments for the elderly (Use Class C2) with communal facilities, landscaping and car parking</p>
Approve - Conditions	17	<p>2016/03716/PA</p> <p>Land adjacent 85 Redhill Road Northfield Birmingham B31 3JS</p> <p>Outline planning application for the erection of 14 no. flats, associated car parking and amenity area (landscaping reserved for future consideration)</p>
Approve - Conditions	18	<p>2016/04014/PA</p> <p>McDonald's Restaurant Parsons Hill Kings Norton Birmingham B30 3PN</p> <p>Reconfiguration to the 'drive thru' lane to provide a side-by-side ordering point system and associated works, installation of 2 new customer order displays with associated canopies and erection of office extension.</p>
Approve - Conditions	19	<p>2016/02527/PA</p> <p>428 Redditch Road West Heath Motors West Heath Birmingham B38 8NA</p> <p>Change of use from petrol filling station to car wash and valeting facility.</p>

Committee Date:	07/07/2016	Application Number:	2016/03063/PA
Accepted:	14/04/2016	Application Type:	Minor Material
Target Date:	14/07/2016		Amendment
Ward:	Selly Oak		

Beechenhurst House, 10 Serpentine Road, Selly Oak, Birmingham, B29 7HU

Minor Material Amendment attached to approval 2015/05416/PA for removal of some accommodation within roof of existing building and associated external works, extension to proposed annex block and amended design (with total number of studios increasing to 65) and incorporation of caretaker's accommodation within stable block

Applicant:	Five Oaks Green Ltd c/o Agent
Agent:	The Tyler-Parkes Partnership Ltd 66 Stratford Road, Shirley, Solihull, West Midlands, B90 3LP

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1. This proposal is for amendments to the recently approved scheme for the conversion of Beechenhurst House to student accommodation, which included a new-build, 3 storey (plus basement) annex block within the rear grounds.

1.2. The key amendments to the approved scheme comprise:

- Removal of four units originally proposed within the roofspace, thereby negating the requirement for the introduction of additional dormer windows/rooflights to the front and southern elevation of the building;
- Provision of caretaker's accommodation within the converted stable block (originally proposed as a management office and 2 bed student flat);
- Amendments to the rear annex block, including an increase (approx. 45sqm) in the overall footprint, repositioning of the annex further from the rear of Beechenhurst House, and internal reconfiguration/reduction in room sizes (to 25.3sqm) to incorporate 12 additional rooms. The recent approved scheme had 57 'studios' and 1 larger flat (also for student use), the proposed amended scheme would have 65 'studios' and a two-storey, two-bedroomed caretaker's flat.
- Revised roof treatment to the annex block, with the approved pitched roof to be removed;
- Removal of balconies on Annex building's south-facing elevation; and

- Reconfiguration of windows/entrance on Annex building's north-facing elevation.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application relates to an existing property at 10 Serpentine Road, known as 'Beechenhurst House'. It is a substantial (2 ½ storey) dwelling constructed in the 1860's. The building has undergone alteration, but does still contain architectural features of merit and retains a historic stable yard and buildings. It is set within spacious grounds, with the building actually orientated towards the 'rear', with the 'main' elevation facing the gardens rather than Serpentine Road. The property follows the building line on the road frontage, set behind a driveway served by two existing access points with a low, stepped wall along the back of pavement and mature trees behind.
- 2.2. The site was, until recently, in the ownership of the City Council, originally operating as a care home, but more recently in use as offices
- 2.3. The site falls within Selly Park Conservation Area - an area of spacious plots and generously proportioned, architect-designed residential properties, open space and secluded culs de sac. Several religious and educational establishments are situated within the boundary of the Conservation Area, as is St. Mary Hospice. There are also a number of listed/locally listed buildings in the area, including St Stephen's Church and Selly Wick House to the south-east of the site (both Grade II listed).
- 2.4. Immediately adjacent to the north is the site of the former 'Bourn House', which is currently being redevelopment with housing. The remainder of this section of Serpentine Road is residential in nature, predominantly detached family residences of varying ages and styles. The property immediately adjacent to the south (no.30) is currently occupied by students.

[Location](#)

3. Planning History

- 3.1. 5th August 2011. Pre-application discussion for a proposed change of use to Class C1. Advised residential use acceptable in principle (proposed use class unclear), subject to impact on local residents/occupiers of accommodation, parking demand/highway safety and design/conservation area.
- 3.2. 9th July 2012. Pre-application no. 2012/0 3279/PA. Pre-application discussion for the conversion and extension of the existing building and proposed new student accommodation buildings. Advised no objection in principle, subject to details of accommodation, design, trees, parking, and impact on neighbours.
- 3.3. PA No. 2013/00885/PA. Change of use from care home (Use Class C2) to student accommodation (sui generis) comprising 68 bedspaces, erection of 3 and 4 storey rear extensions, alterations to windows, insertion of windows and car park to front – withdrawn.

- 3.4. 14th January 2015. Pre-application no. 2015/09714/PA. Pre-application discussion for proposed conversion and extension to provide student accommodation. Considerations include use, impact on neighbours (45 degree code, noise, overlooking), levels/trees/landscaping, car/cycle parking, design/conservation.
- 3.5. 3rd February 2016. PA No. 2015/05416/PA. Conversion of existing buildings and erection of annex blocks (3 storeys plus basement) to create student accommodation with ancillary facilities, car parking and external works – approved, subject to a legal agreement.

4. Consultation/PP Responses

Consultation Responses

- 4.1. Regulatory Services – no objections.
- 4.2. Local Services – no objections.
- 4.3. Transportation – no objection.
- 4.4. Local Lead Drainage Authority – no comments as no significant variation in proposal/impact on drainage strategy.
- 4.5. Historic England – proposed minor changes to Beechenhurst House (including elimination of rooflights/dormers to front roof slope) are positive and will further enhance the conservation area. The City's Conservation Officer should advise on details (including stable block door and gates), which will be critical. Pushing the new block slightly further away from the historic house is positive, although note historic garden steps not being retained.
- 4.6. West Midlands Police – no objections.
- 4.7. Severn Trent – no response received.
- 4.8. Fire Service – no response received.
- 4.9. Centro – no response received.

Public Participation

- 4.10. Adjacent occupiers, Councillors, MP, residents associations, University of Birmingham, and Birmingham City University, notified along with other parties who expressed a view in respect of the original application. Site notice and press notice. 37 letters of objection received including from Steve McCabe MP, and 6 letters of support. These submissions are summarised below.
- 4.11. Steve McCabe M.P. objects on behalf of his constituents. Reasons for objecting to the original application were based on the fact that Selly Oak already has a surplus of student accommodation. The development would double the population on Serpentine Road and cause significant parking issues for local residents. Does not consider that the addition of six further units can be described as a 'minor material amendment'. Developers have failed to grasp the primary reasons for objection and disregarded local opinion. There is no case for further expansion.

- 4.12. Selly Oak Branch Labour Party object. Not a minor application – increases number of units on an already over-intensive/over-sized scheme in a residential area characterised by detached houses. Will make the scheme worse.
- 4.13. Selly Park South Neighbourhood Forum object. Application is not a minor modification as increases the number of students, contrary to the wishes of a large number of local residents concerned about impact on neighbours and character of conservation area. Would exacerbate concerns regarding car parking problems.
- 4.14. Community Partnership for Selly Oak objects. This ‘minor material amendment’ increases the number of students, plus caretakers accommodation and enlarged annex – a considerable intensification, strengthening arguments against original proposal. Contrary to Article 4 and conservation area policies in doubling the population of Serpentine Road with resulting pressure on infrastructure and car parking. Will encourage further growth. No demonstrated need for further student accommodation. Need good quality family housing.
- 4.15. Selly Park Property Owners Association objects. Objections raised on original application remain, with current proposal increasing the scale of development. Influx of students inappropriate in a road characterised by well-maintained family residences, contrary to character of the area (low density housing), which this will erode. Increased impact on public and private amenity, and contrary to NPPF aims for balanced communities. Higher density schemes have impact on local distinctiveness. Changes would make no positive contribution to the environment or the community.
- 4.16. 32 no. individual responses also received, with objections as follows:
 - Previous objections remain valid. Amendments fail to address these as there is a problem in principle with the introduction of a use of this nature. Proposed increase in number of units (by 14%) and further 20sqm is not ‘negligible’. Description of development is misleading – this is not a ‘minor’ amendment. Proposal is over-intensive and would exacerbate problems previously identified.
 - Contrary to BDP policy for student accommodation because of impact on local neighbourhood/amenity and inappropriate scale/unsympathetic design (out of character).
 - Would under-mine mix/balance of area with problems of over-intensification of student accommodation. Already over-provision in this area. No need for students to live close to the University. Would double the population of Serpentine Road.
 - Any further additions would have an unacceptable adverse impact on amenities of properties immediately adjacent/surrounding area by reason of overlooking, loss of privacy and being visually over-bearing. Would erode unique character of area and be contrary to conservation aims. Would be closer to boundary with adjacent property. More students means more noise, bigger parties and increased frequency of late night activity. Existing disturbance from students at no. 30.
 - Use as student accommodation introduces a diverse element likely to result in noise/disturbance/nuisance/litter to detriment of residents’ amenity.

- Character of area is detached houses in large plots. Existing property could be converted to 2 or 3 family units.
 - Increased annex size could have implications for water run-off/flooding. Question whether sewers have capacity for additional units.
 - Council would not have allowed several smallscale HMOs.
 - Flat roof to stable block is out of character – will be visible from Serpentine Road. Flat roof to annex block is unattractive and does not relate well to existing Beechenhurst building, obstructing view of its most attractive side. Loss of architectural features on annex is a concern.
 - Increase could result in an overspill of (visitors) parking and increased congestion, with implications for highway safety. 'No car' policy is not enforceable.
 - Noise from additional construction work.
 - Retention of two access points is a concern and unnecessary cost.
 - Trees were removed prior to planning submission.
 - Railings and gates out of character with conservation area.
 - An earlier application for 68 beds was withdrawn on the advice of Officers (too intensive).
 - Cannot guarantee that caretaker's accommodation will not be occupied by students at a later date.
 - Developer has paid no regard to residents' concerns. Proposal is to maximise profit. Incremental approach to increasing numbers is unacceptable – manipulating the planning process. Covenants are being ignored.
 - Disappointment expressed about the planning process. Request that Planning Committee visit the site and reconsider the issues/their decision.
- 4.17. 6 no. responses received in support of the application – will be an improvement on the approved scheme and introduction of caretaker's accommodation will ensure the residence is well cared for and a high quality service is offered, putting residents at ease. Extra accommodation is negligible. Amendments will improve appearance of Serpentine Road. Removal of dormers helps preserve existing building and prevents any overlooking. Other large properties in area could be used more efficiently.
5. Policy Context
- 5.1. UDP (2005), Draft Birmingham Development Plan, Car Parking Guidelines SPD (2012), Places for All SPG (2001), Specific Needs Residential Uses SPG (1992), Wider Selly Oak SPD (2015), Selly Park Conservation Area (designated 2010) and Article 4 Direction, Mature Suburbs SPD (2008), NPPF.
6. Planning Considerations

- 6.1. This application is for amendments to the recently approved scheme for the conversion of Beechenhurst House to student accommodation, with associated new 3 storey (plus basement) annex block within the rear grounds.
- 6.2. The main amendments to the approved scheme comprise:
- Removal of four units originally proposed within existing roofspace/removal of additional dormer windows/rooflights to the front and southern elevations;
 - Provision of caretaker's accommodation within the converted stable block;
 - Small increase in overall footprint of rear annex block/positioning further from the rear of Beechenhurst House, and internal reconfiguration/reduction in room sizes (to 25.3sqm) to incorporate 12 additional rooms (an increase of 8 overall);
 - Revised roof treatment to the annex block (pitched roof to be removed);
 - Removal of balconies on south-facing elevation; and
 - Reconfiguration of windows/entrance on north-facing elevation.

BACKGROUND

- 6.3. The applicant states that the amendments are proposed in response to concerns raised in the consideration of the original scheme, including Historic England's reservations about the dormers/rooflights on the front elevation and the concerns of local residents about the lack of a 24 hour on-site management presence.
- 6.4. In addition, further survey work has identified that the restoration and repair of much of the timber work in the existing building is likely to be more intensive than previously anticipated, which will inevitably increase costs. In addition, the proposal is also now subject to CIL, having been determined after 4th January 2016 (outside of the timescales anticipated by the developer), which also impacts on the viability of the scheme.

CONSIDERATION OF AMENDMENTS

- 6.5. The principle of the development and its detailed design/layout have already been considered/approved through PA No. 2015/05416/PA. As such, notwithstanding the comments of local residents in respect of these principles, consideration of this application is focused on the amendments to the scheme only.

Increased Numbers

- 6.6. Whilst I acknowledge that there would be an overall increase in the number of students to be accommodated (7 units) as a result of the internal re-configurations proposed, the development would be of the same nature and broadly of the same scale and, as such, I do not consider that this would result in a significantly increased impact in terms of activity associated with the scheme.
- 6.7. The management of the proposed accommodation dictates that students do not bring cars to the site and this would remain unchanged. As such, there would be no implications for the level of car parking to be provided and my Transportation colleagues raise no objection to the proposed amendments.

- 6.8. Similarly, the additional students are unlikely to generate significant additional noise, and no objection has been raised by the City's Environmental Protection Unit.
- 6.9. In addition, the amendments include the introduction of caretaker's accommodation within the converted stable block in response to concerns raised locally about management of the accommodation and related issues of potential noise/disturbance to adjacent residents.

Conservation/Design

- 6.10. My Conservation colleague raises no objection to the proposed amendments, including the revised (simplified) roof treatment to the proposed annex block. He considers the revised proposals to be an improvement, including the relationship of the annex block to the existing building. This view is reflected in the comments of Historic England.
- 6.11. The reduction in the number of units to be accommodated within the roofspace of the existing building is to be welcomed in that it negates the need for the introduction of additional dormers/rooflights (which were a concern to Historic England in the consideration of the original scheme).
- 6.12. The amended scheme was considered by the Conservation Heritage Panel in April. The panel felt that the proposed alterations to the approved scheme were positive and responded to comments they had previously made, and therefore supported the scheme.
- 6.13. Other alterations to the annex block, including the removal of balconies, would not adversely affect its overall appearance. The overall footprint would increase by approximately 45sqm, but would extend less than 2m closer to the nearest residential boundary, which is more than 18.5m away.
- 6.14. I conclude that the Amended scheme would preserve the character and appearance of the Conservation Area.

Revised Accommodation

- 6.15. Although room sizes are reduced, at 25.3 sqm they remain of an acceptable size and would still provide a suitable standard of accommodation.
- 6.16. Similarly, there would be no objection to the removal of the balconies originally proposed for the units on the south-facing elevation of the annex block. The occupiers of this accommodation would benefit from the outlook over and use of the substantial landscaped grounds at the rear of this property, which would provide an appropriate level of external amenity space. I do not consider the amended balconies and windows would materially affect neighbours' residents, compared to the approved scheme.

Trees/Ecology

- 6.17. There would be no additional implications for trees. Conditions are recommended, as attached previously, requiring an Arboricultural Method Statement and tree protection. Your Ecologist has no further comments beyond those made on the original application – requiring the imposition of conditions with regards to

submission of a scheme for ecological/biodiversity enhancement measures and tree removals outside of the nesting season.

CIL/Planning Obligations

- 6.18. The original approval (PA No. 2015/05416/PA) was subject to a legal agreement, which secured a contribution of £18,328 to be used for parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders, and/or local highway improvement measures in Serpentine Road, Selly Park Road, Bournbrook Road, Elmdon Road and Oakfield Road.
- 6.19. The scheme is also subject to CIL – equating to £183,816 on the original submission (based on floorspace).
- 6.20. This Minor Material amendment necessitates a deed of variation to the S106 concerning transportation matters, to reflect the amended floor area, resulting in an increased sum of £20,540. This sum has increased as it is calculated on the basis of the number of units.
- 6.21. Conversely, the CIL payment would be reduced to £171,258 as a result in the reduction in floor area overall (through the exclusion of accommodation within the roof space).

7. Conclusion

- 7.1. The proposed amendments would have no significantly increased impact locally in respect of noise or traffic generation. The amended internal layout would provide a satisfactory level of accommodation and the external alterations would enhance the appearance of the scheme within the context of the conservation area. As such, I consider that the proposals constitute Sustainable Development, accord with policy and are therefore acceptable.

8. Recommendation

- 8.1. Approve, subject to a Deed of Variation.
 - I. That consideration of application no. 2016/03063/PA be deferred pending the completion of a Deed of Variation to require:
 - a) A contribution of £20,540 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) to be paid prior to the implementation of the approved development. The fund would be used for parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders and/or local highway improvement measures in Serpentine Road, Selly Park Road, Bournbrook Road, Elmdon Road and Oakfield Road.
 - b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
 - II. In the event of the above Deed of Variation not being completed to the satisfaction of the Local Planning Authority on or before 12th July 2016, Planning permission be refused for the following reason:

- a) In the absence of a financial contribution towards parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders, and/or local highway improvement measures in Serpentine Road, Selly Park Road, Bournbrook Road, Elmdon Road and Oakfield Road the proposal would conflict with Paragraphs 8.51-8.53 of the Birmingham UDP 2005, the Wider Selly Oak SPD and the National Planning Policy Framework.

III. That the City Solicitor be authorised to prepare, seal and complete the appropriate Deed of Variation.

IV. In the event of the Deed of Variation being completed to the satisfaction of the Local Planning Authority on or before 12th July 2016 favourable consideration be given to application no. 2016/03063/PA, 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 prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 3 | Requires the submission of dormer window/window frame details |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires the prior submission of a landscape management plan |
| 6 | Requires the prior submission of earthworks details |
| 7 | Requires the prior submission of hard surfacing materials |
| 8 | Requires the prior submission of a landscape management plan |
| 9 | Requires the prior submission of boundary treatment details |
| 10 | Requires the prior submission of a lighting scheme |
| 11 | Requires the prior submission of details of green/brown roofs |
| 12 | Requires the prior submission of sample materials |
| 13 | Requires the prior submission of level details |
| 14 | Requires the prior submission of details of refuse storage |
| 15 | Requires the prior submission of cycle storage details |
| 16 | Arboricultural Method Statement - Submission Required |
| 17 | Requires tree pruning protection |
| 18 | No approval given to boundary treatments indicated |
| 19 | Requires tree removal outside the nesting season |
| 20 | Limits the approval to 3 years (Full) |
-

Case Officer: Alison Powell

Photo(s)



Rear Elevation



Front Elevation

Location Plan



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Committee Date:	07/07/2016	Application Number:	2016/00157/PA
Accepted:	11/01/2016	Application Type:	Full Planning
Target Date:	07/03/2016		
Ward:	Hall Green		

1327 Stratford Road, Hall Green, Birmingham, B28 9HH

Change of use from gym (Use Class D2) to community centre and after school education centre, with ancillary provision for worship for its users (Use Class D1)

Applicant: Hall Green Community Association
1327 Stratford Road, Hall Green, Birmingham, B28 9HH

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Planning permission is sought for the change of use of No. 1327 Stratford Road from a Personal Fitness Training Centre (Use Class D2) to a community centre, and after school education centre, with an ancillary provision for worship (Use Class D1). This follows the expiry on 8th January 2016 of a one year temporary planning permission for this use, in order to assess its impact on highway safety and free flow of traffic. As per the previous application, no external changes to the building are proposed.

1.2. The use would continue to comprise of the following:

- **Education uses** – Seven day a week evening classes for children from the age of 7 to 16 years of age are held from 4pm - 6:30pm covering the full spectrum of the school curriculum and Islamic education.

Adult education classes are undertaken from Monday to Friday from 6:30pm - 9pm. Subjects offered include numeracy, literacy skills, handy craft, Islamic studies etc.

Monthly youth workshops are undertaken on Saturdays from 10am - 4pm covering areas of citizenship, community safety, presentational skills, and outdoor activities

A total of four class rooms are available. A maximum of 52 people can occupy the site at any one time inclusive of staff.

- **Community hall** - provision of a space where community meetings can take place and local residents can hire out rooms for meetings. The Applicant has

explained that the maximum number of users that can be accommodated within the community hall is 40 people if the whole hall is hired. The community hall is available for use between 8am - 3pm, and between 8pm - 9pm when the education classes are not taking place. Alternatively, individual rooms can also be hired, with each of the four rooms being able to hold up to 12 people each.

- **Prayer use** – an ancillary prayer facility for between 10-20 worshippers, with a maximum number of 40 worshippers at any one time. No Imam is required on site.
- **Other community use** – a cycling club operates 3 days a week (Thursdays Saturdays and Sundays)

Monthly inter-faith meetings are held with Hall Green Churches and Sparkbrook and Sparkhill mosques.

Community litter picking

Weekly football for boys aged between 6-14 years old

Kick boxing for girls and mums on Saturdays from 4pm

Three trips per annum with 100 local children to undertake team work activities and personal skill development.

- 1.3. The opening hours of the premises would continue to be between 7am - 10pm seven days a week.
- 1.4. The use has two members of staff employed, and volunteers, including four teachers and a site manager.
- 1.5. The application premises has 6 dedicated car parking bays on the site/forecourt. An additional 6 spaces is available from late afternoon as the tenants who occupy the first floor of the premises (Team Telemarketing Ltd) only utilise their property until 4:30pm.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application premises are located at No. 1327 Stratford Road within the Primary Shopping Area of Highfield Road, Hall Green Neighbourhood Centre. The premises were constructed as a bank and the large vault remains in situ. Since 2003/2004 the premises were used as a personal training centre, before becoming vacant. The Applicant has been operating from the building since 2014/15.
- 2.2. The building is two storeys in height with a mezzanine located within the 'banking hall'. The first floor and part of the rear of the ground floor is occupied by a telemarketing company. The premises are located at the northern end of a mixed commercial parade and are adjacent to a hot food shop at ground floor. Opposite

the site are located Waitrose and Aldi. To the rear of the application premises is a two storey block of flats and further established residential development along Highfield Road. Two existing mosques are located within walking distance of the application premises in Wycome Road (adjacent to Aldi) and adjacent to Hall Green Library.

- 2.3. Stratford Road is a busy arterial route into the City from Solihull/the M42 Motorway. The site is well served by public transport with Bus numbers 6, 5, 3, 5A, 6, 6E, 11A, 11C, 40, 76, 841, AH5, CH2, FW4, X20 all stopping at the adjacent bus stops at 15 minute intervals. The site is also located within 15 minute walking distance of Hall Green Railway Station.
- 2.4. Pedestrian guard railings and bollards, along with double red lines, are sited adjacent to the application premises along Stratford Road and at its junction with Highfield Road. On-street parking is available along Highfield Road with the majority of residential premises in the vicinity of the site having private driveways.

[Site Location Map](#)

3. Planning History

- 3.1. 24 February 2004. 2003/07768/PA. Planning permission granted for the Change of use of premises to use as a personal fitness training clinic.
- 3.2. 6 March 2014. 2014/0126/ENF. Alleged change of use to mosque. Case closed.
- 3.3. 30 April 2014. 2014/0277/ENF. Alleged change of use to mosque. Case closed.
- 3.4. 14 January 2015. 2014/0407/ENF. Change of use to mosque. Case closed as permission granted for one year temporary approval under 2014/03089/PA.
- 3.5. 8 January 2015. 2014/03089/PA. Change of use from gym (Class D2) to community centre, after school education centre with a provision for worship for its users (Class D1). Approved for one year temporary period with conditions.
- 3.6. 2015/0035/ENF – Targeted site for monitoring following temporary approval

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection, subject to condition to control the uses. Having had an opportunity during the temporary period to ascertain whether the use has adversely affected highway safety and the free flow of traffic on adjacent highways, there are no Transportation objections to the continued community centre use at this site, subject to a condition to control the uses.
- 4.2. Regulatory Services – No objection – Subject to conditions prohibiting the use of amplified music and functions (i.e. weddings, birthdays, etc), and a restriction on hours of use from 7am to 10pm.
- 4.3. West Midlands Fire Service – No objection.
- 4.4. West Midlands Police – No objection

4.5. Local residents and commercial occupiers, Ward Councillors, MP, and Resident's Associations have been notified.

4.6. 19 letters of objection received from local objectors raising the following concerns as summarised:

- Premises being used as a mosque
- Premises being used outside of permitted opening hours e.g. early hours of morning/late at night for prayer
- Lack of off-street parking
- Unsuitable location for such a use
- Would result in third mosque in local area (others at Wycome Road and adjacent to Hall Green Library) – cumulative impact in terms of traffic/parking
- Unaccompanied children crossing busy roads on route to Centre
- Parked cars resulting in residents having blocked driveways, and potential blocked access to emergency vehicles at elderly care home
- Dangerous road junction with number of accidents – increasing risk to highway safety
- Damage to grass verges from parked vehicles
- Noise and disturbance to residents late at night/early morning from visitors to premises e.g. car doors slamming/talking outside
- Having Centre is not helpful to integration with rest of society
- Significant increase in traffic in area when unit is open
- Agent has been implicated in Trojan Horse Affair – concerned there may be extremist teaching
- Bollards damaged in order to get more cars on car parking area

Video evidence submitted showing premises being used outside of permitted hours on five occasions during past year, and of dangerous driving by visitors to nearby Wycome Road mosque.

Photographic evidence submitted of vehicle accidents in close proximity to site over past year

One letter of general comment received from a local resident explaining that overall pleased with Centre usage and parking issues have not materialised.

4.7. 34 letters of support have been received and raise the following comments as summarised:

- No adverse effects to traffic flow or highway safety over past year
- Most visitors arrive on foot from local vicinity
- Facilities/services at centre have been a welcome/useful addition
- Open days/events have been great means of fostering community relations
- Keeps youngsters off streets and teaches them good behaviour and morals
- Cycling club run from Centre encourages socialising and fitness
- No noise or disruption to residents
- Centre welcomes all and breaks down any racial/religious stereotypes
- Bad parking caused by other nearby establishments
- Made new friendships at Centre

Councillor Bowles – Supports application

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan
 - Pre-submission Birmingham Development Plan 2031
 - Shopping and Local Centres SPD
 - Places for Worship and Faith-Related Community and Educational Uses SPD
 - Car Parking SPD
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF)

6. Planning Considerations

- 6.1. The NPPF identifies that the key principle of planning is the achievement of sustainable development which, in turn, has three arms: economic, social and environmental. If development is determined as sustainable and in accordance with the development plan then planning permission should be granted.
- 6.2. The NPPF, in Section 2, covers the vitality of town centres and identifies that centres are the preferred location for retail, leisure, commercial, office, tourism, cultural and community development.
- 6.3. Paragraphs 8.31-8.35 of the Birmingham Unitary Development Plan covers policy relating to Places for Worship and Social, Cultural and Educational Facilities. This policy was subsequently updated and provided in more detail in the City's adopted 'Places for Worship and Faith Related Community and Education Uses' SPD and it is this policy that the application will be assessed against.
- 6.4. Section 5.2.5 (1st bullet point) of the SPD states that the *"preferable location for places of worship serving a purely local need should be within a parade of commercial premises, easily accessible to the community. If suitable sites cannot be found within a parade of commercial premises then a site within easy walking distance of a parade of commercial premises, and/or on the fringe of residential areas should be identified, as long as this is in keeping with the local character of the area."*
- 6.5. The 3rd bullet point states: *"It is preferable when considering a teaching (or similar) use; applicants should first make enquiries with local schools, local children's/ community centres to ascertain whether rooms would be available for such purposes after school. Premises within a centre/small parades are preferred for this use, although, depending on the numbers of children attending/hours of use, the use of corner residential properties may be acceptable."*
- 6.6. The 4th bullet point states: *"Due to the location within centres (which generally have some level of shared parking facilities) it may be possible to apply parking standards more flexibly..."*
- 6.7. The premises are located within the Primary Shopping Area of the Highfield Road, Hall Green Neighbourhood Centre and as such complies with the locational requirements of the NPPF, UDP and SPD for the proposed uses in their own right

and for the mix of uses proposed. This location also enables access to the premises via a number of transport options including public transport, as the premises are on a key bus corridor. As the premises are located in a Centre in accordance with policy and accessible by means other than the private car, I consider that the proposal is acceptable in terms of car parking provision.

- 6.8. The use, for which permanent consent is now being sought, has been operating from the premises for some 18 months. During this period the Local Planning Authority has monitored the site on five separate occasions and Transportation Development have monitored the site on eleven separate occasions. The total sixteen monitoring visits have been carried out at different times of the year and at different times of the day, including Friday lunchtimes which would usually be the busiest in terms of any worship, and also after school times, when the educational use is operating. On most monitoring visits it was found that there was either no activity, or low levels of activity, in terms of comings and goings to the premises associated with the use. The maximum number of visitors observed, on a Friday lunchtime in June 2015 over a 20 minute period, was five men entering the building and 17 men exiting the building. Therefore I consider the levels of activity at the Centre ascertained from monitoring do not suggest a number of visitors that would be so great as to cause concern in respect of harm to residential amenity or parking/traffic issues.
- 6.9. I note local objectors concerns in respect of the use having operated outside of its permitted opening hours of 7am – 10pm during the past year e.g. early hours of morning/late at night for prayer. A local objector has provided video evidence which appears to show comings and goings to/from the premises at around 5am on two occasions in March 2015, one occasion in May 2015, at around 4am on one occasion in May 2015, and at around 11pm on one occasion during June 2015. This would be contrary to the hours permitted under 2014/03089/PA which were 0700-2200 hours. The Applicant claims that this video evidence has been doctored. Notwithstanding, there has been no further video evidence/enforcement complaints submitted since June 2015 with regard to the premises being used outside of its permitted hours, suggesting that this is not an ongoing issue and/or was not causing harm to amenity for local residents. The Applicant has confirmed that they do not wish to extend their operating hours outside of 7am – 10pm, and therefore I recommend that should be consent be granted these hours be conditioned on a permanent basis.
- 6.10. I note that the majority of objections received have been in respect of issues of car parking and highway safety. The 12 month temporary consent was granted in order to give the LPA an opportunity of ascertaining whether the development has adversely affected highway safety and the free flow of traffic on adjacent highways. When considering the original planning submission, visits to the site had not demonstrated that the use was having a notable impact upon this location in terms of detriment to highway safety or freeflow.
- 6.11. Local objections received in respect of the current application include reference to observed inconsiderate parking along Highfield Road and Delamere Road. However, Transportation Development have raised no objection to the proposal having visited the site on 11 occasions at various times and days during the 12 month temporary period and observing no highway safety or free flow issues. Pedestrian guard railings and bollards, along with double red lines, protect the immediate vicinity from inconsiderate/unsafe parking around the junction of Highfield Road/Stratford Road and help to keep dangerous/illegal manoeuvres/parking to a minimum. I note local residents concerns with regard to visitors to the application

premises blocking residential driveways etc. However, I have been provided with no evidence to show that this is a regular occurrence or attributable to the proposed use, rather than other uses within the Local Centre.

- 6.12. Transportation Development advise that recorded accidents for the last 18 months, have been looked at for the 300m stretch of Stratford Road. This includes 50m into the both Highfield Road and Fox Hollies Road opposite. They advise that seven accidents have been recorded during this period, all being slight in nature. Having looked into these individual accidents they advise that there are no reasons to believe the use at the application site has had any bearing on these accidents. They go on to explain that this level of recorded accidents, at a staggered junction on a very busy Strategic Route, does not seem excessive. I note West Midlands Police have also raised no objection to the proposal, indicating they have no highway safety concerns.
- 6.13. Photographs submitted by a local objector of a couple of road traffic accidents that have occurred along Stratford Road near to the application site during the temporary 12 month period would not appear to be out of the ordinary for a busy Strategic Road and I believe cannot be linked with any certainty to the use at the application premises. Video evidence has also been submitted by this objector showing dangerous driving in accessing the Aldi car park on Wycome Road by a user of the Wycome Road mosque. However, this is a different site, which the Applicant does not operate, and is not relevant to the determination of this current planning application at No. 1327 Stratford Road.
- 6.14. Objections received from local residents under both the original planning application and the current application relate to the use of the premises as a mosque and cumulative impact of the use together with existing mosques at Wycome Road and Hall Green Library. There has been no evidence to date that the premises is being/has been used as a mosque. The Applicant has again confirmed that they are not seeking a change of use to a mosque or defined place of worship and that no Imam will be present on site. They confirm that any prayer usage is ancillary to the main use and no different to having dedicated prayer rooms in many public and private buildings. They explain that weekly Friday prayers have always been held at either the Trinity United Reformed Church on Etwall Road or Wycome Road mosque, and will continue to be held there in the foreseeable future. They advise that they also use Highfield Hall on Highfield Road for other community/educational purposes.
- 6.15. With regards to noise, disturbance and impact on residential amenity, the premises is located within a local centre, with both Stratford and Highfield Roads carrying a significant amount of traffic leading to high levels of ambient noise. Although the area is residential to the west, I concur with the conclusions made under the previous planning application that the separation distance between the premises and residents is reasonable, especially given that the premises are not large. As per previously I do not consider the use of the premises is likely to give rise to noise and disturbance to local residents, beyond that reasonably expected within/adjacent to a local centre. I note that Regulatory Services have raised no objection to the proposal and no noise complaints have been received relating to the use of the premises over the past 18 months. Again, Regulatory Services recommend attaching safeguarding conditions relating to opening hours, no amplification equipment and no festivals and/or weddings. While the policy guidance refers to controlling numbers of users by condition, I consider that to be difficult to enforce and in any event largely unnecessary given the modest size of the premises would naturally control numbers.

- 6.16. An objection received states the use is not being helpful for integration with the rest of society. Although not necessarily a planning issue I understand that the Applicant is involved in monthly inter-faith meetings and in a range of other community activities. Concerns have also been raised with regard to extremist teaching at the premises. However, it is outside the remit of the LPA to consider this allegation.

7. Conclusion

- 7.1. The key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems: economic, social and environmental. The use has now been operating for a period of some 18 months and has been monitored on a number of occasions by the Council. There is no evidence that the use is causing harm to local residents as a result of noise, disturbance, parking or highway safety. As the proposal would continue to provide a community/educational facility I consider that the economic and social benefits of the use outweigh the various concerns raised by some local residents. The use would continue to provide a facility which would comply with planning policy being located within a Local Centre and easily accessible by public transport. On this basis I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

- 8.1. Approve Subject to Conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the hours of operation to 0700 - 2200. |
| 3 | Prevents the use of amplification equipment |
| 4 | Prevents weddings and other major events to take place on site |
| 5 | Prevents the use from changing within the use class |
-

Case Officer: Andrew Conroy

Photo(s)

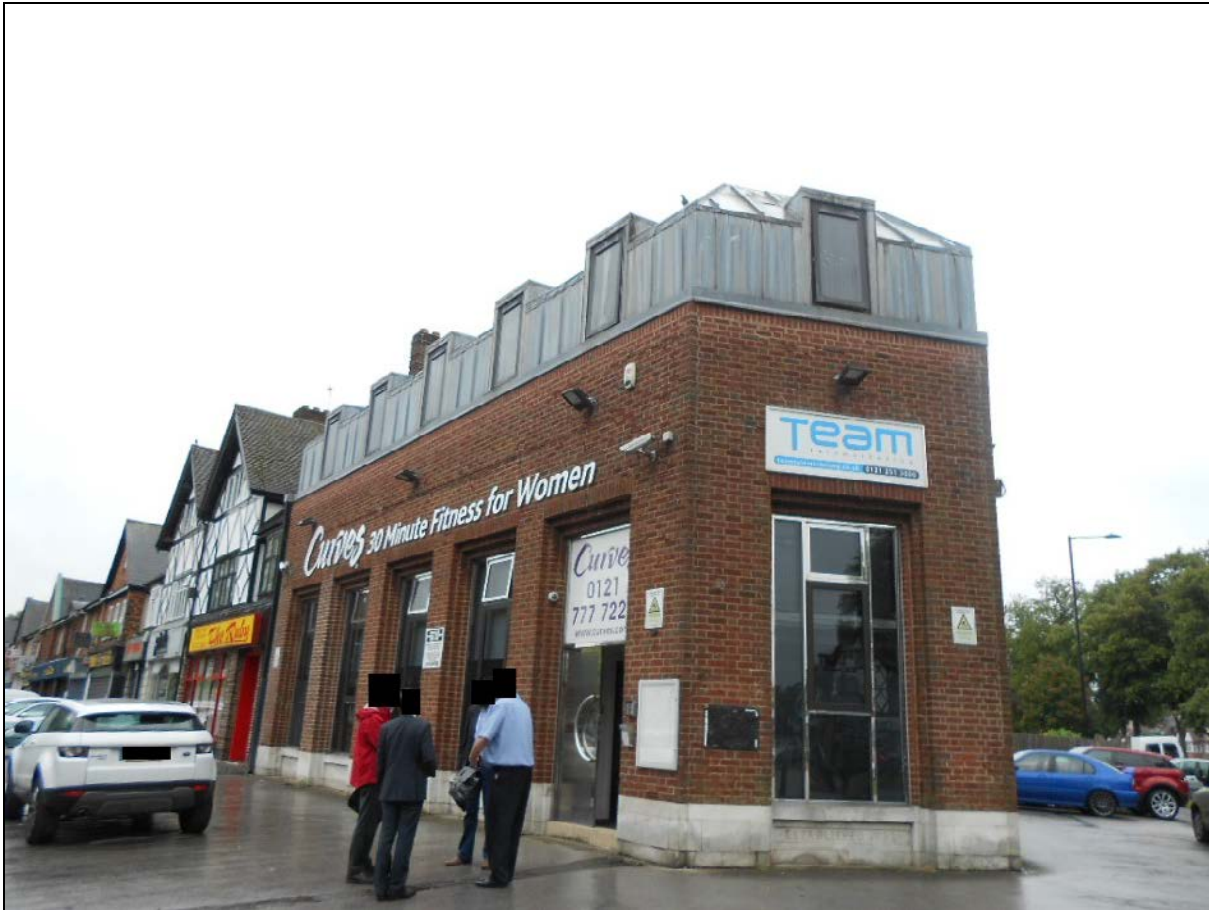
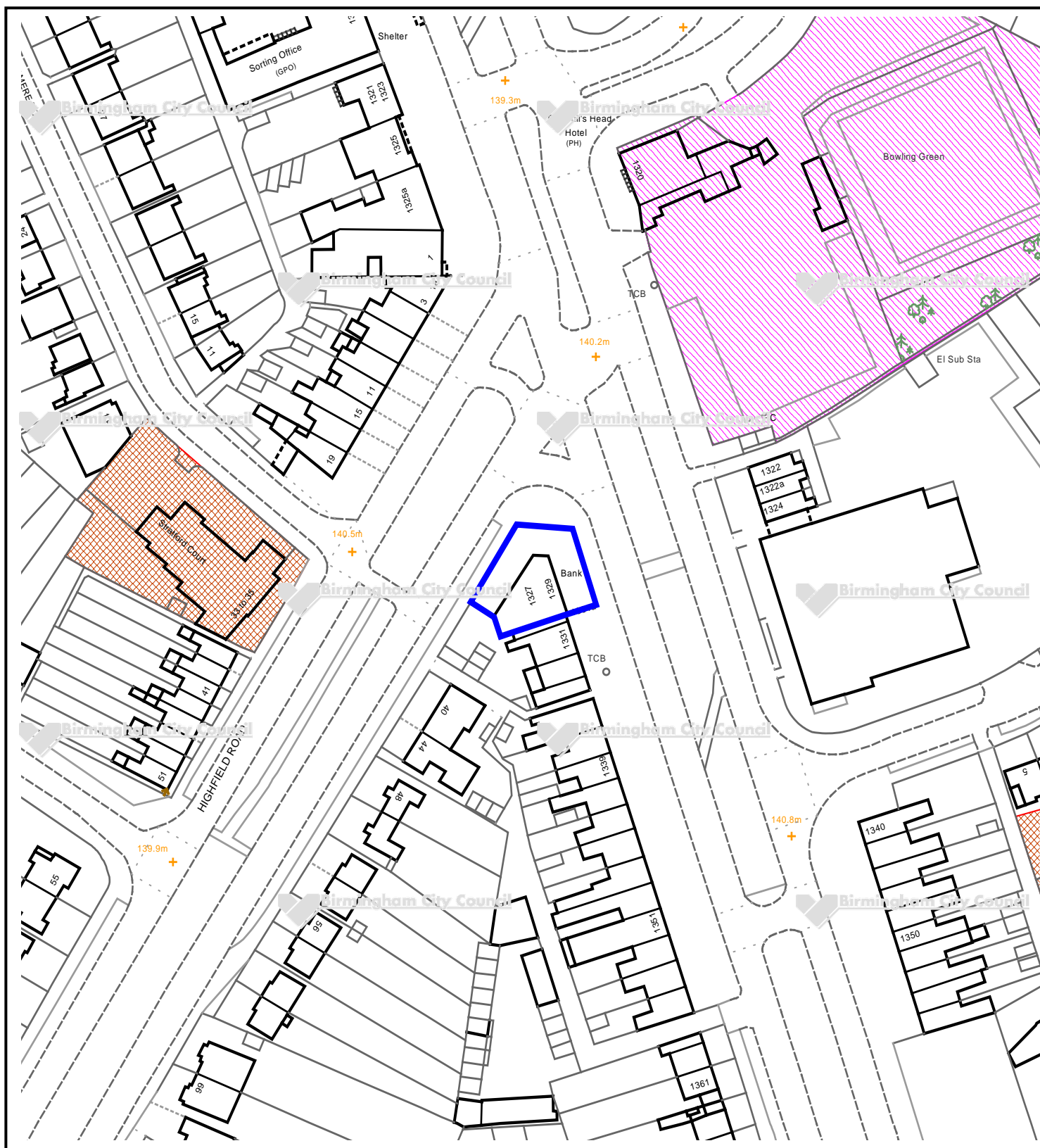


Figure 1: External of Application Premises



Figure 2: Internal of Application Premises

Location Plan



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Committee Date:	07/07/2016	Application Number:	2016/03187/PA
Accepted:	18/04/2016	Application Type:	Full Planning
Target Date:	18/07/2016		
Ward:	Harborne		

356 High Street, Harborne, Birmingham, B17 9PU

Demolition of former public house and redevelopment of the site for 14 apartments with associated access, parking, cycle and bin storage

Applicant:	Harborne Maine Ltd c/o Agent
Agent:	RPS Planning & Development Highfield House, 5 Ridgeway, Quinton Business Park, Birmingham, B32 1AF

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for the demolition of a former public house and redevelopment of the site for 14 apartments with associated access, parking, cycle and bin storage.
- 1.2. The scheme would be four storeys, with the top floor being located within the roof space with flat roofed dormers and gable projections providing light to the upper floor. The scheme provides parking for 2 vehicles and a cycle shelter capable of accommodating 14 cycles. Access to the car park is via Harborne Park Road through an archway tunnel on the edge of the elevation facing Harborne Park Road. There would be gates, preventing public access to the rear, set back into the tunnel by 6m, to prevent cars entering from waiting on the road.
- 1.3. The building would be set back from the two front boundaries (High Street and Harborne Park Road) by 1m on High Street and varying depths on Harborne Park Road of between 1m and 2m. The front boundaries would consist of 0.45m high brick wall with 0.6m high railings above. The architecture would be of a traditional design with 'Tudor' and 'Arts and Craft' influences. The building would consist of red brick with some white render panels and black wooden beams, Juliette balconies would also add interest to the projecting gables.
- 1.4. The main pedestrian access into the building is from Harborne Park Road with a secondary access from the courtyard to the rear. Two ground floor flats, facing onto High Street, would have separate front doors onto the street.
- 1.5. The proposal would consist of 12 one beds and 2 two beds. The one bed flats range in size from 50sqm to 55sqm, the two bed flats are 61sqm and 81sqm.
- 1.6. The footprint of the proposal is slightly smaller than the footprint of the 'existing' building. However, the site area is limited and as such limited amenity space is proposed.

- 1.7. The application has been made with the support of a Design and Access Statement, Transport Statement, Noise Assessment, Planning Statement and Drainage Assessment.
- 1.8. Site Area: 0.05ha Density: 280dph Car Parking: 14%
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is the former Huntsman Public House, previously the Kings Arms. This was gutted by fire in 2013 and was made safe by the City Council soon after. The building mostly now remains as a single storey building, with the remaining material either removed or pushed into the site, there is a small 2 storey section remaining to the rear of the site.
 - 2.2. The site is on the junction of High Street and Harborne Park Road.
 - 2.3. The site is adjacent to a row of shops to its eastern boundary and an open grassed area to the southeast side of the site. There is a care home opposite the site (to the north) which is 3 storeys and a block of flats, to the Northwest which is partly three storey and partly four storey.
 - 2.4. Terraced properties are to the west of the site (over Harborne Park Road), which have shops at the ground floor and flats above.
 - 2.5. [Site Location Plan](#)
3. Planning History
 - 3.1. 17/02/2016 - 2016/00506/PA - Pre-application advice for demolition of former public house and redevelopment with a 4 storey residential building comprising 14 apartments – Advised proposal likely to be acceptable in principle, although absence of commercial use at ground floor would be unfortunate. Traditional architecture likely to sit more comfortably than a modern design.
4. Consultation/PP Responses
 - 4.1. Transportation Development: No objection subject to a condition requiring the footway crossing to be built to City Council specification.
 - 4.2. Regulatory Services: No objections subject to a condition requiring noise insulation.
 - 4.3. Education: No objection.
 - 4.4. West Midlands Police: No response received.
 - 4.5. West Midlands Fire Service: No objection.
 - 4.6. Severn Trent Water: No objection subject to a condition seeking drainage details.
 - 4.7. Local Lead Flood Authority: No objection subject to a condition requiring a sustainable drainage assessment.

4.8. Site and Press Notices posted, local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application; the following responses received:

- 11 letters of objection from local addresses relating to;
 - Density of the development
 - Concern regarding highway safety as vehicles slow down to enter the site and impact on busy road junction.
 - Concern regarding inadequate car and motorcycle parking and limited on-street parking availability on local roads. Overspill parking would be detrimental to residents and local businesses.
 - Proximity of the apartments to the pavement is not conducive to residential accommodation.
 - Proposed building is one storey taller than the adjacent building and would cause a loss of view and sunlight.
 - The lack of any commercial use on the site will advance the decay of this end of High Street.
 - Concern regarding impact on traffic flow and the nearby pedestrian crossing during refuse collections as the refuse vehicle would not be able to access the site.
 - Already adequate supply of apartments in this congested area of Harborne.
 - Proposal does not consider disabled access to the site or provide disabled parking.
- The Harborne Society: Supports in principle the proposed residential use and design however objects to the inadequate parking provision and refuse collection arrangements.
- 10 letters of support from local addresses relating to the following matters:
 - Redevelopment of a brownfield site and removal of a current eyesore.
 - In keeping with streetscene and would be an attractive gateway into High Street.
 - Proposal would add vitality and viability to the area.
 - Proposal would add to the mix and range of residential properties in Harborne in close proximity to the University of Birmingham and Queen Elizabeth and Women's Hospitals.
 - No loss of amenity due to the demolition of the pub as there are other pubs nearby.
 - Proposal would overcome the crime problems associated with the current vacant site.
 - Excellent provision for cycles proposed.
 - Housing is the best use for the site as it is a difficult location for commercial uses.

5. Policy Context

5.1. UDP 2005, Pre-Submission Birmingham Development Plan 2031; Car Parking Guidelines SPD; Places for Living SPD; Loss of Public Houses SPG.

5.2. NPPF; NPPG.

6. Planning Considerations

Principle

- 6.1. The NPPF defines the three dimensions of sustainable development as being economic, environmental and social. Recently the NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.2. Policy TP27, of the draft BDP, requires new housing to be; outside flood zones 2 and 3; served by new or existing infrastructure; accessible to jobs, shops and modes of transport other than the car; capable of remediation; sympathetic to historic, cultural or natural assets; and not in conflict with other specific policies of the plan. In summary this site is considered to be in a good location to deliver sustainable development.
- 6.3. The Loss of Public Houses SPG seeks to retain community facilities where possible recognising them as an asset unless alternatives are generally available. The current site contains a derelict public house which currently makes no contribution to the community, there are ample local public houses on the High Street, as indicated in the supporting Planning Statement, and as such I consider that the policy is satisfied due to the frequency of alternatives available.

Design/Places for Living

- 6.4. In terms of design, paragraph 3.14 of the UDP identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development, comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 6.5. A significant amount of pre-application discussion took place to improve the design of the proposed building and both contemporary and traditional approaches were considered. Traditional architecture was found to be most appropriate to the site and its context and I now consider it would make a positive contribution to the streetscene. At pre-application stage the applicant explored with local agents whether commercial units on the ground floor would be attractive to the market but was advised against their provision due to lack of demand. Despite enquiries it was also not possible to purchase the adjoining grassed site on Harborne Park Road, which would have facilitated a more comprehensive scheme. Nevertheless, the development as proposed would significantly improve the appearance of this prominent site.

- 6.6. The layout of the site reinforces the strong building line along High Street whilst providing some defensible space for ground floor residents to the front with a 1m-2m setback behind a wall and railings. An active frontage is provided with front doors and windows to the ground floor flats facing onto both High Street and Harborne Park Road. To the rear, space is very limited due to the size and shape of the site however two parking spaces, a bin store and cycle store would be provided in a hard landscaped setting with some planters.
- 6.7. The scale of the development would be appropriate for a prominent corner site which attracts views from several roads and the nearby roundabout junction of High Street and Lordwood Road. The pub was a two-storey building with large pitched roof but surrounding development includes buildings of three and four storeys which the proposed four storey building would accord with. The third floor accommodation would be located within the roof which keeps the height to a minimum.
- 6.8. In terms of the detailed design, the elevations are well articulated and broken up with appropriate features including bay windows, dormer windows, Juliette balconies and a mix of render and brickwork. There is a strong base to the building and appropriate hierarchy in terms of the relationship between window size and height up the building.
- 6.9. Your City Designer has advised that much progress has been made since initial pre-application discussions and she is now able to support the scheme, stating that it would make a beneficial contribution to this part of Harborne and the streetscene.
- 6.10. Internally, all apartments meet the Government's *Technical Housing Standards* in terms of overall space provided and the bedroom sizes. Although these standards are not adopted locally they provide a useful guideline in the assessment of internal space. Furniture layouts also indicate that the normal furniture could be accommodated in all rooms.
- 6.11. There are two first floor windows serving the upper floor flats on the rear of No. 354 High Street. The proposal appears to conflict with the 45 Degree Code in respect of the nearest of these two windows however, I am mindful that the remaining two-storey section of the existing pub building also conflicts and, on balance, I do not consider the occupants of the flat likely to suffer any greater loss of light than the existing situation. I note that the owners of No. 354 High Street (not the occupants of the flat) have written in support of the application.
- 6.12. It is acknowledged there is no useable amenity space for residents due to the size of the site however I consider this to be offset by the proximity to shops and services within the centre, including Harborne swimming baths. I note that Grove Park is located further south along Harborne Park Road approximately 0.5km from the site.

Transportation

- 6.13. Policy 6.49B, of the UDP, requires new development to make adequate parking provision to meet all transport needs. The NPPF states that "when setting parking levels LPA's should take into account the accessibility of the site, the type, mix and use, access to public transport, local car ownership and the overall need to reduce high emission vehicles". Policy TP37 of the draft BDP requires that development proposals support and promote sustainable travel and TP43 requires new development to support the delivery of a sustainable transport network.

- 6.14. The site is within area 3, as defined by the *Car Parking Guidelines* SPD, where residential development requires a maximum of 2 parking spaces per unit. The scheme proposes 2 parking spaces and 14 cycle parking spaces to serve the 14 proposed flats. Parking on-street at this location is limited, with zig-zags along both sides of the site associated with 2 separate signal controlled pedestrian crossings. Beyond this there are double yellow parking restrictions. However, an assessment of local car parking opportunities, within the submitted Transport Statement, has detailed unrestricted parking opportunities within a short walking distance, including Ravenhurst Road and parts of Serpentine Road. Additionally, there are public car parks serving this local centre and a number of regular buses serve this location throughout the day. The Transport Statement indicates that the one-bedroom flats would be marketed as car-free and the two parking spaces proposed would be allocated to the two 2-bedroom apartments with permits issued. A car park management plan condition is attached to ensure appropriate procedures are put in place.
- 6.15. On this basis, I am satisfied that the proposal would be sustainably located, within very close proximity of local services and excellent bus routes into the City and should be supported with limited on-site parking.
- 6.16. Concerns were raised by Transportation in regard to the layout of the parking area, with initial comments provided stating the layout was not workable, requiring vehicles to reverse out of the site and with poor visibility at the access. Amended plans have been submitted increasing the turning area and slightly altering the proposed boundary treatment at the access and Transportation Development is now satisfied that there would be adequate visibility and turning area within the site.
- 6.17. The objections relating to lack of parking and refuse collections are noted. Transportation Development has advised that the traffic and parking impact at this location resulting from the development is unlikely to be any greater than that of the former public house, which had no off-street parking. In terms of servicing, the pub would have had refuse collections and deliveries, most likely more frequently than the proposed use so the situation is likely to improve with only domestic rubbish from 14 apartments to collect once a week.
- 6.18. I am mindful that some of the objectors and Members are familiar with the Harborne Village Apartments site, a modern four storey block of apartments opposite the site at 349-353 High Street. This development of 24 apartments was approved in 2006 (2006/05132/PA) but was subject to a condition limiting occupancy to the over-55s due to concerns from Transportation Development about low parking provision (16 spaces/70% provision). In October 2011 application 2011/07631/PA was made which included removal of the age restriction condition, since this was thought to be responsible for the low number of sales, and the provision of 2 additional parking spaces. This application would have resulted in there being 22 flats for general occupation, 2 retail units and 18 parking spaces (81% provision). Transportation Development recommended approval subject to a condition requiring one of the parking spaces to be allocated for a car club scheme. Members refused this application but it was allowed at appeal in 2012 subject to the recommended conditions of a car club scheme and car park management plan.
- 6.19. Notwithstanding the Council's concerns regarding likely on-street parking in an already heavily parked area, the Appeal Inspector stated that,
- "The site is close to the commercial centre of Harborne which offers a wide range of shopping opportunities ... other local services and amenities in close proximity ...*

wide variety of bus services and associated bus stops that are very close to the development. The highly sustainable location of the site, the excellent provision of public transport and the control of on-street parking on some of the surrounding streets would all tend to reduce reliability on car ownership at this site. I would expect the occupiers of several apartments to make the decision that owning a car would not be a priority for them”

- 6.20. The Inspector allowed the appeal and imposed a new condition requiring submission of a car park management scheme including details of the car club. Unfortunately, despite the applicant's efforts, it has not been possible to provide the car club due to the lack of an interested provider for viability reasons. Car clubs are likely to be more attractive on larger sites where there would be greater uptake among residents.
- 6.21. Taking account of the Inspector's comments regarding the sustainable location of the site, the likelihood of residents deciding not to own a car if parking is not available and the failure of the car club scheme, I remain of the view that the current proposal should be approved despite the low off-street parking provision. It would bring back into use a derelict site in a prominent location and offers an attractive, well-designed building. While more parking would be ideal, it cannot be accommodated on this constrained site, for example, in place of the ground floor apartments, without adversely affecting the streetscene and, on balance, I consider the scheme would have an acceptable impact on parking and highway safety.

Noise Impact

- 6.22. The scheme would place a residential use into a relatively noisy location. The noise assessment submitted with the application identifies noise from Harborne Park Road as the primary source and recommends glazing and trickle vents which achieve suitable sound reduction. A suitable condition is attached, along with a condition which also requires noise insulation between the proposed apartments and the adjacent commercial building at No. 354 High Street as per Regulatory Services' recommendation.

Drainage

- 6.23. Some drainage information has been submitted however the Local Lead Flood Authority advises that further details are required before the drainage scheme can be approved. A suitable condition is attached.

Community Infrastructure Levy

- 6.24. This development attracts a CIL payment of £60,996.

7. Conclusion

- 7.1. This application is recommended for approval; the proposal constitutes sustainable development as defined in the NPPF providing good quality residential accommodation on a derelict site in a highly sustainable location. It would make a positive contribution to the streetscene and the impact on parking and highway safety would be acceptable.

8. Recommendation

- 8.1. Approve subject to the following conditions;

1	Requires the scheme to be in accordance with the listed approved plans
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- 2 Requires the prior submission of sample materials
 - 3 Requires the prior submission of hard and/or soft landscape details
 - 4 Requires the prior submission of a lighting scheme
 - 5 Requires the prior submission of a parking management strategy
 - 6 Requires the prior submission of details of a delivery vehicle management scheme
 - 7 Requires the provision of cycle parking prior to occupation
 - 8 Requires the prior submission of a residential travel plan
 - 9 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 10 Requires the prior submission of noise insulation (variable)
 - 11 Requires the prior submission a noise study to establish residential acoustic protection
 - 12 Limits the approval to 3 years (Full)
-

Case Officer: Amy Stevenson

Photo(s)

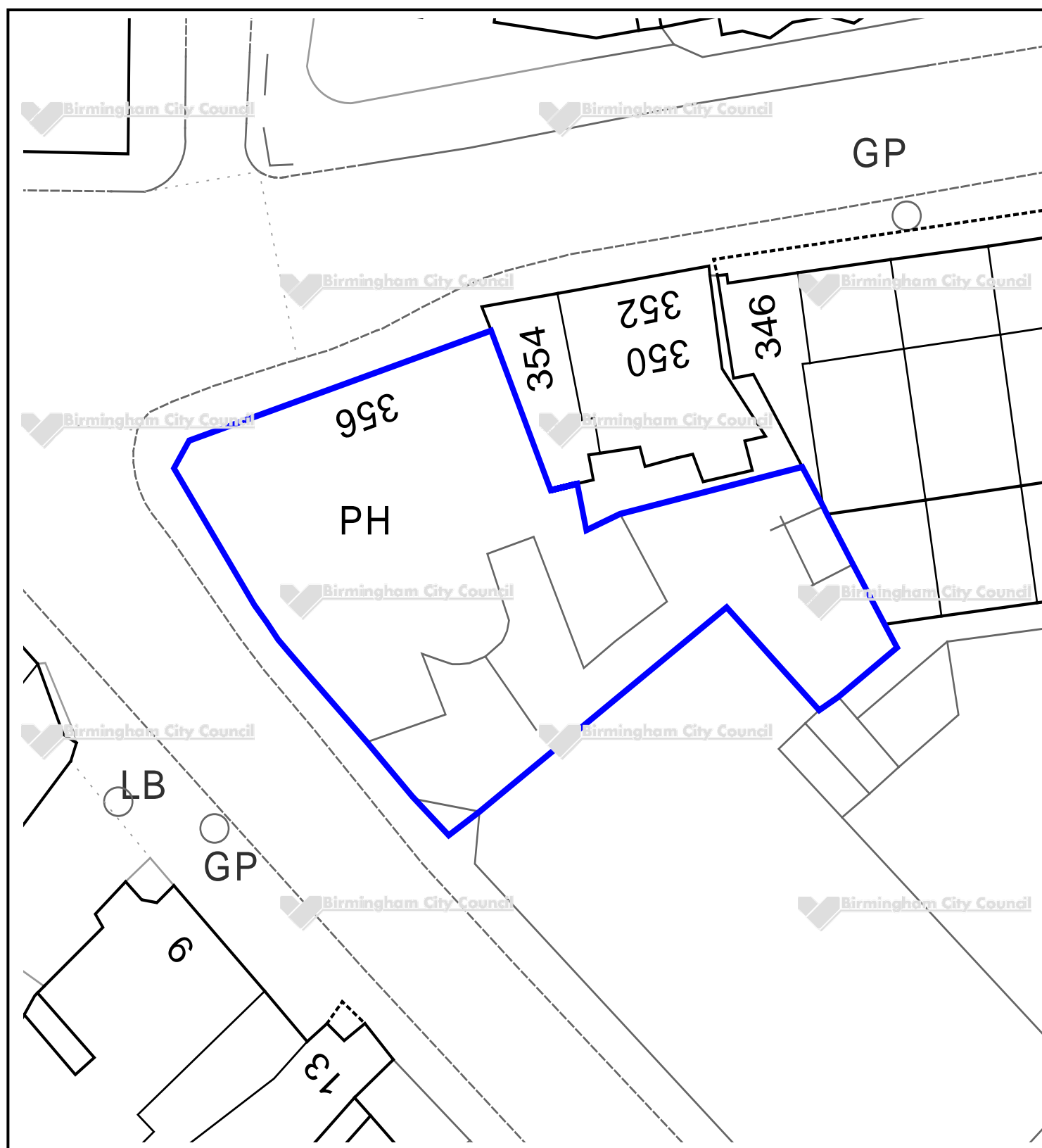


Photo 1: View from further west on High Street, close to roundabout



Photo 2: View from south on Harborne Park Road

Location Plan



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Committee Date:	07/07/2016	Application Number:	2016/02337/PA
Accepted:	12/04/2016	Application Type:	Full Planning
Target Date:	12/07/2016		
Ward:	Edgbaston		

27 Norfolk Road, Edgbaston, Birmingham, B15 3PU

Proposed demolition of the existing building and erection of 4 storey building providing 57 assisted living apartments for the elderly (Use Class C2) with communal facilities, landscaping and car parking

Applicant:	YourLife Management Services Ltd 4th Floor, 100 Holdenhurst Road, Bournemouth, Dorset, BH8 8AQ,
Agent:	The Planning Bureau Ltd Unit 3 Edward Court, Altrincham Business Park, Broadheath, Altrincham, Cheshire, WA14 5GL,

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. This application proposes the demolition of the former YMCA Alexandra Residential Club and erection of a block of 57 Class C2 Assisted Living apartments. The scheme would consist of 34 one beds and 23 two beds.

1.2. **Proposed accommodation**

1.3. The proposed block would be largely four storeys (12.8m high) and arranged as a T-shape with a projecting wing to the rear. The building would include the following:

- Ground floor: Foyer/Reception, offices, laundry, refuse store, buggy store, kitchen, communal lounge, communal dining room, function room, kitchen, staff sleepover room and 9 apartments (6 x 1-bedroom and 3 x 2-bedrooms).
- First floor: 17 apartments (11 x 1-bedroom and 6 x 2-bedrooms).
- Second floor: 16 apartments (9 x 1 bedroom and 7 x 2-bedrooms).
- Third floor: 15 apartments (8 x 1 bedroom and 7 x 2 bedrooms).

1.4. All apartments would comprise a living room, kitchen and bathroom allowing for some independence however the basic care package would include 24 hour staffing, regular domestic assistance and provision of one hot meal per day. Additional personal and health care could be added to the package as individuals' needs change over time.

1.5. **Site layout**

1.6. The west boundary of the site fronts Norfolk Road with existing vehicular access in its northwest corner. This access would remain unchanged, with the addition of new automatic gates set back 5.6m from the back of the pavement, a pedestrian access would be added halfway along the west boundary. Both access points would lead

into a car parking area comprising 27 parking spaces. An additional 8 parking spaces, which already exist in the northeast corner of the site, would be retained giving a total of 35 parking spaces.

- 1.7. The proposed block would be positioned approximately 28m into the site from the west (front) boundary and would extend across almost the full width of the site to the north and south boundaries. This would leave the width of a driveway, adjacent to the north boundary, to facilitate access to the retained parking spaces to the rear of the building. The main body of the building would be 19m deep and the rear wing would be an additional rear projection of 21m. A gap of 11.7m would be maintained between the end of the rear wing and the east (rear) boundary of the site.
- 1.8. Communal amenity space to the rear of the building is approximately 1687sqm which equates to 30sqm per apartment.
- 1.9. The scheme proposes the removal of 6 trees consisting of a 3 category C (ash, holly and turkey oak) and 3 category U (oak, Sycamore and Lime). 21 new trees are indicated.
- 1.10. **Elevations**
- 1.11. The design of the proposed block is influenced by nearby 1930s mansion blocks but would have a more contemporary appearance. It has been amended during the application process in response to officers' comments, omitting some white render detail and deepening some of the recesses on the front elevation. The final scheme now comprises a flat roof block broken up with forward-projecting bays, a mix of recessed and Juliet balconies, a centrally placed main entrance with canopy, and banded brickwork on the ground floor to create a strong base to the building.
- 1.12. Windows are largely the same size, as is typical of mansion blocks, however blue brick sections join some windows to give the building a vertical emphasis.
- 1.13. The proposal is supported by a Design and Access Statement, shadow diagram, Phase 1 Habitat Assessment, Statement of Community Involvement, Drainage Statement, Transportation Statement and Tree Survey.
- 1.14. The site area is 0.56ha.
- 1.15. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the east side of Norfolk Road approximately 50m south of the junction with Hagley Road and is currently occupied by the now vacant former YMCA accommodation. This is a 1960s four storey flat roof building with a staggered footprint. The site slopes down from west to east across the site by 2m. A belt of trees and shrubs at the west boundary of the site restricts views into the site and there are mature trees at each of the other three boundaries.
- 2.2. The surrounding area comprises a mix of buildings in terms of age and use. Fallowfield to the north is a three storey 1970s block of apartments with balconies facing the application site. To the east is the rear parking area of Akbar's Indian Restaurant which fronts Hagley Road. To the south are residential gardens including that of No. 8 Broomhurst, an infill cul-de-sac off Augustus Road dating

from the late 1980s/early 1990s, and No. 18 Augustus Road and Nos. 25 and 26 Norfolk Road.

- 2.3. On the west side of Norfolk Road the Genting Casino and Norfolk House School occupy period properties, originally large residential villas. The school building is Locally Listed Grade A.

2.4. [Site location plan](#)

3. Planning History

- 3.1. 03/12/2015 – Pa no. 2015/09127/PA - Pre-application advice for the demolition of existing flats and the erection of a 57 unit assisted living development – Advised four storey building likely to be acceptable in principle given the scale of the existing building. The applicant's attention was drawn to the relevant planning policies and requirements in relation to parking and separation distances to existing dwellings.

4. Consultation/PP Responses

- 4.1. Transportation Development: No objection. Traffic generation is not expected to be significantly different to that of the previous 98 bed hostel use. Trip generation analysis within the submitted Transport Statement suggests an expected minor reduction. The Car Parking Guidelines SPD suggests demand for up to 34 spaces based on 57 units and 15 staff. With the provision of 35 off street spaces it is expected that demand associated with this use would be adequately accommodated within the site. It is acknowledged there is an internal buggy store within which cycles can be securely stored.
- 4.2. Regulatory Services: No objection subject to conditions restricting noise levels for plant and machinery, provision of a noise and vibration assessment, provision of a contamination remediation scheme and land verification report, and requiring a vehicle charging point.
- 4.3. Birmingham Public Health: No response received.
- 4.4. Severn Trent: No response received.
- 4.5. Drainage Team: No objection subject to a condition requiring submission of a sustainable drainage assessment and sustainable drainage operation and maintenance plan.
- 4.6. Site and press notices posted; local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application; 9 responses received raising the following objections:
- The proposal is too dense. Similar developments have fewer apartments/lower density.
 - The 8 parking spaces shown opposite Fallowfield were used as a basketball pitch when the site was occupied by students and not as parking. As 24 hour care is proposed cars will be coming and going all night.

- Insufficient off-street parking spaces are proposed. There are very few spaces on Norfolk Road which are dangerously busy in working hours due to the schools, casino and overflow of city centre workers.
- Loss of view, light and amenity to Fallowfield as the building would have a third larger footprint than the existing building.
- The proposed building extends to one metre from the southern boundary wall, extending past the existing building by approximately twelve metres. This will lead to a loss of light, shading and overlooking.
- Serious loss of light especially for Flats 15, 14, 12, 9, 8, 7, 4 and 3.
- Overlooking from the proposed balconies that would have direct views into the windows of Fallowfield as will the north elevation directly opposite Fallowfield.
- All buildings in Norfolk Road are 3 storeys or less. The YWCA was a charity and 4 storeys was acceptable at that time, but it is now out of character with the area and to make it even taller will spoil the natural beauty of the area.
- The proposed footprint is much larger than anything else in the road.
- Norfolk Road is a notorious bottleneck. To build another 57 flats plus all their cars plus visitor cars will create havoc.
- It is unfair to locate the kitchen, refuse store and laundry room opposite Fallowfield as the noise, smell, vermin, delivery vehicles and refuse trucks will spoil the quality of life of residents. It is incongruous to have a commercial style restaurant (100 places) plus extractors, delivery vans, cooking smells and noises, plus refuse bins and a laundry directly outside our flats. Surely these should be placed at the rear of the building where they do not cause discomfort to anybody.
- Impact on ecology of wildlife eg. squirrels and birds. The building of this home will impact on the wildlife of the area. Colonies of Hedghogs, foxes, badgers and approximately 2 dozen birds (results of the last RSPB survey.)
- The proposed development backs onto the car parks of 'Akbars's', TGI Fridays and the hotel. They have brightly light car parks and because of their late licences the noise goes onto 2 to 3 in the morning.

5. Policy Context

5.1. UDP 2005; Pre-Submission Birmingham Development Plan 2031; SPG Places for Living 2001; SPD Car Parking Guidelines 2012; SPG Specific Needs Residential Uses 1992.

5.2. NPPF; NPPG.

6. Planning Considerations

6.1. **PRINCIPLE**

6.2. The NPPF defines the three dimensions of sustainable development as being economic, environmental and social. Recently, the NPPF and appeal decisions

have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

- 6.3. Policy TP27, of the draft BDP, requires new housing to be; outside flood zones 2 and 3; served by new or existing infrastructure; accessible to jobs, shops and modes of transport other than the car; capable of remediation; sympathetic to historic, cultural or natural assets; and not in conflict with other specific policies of the plan. In summary, this site is considered to be in a good location to deliver sustainable development.
- 6.4. The *Specific Needs Residential Uses* SPG states that Class C2 residential care homes should not cause demonstrable harm to the residential amenity of nearby occupiers by reason of noise and disturbance; if the area already contains premises in similar use, the cumulative effect will be taken into account; proposals should not compromise highway safety; and adequate amenity space should be provided.
- 6.5. The applicant has submitted supporting document to explain how the use falls within the C2 use class. The applicant describes the use as an 'extra care' facility; providing care to elderly, frail and vulnerable residents in their own home. The model provides scope for independent living but also provides a communal dining room and kitchen (offering catering 365 days a year), access to a range of communal facilities and domestic care and personal care. Residents, on average enter aged 80 and rely on greater care as their needs change. I am confident that the use described fits within the C2 use class and would not provide a C3 use (private dwelling, independent living). A condition is recommended that limits the minimum age of occupants to ensure that this use remains in C2 in perpetuity.
- 6.6. The proposed development would comprise C2 apartments which I consider would fit well into the existing mix of residential accommodation in the area. Much of the surrounding residential area to the north and south comprises large single family dwellings, while there are flat developments intermittently along Hagley Road. The other assisted living schemes locally comprise Hagley Road Village approximately 1.3km west along Hagley Road and Sunrise Senior Living 1.5km east on Church Road, which are not close enough to cause any negative cumulative impact on the locality.
- 6.7. **DESIGN**
- 6.8. Paragraph 3.14 of the UDP identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development, comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should

contribute positively to making places better for people.” This proposal has been the subject of both pre-application advice and further discussions with your City Designer during the application process and I consider the resulting scheme would make a positive contribution to the character of the area.

6.9. Site layout

- 6.10. The existing building is a four storey flat roof hostel with a staggered building line part of which sits further forward than the proposed development. The proposal would have a similar length of frontage but would not be staggered and would better define the Norfolk Road building line, which at this point is weakened on the east side of the road by the position of older buildings to the south. The larger of the two parking areas would be located in front of the building, using the existing vehicular access, with a good landscaped buffer to the front. The smaller car park would remain in its existing position in the northeast corner of the site. Amended plans show an enlarged entrance plaza without any loss of parking spaces.

6.11. Scale and design

- 6.12. The design is intended to be a contemporary version of the traditional 1930s mansion blocks seen on Hagley Road. The flat roof design helps to keep the scale similar to that of the existing hostel. The height of the main building would be 12m, the proposal includes some raised roof elements to add interest. This compares to the height of the existing building which is 13m. Assisted living accommodation is only viable with a minimum number of flats, typically 50, to benefit from the additional staffing and communal facilities relative to sheltered apartments. The provision in this case of a four-storey rear wing allows for the necessary number of apartments without adding to the height on the frontage. Its central position within the plot also helps to retain mature trees within the site. The design of the elevations has been amended during the course of the application in order to give a more convincing interpretation of the mansion block style and to remove some prominent render which emphasised the height of the building. Deeper recesses have been added along the length of the front elevation, particularly in the staircores, to break up its 63m length and this is further assisted by the use of contrasting blue brick banding and panelling and a mix of walk-in and Juliette balconies. A limited hierarchy in window size has been introduced to add variation whilst still respecting the key characteristics of the mansion block which generally feature identical windows throughout.

6.13. TREES AND LANDSCAPING

- 6.14. Paragraph 3.38, of the UDP, states that “...new developments, particularly those on open land, will be expected to respect, and where possible enhance, the local environment... through the retention of existing trees and through... landscaping schemes”. Policy TP7, of the draft BDP, reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains.
- 6.15. The scheme proposes the removal of 6 trees consisting of a 3 category C (ash, holly and turkey oak) and 3 category U (oak, Sycamore and Lime). Of the three on the frontage, two of these are category U (dead/dying/diseased) only the Ash (category C) is of note and this is directly adjacent to the rear wall of 26a Norfolk Road. One tree is on the southern boundary of the site (lime cat U) and two small trees are within the rear garden in the northeast section of the site. The accompanying tree survey indicates that these are all in poor condition. The Tree Officer concurs that

the trees proposed for removal are of limited interest and the majority should be removed for the good tree management of the site. The scheme includes an indicative landscape scheme with 21 new trees being accommodated within the proposed plan, mostly towards the front of the site in and around the parking area. I am satisfied that there is sufficient space within the site to allow for suitable replacement trees and these would be secured via the landscape scheme condition. I concur with the view of the Tree officer subject to a condition that requires the tree works to be undertaken in accordance with the provided tree method statement.

- 6.16. The Landscape Officer has advised that overall the site has the potential for a good amount of planting, particularly along the front boundary. There is an opportunity for additional planting adjacent to the north border to better screen the occupants of Fallowfield from the retained parking area, and this could be secured via a landscaping condition. At the front of the site a low wall with piers and railings are proposed. Railings are not typical of the area and a more appropriate wall and hedging combination should be secured by condition. The Landscape Officer has raised concern regarding the loss of tree T5 at the southern boundary of the site as there is insufficient space between the boundary and the two-storey element of the proposed building for any significant planting to screen the development from No. 8 Broomhurst. The proximity of this part of the proposed building to No. 8 is discussed below in relation to its effect on residential amenity however, from a landscape perspective, the existing boundary fence would be retained and the replacement tree could be located elsewhere in the site.
- 6.17. The grounds would offer good amenity space in a mature landscaped setting. Approximately 30sqm per flat would be available and the rear garden area would be banked to form a level terrace immediately around the rear wing to facilitate its use by potentially infirm residents.
- 6.18. Regulatory Services has no objection subject to conditions to ensure that noise levels for plant and machinery are limited and an electric vehicle charging point is provided. Conditions are also recommended requiring a contaminated land remediation scheme and verification report, and a noise and vibration assessment neither of which I consider to be necessary: the site is already in a residential use and there is no evidence of likely contamination and the site is not within 30m of a railway line and although Hagley Road is busy there are many residential properties both on Hagley Road and close to it which are unlikely to be protected against vibration. I do, however, consider it appropriate to add a condition requiring details of the odour extraction system for the main kitchen within the development.
- 6.19. Overall, the City Designer and I are satisfied that, following the amendments the proposed development would be an improvement on the existing building in terms of appearance and position within the plot and would make a positive contribution to local character.
- 6.20. **IMPACT ON RESIDENTIAL AMENITY**
- 6.21. The residential property of 26 Norfolk Road is located to the front of the south-west corner of the application site and has a very limited rear garden. The relationship to no. 26 would be an improvement to the existing context as the proposed building would be set back approximately 9.6m further into the site than the front elevation of the existing building. This would consequently increase the separation distance from the rear elevation of number 26 to the front of the proposed building from 10.4m (existing) to 20m (proposed). The southern end of the proposed building would be 10.6m longer than the existing building and this would comprise a 4.1m four storey

section and a 6.5m two storey section with habitable room windows facing the rear of No. 26 Norfolk Road. Places for Living recommends 5m per storey setback when main windows are proposed overlooking existing private space. The windows in the proposed two storey section would comply with this guideline, being some 17.8m from the boundary with No. 26. The windows on the top floor of the four-storey section would be 1.6m short of the required 20m, however, I do not consider this would lead to undue overlooking, especially as No. 26 is not a traditional dwelling with a rear garden but instead the rear wall of the property is only 2.5m from the rear boundary wall.

- 6.22. The south boundary of the application site is adjacent to 8 Broomhurst and 18 Augustus Road, both two-storey detached houses with good-sized rear gardens. A tree is proposed to be removed on this boundary and this would create a small gap in the screening. The proposed building would be closer to the site's southern boundary than the existing building, and would be on a section of raised ground (built up by approximately 1m) to enable the building to achieve a consistent internal floor level. The nearest element of the proposed building is two-storey. I have carefully considered the submitted cross section drawings and am satisfied that this relationship is acceptable to the neighbours' properties. It is also noted that the proposed building would be to the north so would not cause a loss of sunlight, nor materially affect daylight to the gardens. One first-floor kitchen window would overlook the very end of the garden to 8 Broomhurst, so that window shall be obscurely glazed by condition.
- 6.23. The distance between the closest point of the side elevation of the proposed building and the front elevation of Fallowfield would be 21m. Places for Living guidelines suggest 27.5m separation, but the guideline is less strictly applied at the fronts of developments. I am satisfied that the level of privacy between the developments and windows in particular would be acceptable.
- 6.24. The proposed block is wider than the existing, facing Fallowfield, but would not have an unduly overbearing impact in my opinion on the outlook from Fallowfield, given distance separation and tree's screening effect. I note that residents here have objected partly on the basis of loss of light and overlooking. The submitted shadow diagram illustrates that there would be no over-shadowing at most times of the year, there seems to be some slight loss of light to the communal garden in the late afternoon during spring and autumn, but this is slight and when comparing to the impact of the existing 4 storey building (in a similar location) further reduces this concern. I am therefore satisfied that light would not be substantially affected by the proposal.
- 6.25. In terms of overlooking, the northern wing has a balcony at first and second floors facing east, parallel to the northern boundary. This would provide a small area where occupants could conceivably stand and gain a view into the premises of Fallowfield, giving a greater sense of nearness and loss of privacy than the nearby windows. Therefore, a obscurely glazed screen would be required by condition, to the Fallowfield-side of the two balconies.
- 6.26. To the eastern boundary, beyond the proposed communal garden area, is a large car park used by Akbars (which is itself accessed from Hagley Road). I recognise that this could cause some noise disturbance through its use but I also recognise that the site is already in use as a residential institution and nearby houses are nearer to the commercial car park and subsequently more affected by any late night disturbance. I note that Regulatory Services have not objected to the application and have not requested glazing attenuation to mitigate any potential noise source, to the

front or rear of the site. On this basis, I am satisfied that the ongoing use of the commercial car park to the rear would not affect the amenity of new occupants within the application site.

6.27. **PARKING/HIGHWAY SAFETY**

6.28. Policy 6.49B, of the UDP, seeks new development to make adequate parking provision to meet all transport needs. The NPPF states that “when setting parking levels LPA’s should take into account the accessibility of the site, the type, mix and use, access to public transport, local car ownership and the overall need to reduce high emission vehicles” Policy TP37 of the draft BDP requires development proposals support and promote sustainable travel and TP43 requires new development to support the delivery of a sustainable transport network.

6.29. The Car Parking Guidelines, within the SPD, seek a maximum of 34 spaces based on 57 units and 15 staff. The scheme includes the provision of 35 parking spaces. The existing access on the north side of the frontage would continue to be utilised. Parking on street is largely unrestricted along Norfolk Road. A number of regular buses run within short walking distance, along Hagley Road, throughout the day.

6.30. Transportation colleagues have raised no objection to the proposed assisted living apartments at this site. It is not considered traffic generated by this use would be significantly different to that of the previous 98 bed hostel use. Trip generation analysis within the submitted Transport Statement suggests an expected minor reduction. With the provision of 35 off-street spaces it is expected that demand associated with this use would be accommodated within the site. It is also acknowledged there is an internal buggy store within which cycles can be securely stored. I concur with the findings of Transportation.

6.31. It is noted that objections received partly relate to concerns in regard to the potential creation of additional traffic and parking demand. However, a number of these refer to an understanding that there will be provision of 27 spaces rather than the proposed 35 and in addition it appears there is an expectation that the accommodation is general open market flats as opposed to the assisted living units being proposed. As already outlined above, the parking offered is in excess of your maximum standards and it is not considered traffic associated with this use would be notably different to the former 98 bed hostel.

6.32. **DRAINAGE**

6.33. The proposed strategy of pipe network with permeable paving, underground storage and flow control structure would provide limited amenity and biodiversity opportunities. Given the extent of landscaping to the east of the property and bordering the car park area, the Local Lead Flood Authority (LLFA) encourage the implementation of rain gardens, tree pits and filter drains in these areas. The LLFA have raised no objection provided that calculations are provided to consider the proposed network performance (for all events up to and including the 100yr plus 30% climate change event). The LLFA also require typical cross-sections and details of the proposed surface water features. I am confident that these matters can be resolved by condition and as such recommend conditions to secure a sustainable drainage plan and a plan to secure its operation and maintenance.

6.34. **ECOLOGY**

- 6.35. Paragraph 3.37, of the UDP, states that the importance of safeguarding and enhancing the natural environment of the City is recognised. Paragraph 3.38 continues that "...schemes...on open land , will be expected to respect, and where possible enhance, the local environment.. with the objective of maximising wildlife value". The NPPF, at paragraph 109, requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline. The draft BDP, at Policy TP8, requires all development, where relevant, to contribute to enhancing Birmingham's natural environment.
- 6.36. The site consists of an existing large building to the front and mature planting to all sides with a mature garden to the rear. It is also surrounded by similar established mature gardens. Surrounding gardens provide a good range of habitat for wildlife (bats, breeding birds, mammals etc). The majority of the mature trees on site are to be retained.
- 6.37. The phase 1 habitat assessment is acceptable and the nocturnal bat survey has been undertaken by competent ecologists and in line with best practice. The building has low potential to provide bat roosting and no bats were recorded using the site for roosting although two species were noted using the site for foraging. My ecologist is satisfied with the scope of the survey work and advises that the recommendations are adopted. These require Bat boxes within the new development design, located on or integrated into the buildings. In this instance, 6 x Bat boxes are proposed on the building and on retained mature trees. A suitable planting scheme is also required, including native and species beneficial to wildlife with native trees and shrubs used to landscape areas surrounding all buildings. The report also recommends that soft felling in undertaken for the tree in the northwest corner of the site and that a lighting scheme is agreed by condition.
- 6.38. **COMMUNITY INFRASTRUCTURE LEVY (CIL)**
- 6.39. The proposal would attract a zero charge in regard to CIL. Affordable housing Policy is not engaged as the scheme proposes a residential use outside of the C3 use class.

7. Conclusion

- 7.1. This application is recommended for approval. It would constitute sustainable development as described in the NPPF and would represent sustainable development, placing a care home in a location with good access to public transport. The proposal would not have an adverse impact on the local highway and provides adequate on-site parking.
- 7.2. The proposal would be sensitive to ecological and arboricultural interests. The scheme meets good design practice and would not unduly affect adjacent residential amenity.

8. Recommendation

- 8.1 Approve subject to conditions;

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- | | |
|---|--|
| 1 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 2 | Requires the prior submission of details of bird/bat boxes |
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- 3 Requires the prior submission of extraction and odour control details
 - 4 Limits the noise levels for Plant and Machinery
 - 5 Requires the prior submission details obscure glazing for specific areas of the approved building
 - 6 Requires the prior submission of hard and/or soft landscape details
 - 7 Requires the prior submission of boundary treatment details
 - 8 Requires the prior submission of a lighting scheme
 - 9 Requires the prior submission of level details
 - 10 Requires provision of charging points for electric vehicles.
 - 11 Sets a minimum age of residents
 - 12 Requires the prior submission of sample materials
 - 13 Requires the prior submission of Landscape Management Plan details
 - 14 Requires the prior submission of details for the careful removal of the tree in the rear garden
 - 15 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 16 Requires the scheme to be in accordance with the listed approved plans
 - 17 Limits the approval to 3 years (Full)
-

Case Officer: Amy Stevenson

Photo(s)



Photo 1: View from south on Norfolk Road

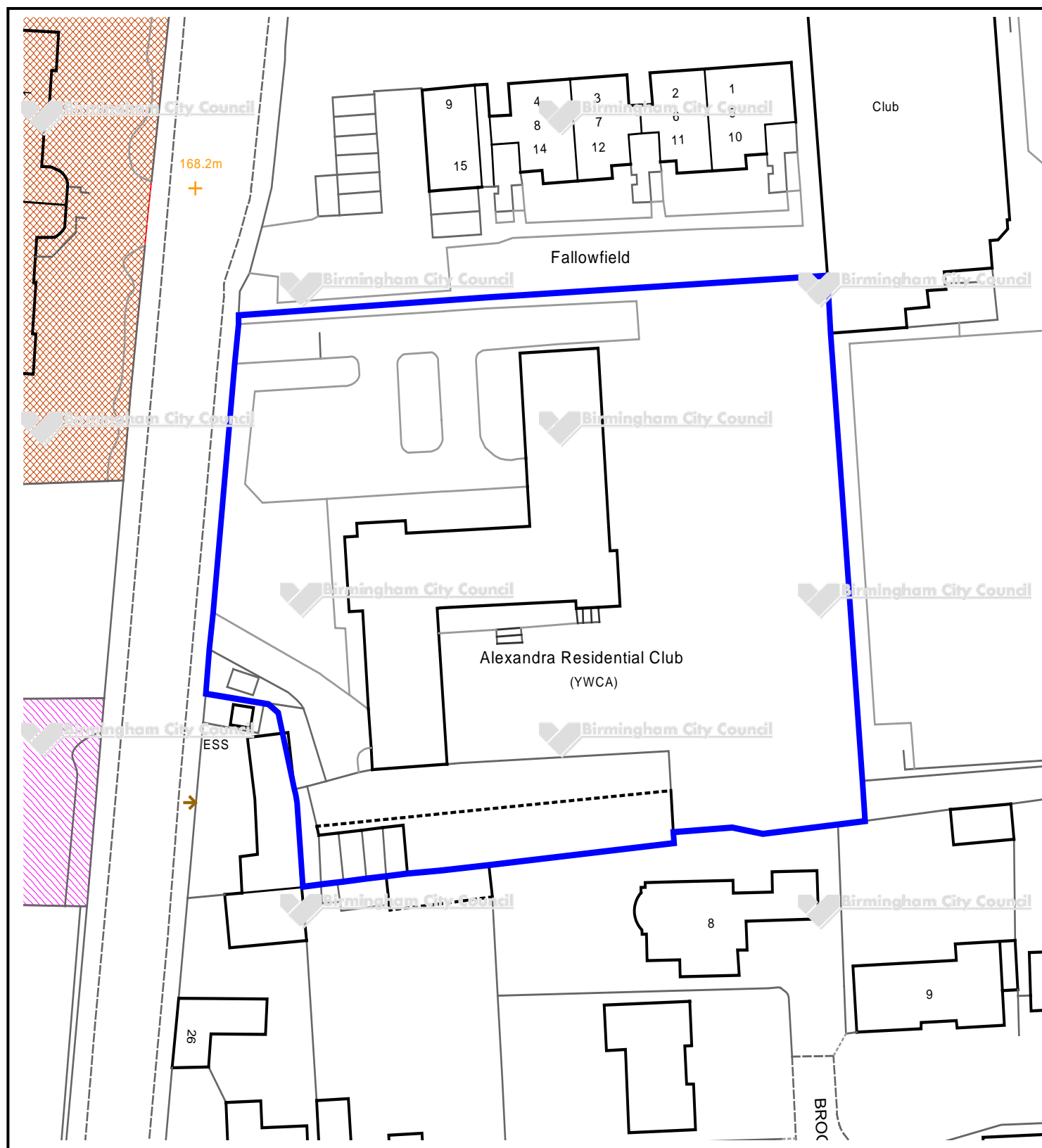


Photo 2: View of No. 26 Norfolk Road with application site to rear



Photo 3: View from north on Norfolk Road

Location Plan



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Committee Date:	07/07/2016	Application Number:	2016/03716/PA
Accepted:	06/05/2016	Application Type:	Outline
Target Date:	05/08/2016		
Ward:	Northfield		

Land adjacent 85 Redhill Road, Northfield, Birmingham, B31 3JS

Outline planning application for the erection of 14 no. flats, associated car parking and amenity area (landscaping reserved for future consideration)

Applicant:	Green CYC Ltd c/o Agent
Agent:	Central Building Design Ltd 1 Swallow Drive, Kidderminster, West Midlands, DY10 4DG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Outline planning permission is sought for the erection of 14 flats comprising 9, two-bedroom flats and 5, one-bedroom flats in two, three storey blocks; associated 14 space car park and three amenity areas of 212sq.m, 73.5sq.m and 163sq.m respectively. Landscaping is reserved for future consideration and as such, the matters of access, appearance, layout and scale are proposed for consideration as part of this application.
- 1.2. Planning permission was previously refused for the proposed development in 2005 but was granted on appeal in 2006. The development proposed within this submission would see the same development as that approved on appeal, with minor changes to design. The layout, scale and access would be the same as previously approved.
- 1.3. Block A would be located adjacent to and would front 85 Redhill Road with a communal amenity space of 163sq.m to the rear. The block would be accessed at the rear from the communal car park that would be situated to the south between the two proposed blocks and the ground floor flats would have individual front doors fronting Redhill Road. Block A would comprise 6, two-bedroom flats and 2, one-bedroom flats. The two bedroom units would range in size from 63sq.m to 89sq.m with bedroom sizes ranging from 11.5sq.m to 13.3sq.m for bedroom one and 6.6sq.m to 8.5sq.m for bedroom two. The one bedroom units would be 48sq.m and would have a bedroom measuring 16sq.m. The block would measure 20.4m fronting Redhill Road, 10.2m in depth and 10.2m in height. The ridge would sit slightly above that of the adjacent residential property at 85 Redhill Road. A 12m separation distance is proposed from the rear of Block A to the boundary with 6 Lilley Lane.
- 1.4. Block B would be located adjacent to 8 Lilley Lane and would front both Lilley Lane and Redhill Road. A communal amenity area of 212sq.m would be located in front of

Block B fronting Lilley Lane to the south, whilst a further amenity area of 73.5sq.m would be located to the north of the block. The block would also be accessed from the communal car park located to the north of the block. Block B would comprise 3, one bedroom flats and 3, two bedroom flats. The one bedroom units would be 49sq.m in size and have a bedroom measuring 13sq.m whilst the two bedroom units would be 68sq.m in size and would have bedrooms measuring 11.2sq.m and 8.2sq.m respectively. The block would measure 14.5m fronting Redhill Road, 10.4m fronting Lilley Lane and would be 9.9m in height to the ridge. The eaves height of Block B would be the same height as the adjacent residential buildings ridge as the buildings step down the hill on Lilley Lane. A 3m separation distance between the rear elevation of Block B and the side elevation of 8 Lilley Lane is proposed. The only window on the rear elevation of Block B looking towards the side elevation of number 8 would be to bedroom two of flats 2, 3 and 5. This is the same as that previously granted on an appeal.

- 1.5. Amended plans have been submitted that address concerns raised by your City Design officers that:
 - Provide the ground floor flats with front doors onto the street, to relate better to Redhill Road, be more convenient for residents and visitors, and provide activity and greater natural surveillance on the frontage.
 - Provision of larger, more generously proportioned windows to main rooms.
 - Provision of greater detail in the elevations, such as headers and cills of a different material.
 - Provision of greater variation in the fenestration - window sizes and patterns.
 - More articulation / relief in the frontage elevations, especially the Redhill Road block.
- 1.6. The application is accompanied by a Design and Access Statement, Planning Statement and a Transport Statement.
- 1.7. Site area: 0.14Ha. Density: 100 dwellings per hectare.
- 1.8. [Link to Documents](#)
2. [Site & Surroundings](#)
 - 2.1. The site is located in a predominantly residential area, though there is a distinct variety of building form and design. The existing red brick Victorian terraced housing in Redhill Road provides the strength of character to this street, built on relatively narrow plots with small front gardens and long rear gardens. The frontages of these properties have front garden walls or low hedges to define the front boundaries. On the opposite side of the street there is a modern terrace of properties set back from the road behind a large grassed verge.
 - 2.2. On Lilley Lane the properties are larger, predominantly semi-detached with larger front and rear gardens. These are also red brick in a cottage style, again with hedges and walls to define front plot boundaries.
 - 2.3. The site currently houses a hand car wash and a van rental firm. These appear to be in operation seven days a week. The hand car wash is located on the site nearest to 85 Redhill Road. No planning permission is in place for either of these uses.
 - 2.4. [Site Location Map](#)

3. Planning History

- 3.1. 10 October 2007. 2007/05068/PA. Planning permission granted for the erection of 8 residential flats and associated parking and amenity space – amendment to previous application 2005/01922/PA allowed at appeal.
- 3.2. 5 January 2006. 2006/07096/PA. Temporary approval granted for the change of use to light commercial vehicle sales until 5 January 2007.
- 3.3. 17 June 2005. 2005/01922/PA. Planning permission refused for the erection of 14 flats and associated parking and amenity space. The application was refused due to the impact the proposal would have on the visual amenity of the area and it was considered out of character. An appeal was allowed in September 2006.
- 3.4. 21 April 2005. 2005/01608/PA. Retrospective temporary planning permission granted for use of site for hand car washing and valeting until 21 January 2006.
- 3.5. 08 June 2004. 2004/01548/PA. Temporary planning permission refused for the change of use for 12 months to builders yard/garden centre.
- 3.6. The site was used as a petrol filling station until 2003.

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and resident associations notified. Site and press notice posted. Nine letters of objection/comment have been received from residents in Redhill Road, Lilley Lane and Exe Croft. Objections and comments are based on the following grounds:
 - Highway safety given the narrow nature of Redhill Road at this point.
 - Parking provision inadequate and the lack of on-street parking already in existence.
 - No visitor parking would be provided.
 - Overlooking of adjacent properties.
 - The site is contaminated land.
 - Flats are a good idea for the site but only if Redhill Road is made one way only.
- 4.2. West Midlands Fire Service - no objection.
- 4.3. Regulatory Services – no objection subject to safeguarding conditions relating to noise levels and a vehicle charging point.
- 4.4. Severn Trent Water – no objection subject to a drainage condition.
- 4.5. Local Lead Flood Authority – no objection subject to a sustainable drainage condition.
- 4.6. West Midlands Police – no objection.
- 4.7. Transportation – no objection subject to condition to secure lay-by opposite. Our concerns remain the same as those reported on application 2005/01922/PA, but the solution at appeal was a lay-by, which should be required again with this new application. Concerns at that time related to inadequate parking provision – recommended 1.5 per 2 bed dwelling and 1 per 1 bed. I appreciate BCC parking

guidance has altered since that time, PPG13 is no longer relevant and NPPF is now in place. However, these changes to policy do not remove the parking concerns.

West Heath is a very busy local centre. Redhill Road is narrow (minimum of 5.1 outside no. 85 to no. 102 then widening out to the roundabout junction. The nature of house types on Redhill Road – terraced housing – generate a high proportion of on street parking.

A traffic survey was undertaken in March 2014. The average two-way flow over a 12hr period passing the site was 7555 vehicles. A significant increase from that in 2003 of 5459 vehicles. An increase of 2000 vehicles cannot be ignored. Redhill Road gets congested with the accumulation of the above factors.

Given the narrowness of the road, the traffic flows, the site's close proximity to a busy roundabout and the nature of existing on street parking needs, we need to be sensitive to the parking requirements of any new development in this area. It is also noted that the local residents have strong views on the existing parking issues and traffic volume on and around Redhill Road.

The previous application (2005/01922/PA) went to appeal and the Inspector had serious reservation about the possibility of parking overspill onto Redhill Road and considered that this was a situation where the on-site parking provision proposed is insufficient on its own and had significant implications for highway safety.

At the Inquiry the appellant confirmed a willingness to promote the provision of a lay-by utilising the grassed verge on the opposite side of Redhill Road to provide additional parking. Whilst the lay-by would not be exclusively for the residents of the appeal site and their visitors it would clear the main carriageway and would significantly increase the amount of generally available on street parking close to the appeal site. The freeflow of traffic would also improve the increased carriageway width being freed up.

It was also proposed that residents' on-site car parking would be available on a communal basis to secure optimum use of available spaces, including visitors. Subject to these measures to control and secure parking, was agreed the highway safety concerns could be overcome, the same conditions should be attached now.

Cycle storage has been provided and circulation area within the site is satisfactory. Refuse collection will be from on street.

5. Policy Context

- 5.1. NPPF, UDP, Pre-submission Birmingham Development Plan (BDP) 2031, Places for Living SPG, Mature Suburbs SPD, Car Parking Guidelines SPD.

6. Planning Considerations

Policy and Principle

- 6.1. Planning permission has been previously granted on appeal for an almost identical scheme comprising 14 flats in two blocks with 14 car parking spaces. The previous application, granted on an appeal, was assessed against the UDP and Central Government policy of the time in the form of PPG3 (Housing). As such, whilst planning policy has changed since the previous appeal decision its policy threads

have not. The key policy documents to be considered for the assessment of the application are the UDP, the NPPF and the Pre-submission BDP.

- 6.2. The NPPF has a key principle being the presumption in favour of sustainable development, which is identified as having three stems of economic, social and environmental. Paragraph 17 identifies that a core planning principle of the NPPF is to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”* whilst paragraph 58 identifies that development should *“respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation and should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.”* This position runs through the adopted UDP, the Pre-submission BDP and adopted supplementary guidance.
- 6.3. Paragraph 5.20 of the UDP states that *“proposals for new residential developments...should be carefully designed so that they do not detract from the character of the surrounding area. A good standard of design is important in all residential developments, which should create a high quality living environment.”* Paragraph 3.14D identifies a set of criteria by which planning applications would be assessed. These include:
- *“Particular regard towards the impact that the proposed development would have on the local character of an area, including topography, street patterns, building lines, boundary treatments, views, skyline, open spaces and landscape, scale and massing, and neighbouring uses; and*
 - *Scale and design of new buildings and spaces should generally respect the area surrounding them, and should reinforce and evolve any local characteristics”.*
- 6.4. The Mature Suburbs SPD identifies how to determine the character of an area and that this can be undertaken through the assessment of built form, spatial composition, architectural style, enclosure, density, levels of landscaping and public realm. Paragraph 4.12 provides the mechanism for assessment against set design criteria:
- *“Plot Size,*
 - *Building Form and Massing*
 - *Building Siting*
 - *Landscape and Boundary Treatment*
 - *Plot Access*
 - *Parking Provision and Traffic Impact*
 - *Design Styles”*
- The SPD in paragraph 4.14 goes on to state that *“proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.”*
- 6.5. The inspector, in his appeal decision, considered that the main issue for consideration was the effect of the scheme firstly on the character and appearance of the area in terms of its scale, bulk, density and design and secondly on highway safety and convenience in relation to the provision of car parking.
- 6.6. In his appeal assessment, the Planning Inspector stated that the local planning authority's analysis on the design and impact on the surrounding area was too limited and it was necessary to examine the surroundings more widely in order to gain an appreciation of the how the proposal responds to its context. He went on to state that *“although two storey development predominates, the area has a mixed*

character...and there is no strong identifiable pattern in their form, design or disposition along either Redhill Road or Lilley Lane. In my opinion, the development would not appear incongruous in the context of the area overall."

- 6.7. The proposed siting of the blocks on the site would remain as per the previous approval. Changes are proposed to the elevations when compared to the previous decision and have been amended since submission to include elements that were successful in their design from the previous scheme. The principle of the development remains in accordance with policy requirements.

Residential Amenity

- 6.8. A separation distance of 21m would be provided between the two blocks which would have facing windows to Bedroom 2 in block A and kitchen/bedroom one in block B. On a three storey building as proposed, your guidelines in Places for Living suggest 27.5m. Whilst the 21m would fall below this, given the previous appeal history where the Inspector considered this layout acceptable and that this distance would be new to new, I consider this relationship to be acceptable.
- 6.9. With regards to separation distances from the proposed development to existing residential occupiers, a 12m separation from the rear of block A to the boundary with 6 Lilley Lane is proposed. This would be 3m below your Committee's guidelines for the second floor as proposed. The windows on the rear elevation at ground and first floor would comply with the separation distance of 5m per storey and would be to bedroom one and bathrooms. The rooflight windows proposed for the second floor on this elevation would service bedroom 2, bathrooms and the communal stairway. Given this, I consider that this relationship at 12m to be acceptable and would not lead to an unacceptable overlooking issue.
- 6.10. I note the relationship proposed from block B to the side elevation of 8 Lilley Lane. The proposed elevation in block B would see a bedroom 2 window that would be 3m from the flank wall of number 8. Whilst this is not an ideal relationship and would fall below your Committee's guidelines, the impact would occur to new residents rather than to 8 Lilley Lane. Overlooking from these windows to the garden of number 8 would only be at an obtuse angle. The block remains positioned as per the previous appeal approval and as such, I consider this to be acceptable.
- 6.11. With regards to the layout of the apartments as proposed, whilst some of the bedroom sizes fall short of your Committee's guidelines, this guideline has been superseded by the Government's national space standards. Whilst the LPA has yet to adopt these standards they provide a useful benchmark. For one bedroom apartments, the guidelines suggest a minimum of 50sq.m and for two bedroom apartments, this is increased to 70sq.m. The proposed development would have one bedroom units ranging in size from 48 to 49sq.m whilst the two bedroom units would range from 63 to 89sq.m. These would in places fall short of the guidelines however; as we have yet to adopt the standards this could not form a reason for refusal of the proposal. As such, whilst a number of the units would not meet the guidelines, I consider their size to be acceptable within this high density location which is close to the amenities of West Heath. Furniture layouts have been included in the proposed layout plans and I am satisfied that the accommodation proposed could accommodate sufficient space and furniture for its future occupants.
- 6.12. The proposed level of private amenity space would be approximately 449sq.m (equating to 32sq.m per flat) which would exceed your Committee's guidelines. Whilst these areas would not be particularly private in nature, they can be enclosed

by appropriate boundary treatment. The Inspector on this matter noted that *“if prospective purchasers did not feel that the outside sitting areas were adequate in size or the level of privacy they offered then they could exercise choice and choose to purchase elsewhere. There are also those who would prefer not to have to maintain a larger outside space of their own.”* I concur with the Inspector’s judgement in this respect and consider the amenity areas proposed to be acceptable.

Highway Safety and Car Parking

- 6.13. 14 car parking spaces are proposed on site located in a central courtyard that would be accessed via a central access point. This layout and provision remains as per the previous appeal decision. At that time, the Inspector noted that 14 spaces (one per dwelling) would *“represent an under provision that could lead to additional on-street parking with significant highway safety implications. Redhill Road has a carriageway of limited width which was significantly restricted by parking along the appeal site frontage and extended towards the commercial units to the north-west. As a result, two way movements are not possible. Vehicles therefore have to stop and queue whilst oncoming vehicles pass those parked along the roadside.”*
- 6.14. During the appeal, the Inspector noted that the appellant at the time confirmed a willingness to promote the provision of a lay-by utilising the grassed verge on the opposite side of Redhill Road to provide additional parking. The Inspector stated *“while the use of the layby would not be exclusively for residents of the site and their visitors, it would be clear of the main carriageway and would significantly increase the amount of generally available on-street parking close to the site. It was also proposed that residents’ on-site car parking would be available on a communal basis to secure optimum use of available spaces, including by visitors. Subject to these measures to control and secure parking, I would not wish to oppose the scheme on the grounds of highway safety.”*
- 6.15. Transportation continues to remain concerned regarding parking provision, on-street parking and consequently highway safety. Also the number of vehicles using Redhill Road has increased significantly since the appeal was granted in 2006. However, Transportation confirm that the proposed layby secured by condition on the appeal decision, if secured on this application would clear the main carriageway and significantly increase the amount of generally available on-street parking close to the site. The free flow of traffic and subsequently highway safety would also improve with the increased carriageway width being freed up. As such, Transportation raise no objection subject to the imposition of safeguarding condition for the layby provision as per the previous appeal decision. I concur with this view and the applicant has confirmed in writing that the lay-by provision still forms part of the proposed scheme.

Other Matters

- 6.16. I note the objection on contaminated land and the site’s previous history as a petrol filling station. A contaminated land report was not submitted as part of the application and Regulatory Services have raised no objections nor requested conditions relating to contaminated land. However, to address the noted concern, which does not preclude residential development being considered acceptable, a contaminated land condition is recommended.
- 6.17. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. The redevelopment of the site for housing accords with both national and local planning policy. The proposed development would provide new housing within the City boundary; would not have an adverse impact on the adjacent residential amenity and would have a beneficial impact on the character and amenity of the surrounding area through the removal of two non-conforming uses in this area.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would see the redevelopment of an existing non-conforming use for new residential development which, would in turn, provide economic and social benefits for the existing and new residential occupiers, whilst supporting the provision of local employment in construction and does not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

- 8.1. That outline planning permission is granted subject to the conditions outlined below.

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| 1 | Requires the submission of reserved matter details following an outline approval |
| 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 | Requires the prior submission of a drainage scheme |
| 6 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 7 | Secures noise and vibration levels for habitable rooms |
| 8 | Requires the prior submission of details of a communal satellite dish |
| 9 | Limits the maximum number of dwellings to 14 |
| 10 | Requires the prior submission of hard and/or soft landscape details |
| 11 | Requires the prior submission of boundary treatment details |
| 12 | Requires the prior submission of a landscape management plan |
| 13 | Requires the prior submission of a lighting scheme |
| 14 | Requires the prior submission of sample materials |
| 15 | Prevents occupation until the on-site turning and parking area has been constructed |
| 16 | Requires the provision of cycle parking prior to occupation |
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- 17 Requires BCC Transportation consents/license for off-site parking lay-by, prior to commencement of development
 - 18 Requires prior submission of a premises management plan
 - 19 Requires the provision of a vehicle charging point
 - 20 Limits the approval to 3 years (outline)
-

Case Officer: Pam Brennan

Photo(s)

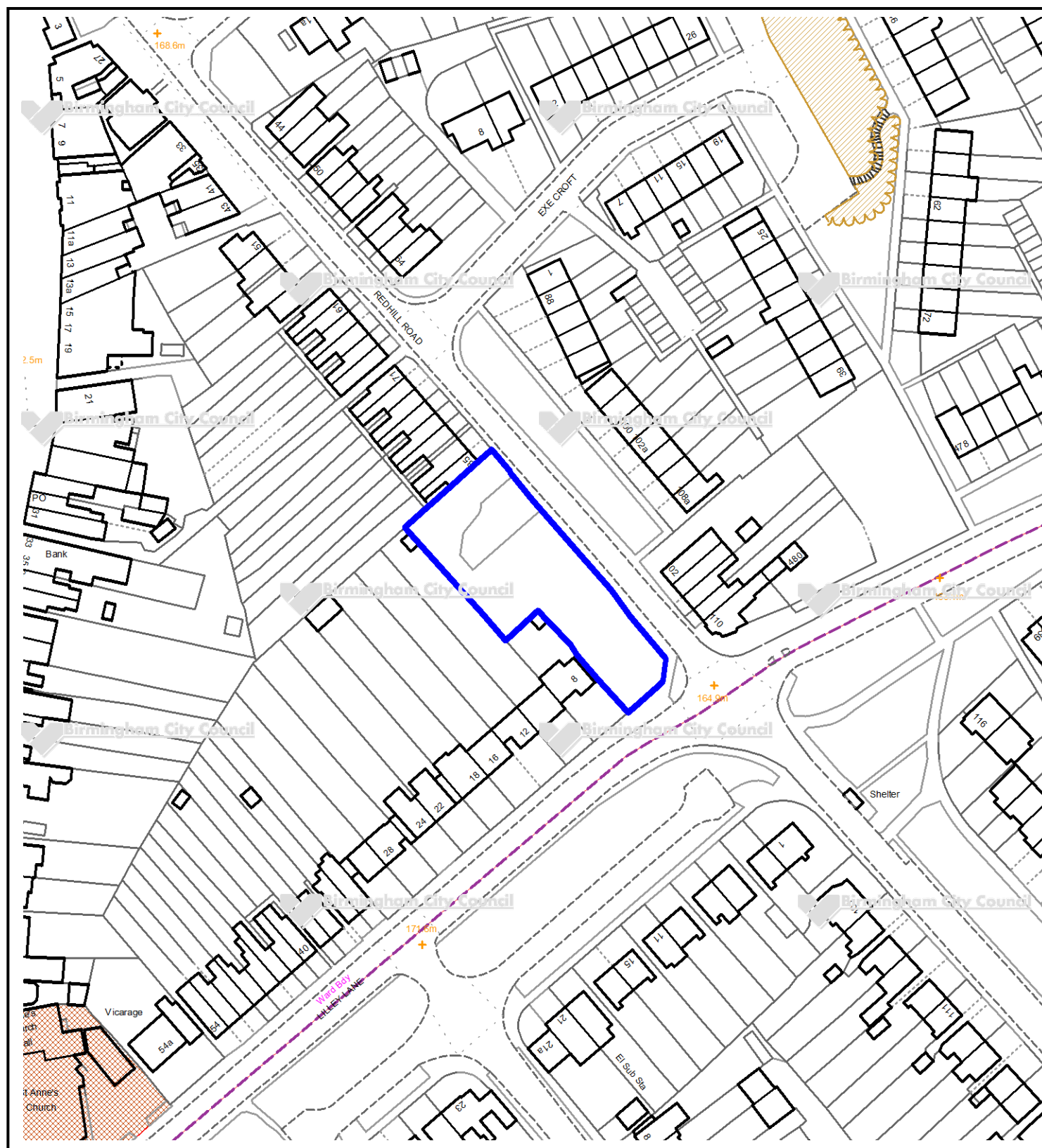


Photograph 1: View of application site (car washing) and adjacent residential properties on Redhill Road



Photograph 2: View of application site (van rental) and rear of 8 Lilley Lane adjacent to site.

Location Plan



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Committee Date:	07/07/2016	Application Number:	2016/04014/PA
Accepted:	16/05/2016	Application Type:	Full Planning
Target Date:	11/07/2016		
Ward:	Kings Norton		

McDonald's Restaurant, Parsons Hill, Kings Norton, Birmingham, B30 3PN

Reconfiguration to the 'drive thru' lane to provide a side-by-side ordering point system and associated works, installation of 2 new customer order displays with associated canopies and erection of office extension.

Applicant:	McDonald's Restaurants Ltd 11 - 59 High Road, East Finchley, London, N2 8AW,
Agent:	Planware Ltd The Granary, 37 Walnut Tree Lane, Sudbury, Suffolk, CO10 1BD

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the reconfiguration of the 'drive thru' lane to provide side-by-side ordering point systems with associated canopies and the erection of an extension to the office at an existing McDonald's restaurant and drive thru.
- 1.2. A section of the existing single lane drive thru would be split into two lanes with an island in between. The resulting maximum width of the two lanes would be 8.2m wide. Associated works would include the reconfiguration of kerb lines, the installation of two customer order points with associated canopies and the installation of a new height restrictor. The new kerb line would be a maximum of a further 4m closer to the site's front (south-west) corner, with closer proximity to nearby trees to the west of approximately 3m.
- 1.3. The proposed customer order points would consist of a 3m high column with a 2.4m x 3.5m canopy. The column would have a camera, microphone and speaker and would be illuminated from the canopy by florescent tubing. The canopy would be constructed of glass- reinforced plastic, coloured white.
- 1.4. Additionally, the proposal includes the extension of the existing office which is located adjacent to the drive thru lane within the existing corral yard which is fenced away. The proposed extension would measure 2.5m in length x 2m in width x 2.5m in height.
- 1.5. The proposed drive thru lane reconfiguration would be located adjacent to and extend within the root protection area of a Maple Tree and a group of 8 multi trunked Cherry Trees covered by a Tree Preservation Order (TPO). These are located on the Western boundary of the site adjacent to the 'drive thru'.

- 1.6. This application was submitted in conjunction with an advertisement consent application proposing the display of various internally illuminated and non-illuminated signs (application ref: 2016/04028/PA) which is awaiting determination.
- 1.7. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site relates to the Drive Thru McDonalds Restaurant located at Parsons Hill, Kings Norton. This is two storey building built in an Art Deco style. The building was originally the Cartland Arms Public House and sits on the corner of Parsons Hill and Broad Meadow Lane and has a prominent position at this busy road junction.
 - 2.2. The drive thru loops around the building from the front to the rear with the drive thru booths being located to rear. There is a landscaped strip to the front of the building and car parking is located to the rear. The rear of the site is covered by a TPO.
 - 2.3. To the west of the site are the residential properties on Parsons Mews which face onto the site, with some landscaping and screening provided. There is a retail parade on the opposite side of Parsons Hill to the south with further residential areas to the east along with Broadmeadow Primary School.
 - 2.4. [Site Location Map](#)
3. Planning History
 - 3.1. 20/10/2011- 2011/06073/PA- External alterations to existing building, creation of patio area with outside eating area, installation of customer order display and other associated works- approved subject to conditions.
4. Consultation/PP Responses
 - 4.1. Transportation Development- No objection
 - 4.2. Regulatory Services- No objection
 - 4.3. Neighbouring occupiers, Ward Councillors and Residents Associations notified and a Site Notice displayed. Three letters of objection, and one petition of objection with 9 signatures from 6 different addresses on Parsons Mews, have been received. The objection letters outline the following concerns:
 - Noise issues
 - Parking and traffic issues
 - Littering and rubbish in the local area
 - Anti- Social behaviour
5. Policy Context
 - 5.1. Relevant local planning policy:

- Pre- submission Birmingham Development Plan (2031),
- Birmingham UDP (2005),
- Places for All (2001).

5.2. Relevant national planning policy:

- NPPF (2012).

6. Planning Considerations

- 6.1. The main issues for considerations are the principle of the development and the potential impacts of the development on visual amenity and residential amenity, highways safety and parking and the protected trees.

Principle of the Development

- 6.2. The National Planning Policy Framework seeks a presumption in favour of sustainable development. Paragraph 3.8 of the Birmingham UDP sets out the environmental strategy for the city, stating that we should enhance what is good and seeks to improve that which is less good. Paragraph 3.10 sets out that any proposals which would have an adverse impact on the built environment should be resisted.
- 6.3. This is an existing McDonald's restaurant with an existing drive-thru facility for the purpose of takeaways. The proposed works are intended to streamline the takeaway ordering process and would consequently reduce queuing time as orders would be taken quicker. In turn, this would ease congestion around the building. I consider that the proposed works are relatively minor and would be unlikely to significantly increase customers to the drive thru rather, it would streamline existing customer patterns.

Visual Amenity

- 6.4. Whilst the proposed extended drive-thru lane would be located at its closest point approximately 4m closer to the boundary of the site, I do not consider that the proposed works would appear significantly different from the current single lane drive thru. The proposed canopies would be in keeping with the commercial character and appearance of the building. The proposed office extension would be screened behind existing fencing and would not be visible from the surrounding area. Overall, the proposed works would be minimal and would not detract from the appearance of the building or the surrounding area.
- 6.5. The closest residential accommodation at Parsons Mews is located approximately 30m to the west and views of the proposed works would be limited as they would be screened by the existing boundary treatment which is made up of a wooden fence and a number of trees. The residential accommodation is separated from the application site by the access road into Parsons Mews. As such, the proposed works would have no impact on visual amenity to the adjacent residential properties.

Residential Amenity

- 6.6. The site is an existing McDonald's restaurant with a drive-thru facility that has an existing established noise relationship with the adjacent residential development. I consider that the use of the site would not intensify through the proposed

development but the drive thru alterations proposed would speed up ordering times and ease any congestion. The proposed additional lane is located just some 4m closer to the site's front corner in the south-west, with still a vegetated gap to the western boundary and some 26m gap to the Parsons Mews properties. I note the objections to the proposal regarding noise issues in relation to the restaurant use and I consider that this is an established situation and the proposed development would not result in additional noise and disturbance to neighbouring residents. Regulatory Services have raised no objection to the proposed development on noise and disturbance grounds and I concur with their view.

Highway Safety and Parking

- 6.7. Transportation Development have raised no objection to the proposed development. The alterations to the existing use, as proposed, would not impact upon the amount of parking provided on site. The proposed reconfiguration to the drive thru would not have a detrimental effect on the flow of traffic on Parsons Mews. As such, I consider the proposed development to be acceptable from a highway safety perspective and I concur with the view of Transportation Development.

Other Issues

- 6.8. My Tree Officer has raised no objection to the proposed development subject to a condition attached requiring the submission of an Arboricultural Method Statement and a Tree Protection Plan. The proposed development would bring the road surface closer to the root protection area of the one Maple Tree and 8 Cherry Trees covered by a TPO. However, my Tree Officer is satisfied that this can be addressed by the attachment of the suggested condition. I concur with this view and have attached the recommended condition below.
- 6.9. I note a number of objections from neighbouring residents in relation to anti- social behaviour and littering. I understand that these are existing issues in relation to the use of the site as a McDonald's Restaurant. I consider that the use of the site would not intensify as part of this proposal and as such any existing issues in relation to anti- social behaviour and littering are unlikely to be aggravated by the proposed works.

7. Conclusion

- 7.1. The proposed development would not adversely affect visual or residential amenity, highway safety or parking or nearby protected trees. The proposal constitutes sustainable development and as such I recommend that the application is approved subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

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

2 Arboricultural Method Statement - Submission Required

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|---|--|
| 3 | Requires that the materials used match the main building |
| 4 | Limits the approval to 3 years (Full) |
-

Case Officer: Sophie Long

Photo(s)

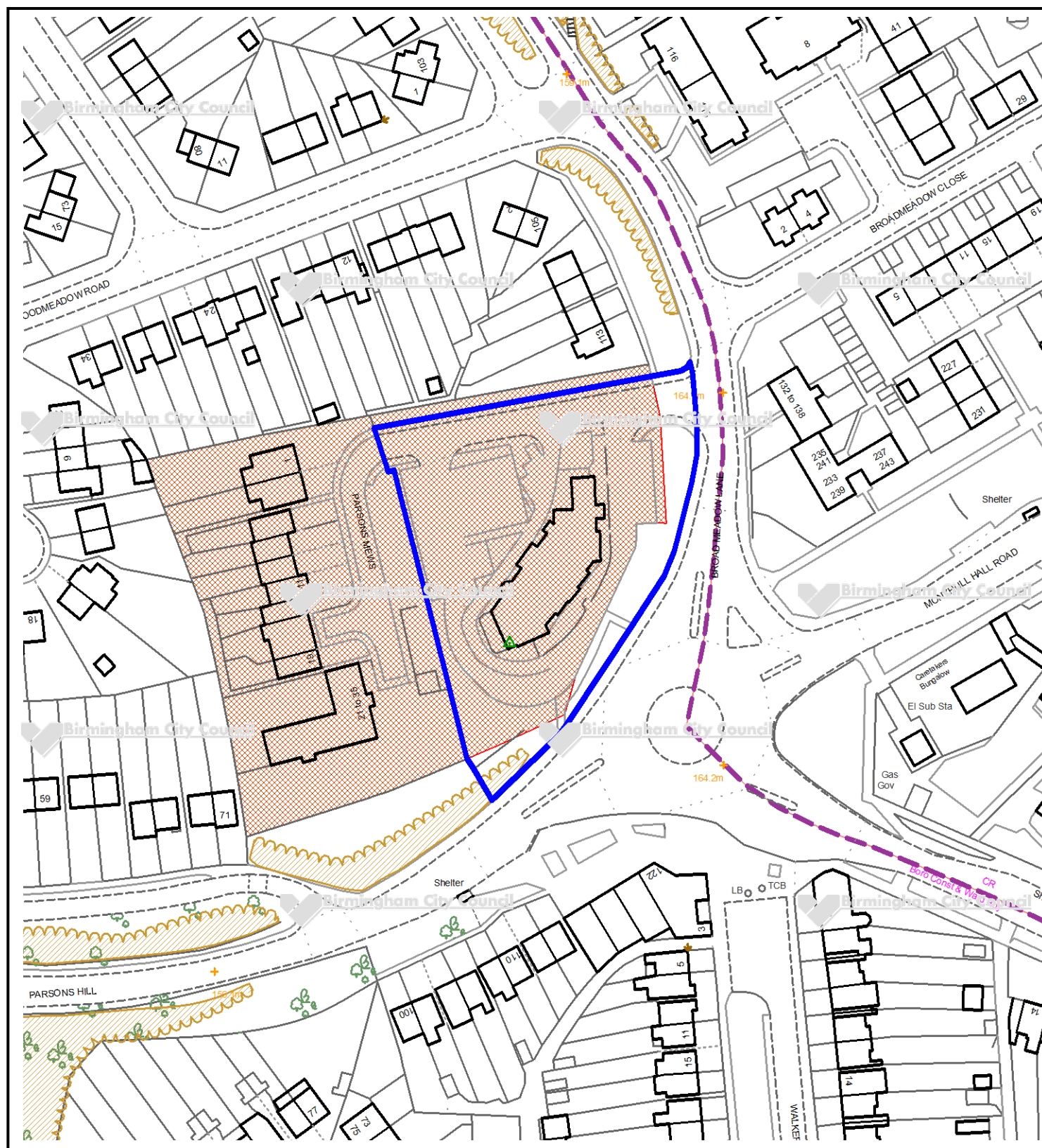


Figure 1- South eastern view of the drive thru



Figure 2- North western view of the drive thru

Location Plan



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Committee Date:	07/07/2016	Application Number:	2016/02527/PA
Accepted:	24/03/2016	Application Type:	Full Planning
Target Date:	19/05/2016		
Ward:	Kings Norton		

428 Redditch Road, West Heath Motors, West Heath, Birmingham, B38 8NA

Change of use from petrol filling station to car wash and valeting facility.

Applicant:	Mr Shyqyri Meshi 81 Wolverhampton Road, Oldbury, West Midlands, B68 0NF
Agent:	Circa Design 117 Fitz Roy Avenue, Harborne, Birmingham, B17 8RG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This retrospective application is for the change of use from a petrol filling station along Redditch Road to a hand car wash and valeting facility.
- 1.2. The car wash occupies the existing petrol station forecourt and utilises the existing filling station canopy to the centre of the site, with the valeting facility being sited to the south-west of the application site. The site includes a small store room and customer waiting area which originally formed part of the car showroom. The access to the site is via two existing vehicular accesses off Redditch Road.
- 1.3. Hours of use are 08:00 to 19:00 Monday to Saturday and 09:00 to 16:00 Sundays.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a former petrol filling station sited along Redditch Road and forms part of a larger commercial complex that includes Redhill Garage - a MOT and car repair and rescue facility to the east - , and West Heath Motors - a car sales showroom to the west. There is no defining boundary between the car wash and valeting facility from the adjoining commercial premises.
- 2.2. The site is located within a predominantly residential area with residential properties surrounding the site and the two adjoining commercial premises.
- 2.3. [Site Location](#)
3. Planning History

- 3.1. Relevant planning and enforcement history:
- 3.2. 28/04/1955 (14080000) – Petrol pump and tanks – Approved.
- 3.3. 09/11/1978 (14080005) – Redevelopment `of forecourt to construction of cash kiosk - Approved subject to Conditions.
- 3.4. 25/01/1996 (1995/03955/PA) – Extension and internal alterations to provide and enlarged Kiosk and shop - Approved subject to Conditions.
- 3.5. 15/10/1998 (1998/01164/PA) - Extension and alterations to provide larger sales building - Approved subject to Conditions.
- 3.6. 2016/0105/ENF - Operating of a car wash and valeting service – Enforcement action being held in abeyance pending the determination of the application.

4. Consultation/PP Responses

- 4.1. Transportation – No objections subject to conditions to ensure adequate drainage is installed and appropriate screening is erected.
- 4.2. Regulatory Services - No objections subject to conditions to restrict the hours of use (0900 -1800 Monday to Saturday and 1000 - 1600 Sunday).and the noise levels.
- 4.3. Severn Trent – No objections subject to appropriate drainage conditions being attached.
- 4.4. Neighbours, local Ward Councillors and MP notified and a site notice has been displayed. Seven letters of objection have been received from the occupiers of Redditch Road and Councillor Peter Griffiths. Objections have been raised on the ground of:
 - Noise impact from water jets,
 - Unsightly appearance of the site,
 - Water and mud drains onto the footpath,
 - Sticky residues left on neighbouring properties and cars,
 - Cars and van parking on the footpath and impact on visibility and highway safety,
 - No barriers in place to prevent spray escaping from the site.Councillor Peter Griffiths has also requested that the application be determined by the Planning Committee.

5. Policy Context

- 5.1. The following local policies are applicable:
 - Birmingham Unitary Development Plan (UDP) (2005).
 - Pre-Submission Birmingham Development Plan (2031).
- 5.2. The following national policies are applicable:
 - NPPF- Delivering Sustainable Development (2012).

6. Planning Considerations

- 6.1. The main considerations in the determination of this application are the impacts of the proposal on residential amenity, highway safety and the visual appearance of the area.
- 6.2. Policies within the Birmingham UDP recognise the need to protect and enhance what is good in the city's environment and improve what is less good. Proposals, which would have an adverse impact on the quality of the environment, will not normally be allowed. The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. Planning policies and decisions should aim to, avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.3. I consider that the use is acceptable in principle at this location. The site is located within the confines of an existing petrol station forecourt that is surrounded to the east, south and west by commercial uses, with the nearest residential property being 426 Redditch Road, over 30m away to the east of the application site. The agent has confirmed that the business utilises one domestic sized jet wash machine with the remaining washing activities undertaken by hand beneath the existing canopy, with the valeting area and vacuum being sited to the rear of the application site away from the residential boundaries. Despite objections being raised in regards to a detrimental noise impact on adjacent residential properties, Regulatory Services have raised no objections to the proposal subject to the inclusion of conditions to limit the hours of operation, and to restrict noise levels of Plant and Machinery on site. Regulatory Services request the daily use starts one hour later than proposed, but given the location on a main road and separation from houses, I do not consider an 8am start Monday-Saturday and 9am on Sundays to be likely to give rise to nuisance to nearest residents. As such, I consider the attached conditions would adequately protect the adjacent residential amenities in terms of noise impact of the car wash.
- 6.4. The ongoing washing activity is contained beneath the former petrol station canopy that is not currently screened from the public realm. The physical appearance of the site remains largely unchanged from the original petrol station, with all equipment stored within an existing store to the rear of the application site. Therefore, I do not consider that the change of use has any detrimental impact than the appearance of the original petrol station nor the visual amenities of the surrounding area.
- 6.5. Transportation department have raised no objections to the change of use as the car wash does not generate any more traffic and parking issues than that of the original use as a petrol station, and I concur with this view. Whilst I acknowledge the objections from residents that raise concerns regarding vans and cars being parked along the highway reducing visibility, it was noted on site that this is being generated from the adjacent commercial uses rather than from the car wash itself. Therefore these parking concerns cannot be considered as part of this application for the retention of the car wash.
- 6.6. Transportation and Regulatory Services have recommended the inclusion of conditions to secure the erection of an appropriate screen within the curtilage of the site (to protect passers-by on the footpath) and secure appropriate drainage methods within the site to prevent any water and spray being discharged outside the curtilage of the application site. These are recommended below.

7. Conclusion

- 7.1. I consider that the car wash and valeting facility complies with both national and local planning policy. The change of use, subject to the appropriate conditions being attached, would protect residential amenities and the visual amenities of the area, and cause no harm to highway matters. As such, I consider that the proposal would constitute sustainable development and there are no sustainable reasons to refuse the application.

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 | Limits the hours of use: 0800 - 1900 Monday to Saturday, and 0900 - 1600 Sundays. |
| 3 | Limits the noise levels for Plant and Machinery |
| 4 | Requires the submission of a drainage scheme, within a month of consent |
| 5 | Requires the submission of a spray screen, within a month of consent |
-

Case Officer: Catherine Golightly

Photo(s)



Figure 1: 428 Redditch Road forecourt

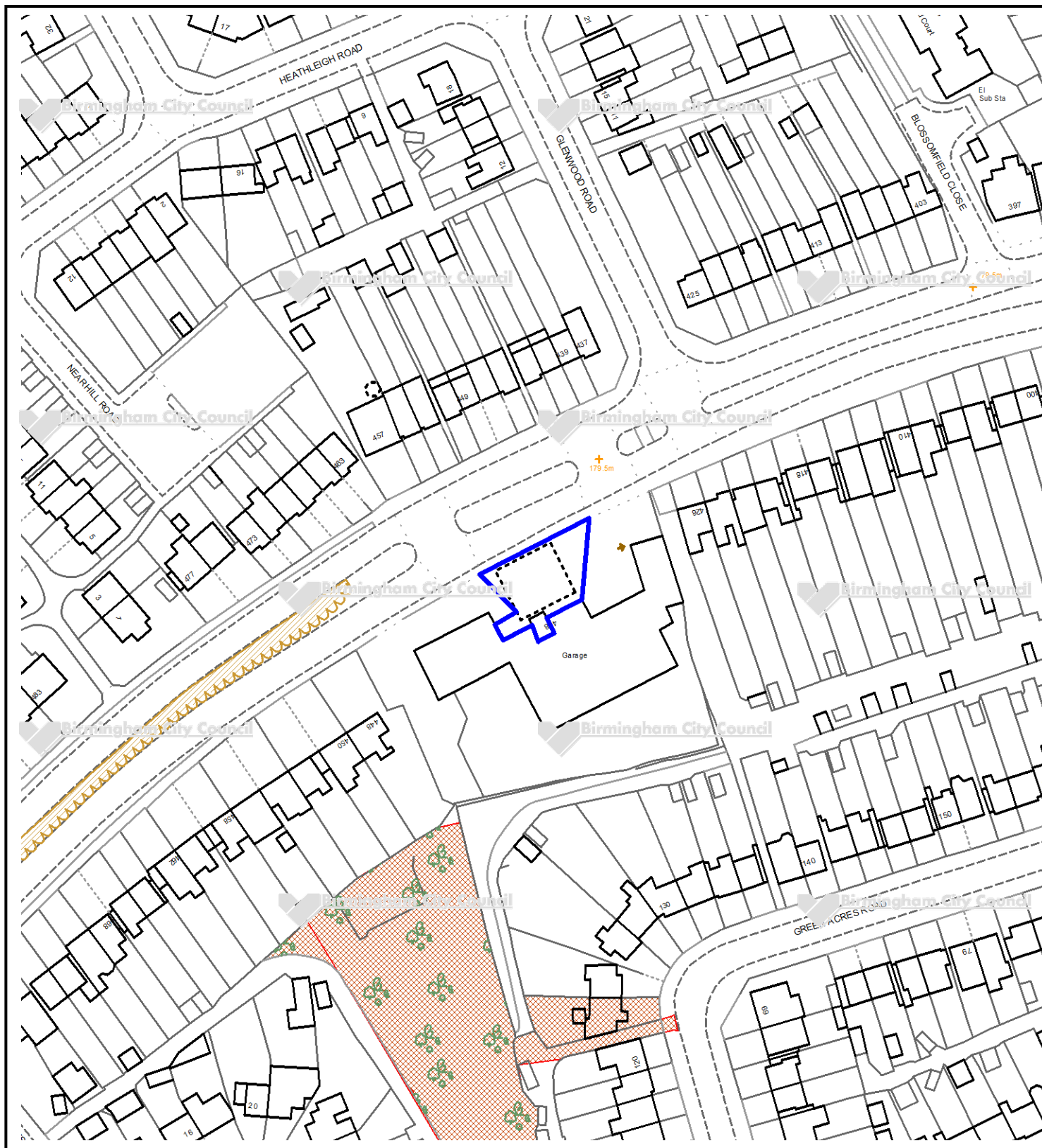


Figure 2: 428 Redditch Road view towards the south west



Figure 3: 428 Redditch Road view towards the east

Location Plan



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