

Birmingham City Council

Planning Committee

18 June 2020

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	6	2019/10518/PA 70-72 Handsworth Wood Road & land to rear Handsworth Wood Birmingham B20 2DT Erection of two storey rear extension comprising 13-beds to existing care home (Use Class C2) with alterations to existing car parking provision.
Approve – Subject to 106 Legal Agreement	7	2019/06666/PA Bellfield Inn 36 Winson Street Winson Green Birmingham B18 4JS Redevelopment of the site to include the erection of 13x 2-bed apartments (C3 Use) & 7x 1-bed apartments (C3 Use) with associated car parking, amenity space and vehicle access from Winson Street
Approve - Conditions	8	2019/07956/PA Former TRW Site Mere Green Road Mere Green Sutton Coldfield Birmingham B75 5BN Erection of a retail foodstore (Use Class A1) with associated car parking, access, landscaping and associated engineering works

Committee Date:	18/06/2020	Application Number:	2019/10518/PA
Accepted:	23/12/2019	Application Type:	Full Planning
Target Date:	05/06/2020		
Ward:	Handsworth Wood		

70-72 Handsworth Wood Road & land to rear, Handsworth Wood, Birmingham, B20 2DT

Erection of two storey rear extension comprising 13-beds to existing care home (Use Class C2) with alterations to existing car parking provision.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application proposes the erection of a two storey rear extension, comprising accommodation for up to 13no. additional residents, to an existing private care facility, catering for adults suffering from illnesses relating to their mental health.
- 1.2. The proposed extension would be sited to the rear of the existing care facility, known as Dartmouth House; which, at present, has a large private rear yard and it is to this area that the current application relates. The proposed extension would be erected centrally within the plot, directly off the rear elevation of the main building, on what currently comprises as a “herb garden” for the existing care facility. The extension would also comprise; a new communal lounge, residents terrace and other ancillary facilities, such as offices, kitchens and bathrooms.
- 1.3. As part of the development, the site's existing informal car park, sited to its rear would also be formalised and 8no. formal car parking spaces will be formed, to the site's, north-western end. An additional 2no. car parking spaces will be retained to the front of the site, within the site's front forecourt area. The application also proposes landscaping works within the rear garden area and along the boundaries of the site. These works would allow a greater and higher quality setting for residents and staff, while simultaneously, allowing for greater security of the site, ensuring the welfare of both residents and neighbouring occupiers.
- 1.4. The proposed extension would be 367sqm in size and would comprise 13no. additional bedrooms, with en-suites. These would measure 15sqm and would be sited at both ground and first floor level; the first floor of the extension is materially smaller in size, when compared to the ground floor as a result of this having been set back and in from the sides of the ground floor extension, in order to safeguard residential amenity of neighbouring occupiers. The building would have a maximum ridge height of 7.6m, with a width of circa 30m at its widest point and a depth of circa 14m at its deepest point. These measurements vary, as the extension has been designed with a staggered foot-point, with numerous forward projecting additions at ground floor level, to all four elevations. The ground floor would comprise:

- 7no. bedrooms, reception room, lounge for residents, nurse station, ancillary rooms, plants/store and toilets.

The first floor would comprise:

- 6no. bedrooms, ancillary rooms, toilets and store.

- 1.5. All side facing windows are to be obscure glazed, with the main outlook for all of the rooms being focused within the site's existing rear private garden area, alongside an internal courtyard, which will separate the new extension from the existing care facility.
- 1.6. In terms of staff, an additional 12no. full time members of staff will be required to run the extended care facility. These will consist of 8no. additional day time staff and 4no. additional night time staff. The existing 14no. staff members would also remain on site.
- 1.7. In terms of car parking provision, the site at present has an informal car park to its rear, consisting of some 18no. spaces. This will be removed and a new formal car park for 10no. spaces will be created.



(Image 1 - care facility in its context on Handsworth Wood Road).

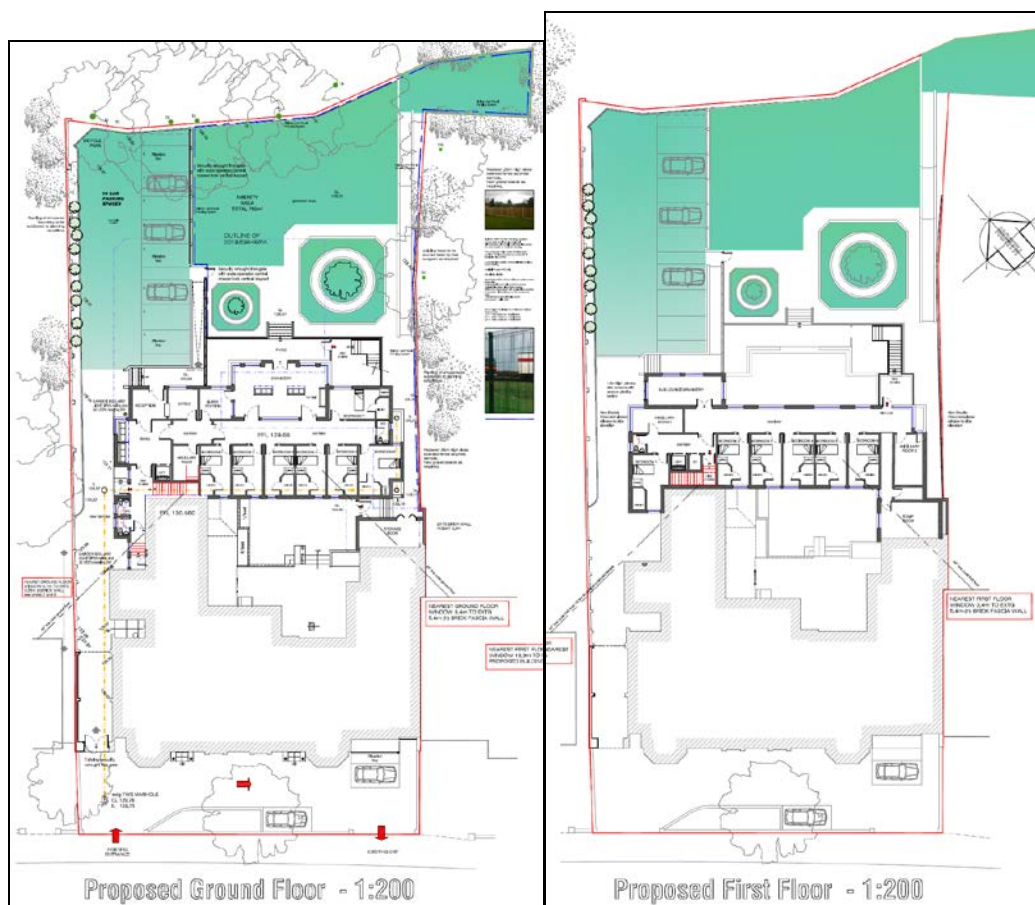
- 1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application relates to Dartmouth House, an existing residential care facility, sited to the north-eastern side of Handsworth Wood Road, Handsworth Wood, Birmingham. Situated within a largely residential area, the application site is bound by residential dwellings fronting onto Handsworth Wood Road to its immediate east, west and south. To the site's north, lie residential dwellings fronting onto Butler Road. Within the site's wider vicinity, a school and a number of other uses can also

be found; however, the overarching character of the area is derived as a leafy, residential suburb, with large residential plots, set well back from the road, with large rear garden areas.

- 2.2. The application site itself comprises numbers 70-72 Handsworth Wood Road. The site has a small forecourt area, with access directly from Handsworth Wood Road to its south-west. The care facility comprises 2no. three storey buildings, which previously would have formed as two separate Victorian Villas, now converted to form one large care facility. The property has been heavily extended to the rear at both single and two storey level and also comprises accommodation within its basement and roof level. There lies an undercroft access to the rear car park area sited to the site's north-west, with a large private amenity area also sited to the site's rear.
- 2.3. The site acts as a private care facility for adults with mental health concerns and at present the site houses some 15no. residents. The Use of the site falls under Use Class C2, as a Residential Institution. This Use would be retained.



(Image 2 – proposed site plan (ground and first floors) showing existing building and proposed rear extension).

- 2.4. [Site Location Link](#)
3. Planning History
 - 3.1. 2000/01028/PA - Erection of single-storey rear extension to existing nursing home – Approved with conditions – 14/12/2000.

- 3.2. 2019/03646/PA - Erection of a 15-bed care home (Use Class C2), parking and landscaping to rear of existing care home – withdrawn – 28/10/2019.
4. Consultation/PP Responses
- 4.1. Transportation Development – raise no objections to the development proposals, subject to suitable conditions, in relation to; cycle storage, parking spaces being formally marked out adequate parking & vehicle circulation areas being maintained.
- 4.2. Severn Trent Water – raise no objections to the development proposals, subject to suitable conditions, in relation to foul water.
- 4.3. Regulatory Services – raise no objections to the development proposals, subject to the addition of suitable conditions, in relation to; Noise Levels for Plant and Machinery, Extraction and Odour Control Details, the submission of a Construction Method Statement/Management Plan, Contamination Remediation Scheme , Contaminated Land Verification Report and the erection of a low emission vehicle parking space.
- 4.4. Access Birmingham – raise concerns that the en-suite bathrooms are small in size and may not be suitable for wheelchair users.
- 4.5. West Midlands Police – raise no objections to the development proposals, subject to the use of a CCTV scheme on site and make a number of other security related recommendations.
- 4.6. 24no. representations and objections were received in reference to this application; raising the following areas of concern:
- Increase in noise and nuisance;
 - Increase of residents with mental health issues which could impact upon neighbouring amenity;
 - Loss of light/outlook and amenity as a result of the proposals;
 - Numerous applications made to extend the site in the past;
 - Increase in call outs to the Police for the site;
 - Sets a dangerous precedent to develop rear garden spaces;
 - Impact upon house prices;
 - Increase in parking and congestions issues;
 - Overdevelopment of site;
 - Air pollution increase;
 - Development breaches 45 degree code for adjoining residences;
 - Effect on tree roots for adjoining gardens;
 - Existing car park to rear of site will be made busier;
 - Design of extension not in keeping with that of main home;
 - Development doesn't accord with BDP adopted policy guidance, alongside supporting SPG documents;
 - Rats within the garden;
 - Increased flooding and ground water run off concerns;
 - Increased lighting within the home will impact upon residential amenity;
 - Impact upon foster children being cared for within the area;
 - Increase in health risks for members of the public neighbours, from being attacked by residents.

- 4.7. 2no. petitions with 10no. and 65no. signatures respectively were also received, raising their objection to the development proposals, on the grounds, as set out above.
- 4.8. The Handsworth Wood Residents Association also has objected to the proposals on the following grounds:
- The proposed development would in-fill the application site;
 - Result in an increase in noise and nuisance for adjoining land users;
 - Some residents have special needs and as such these residents could have public health risks for neighbours and members of the public, should the home be increased in size;
 - Increase in Police call-outs, as the home would increase in size;
 - Parking and traffic concerns;
 - Concerned if the home can cater to an increase in residents; and
 - Concerns about ratio between non-residential uses and family dwellings within the wider area.
- 4.9. Councillor Kooner has also objected to the application proposals and called-in the application on the grounds that the proposed development would:
- Add to back garden development within the area;
 - Breach the 45 degree code, resulting in residential amenity impacts;
 - Increase the existing high police call out rate to the site;
 - Increase in noise and nuisance;
 - Impact upon Foster Children within the vicinity of the site;
 - Raise concerns around the wellbeing of the residents;
 - Increase highway related concerns; and
 - Result in an intensification of the application site.
- 4.10. A further 2no. letters of objection were received from the West and Central Fostering Support Team. These letters set out that there are children being cared for by foster parents within the vicinity of the application site and that the proposed development will exacerbate existing noise and nuisance from the site which will impact upon these children's mental and physical well-being.

5. Policy Context

5.1. Relevant Local planning policy:

- Birmingham Development Plan (BDP) 2017;
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies);
- Places For Living SPG (2001);
- Specific Needs Residential Uses SPG; and
- Car Parking Guidelines - Supplementary Planning Document 2012;

5.2. Relevant National planning policy:

- National Planning Policy Framework (NPPF) (2019)
- National Planning Policy Guidance (NPPG)

6. Planning Considerations

Background and development proposal context

- 6.1. The current application proposes the erection of a two storey rear extension, to the existing care facility on site, alongside proposing changes to the site's existing car park and landscaping provision. The proposed extension is to be erected in order to meet existing and proposed demand for care provision at the existing private care facility on site, in a more efficient layout and through the rationalisation of the site area.
- 6.2. The proposed development of the two storey rear extension follows a former application, made in 2019, under application reference: 2019/03646/PA; which was subsequently withdrawn in October, 2019. This sought to erect a separate detached care facility within the site's grounds, a plan which has now been superseded, allowing for these current proposals to come forward for wider site wide enhancement.
- 6.3. The current proposals would now extend the current facilities on site, with a contemporary, rationalised two storey addition, which would cater for an increase of up to 13no. residents; alongside increased internal and external amenity provision. The proposed works would also allow for wider site wide enhancement works within the site to create a formal car parking area, alongside improved landscaping and boundary treatment works across the site.

Principle

- 6.4. The proposal is for the construction of a two storey rear extension on an existing landscaped area, within the existing Dartmouth House site. The extension would be ancillary to the existing use of the site, as a Residential Institution, Use Class C2 and would not be used for purposes other than those directly relating to the wider site. The proposed extension would simply increase the level of care provision at the site, in order to allow the site to increase its care capacity by an additional 13no. residents.
- 6.5. The application site itself is not identified in the 2018 SHLAA, as well as within the 2017 brownfield register and remains unallocated within the BDP. The development would however increase the provision of such care facilities within the city, meeting the aims of policy TP27 from within the BDP, which seeks to cater to the housing needs of a variety of individuals, making the city much more resilient and able to meet the needs of its population who require such care provision, within an existing well established site.
- 6.6. It is therefore considered that the proposed development would increase the care provision of an existing, well-established, mental health care facility for adults, allowing the facility to increase provision and meet the demand for such care within the city for the longer term. The proposals would therefore comply with a number of policies from within the BPD and the NPPF and as such are supported in this regard. These will however have to be considered in light of the wider development plan policies.

Design

- 6.7. The proposed rear extension would be set over two levels and would comprise 376sqm of additional floor space. The proposals are set out in the form of a large rectangular building, situated centrally within the rear garden area of the application site. The proposed extension would be erected off the rear elevation of the existing care facility and the two buildings would have an open core in their centre, proving a

small area of amenity space, alongside outlook and light for the internal bedrooms. Landscaping would then bound the site to its north, with a small car park proposed to the site's north-western most corner; consisting of 8no. spaces. This would be a reduction from the existing rear car park which has some 18no. parking spaces.

- 6.8. The proposed extension would have a staggered foot-print to all its four elevations, with the first floor being materially smaller than the ground floor, being set both back and in from the ground floor element. The main bulk of the extension would have a depth of 11.4m; however this would increase to 14m, at the furthest point of the ground floor rear elevation. The extension would have a total maximum width of 29m, however this would again be at the furthest point of the extensions staggered foot print. The first floor would be substantially less in its projection at 8m in its forward rear facing projection. The building would support a total height of circa 7.6m, as a result of the low internal floor to ceiling heights, flat roof and sloping garden.
- 6.9. At ground floor level, to the building's northern end would be a reception area, day room for residents, which would open out onto an external patio area, nurse station, office, 1no. resident bedroom and lobby area. To the rear of the extension would like bathrooms, storage rooms, alongside 6no. bedrooms for residents. At first floor an additional 6no. bedrooms would be erected, with 3no. ancillary rooms for storage created. To the front northern end of the extension would be a large glazed corridor allowing for access and circulation. This would lead out onto an external terrace, acting as a fire escape, with stairs below.
- 6.10. Immediately to the front of the extension, an area of soft landscaping is proposed. This would run to the site's northern and eastern boundaries and would consist of a number of new trees, shrubs and hedgerows, allowing the building to have a softer impression upon the rear garden area. A timber post and rail fence, details of which are to be secured by way of condition, is proposed to bound the private garden area to all sides, thereby also allowing for security of the site and its residents.



(Image 3 – proposed rear elevation of proposed extension).

- 6.11. In terms of finish, the building would be finished off in red brickwork to match that of the existing building on site. In order to break up the large swathes of brickwork however render and cladded elements are also proposed throughout the four elevations, to allow the extension with diversity and relief. The proposed openings would be erected from aluminium and would also feature aluminium erected frames,

finished in a dark finish. The small pitched roof elements of the projecting elements at ground floor will use blue slate to match the existing building on site.

- 6.12. It is noted that proposed extension would be large in its scale. However, the development must be viewed in its wider context, which is characteristic of large buildings set within large and deep, spacious plots; with some encroaching into the rear garden spaces. The application site in particular has a very wide and both deep plot and an extension of this scale is considered to retain the wider areas character of space and openness. The extension further uses a very low ridge height and appropriate materials and would not be viewed from the public realm. Irrespective of this, when viewed from adjoining garden areas, this will take on the form of a secondary and subservient addition and would not be dominant within the site's rear elevation. The Council's City design officer further supports the high quality design and finish of the extension and recommends conditions requiring full details of the proposed landscaping, boundary treatments, material samples and architectural detailing. These conditions are appropriately included.
- 6.13. As such, it is considered that the proposed development is acceptable in its overall design, siting, scale and form and is seen to rationalise the site area for its betterment; creating a well-designed addition to the application site, which still allows the site to fit in within its wider context. The proposals are therefore considered to be supportive of policies from within the BDP and the relevant sections of the NPPF.

Residential amenity

- 6.14. A number of objections have been raised with reference to noise and nuisance arising from the existing site. Representations also make reference to health and safety concerns for the well-being of neighbouring land users, alongside that of the site's residents. I will therefore address these matters separately below:

Wellbeing of residents

- 6.15. The City's planning department must consider if the proposed development would provide suitable and adequate amenity provision for future residents at the site. In this effect, it is considered that the proposed development would create a high quality and spacious setting for residents. The proposed bedrooms are all considered to be of sufficient size and would benefit from a good source of light and outlook. The development would further create a large communal residents lounge, alongside a large external patio area and private rear grounds for residents to make full use of. The Council's locally adopted Specific Needs SPG seeks 16sqm, of outdoor amenity space provision per resident, which would equate to 448sqm, for a total of 28no. residents at the extended site. The application details a private amenity area of some 790sqm, well in excess of this figure.
- 6.16. In terms of the level of care and safety of residents, this is a matter for the Care Quality Commission and not a planning matter. However, for the purposes of this application, a condition which will require details of the site wide boundary treatment provision will be attached to any subsequent planning consent. This will ensure that the site is safe and secure; while also benefiting neighbouring occupiers. All other matters relating to instances of residents running out onto the road or creating noise and nuisance, are matters which are not unique to this site and have to be treated with caution, as these matters are specific to the needs of the individuals residing in the care facility and cannot be controlled by the planning department. However, measures can be taken to limit any such harm and these are outlined below.

- 6.17. The site is and should be viewed as an existing residential institution and has a license to operate in this manner. An increase in the number of residents will be monitored by the CQC and all matters relating to residents safety and welfare will be treated by the appropriate authorities. The CQC are also able to impose restrictions, withdraw a license and also impose stricter measures upon the site, if they feel that the care of residents is not up to standard. This however, cannot be considered at this stage and is not a planning consideration. For the purposes of this application, it is considered that an appropriate level of amenity would be on offer for future and existing residents at the site, as a result of this development. It is further considered that appropriate conditions for safeguarding such as those relating to boundary treatments etc. would ultimately benefit residents and neighbouring occupiers in the longer term. Instances where residents have escaped, or when the Police etc. have been called to the site, cannot be used to make a judgment on the current application, as these instances are not unique to this site and are associated within its use and the nature of the residents that the site would care for. For the purposes of this application, the Planning Department is able to make a balanced judgement on the level of accommodation being applied for and its likely impacts upon the wider area.

Amenity of neighbouring land users

- 6.18. The proposed extension will be set away from No. 68 Handsworth Wood Road, sited to its south-east by some 1.5m, at its closest point and would be set some 4m away from No. 74 Handsworth Wood Road, sited to the site's north-west, at its closest point. The existing care facility already breaches the 45 degree code with both of these neighbouring dwellings. These breaches are both as a result of the existing main building and the existing boundary treatment, which runs along the common boundaries, which presently consists of a 3m high brick walls. With reference to No. 74, this dwelling has ground floor rear facing window openings, which are breached by the 45 degree code, as a result of the 3m high existing boundary wall, at a distance of some 5.1m. In terms of the dwelling's first floor rear facing openings, these would also be breached by the 45 degree code by the side elevation of the proposed extension at first floor level, but due to this being set well away from the common boundary, this breach would occur at some 19.9m and as such this relationship is considered acceptable.
- 6.19. With reference to No. 68 this dwelling has an existing 3.4m breach with the existing building, at both ground and first floor level for its existing rear facing openings; however this dwelling is 3 storeys and also has windows at second floor level. These openings would however remain unaffected, as the proposed extension at the application site would be erected at two storey level and as this maintains a low ridge height, the proposals would not breach the 45 degree code at this point. As such, it is considered, as a result of the proposed extension, there would be no undue increased overbearing or overshadowing concerns for the site's existing neighbouring occupiers, over and above the existing situation on site, which would warrant the refusal of the current application.
- 6.20. All proposed window openings, sited within the side elevations of the proposed extension will be fitted with obscure glazing. These would be sited between 2.5m and 4.5m away from the site's respective side boundaries (south-east and north-west) and an appropriate condition has further been recommended in this regard. All first floor window openings will further be conditioned to be non-opening for 1.7m above internal floor level, in order to maintain the privacy of neighbouring adjoining occupiers. The proposed extension would further retain well in excess of 30m to the

site's rear facing boundary, where trees and landscaping cover will also be increased materially, ensuring minimal overlooking concerns for neighbouring land users.



Image 4 – showing the impact of the proposal on the 45 degree code (green lines) from No. 68 Handsworth Wood Road.



Image 5 – showing the impact of the proposal on the 45 degree code (green lines) from No. 74 Handsworth Wood Road

- 6.21. With reference to noise and nuisance from the site, these matters are firstly not uncommon for a use of this nature. As stated above, this is an existing use, already well-established on site, however as the provision is being increased, a number of measures are being proposed in order to ensure minimal additional harm to neighbouring land users. The first floor terrace area has also now been removed and a landscaping and boundary treatment condition will also be attached to any subsequent planning consent, in order to safeguard the amenity of neighbouring land users. In addition to this a noise prevention plan will also be conditioned as part of any subsequent approval, this will list a range of measures which the extended facility will use in order to minimise noise and disturbance to neighbouring land users. Measures will include; limiting the use of external areas to during daytime hours, restricting visiting hours and ensuring that all gates and fencing is secure at

all times, amongst others. These measures will be submitted to and agreed by officers and then implemented on site accordingly.

- 6.22. A lighting scheme condition will also be attached to any subsequent planning consent. This will ensure that any new lighting will be fitted in such a manner which will ensure minimal impact upon neighbouring land users.
- 6.23. The Council's Regulatory Services Department has also reviewed the application and has raised no concerns in this regard, subject to the use of appropriate conditions, some of which have already been discussed above. These further include; a maximum noise levels condition for plant and machinery, the submission of extraction and odour control details and the submission of a construction method statement/management plan. These conditions are considered both appropriate and acceptable and are recommended accordingly.
- 6.24. It is therefore considered, subject to the use of the above planning conditions, that the development would have an acceptable impact upon neighbouring land users and would not result in the detriment of residential amenity, above and beyond the existing situation on site. The proposals are therefore considered acceptable and in compliance with the relevant sections of the BPD and those within the NPPF.

Contaminated Land

- 6.25. The application is supported by a ground investigation report from Spilman Associates, reference: J18037/01, dated June 2018. This report identifies contamination that requires remediation and suggests a clean cover, for future development. The Council's Regulatory Services is content with the submitted report and has recommended that a condition be attached to secure a ground remediation scheme, alongside a contaminated land verification report. Subject to these conditions, officers raise no objection to the development proposals in this regard. These conditions are thereby appropriately recommended.

Transport and Parking

- 6.26. The proposal would see the erection of two storey rear extension, comprising 13-beds to an existing care facility (Use Class C2). The application also includes alterations to the site's existing car parking provision. As per the submitted details, the existing care facility caters for 15no. residents, while the proposed rear extension would provide an additional 13no. beds, making total capacity of the site to 28no. beds.
- 6.27. While officers acknowledge that the additional bedrooms are likely to increase traffic to/from the site. It is considered that the increase in traffic would unlikely have adverse impacts upon the surrounding highways network. The residents themselves are unlikely to own or make use of a car and thereby any trips to and from the site would be largely resultant of staff and visitors. This trip generation level is thereby not considered to be substantial in number and is further not considered to result any new undue concerns for the wider highway network. The Council's Highway Officers are further content with the proposals and raise no objections in this regard.
- 6.28. BCC current parking guidelines specify a maximum parking provision of 1no. space per 3no. bed spaces for C2 Uses. As such, the specified maximum parking provision for a total number of 28no. bed spaces would be between 9no. and 10no. spaces. The application form refers to the existing 18no. spaces on site being reduced to 10no. spaces. The retained provision would however be in line with the maximum

specified within BCC current guidelines and as the new layout would be formalised, this level of parking provision is considered to be acceptable for a facility of this size. It is also noted that the site benefits from a good level of accessibility to public transport.

- 6.29. Transport Officers however recommend that sufficient and appropriate provision for secure cycle storage is made on site, for the benefit of staff and visitors. These details are thereby to be secured by way of condition. A further condition will also be attached seeking full details of the electric vehicle charging point, which is to be implemented on site. Subject to the addition of such conditions, alongside a condition to ensure that the new car parking layout is both implemented and retained on site, the development proposals are considered acceptable in this regard and would be in line with relevant policies from the BPD and the relevant sections of the NPPF.

Trees

- 6.30. The application proposals have been submitted alongside a Tree Report and associated plans. This confirms that as part of the development, no trees on site would need to be removed, as these sit on the site's periphery and the proposed extension would be sited centrally within the site, leading off from the existing facility. The report however identifies a Lime Tree sited to the front of the site, to its main entrance, which it highlights as being in poor condition, as category U and advises that this be removed for health and safety purposes.
- 6.31. The remaining 15no. trees sited within the rear of the site are all detailed as being category B and C and are advised to be retained. The City's Tree Officer has reviewed the proposals and has raised no objections, given that none of the trees are detailed to be removed. The officer however recommends the use appropriate tree protection conditions requiring the submission of
- An Arboricultural Method Statement for tree protection zones;
 - The submission of details for no digging to take place for the erection of the proposed new car parking bays; and
 - A further condition relating to any tree pruning being carried out to National standards.
- 6.32. These conditions are appropriately attached. It is also noted that the site will see significant new planting throughout and in order to secure details of these, a landscaping condition is also recommended. Subject to these conditions, the development is considered acceptable in this regard.

Flooding and Sustainable Urban Drainage

- 6.33. The application is supported by a Drainage strategy and Drainage layout plan. The submitted drainage strategy sets out the proposed use of soakaways was not appropriate at this site and as such the application has made an in principle agreement with Severn Trent Water, in order to allow for both foul and storm water into the existing Severn Trent drainage system. The applicant has further indicated that on site storage for rainwater would also be created, through the creation of a rainwater garden, within the proposed rear amenity space. Rain water from the roof of the extension and the proposed car parking areas would then be diverted into the proposed rainwater garden, using design techniques, allowing for full infiltration. An operation and maintenance plan for the proposed drainage has also been submitted. These details were reviewed by STW and they have raised no objections. STW

have however requested a condition be attached to any subsequent planning consent, securing details of the site's foul water drainage be submitted to STW for approval; this condition has been appropriately attached.

West Midlands Police

- 6.34. West Midlands Police were consulted on the application and confirm that there has been a high Police call out rate to the address within the past 12 months, however, not every call has resulted in necessary Police intervention; this number may also not be uncommon for a site of this nature. WMP had therefore requested that the applicant provide further information on the site's security measures and to this effect the applicant has confirmed the below:
- 6.35. The applicant has confirmed that the site will see an increase in staff numbers, to manage the increased number of residents, meeting relevant guidance. The applicant has also confirmed that all external front doors to the extended facility would meet the PAS24 safety criteria and all internal bedroom doors would also be anti-barricade, improving both the safety measures for residents and staff.
- 6.36. The applicant has further confirmed that the current 9am-5pm manned reception retains a locked front door with video monitoring. A new reception area (to the rear) would become the main entrance and reception area for all staff, service users and visitors for the site and this would retain a locked door with improved visibility and video monitoring. All staff, visitors and service users are also required to sign in an out of all buildings on site and are further required to read a health brief and safety statement, upon arrival, which is attached to the visitor's book. Staff members also have use of electronic ID cards and clock in and out to of the building in order confirm attendance at work. The mental state of service users is assessed and recorded prior to leaving the building on every occasion. Clothing, destination and expected return times are also noted. These measures will be enhanced and retained as part of the wider site's redevelopment.
- 6.37. In terms of CCTV, the site has CCTV in place externally and within internal communal areas for the protection of service users, staff and visitors. The site's care policy which covers its use conforms to the CCTV Data Protection Codes of Practice (ICO) and CQC guidance.
- 6.38. WMP have therefore raised no objection to the application proposals, however have noted, that the expansion of the site would likely result to an increased number of calls from the site. To this effect they have requested a number of recommendations be operated within the extended facility, most of which are already detailed above. These would include:
- That the communal front door and individual bedroom doors should be to PAS 24 or an equivalent standard;
 - That an access control system with video monitoring and remote access control be operated on site;
 - That there is a method of recording when residents and any visitors enter and exit the site (either electronically or manually);
 - That each of the residents rooms be fitted with anti-barricade door hinges for the protection of the residents;
 - That CCTV be installed at the entrance/egress and any communal areas and images are produced to meet the standards; and that
 - This proposal is developed to enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design'.

- 6.39. The application site is a care facility for individuals with a range of mental health issues, naturally, given the conditions of such individuals, calls to the Police Service will be high for assistance. This is considered to be the case wherever such facilities exist throughout the city and these facilities are genuinely required in order to provide care for such individuals. These are monitored and assessed by the Care Quality Commission, who are able to impose sanctions and restrictions on sites to which they have concerns for residents or staff, with the strongest action being the closing down of the site.
- 6.40. The current facility already cares for some 15no. residents and seeks to increase this by 13no. however, this increase would also come with site wide improvements, mainly by boundary treatment enhancements or other security provisions, which should make the site more secure and safe for residents, staff and adjoining land users. Taking on board the Police's comments, a condition requiring the applicants to implement site wide CCTV and a further condition requiring the applicant to submit a security method statement will be attached to any subsequent planning consent. The Method statement will set out how the site meets the recommendations made by the Police and will specify the measures taken for the safety of residents. This will also make reference to the enhanced security fencing around the external communal areas and car park. Subject to the addition of these conditions, the application proposals are considered to be acceptable in this regard.

Other matters

- 6.41. A number of representations have raised concerns about the level of care on offer to residents at the site, alongside the fact that some residents have occasionally ran out of the facility etc. The Council's Planning Department is however unable to make a decision based upon how the existing facility is run and managed. The application site is registered with the Care Quality Commission (CQC) and are also regulated by CQC Regulations (2009) and the Health and Social Care Act 2008 (Regulated Activities). Any concerns or breaches by the providers, in terms of care provision for residents are considered for enforcement action by the CQC. This includes breaches to care standards which are regulated activities in the Health and Social Care Act. As such, these matters fall outside of the planning considerations remit of the current scheme. As set out above, the level of amenity on offer to residents is considered acceptable. The site is legally able to operate as a Mental Health support facility and there is no reasonable planning grounds which would result in this current application being refused, based on a number of instances, which may well be common for such site. Instead, a number of recommendations and conditions are attached to assist the management of the home, in order to ensure the safety and welfare of both residents and staff alike.
- 6.42. A number of representations detail that a foster carer is located within the vicinity of the application site. It is however considered that the impact of the development, upon all residents, including the rights of children, have been fully considered and form part of this applications planning balance. This concludes that the rights of residents, including children, would not be unduly impacted by the proposed development. The approach undertaken is proportionate for children's rights and human rights in general. It is also worth noting that the planning system by its very nature respects the rights of the individual, whilst acting in the interest of the wider community.
- 6.43. Concerns have also been raised stating that the residents would not be able to use the sites external areas and wouldn't be able to have visitors. The application

however proposes an extensive private amenity area for the sole use of residents and their visitors, during certain hours of the day. These hours will be agreed with the Council by way of condition, as part of the post consent phase of the development. A fine balance will be taken between allowing residents to enjoy the external areas of the site, whilst also safeguarding the amenity of neighbouring residents, as part of a noise management plan. This approach is not uncommon for sites of this nature and will prevent the sites external spaces being used into late hours, where these would potentially harm the amenity of neighbouring residents. There are no conditions proposed to prevent visitors to the site and these will be managed by the site operators, in co-ordination with the noise management plan.

- 6.44. Concerns have also been raised about the ratio between dwellings within the area and non-residential uses. It is confirmed that the development would not result in the loss of any residential units within the vicinity of the application site.
- 6.45. Concerns have also been raised in relation to rats and other such public health concerns. These are not material planning considerations and as such are not considered as part of this application's assessment.
- 6.46. Matters relating to impacts upon house prices are not a planning consideration.

7. Conclusion

- 7.1. The development proposals would deliver much needed improvement works to an existing Residential Institution within the city, allowing it to care for a large number of residents within the longer term, with underlying mental health conditions. The development would utilise an existing brownfield site, rationalising the site area and ensuring that wider site wide enhancement also take place. The development proposals are further considered to be of good design and are not considered to raise any new undue parking or residential amenity concerns, above and beyond the existing situation on site. Subject to appropriate safeguarding conditions, the development proposals are considered to be acceptable and in compliance with relevant sections of the NPPF and BDP, as set out above.

8. Recommendation

- 8.1. Approve with conditions:

-
- 1 Implement within 3 years (Full)
 - 2 Requires the submission of sample materials
 - 3 Requires the submission of architectural details
 - 4 Requires the scheme to be in accordance with the listed approved plans
 - 5 Requires obscure glazing for specific areas of the approved building
 - 6 Limits the number of Residents at the Care Facility (C2)
 - 7 Requires that the approved scheme is incidental to the main use
 - 8 Requires the submission of extraction and odour control details
-

-
- 9 Limits the noise levels for Plant and Machinery
 - 10 Requires the prior submission of a Noise prevention plan
 - 11 Requires the submission of a lighting scheme
 - 12 Requires the prior submission of a contamination remediation scheme
 - 13 Requires the submission of a contaminated land verification report
 - 14 Requires the prior submission of a Security method statement
 - 15 Requires the submission of a CCTV scheme
 - 16 Requires the prior submission of a construction method statement/management plan
 - 17 Requires the parking area to be laid out prior to use
 - 18 Requires the provision of a vehicle charging point
 - 19 Requires the submission of hard and/or soft landscape details
 - 20 Requires the submission of boundary treatment details
 - 21 Arboricultural Method Statement - Submission Required
 - 22 Requires tree pruning protection
 - 23 Requirements within pre-defined tree protection areas
 - 24 No-Dig Specification required
 - 25 Requires the prior submission of foul water drainage details
 - 26 Requires the submission of cycle storage details
-

Case Officer: Idris Gulfraz

Photo(s)

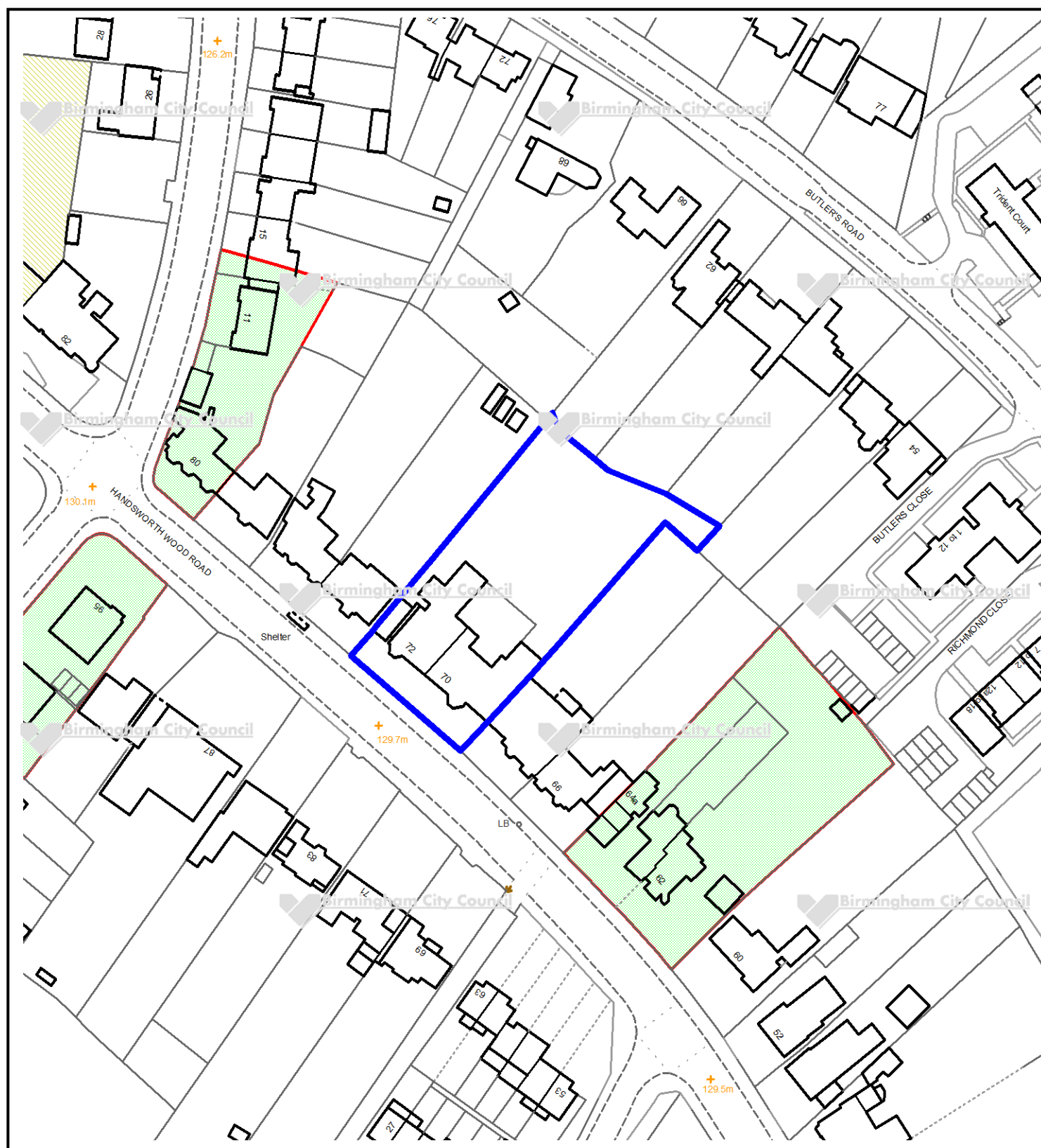


Image 1 – Front of private care facility.



Image 2 – rear of existing site – showing area of proposed extension.

Location Plan



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Committee Date:	18/06/2020	Application Number:	2019/06666/PA
Accepted:	16/10/2019	Application Type:	Full Planning
Target Date:	19/06/2020		
Ward:	North Edgbaston		

Bellfield Inn, 36 Winson Street, Winson Green, Birmingham, B18 4JS

Redevelopment of the site to include the erection of 13x 2-bed apartments (C3 Use) & 7x 1-bed apartments (C3 Use) with associated car parking, amenity space and vehicle access from winson street

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. The proposal is for the erection of a new building to provide 20 apartments with 20 car parking spaces (including 2 disabled spaces). The mix is for seven 1-bed apartments and thirteen 2-bed apartments in a 3 to 4 storey building of a contemporary design. The proposed building is sited at the back of pavement filling the full depth of the site with the parking area to the side of the building.



Site layout plan



South elevation and relationship with houses opposite



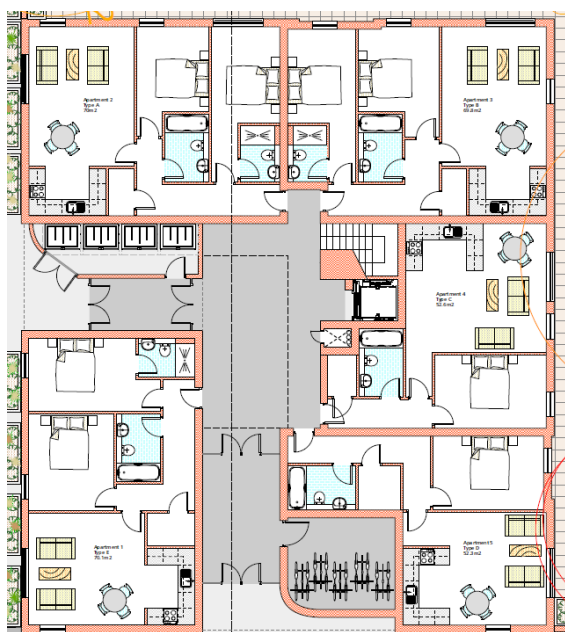
East elevation, facing Winson Street



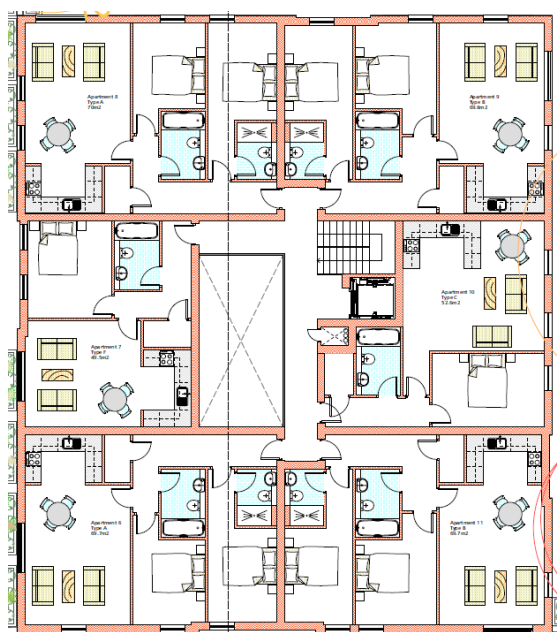
North elevation and relationship to houses opposite



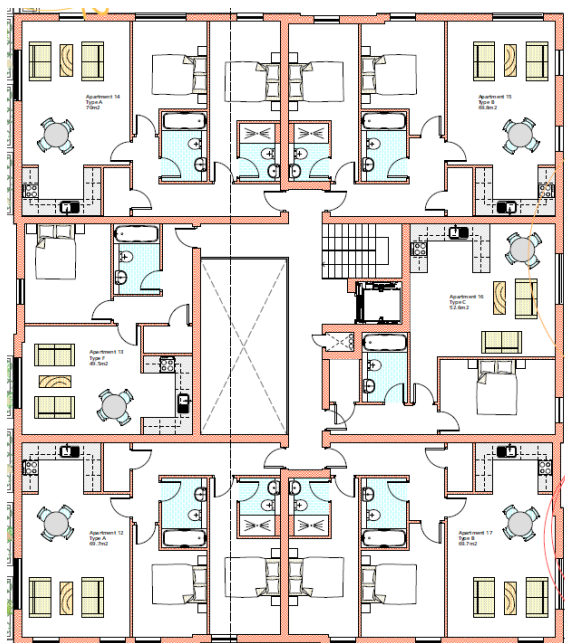
West elevation, facing Moillet Park



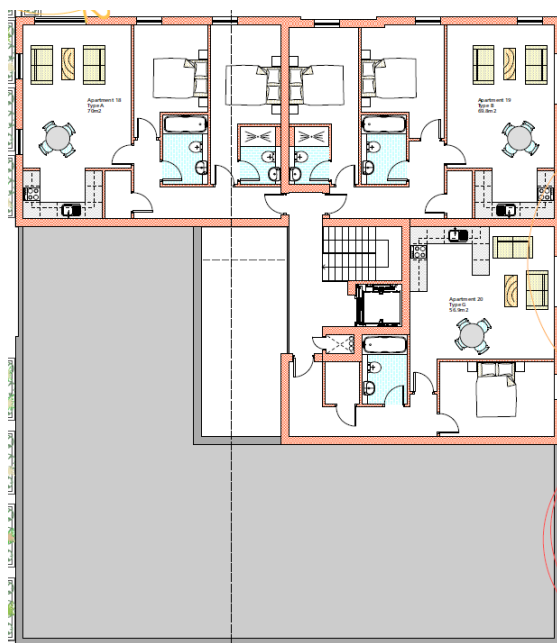
Ground floor



First floor



Second floor



Third floor

- 1.2. The application has been submitted with the following supporting documents: Design and Access Statement, Affordable Housing Statement, Viability Assessment, Transport Statement, Ecological Appraisal, Drainage Strategy and Tree Survey.
- 1.3. The scheme falls under Schedule 2, 10b "Urban development projects" of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, as the site is previously developed land, within an urban environment and of less than 1ha in area the Council have screened the application as not requiring an Environmental Impact Assessment.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a rectangular parcel of land of approximately 0.10ha in area. The Bellfield Public House previously sat on this parcel of land. The pub was a grade II* listed building, however it was deleted from the list following the damage of the building during a fire which resulted in the loss of a significant proportion of its internal decoration.
- 2.2. The site is now cleared of any structures and is enclosed in fencing. It is surrounded on three sides by Moillet Park, an area of green space with undulating levels, trees, paths and a small area with children's play equipment. There are well established trees immediately adjacent to the site. Opposite the site are two storey residential properties built around the 1980's of beige brick and clay tile roofs, with small front gardens and driveways. To the south are terrace houses and, on the junction of Winson Street with Dudley Road, is a three storey building. Further to the west, on the opposite side of Dugdale Street, are industrial units.

2.3. Site Location



Aerial photograph of area (site shown with red mark)

3. Planning History

- 3.1. 2018/04639/PA – Redevelopment of site to provide 20 apartments (13 x 2bed and 7 x 1bed) with associated parking, amenity space and vehicle access from Winson Street – Withdrawn due to insufficient drainage information and lack of viability assessment.
- 3.2. 2017/02662/PA – Erection of three storey building to provide 20 apartments with associated car parking – application not validated.

- 3.3. 2006/07882/PA – Redevelopment of the site to include the change of use of the former public house to 2 two bed flats and 2 three bed flats, demolition of the rear wing of the public house and the erection of extension to side. The erection of five 3-bed houses with associated car parking, amenity space and vehicle access from Winson Street – Approve subject to conditions 14/08/2007.
- 3.4. 2006/07883/PA – Demolition of rear section with extension to side wing of the Bellfield Inn, refurbishment to create 4no 2-bed apartments together with associated access, car parking and landscaping – Approve subject to conditions 14/08/2007.
4. Consultation/PP Responses
- 4.1. Adjoining occupiers, local councillors and local MP notified as well as site and press notices displayed.
- 4.2. 1 objection letter has been received raising the following concerns:
- Overbearing design and scale and does not fit in with surrounding area
 - Increase in traffic and on-street parking
 - Will affect privacy of properties opposite
 - Disruption during construction works
- 4.3. Councillor Carl Rice has written raising the following issues:
- North Edgbaston ward has the highest concentration of privately rented properties in Birmingham outside of Ladywood and Soho & the Jewellery Quarter
 - Buy to Let properties generally attract people looking for short term tenancies creating a very transient population. Requested safeguards be put in place to restrict the number of Buy to Let sales.
 - Lack of car parking associated with these sort of new developments.
 - There is a possible proposal from the City Council's Housing Department to redevelop part of the park which backs onto this particular planning proposal.
- 4.4. Transportation – No Objections subject to conditions. The scheme has 20 parking spaces of which 2 are wider to provide disabled width standard spaces. This equates to 100% provision. The adopted parking standards seek 200% maximum provision and it is noted these units are small and located close to public transport services. Also Winson Street has a park on the western boundary so generally parking spaces are readily available in close proximity and census data confirms adjacent residential car ownership levels are 53% with no car and 38% with one car. There is a cycle store which provides 100% provision and a refuse store 20 metres from the highway.
- 4.5. LLFA – No objection subject to condition to require submission of a sustainable drainage operation and maintenance plan. The LLFA agrees in principle with the information provided in the "Surface Water Drainage Strategy" Additional information will be required in any forthcoming Discharge of Condition application to discharge the recommended conditions. The proposed discharge rate of 3l/s from the site is acceptable to the LLFA.
- 4.6. Severn Trent Water – No objections to the proposals subject to the inclusion of a condition to require the details of the foul and surface water drainage to be submitted for approval.

- 4.7. Regulatory Services – No objections to make subject to conditions to require a contamination remediation scheme and a contaminated land verification report.
- 4.8. West Midland Police – No objections, recommends Secured by Design. Also queried what lux lighting levels will be applied to the car parking area.
- 4.9. Education – No comments or objections.
- 4.10. Leisure – No objections in principle although would need to be convinced that the POS that bounds the three sides of the site and in particular the mature trees surrounding and partly overhanging it would be protected and retained as existing. Additionally since the current application seeks to provide 20 dwellings the scheme would qualify for an off-site POS contribution in accordance with the BDP. There would be no play area contribution as the accommodation is primarily not the family type.

5. Policy Context

- 5.1. The following policies and guidance is applicable:
 - Birmingham Development Plan 2017
 - Birmingham Unitary Development Plan (saved policies)
 - Affordable Housing SPD
 - Public Open Space in New Residential Development SPD
 - Places for All SPD
 - Places for Living SPG
 - 45 Degree Code
 - Car Parking Guidelines SPD
 - Greater Icknield Masterplan
 - Revised National Planning Policy Framework 2019

6. Planning Considerations

- 6.1. The key issues are the principle of the development; the design and layout of the proposed scheme; the impact on the amenities of the existing residents and proposed residents; access, parking and highway matters; drainage; and the impact on ecology and trees.

Principle

- 6.2. The National Planning Framework (NPPF) supports sustainable economic development to deliver new homes and encourages the use of brownfield land (paragraphs 63, 117 and 118). Paragraph 62 highlights that residential development should reflect local demand and create mixed and balanced communities.
- 6.3. Policy TP27 of the BDP requires new housing to contribute to making sustainable places and Policy PG3 requires development to demonstrate high design quality to contribute to a sense of place. This is reiterated in the guidance provided in Places for Living and Places for All.
- 6.4. BDP policy GA2 'Greater Icknield' promotes the redevelopment, mainly of 7 key sites, of the Greater Icknield area. New housing should be family based urban living. The Greater Icknield Masterplan provides more detailed advice for the area and aims to provide high quality, sustainable, development. The masterplan re-

emphasises the family housing focus. Designs need to take account of context and recommends Victorian estate layouts but with high quality, contemporary, buildings. The masterplan promotes mixed communities at high density (70-120 dwellings per hectare).

- 6.5. The site is set in a built up area which is predominantly residential. The site has been cleared of the public house, the redevelopment of the site with a new build residential scheme would provide a compliant land use in this setting. Furthermore, consent was previously granted for conversion of the public house to apartments. As such the loss of the public house has been accepted.
- 6.6. I am aware that BMHT are considering redevelopment of part of the park, as noted by the local Councillor. However, this is currently at a very early stage and the team have confirmed that the design of any developments could be worked around any approvals on this site. Ideally BMHT would be able to negotiate purchase of the application site, however this is not a material planning consideration and cannot influence the decision on this application.

Design and layout

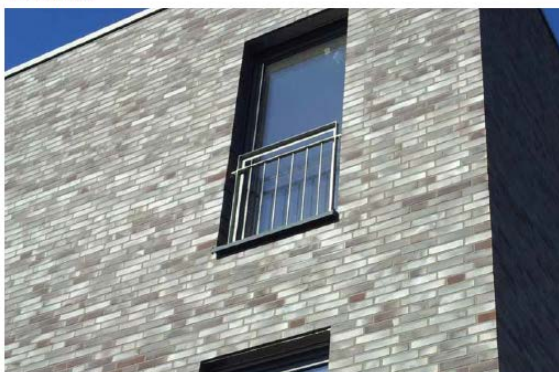
- 6.7. Within the DAS the agent acknowledges that the Bellfield Public House was an iconic building, as referred to by the objector. However the agent also suggests that the proposal is to replace the Bellfield with a new landmark building.
- 6.8. As noted above the building is designed to be 3 storeys to Winson Street and 4 storeys at the rear to reduce the scale and massing on the road frontage but also provide 20 apartments within the building. The elevations are to be finished in brick with full height, narrow, windows and with multi-pitched roofs. The roofs provide both gable ends and inverted pitches and flat roof sections and, along with small setbacks in the elevation brickwork, provide a building with interest and character. The following images (from the submitted Design and Access Statement show potential material use):



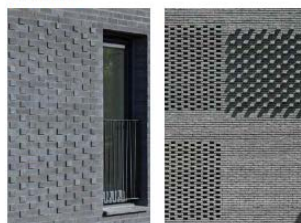
Blue / Grey Brick



Frosted Glass



Dark Grey Aluminium Window Frames



Brick Patterns



- 6.9. Internally the scheme proposes seven 1-bed and thirteen 2-bed apartments, which results in a 35%/ 65% split. Both sizes are spread across all four floors. The 1-bed units provide a double bedroom, bathroom, store and open plan kitchen/ living/ dining area. They range from 49.5sqm to 56.9sqm with bedrooms ranging from approximately 11.3sqm to 11.9sqm. The two bed units provide two double bedrooms (one with an ensuite shower room), a bathroom, store and open plan kitchen/ living/ dining area. They range from 69.7sqm to 70.1sqm with bedrooms ranging from approximately 9.9sqm to 13.4sqm. The second bedroom is of sufficient size for either a double bed or two single beds for a small family.
- 6.10. Although not adopted into the Local Plan the Council use the Nationally Described Space Standards (DCLG) to consider room and dwelling sizes. For a 1-bed, two person, apartment the standard is 50sqm and for a 2-bed, four person, apartment the standard is 70sqm. Bedrooms should be a minimum of 11.5sqm. As such some of the apartments do fall short of the standards in both overall floorspace and bedroom sizes. However, the shortfall in overall floorspace is minimal, the 2-bed units all have one bedroom which is more than 11.5sqm and the shortfall in the size of the bedrooms in the 1-bed units is also minimal. All of the proposed apartments have storage space provided within the unit. I do not consider that the shortfall below the standard is of such an extent to warrant refusal of the scheme. The plans show that the apartments can function as habitable space and the shared living/ kitchen/ dining area has sufficient space for all the residents of the apartment.
- 6.11. One staircase and a lift is provided to access the upper floors. The ground floor of the building also provides a cycle store for 10 cycles, accessed from within the first set of secure gates, and a bin store for 4 large bins with pedestrian access from within the gate and waste collection access off the car parking area. 20 parking spaces are proposed to the side of the building.
- 6.12. My City Design Officer has advised that, in his opinion, the layout appears to function well, with front doors and overlooking to the street and car park and logical movement within the building. The scale, mass and appearance of the building are acceptable. The contemporary design, encompassing an asymmetric roofline, is appropriate and will provide visual interest that adds to local character. I note the comments of the objector, however I concur with my City Design Officer's view and support the scale and design of the proposed building and the provision of appropriate sized units in this residential area.
- Amenity (proposed and existing) and open space*
- 6.13. The application site is enclosed on the north, south and west by Moillet Park, beyond the park to the south are residential properties above retail, to the north and west are commercial premises. However, these are all over 50m from the proposed building.
- 6.14. There are two storey houses to the east, on the opposite side of Winson Street with ground floor and first floor windows facing towards the application proposal. Winson Street separates the existing dwellings from the proposed building and the separation distance is approximately 19.7m. The proposed new building will have habitable room windows in the ground floor, first floor and second floor of the building with one window in the first floor also having a Juliet balcony.
- 6.15. Within the DAS the agent has commented that the external appearance and internal layout has been designed to provide narrow windows on the front elevation to reduce the overlooking to the properties opposite. This is, in the most cases, correct

and most of the living room windows in the front elevation are secondary to larger windows in the side elevation. However, the bedroom windows in the front elevation are the only window serving these rooms and the living room window to apartment 11, on the first floor, has a Juliet balcony.

- 6.16. The position and scale of the building results in a shortfall below the recommended separation distances set out in Places for Living. However, these distances are recommendations, not rules. Consideration should also be given to the overall development of the site. To increase the separation distance would impact on either the room sizes or the number of units provided (and subsequently the viability of the scheme). The alternative of obscure glazing all of the windows in the front elevation would have a detrimental impact on the amenities of the future residents of the apartments and also on the character of the building in the street scene. Furthermore, Places for Living does advise that the separation distances should be applied more strictly at the rear than the front.
- 6.17. The proposed development faces the front elevation of the existing dwellings and as such I consider that the shortfall below the recommendation is acceptable and that the alternatives would not provide an appropriate development within the site. The proposal complies with the spirit of Places for Living SPD and also with the BDP and NPPF in terms of providing good quality design. Noting the objection received, I consider that the overall impact on the adjacent properties will not be such that would justify a refusal of the proposal.
- 6.18. The DAS also includes commentary that there is limited space available within the site for amenity, however the site is surrounded by parkland. I have no objection to the reliance of the residents of this site on the adjacent open space as it is easily accessible from the site. The potential future development of the park by BHMT would not be of the whole of this area of open space, a proportion of the park would need to be retained.
- 6.19. The proposed boundary treatment along Winson Street is a 0.9m brick wall to the car parking area, open fronted to the apartments and a short section of 1.8m high brick wall to enclose the small landscaped area to the north. Around the northern, western and southern boundaries, where the site joins the park, the boundary is proposed to be green mesh fencing with ivy planted to grow up and within the fence. This creates a green boundary treatment which I consider responds to the street and park contexts and, although additional landscaping would be beneficial this would impact on the developable area of the site and the viability of the development. The final boundary treatment details can be covered by a condition.
- Access, parking and highway impact*
- 6.20. The scheme proposes a single vehicular access off Winson Street which the DAS advises will be gated however no gates are shown on the submitted plans and any gates would need to be set back from the edge of the highway. Pedestrian access will be via the vehicle access and also directly off Winson Street. Within the site the scheme proposes 20 parking spaces of which 2 are to be designated as disabled spaces. In addition there is space for storage of 20 cycles, bins and recycling.
- 6.21. Transportation Development have no objections to the proposal and recommend conditions. The scheme provides 100% parking which for 1 and 2 bed units, close to public transport and on-street parking, is considered acceptable. I concur with this view and consider that the level of parking is appropriate. The proposal for 20 apartments will not have a significant impact on the local highway network or, contrary to the objector's comment, increase traffic.

Drainage and contamination

- 6.22. A Drainage Strategy has been submitted which notes that the site is within flood zone 1 and at low risk of surface water and ground water flooding. The proposed development will increase the impermeable area within the site from 535sqm to 980sqm however the scheme has been designed to ensure surface water runoff is no more than three times greenfield rate. Attenuation storage will be required and the car parking/ driveway can be permeable surface. At this stage the surface water drainage is proposed to be directed to storage under the car parking area.
- 6.23. The LLFA has responded to the consultation with no objection subject to conditions. The LLFA agrees in principle with the information provided in the "Surface Water Drainage Strategy" Additional information will be required in any forthcoming Discharge of Condition application to discharge the recommended conditions. The proposed discharge rate of 3l/s from the site is acceptable to the LLFA.
- 6.24. Foul drainage is to be discharged to mains, which is the preferred option for foul drainage discharge. Severn Trent Water have raised no objection and recommended a standard condition to require the details of the foul and surface water drainage of the site.
- 6.25. As such, subject to the submission of further information post decision, through conditions, a satisfactory drainage scheme can be installed and the development complies with the relevant adopted policies.

Ecology and trees

- 6.26. An Ecological Appraisal has been carried out and submitted with the application. The assessment notes that the Bellfield has been demolished, notes the presence of the trees in close proximity of the site and the wider park. The assessment also advises that the canal is 450m from the site, that there are other parks, Edgbaston reservoir and 4 Sites of Local Importance for Nature Conservation (SLINC) within 2km of the site. As such there is the potential for ecology on the site, however there is no impact on designated sites as the intervening housing and roads limit connectivity.
- 6.27. The ecological site survey concludes that there are no structures suitable for bats; that the site is inaccessible to badgers due to the close boarded fencing; there are no records or evidence of reptiles or amphibians but there is the potential for nesting birds in the trees which are around (and overhang) the site. The assessment advises precautionary measures and enhancements through native species planting, bat and bird boxes.
- 6.28. My Ecology Officer has advised that the site has very little ecological value in its present form consisting mostly of hardstanding ground with some ruderal species colonising some parts. However the mature trees surrounding the site are likely to provide foraging habitats for bat and bird species. The Birmingham canal runs just under 500m north of the site and the site is surrounded by managed parkland and trees. Less than 1km south east is a local nature reserve Edgbaston reservoir with importance for its ornithological interest.
- 6.29. Ecological enhancements such as borders can be planted to improve the functionality of the site for wildlife, planting should be of varied native species allowing biodiversity to flourish and connect the site to the surrounding park and wider area and bat/ bird boxes should be installed to provide additional roosting

opportunities for the species in the area. Conditions are recommended to require these ecological enhancements to the site.

- 6.30. A Tree Survey has also been submitted due to the mature trees immediately outside the site. The protection of these trees is assumed as they are outside the application site and protective fencing is recommended. The survey acknowledges that the proposed layout will conflict with the root protection area (RPA) of T24, an Ash, and T25, a Sycamore, but these have been assessed as Category U and as such the Council, who own the park and therefore the trees, has been notified and removal has been recommended. The layout also conflicts with T1, a category C Sycamore, and T21, a category C Cherry. T1 is recommended for removal, however the conflict with the RPA of T21 will be limited and should not affect the retention of this tree. Minor encroachments of the crowns of T17 (Aspen), T20 (Sycamore) and T21 (Cherry) are shown but these can be pruned to provide suitable clearance without any adverse impact on these trees. The parking area conflicts with RPA of T13 (Field Maple), T15 (Aspen) and T17 (Aspen) but this is an existing situation as this part of the site is already hard surfaced and the new parking area can be constructed with tree root sensitive design and permeable surface.
- 6.31. My Tree Officer has advised that compensation, using CAVAT, will be required for the loss of the trees affected by the development. CAVAT is the assessment of the Capital Asset Valuation of Amenity Trees, this is used to assess the monetary value of the visual amenity of a Council owned tree when removal is proposed to ensure that funding is available to support the proactive management and development of new planting and green infrastructure. The requirement for a financial contribution will need to be provided by a S106 agreement. The CAVAT valuation has been carried out for the trees recommended for removal, and an additional cherry tree which the Parks Team consider should also be removed as the proposed pruning would be detrimental to its long term survival. The final figure for tree mitigation is £27,715.
- 6.32. In addition the Tree Officer has advised that there is a need for a more detailed tree protection plan and method statement as there is likely to be a need for sensitive working methods within projected tree rooting areas. A condition it therefore recommended.

CIL and affordable housing

- 6.33. The applicant has submitted a CIL form which states that the new residential floorspace to be created will be 1,414.2sqm. The application, for new residential development, would be liable for CIL payment, however the site is within the Residential Low Market Value Area and as such the CIL charge would be £0.
- 6.34. The scheme, as submitted, did not include any of the units as affordable housing. A financial viability assessment was submitted with the application which has been considered by the Council's independent advisors. The viability assessment includes a financial contribution of £246,000 to off-site affordable housing and a financial contribution of £24,900 to open space but concludes that, with these contributions, the development would result in a net loss of minus 5% profit. The viability assessment appears to be seeking to show that any contribution would make the development unviable.
- 6.35. The Council's independent assessor has advised that, in their opinion, the scheme could viably provide 3 low cost ownership dwellings on site (at 20% discount) and a contribution towards the tree loss and POS contributions requested. Their advice is based on a higher sales income and a lower benchmark land value and results in an

appropriate level of profit. The independent assessor negotiated with the applicant and an agreement was reached for the application to provide 3 low cost ownership homes comprising of 2 two beds and 1 one bed and also a financial contribution towards open space and CAVAT contributions. A reasonable profit will be retained to ensure the scheme is deliverable.

- 6.36. The open space and CAVAT contributions requested were £42,900 and £27,715. The figure agreed with the applicant is for £13,958 to CAVAT and £12,450 to open space. This would equate to approximately 33% of the CAVAT 45% of the open space contributions requested. Although the level of affordable housing, at 15%, and the financial contributions would be less than what is aimed for within the BDP I consider that the viability assessment has proven that the scheme would be unviable with any greater contributions. Both can be secured by a S106 agreement.

Other matters

- 6.37. Regulatory Services have advised that contaminated land remediation and verification should be required by condition. The site has previous uses and as such contamination may be present. These conditions are reasonable.
- 6.38. During the consideration of the application an Energy Statement and Sustainable Construction Statement have been submitted which aims to show how the proposed development will comply with the requirements of policies TP3 and TP4. My Planning Policy Officer advised that the sustainability report continued to lack detail on sustainable materials, minimising waste and reducing overheating and the energy statement does not provide sufficient consideration of alternatives or justification for the use of PV.
- 6.39. A revised sustainable construction statement has been provided which now includes the required information. However, given the current situation with the COVID 19 pandemic the agent has not been able to obtain further information for the energy statement. Planning Policy have considered the matter further and advised that, in these circumstances, as an energy statement was provided but required amendments, a condition to require further details on the proposed PV system would be acceptable.
- 6.40. The objection received has also raised concerns about the potential for disruption during construction works. For this size of development officers would not recommend a construction management plan or restriction on the hours of working. The size of the development is such that the disruption will be over a short period of time and not significantly harmful. West Midlands Police have raised no objections and recommended Secured by Design, this has been passed on to the applicant.
- 6.41. The comments from Councillor Rice, regarding the lack of community and anti-social behaviour from rented properties is not a comment which I can agree with. Rented properties are part of the whole package for a community and there is no reason to consider that the residents of this small apartment block will not have a sense of pride in their area. The building, car park and shared space will be maintained by a management company and it is not within the remit of the planning permission to restrict buy to lets.

7. Conclusion

- 7.1. The proposal would provide a high quality development, of a brownfield site, in a sustainable location. The scale, mass and design of the building is considered to be

appropriate and provides a new feature building for this site in accordance with the general principles of Policy PG3 of the Birmingham Development Plan.

- 7.2. The size of the apartments and the level of parking and manoeuvring space is acceptable and the close proximity of Molliet Park off-sets the lack of on-site amenity space within the development. The scheme will result in some overlooking of the neighbouring properties, however, this is not considered to result in significant impact and the alternatives would result in greater harm to the character of the area. Conditions can be used to enhance biodiversity in the area and ensure the site is provided with appropriate drainage.
- 7.3. Overall the scheme complies with the National and Local Policies and the guidance in supplementary planning guidance/ documents.

8. Recommendation

- 8.1. That consideration of application 2019/06666/PA be deferred pending the completion of Section 106 Legal agreement to ensure the following is secured:
- a) The provision of 3 low cost ownership dwellings, 2 no. two bed and 1 no. one bed, on site (at 20% discount);
 - b) Payment of financial contributions of £15,958 towards replacement tree planting and £12,450 towards improvement and maintenance of off-site open space provision within the North Edgbaston Ward;
 - c) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 19th July 2020, planning permission be refused for the following reason:
- 1) In the absence of a legal agreement to secure the provision of affordable housing and financial contributions for replacement tree planting and open space provision, the proposal would conflict with Policy TP31 Affordable Housing, TP7 Green Infrastructure and TP9 Open Space of the Birmingham Development Plan 2017, the Affordable Housing SPG, the Public Open Space in New Residential Development SPD and the National Planning Policy Framework.*
- 8.3. That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 8.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority on or before the 19th July 2020, favourable consideration be given to this application, 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 contamination remediation scheme |
| 3 | Requires the submission of a contaminated land verification report |
| 4 | Requires the prior submission of a sustainable drainage scheme |
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| 5 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan |
| 6 | Requires the prior submission of a foul and surface water drainage scheme prior to commencement |
| 7 | Requires the submission of details of windows, external doors, balconies, eaves, ridges and rainwater goods |
| 8 | Requires the submission of sample materials |
| 9 | Requires the submission of hard and/or soft landscape details |
| 10 | Requires the submission of hard surfacing materials |
| 11 | Requires the submission of boundary treatment details |
| 12 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 13 | Requires the prior submission of details of bird/bat boxes |
| 14 | Requires submission of additional information on the proposed PV panels prior to above ground works |
| 15 | Requires the provision of cycle parking prior to occupation |
| 16 | Requires pedestrian visibility splays to be provided |
| 17 | Requires the submission and completion of highway works |
| 18 | Arboricultural Method Statement - Submission Required |
| 19 | Requires the submission of a lighting scheme |
| 20 | Implement within 3 years (Full) |
-

Case Officer: Karen Townend

Photo(s)



Site frontage on Bellfield Road



Site frontage from Bellfield Road



Within site



Site from Moillet Park

Location Plan



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Committee Date:	18/06/2020	Application Number:	2019/07956/PA
Accepted:	28/10/2019	Application Type:	Full Planning
Target Date:	19/06/2020		
Ward:	Sutton Mere Green		

Former TRW Site, Mere Green Road, Mere Green, Sutton Coldfield, Birmingham, B75 5BN

Erection of a retail foodstore (Use Class A1) with associated car parking, access, landscaping and associated engineering works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning consent is sought for the provision of supermarket namely a Lidl food-store (Use Class A1) with a new access point from Mere Green Road with a surface level car park, servicing areas and landscaping on land at the former TRW factory site, off Mere Green Road, Mere Green, Sutton Coldfield, B75 5BN.
- 1.2. The main building would be single storey structure with a total GIA of 2,074sq.m and would be positioned along the sites south eastern boundary and frontage in a rectangular fashion with a glazed elevation facing the public highway. The proposed access would be positioned centrally along the frontage which itself would be landscaped. Beyond the landscape frontage strip (itself a depth of 6m) further landscaping parcels would be provided around the surface level car park. The car park would provide 124 no. spaces, including 6 no. disabled spaces, 8 no. parent/child spaces, 12 no. staff spaces, 2 no. electric vehicle charging bays and a trolley bay would be provided. Servicing and deliveries would utilise access through the car park to a dedicated service bay to the rear most elevation of the building facing into the car park.
- 1.3. The customer entrance would be located at the building's south-western corner facing the public realm and car park. External finish materials would consist of aluminium composite panelling, wooden cladding (terracotta) around the entrance area and rendered walls in a variety of grey shades. Furthermore, the glazed elevation facing the southern elevation onto Mere Green Road would extend along the entire southern elevation with the solar horizontal and vertical louvre type detailing above. The building would be erected to a maximum height 8.95m with a mono-pitched roof (minimum height of 5.9m) with its highest point above the customer entrance area to the buildings south western corner. The building would measure approx. 63.5m long and 35.9m wide in a rectangular fashion with the shorter width facing Mere Green Road.
- 1.4. [Link to Documents](#)



Site Layout.

2. Site & Surroundings

- 2.1. The application site is approx. 0.58ha in size and an irregular shape (approx. 136m wide and 89m deep at their maximum) and is located within the suburb of Mere Green in northwest Birmingham. The site is located adjacent to, but outside of the Mere Green District Centre with the centre boundary fronting the site with Mere Green Road acting as the boundary.
- 2.2. The site itself has been cleared of existing buildings for many years and was the site of an industrial complex, specifically the TRW manufacturing site. The application site lies beside Mere Green Road, which provides access to the site currently, which runs east/west along the sites southern boundary beyond which lies the Mere Green District Centre with a variety of retail and commercial offerings and car parking.



Application site in relation to Mere Green District Centre

- 2.3. To the west of the site lies Mere Green Primary School which is also accessed from Mere Green Road. To the east of the site lies St James Church hall which is a single storey building with a surface level car park to the sites eastern and northern

boundaries. The nearest residential dwellings to the sites boundaries lie both along Mere Green Road, opposite St James Church Hall (approx. 35m) and to the rear of the site off Wilmcote Drive which are separated by an existing surface level car park that serves St James Church (approx. 35m).

2.4. [Location Map](#)

3. [Planning History](#)

- 3.1. 2011/04724/PA – Prior notification of proposed demolition – No prior approval required – 12/08/11.

4. [Consultation/PP Responses](#)

- 4.1. Local residents, Ward Councillors, Residents and Business Associations and M.P. notified. Advertised by press and site notice with 37 no. letters of objection received with the following concerns raised, as summarised;

- What is a concern is the effect on an already very busy Mere Green Road.
- There's a constant stream of traffic making it difficult for school children to cross safely.
- The entrance does not have a crossing. This, I feel, is totally unsafe.
- To consider aligning Lidl and Sainsbury's entrances and exits.
- The traffic in and out of the existing Sainsbury's already causes gridlock at peak times.
- Why not make use of the St James Church car park exit, situated on adjacent land, as an alternative this would take the exit/entry further down the Mere Green Road.
- Make both Sainsbury's and Lidl exits left turn only reducing right turning traffic clashes.
- The Lidl building in the images is awful. Mulberry Walk carefully designed and completed in order to make it look as best it can but now we're to be given a huge, black/grey, imposing building which looks like it sits proud looking over Mere Green Road.
- It is noted that the Transport Assessment submitted is limited and a more rigorous Transport Assessment should extend the survey wider to also include surrounding roads used to bypass Mere Green Road.
- I would query if the car park is on the correct side of the structure as it will be next to a school and playground creating more fumes and poor air quality for the children.
- Access Birmingham recommends that that the staff toilet provision includes a disabled toilet.
- I consider that this site should be used for low rise flats/apartments. We need more housing in the Mere Green area.
- There are already available units within Mulberry Walk that could be used for further development.
- Four supermarkets will completely saturate this small area and is not in the best interest of the health of the local residents.
- 6 no. disabled parking spaces is not enough.

- 4.2. 7 no. of letters of support were received on the following points, as summarised;

- Mere Green needs an affordable food supermarket.
- We should not have to travel to other towns to be able to shop at such stores.

- Brilliant, definitely need a more economic shopping option in Mere Green.

4.3. Cllr Meirion Jenkins – Raises concerns on behalf of residents;

- No mention of time that delivery lorries can go roaring past Mere Green Road.
- Needs the same restrictions as Sainsbury's if not better.
- Concerns of crossing the road where Lidl entrance/exit will be by pedestrians.
- Can we view the complete plans at Mere Green community centre?
- Does not seem to be enough consideration for pedestrians.
- The traffic build up has got worse over the years and this will add to it.
- The traffic fumes would impact on our health.
- Not enough trees in the car park plans.
- Sufficient electric car plug in points.
- Sufficient bicycle lock up facilities.
- Do we need another supermarket in such a massively over supplied area.
- Shops are closing and this will not help any independent businesses.

4.4. Sutton Coldfield Town Council – Objection received on the following points;

- Potential to create noise disturbance for residential properties.
- Members respectfully request that the opening and delivery hours for these premises is not a noise nuisance for nearby properties.
- Members raised concerns over the impact on highways, in particular the proposal for HGVs to enter the vicinity via pedestrian areas.
- Members feel that there is insufficient detail of highway provisions in the application.
- Members understand that the design and appearance is not in keeping with the local character and would adversely affect the heritage of the current street scene.

4.5. Regulatory Services – No objection, subject to conditions;

- Hours of Use – 07:00 – 22:00 Monday to Saturday and 10:00am – 17:00 Sunday.
- Provision of Contamination Remediation Scheme.
- Provision of Contaminated Land Verification Report.
- Adherence to the Hoare Lea noise report June 2019 in terms of delivery and plant noise.

4.6. Transportation Development – The analysis submitted suggests that the impact of the development in principle is unlikely to result in severe/materially significant impact subject to conditions;

- Construction Method Statement.
- Measures to prevent mud on the highway.
- Means of access – Construction.
- Siting/Design of Access.
- Details of pavement boundary.
- Parking management strategy.
- Commercial travel plan.
- Delivery and service area completed prior to occupation.
- Parking areas – laid out prior to use.
- Cycle storage details.

- Delivery vehicle management scheme.
 - Submission and completion of works for the S278/TRO Agreement.
- 4.7. Lead Local Flood Authority (LLFA) – No objection, subject to conditions;
- Prior submission of a detailed sustainable drainage scheme.
 - Submission of a sustainable drainage operation and maintenance plan.
- 4.8. Severn Trent Water – No objection, subject to condition;
- Drainage plans for the disposal of foul and surface water.
- 4.9. West Midlands Police – No objection, subject to condition;
- Deliveries to commence after 07:00 weekdays and 08:00 weekends.
5. Policy Context
- 5.1. Birmingham Development Plan 2017, Birmingham UDP (Saved Policies), Places for All SPG, Shopping and Local Centres SPD, Loss of Industrial Land SPD, Car Parking Guidelines SPD, Mere Green Development Framework, NPPF 2019.
6. Planning Considerations
- Principle of Development.*
- 6.1. The application site is a former brownfield site, previously used for manufacturing purposes, which has been derelict for a number of years. The site itself was cleared of all buildings following a prior notification application for the demolition of the buildings on site in 2011. The site itself is allocated on the Brownfield Register 2017 and has been the subject of a Development Framework, namely the Mere Green Development Framework, adopted in 2013. This looked at the Mere Green district centre as a whole and identified two sites, the former Spring UR site which has now subsequently been developed into Mulberry Walk (a retail, leisure and commercial offering) and the current application site, the TRW automotive site, to ensure that those development sites contributed to the overall regeneration of the district centre and to provide informal planning guidance for interested parties.
- 6.2. The development framework outlines the types of development proposals that the authority would wish to see on the site which includes residential, small scale residential institutions and ancillary office space. The document also goes on to state that D2 Uses (Assembly and Leisure) and retail uses would need to satisfy the key sequential and impact tests as outlined within the NPPF. Furthermore, it is noted that in relation to the development framework, the use of the site for B2 General Industrial is no longer considered acceptable.
- 6.3. Given the site's former industrial use, the Council's employment land supply policies apply, in particular policies TP16 and TP19 of the adopted Birmingham Development Plan 2017 (BDP) and the Loss of Industrial Land SPD. In this case the application site is considered to be a 'Other Quality' as whilst it exceeds the 0.4ha size, its location within a suburban location surrounded by sensitive receptors (i.e. a school, residential and retail and leisure offerings) and accessed by a local road network away from the national road network site does not mark it out to be good

quality land from an employment land perspective. On this basis there is a sufficient supply of such land in this category.

- 6.4. Furthermore, Policy TP20 within the BDP and Loss of Industrial Land SPD provides guidance on assessing whether a site is considered to be non-conforming in relation to loss of employment land with reference to its compatibility with other uses, the sites (poor) location and “Non-conforming uses will mostly consist of small (generally less than one acre) isolated industrial sites within predominantly residential areas”.
- 6.5. In this case, I consider the application site to be a non-conforming use given its location surrounded by sensitive receptors, in this case residential dwellings, within a wider residential suburb and adjacent to an existing school which are at odds with commercial/industrial uses and the associated impacts that such uses generally create (noise, odour, air quality issues, etc.). Furthermore, the site is located within an isolated location away from other existing industrial sites within this residential suburb. I consider the site’s existing use to be non-conforming with sufficient ‘Other Quality’ employment land retained in accordance with policies TP17 and TP20 within the BDP and the requirements outlined within the Loss of Industrial Land SPD.
- 6.6. It is noted that as the floor-space of the proposed food store will be below 2,500sq.m and the development will therefore not require an impact assessment as specified within Policy TP21 and paragraph 89 of the revised NPPF. However, Policy TP21 which relates to the city’s network and hierarchy of centres, specifically in relation to preferred locations for retail and commercial development, states that proposal/s for uses outside of such boundaries will not be permitted unless they satisfy the requirements of the NPPF, specifically within paragraphs 86-90 of the 2019 NPPF. Such proposals require a sequential assessment to be undertaken which looks at the suitability and availability of other sites located within existing designated centres. In this case, a sequential assessment has been submitted, broadly following initial pre-application advice provided by the LPA on which centres were considered most suitable to assess (Mere Green and Sutton Coldfield Town Centre) with such centres considered with the availability of sequentially preferable sites and premises within these identified centres.
- 6.7. I raise no objections to the methodology and the wider assumptions that underpin the assessment which has identified potentially available sites and which have been considered as part of the proposals. The assessment however identifies that there are no sequentially preferable site’s that could accommodate the proposed development within a 5 min drive time of the application site when coupled with the operational needs of the discount retailer model, within the identified centre locations. As such, the proposals are considered to be acceptable in this regard and would thereby meet the requirements as set out within paras. 86-90 within the NPPF and relevant policies within the Birmingham Development Plan.

Design and Appearance

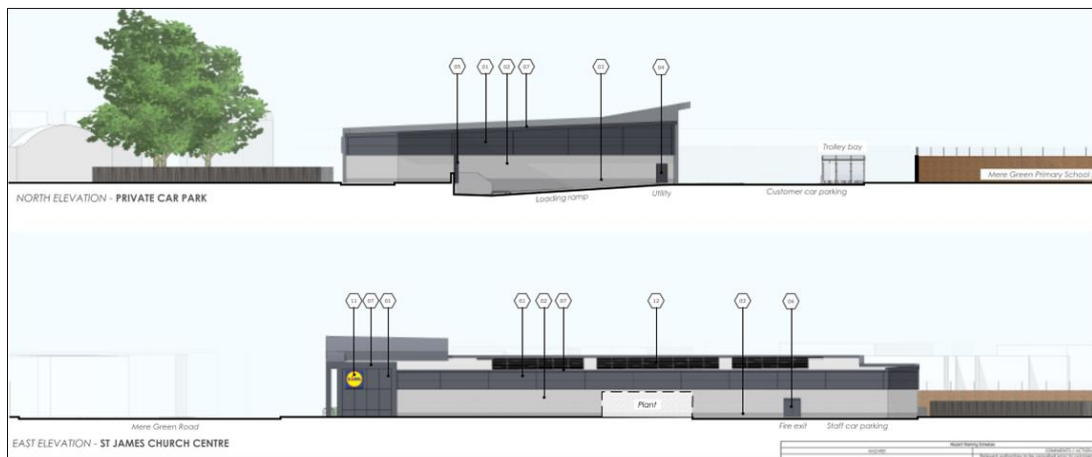
- 6.8. As mentioned previously, the application site forms part of the Mere Green Development Framework. As part of the framework, design guidance specific to the application has been prepared to guide future development proposals. These are;
- Development would be generally expected to be 2 and 3 storeys high.
 - The green verge fronting Mere Green Road should be retained and enhanced with additional tree planting and landscaping.

- Buildings facing Mere Green Road should have active frontages, with parking to be subservient in the street scene.
- Trees close to the eastern boundary of the site should be protected and their visual amenity value enhanced.
- Consideration should be given to allow possible future pedestrian access from the car park at the north of the site to allow a direct route for residents onto Mere Green Road.
- Architecture, detailing and materials should be of a high standard that reinforces the prominent District Centre character and contribute to a strong sense of place. 'Standard', bland buildings that fail to respond to the local context will not be acceptable.

6.9. The proposed building would be a single storey structure, albeit with a mono-pitched roof, measuring 8.95m at its highest point over the customer entrance as seen from Mere Green Road with the roof sloping downwards away from the entrance canopy to a height of 5.9m towards the sites boundary with St James Church Hall. The building would have a large glazed elevation, facing the site's southern, public realm (Mere Green Road) boundary to create an active frontage which is supported.

6.10. This area of glazing would sit below an area of aluminium solar shading vertical fins finished in dark grey so as to mirror the roof trim, which would then wrap around the south-western corner of the building. This would continue to the western elevation forming the customer entrance area with a projecting canopy making use of the highest point of the roof with a pronounced slope. The entrance area would be further articulated by the use of different materials, including Red Terracotta wood planks and dark grey aluminium used for the trim and Brise Soleil. The use of such materials is considered to be appropriate in the sites context and provides a modern, contemporary response that contributes to a strong sense of place in this suburban location.





Proposed Supermarket Elevations.

- 6.11. The wider western elevation would largely be solid in appearance, with a number of small door and window openings, alongside featuring the servicing entrance along the western elevation. The elevation would however be broken up horizontally with the use of two different materials, light grey render at the lower level and dark composite grey aluminium cladding at the upper level with the dark grey roof trim above. The roof form along this elevation would be mainly flat at 6.8m high with the higher customer entrance canopy located on the south western corner adjacent to Mere Green Road at 8.95m high.
- 6.12. The northern and eastern elevations would also be finished in a similar external treatment as the western (car park elevation), i.e. render and composite cladding. Subject to the imposition of a condition securing samples of external finish materials along with appropriate boundary treatments and hard surface details, my city design officer is content that the proposal would result in a high quality building that contributes positively to the streetscene.
- 6.13. A number of (538 no.) photovoltaic solar panels would be roof mounted and whilst largely screened out of sight of the public realm by the sloping roof profile, some would be viewable to the buildings eastern elevation within the context of the proposed building's roof profile. However, such provision is not considered to be unsightly or out of context within or upon a commercial building and is considered appropriate in this context.
- 6.14. The western portion of the site would be used for on-site surface level car parking for customers and although a large area for such parking is proposed, this is considered acceptable, given the use of the site and its parking requirements, the large landscape buffer between the public highways and the car park itself and the proposed layout of the building facing the public realm. The landscape buffer would extend from the sites vehicular entrance to its boundary with the neighbouring Primary School, a length of approx. 55m and a maximum depth of 6m. Such provision is considered to be appropriate in this context and allows sufficient space for appropriate levels of planting to be provided.
- 6.15. The applicant has provided a landscape scheme which includes provision of grass and trees in this area which is generally considered to be acceptable. However, amendments to the landscaping are required elsewhere on site where the schemes design has evolved through the planning process to include provision of a rainwater garden. However, such details, along with pavement boundary details can be

secured by planning condition. With the imposition of such conditions it is considered that the scheme generally accords with the provisions outlined within the development framework and would enhance the visual amenity of the application site in the wider street-scene. As such, the proposal is considered to accord with relevant policies within the Birmingham Development Plan and the NPPF and is acceptable in this regard.



Visual of proposed building – Mere Green Road elevation.



Visual of site looking North East across Mere Green Road

Neighbour Amenities

- 6.16. The application site is located on the boundary of Mere Green district centre with Mere Green Primary School abutting its western boundary and St James Church Hall to its eastern boundary. To the north of the site lies a surface level car park

associated with St James Church with Mere Green Road along the sites southern boundary with the district centre beyond.

- 6.17. The nearest residential dwellings to the application site are those at Wilmcote Drive which are approx. 35m north of the site boundary beyond the surface level car park associated with the neighbouring church whilst there are also additional residential dwellings at a similar distance located on the opposite side of Mere Green Road adjacent to existing commercial premises and opposite the church hall. The proposal has been put forward with a noise assessment that demonstrates that the proposal, in terms of noise associated with general site activities including site deliveries, would result in a 'low impact' upon residents of the nearest dwellings subject to the imposition of a 2m high boundary treatment along the sites northern elevation. This would negate the need to impose a condition restricting delivery hours to the premises, a view supported by Regulatory Services. However, the provision of such a boundary treatment can be secured by planning condition, and is recommended that such matters are secured.
- 6.18. My Regulatory Services officer has also had an opportunity to assess the proposal and has raised no objections to the proposal but has requested the imposition of a number of conditions to secure an appropriate standard of development. Such conditions relate to the hours of use of the building to those specified by the applicant (07:00 – 22:00 Monday to Saturday/Bank Holiday and 10:00am – 17:00 Sunday) and adherence to the points raised (e.g. 2m high boundary treatment) in the submitted noise assessment.
- 6.19. Furthermore, it is noted that plant and machinery associated with the general operation of the store is proposed to be located on the building's eastern elevation facing the staff car park and St James Church Hall beyond. It is considered appropriate to impose conditions restricting maximum noise levels associated with the plant and machinery on site to ensure that neighbour amenity isn't compromised. I consider the imposition of such conditions to be appropriate in this case in securing a satisfactory form of development.
- 6.20. It is noted that a local resident has queried as to whether the proposed car park associated with the proposal is located on the correct side of the building as it will be positioned next to a school and playground potentially impacting upon air quality. The submission has not been accompanied by an air quality assessment which ordinarily would not assess the impacts of a surface level car park. My Regulatory Services officer has assessed the proposal in this regard and is of the view that the proposal would not result in sufficient levels of poor air quality that could impact upon neighbouring land uses. Furthermore, the air quality of the existing area sits below any exceedance levels for Nitrogen Dioxide (NO₂) and my officer is content that the proposal would not exacerbate such matters and is therefore acceptable in this regard.

Environmental Matters

- 6.21. The application site is situated within Flood Zone 1 and is deemed to have a very low risk of flooding and a sustainable drainage scheme has been submitted as part of the applications supporting documentation. This states that the proposed drainage strategy would reduce the overall surface water flow rate from the site to satisfactory levels into the Severn Trent Water network. Foul water is proposed to be discharge unrestricted to an existing foul water sewer system, for which the applicant will seek consent directly from Severn Trent Water. The applicant has

further incorporated rain water gardens into the scheme, in order to help decontaminate rainwater, which will then infiltrate into the sewer system.

- 6.22. The Lead Local Flood Authority has raised no objections to the development proposals, based upon the submitted plans and supporting statements. They however recommended specific conditions requiring the prior submission of a sustainable drainage scheme and sustainable drainage operation and maintenance plan. I concur with this view and feel the recommended conditions are both warranted and required in order to approve the proposed scheme.
- 6.23. Severn Trent Water were also consulted on the application who have raised no objections subject to a condition requiring the prior submission of details for the application sites foul and waste water. Subject to the imposition of these conditions, it is considered that the proposal is acceptable in this regard.
- 6.24. The site is covered by hardstanding following on from the previously demolished industrial buildings. The site has very little in the way of vegetation areas with those present of low ecological value, other than some existing protected trees on the sites eastern boundary which are to remain. The city ecologist has assessed the submitted ecological appraisal and has requested the imposition of a planning condition to secure appropriate ecological enhancement measures on site, to include future planting proposals to include native species of trees, which would create foraging and nesting opportunities for birds and bats. I consider such an approach to appropriate in this case and can be secured through the previously discussed landscaping scheme.
- 6.25. The application has also been accompanied by a tree assessment. This has identified that a number of trees within the site, primarily along the sites boundaries. Three of these trees, namely Oak trees which are located on the site's eastern boundary with St James Church are subject to a Tree Preservation Order (TPO). The trees subject to the TPO are not proposed to be removed. Indeed out of the 6 no. trees identified on site, only 1 no. is to be removed, a Silver Birch tree, that is a category C tree with a limited lifespan and is required to accommodate the proposed car park and circulation space. The remaining trees comprise of 2 no. category A, 1 no. category B and 2 no. further category C trees which would remain and be subject to tree protection measures.
- 6.26. The city tree officer has assessed the proposal and submitted documents and has raised no objection subject to the imposition of conditions to secure works being undertaken in accordance with the submitted Arboricultural Assessment methodology and with the defined tree protection areas. I agree with such an approach and consider that with the imposition of such conditions the proposal to be acceptable in this regard.
- 6.27. Given the site's previous industrial/manufacturing uses, the potential for land contamination is considered high. The applicant has provided a land contamination verification with the submission which itself concludes that land contamination is present on site and has had effective remediation undertaken. However, it is noted that the report goes on to state within its recommendations/conclusion that the low risk is predicated on the provision of gas protection measures for which details have yet to be submitted. As such, it is considered appropriate to secure such details through the imposition of a condition for a revised contamination remediation scheme and associated verification report.

- 6.28. Policy TP3 requires developments of a certain type and threshold to meet BREEAM (Building Research Establishment Environmental Assessment Method) Standard Excellent. The proposed development has been submitted with a Pre-BREEAM Assessment which outlined various points in the assessment to demonstrate on site limitations of achieving BREEAM Standard Excellent, which upon consideration are accepted. I also note that a further exercise to evaluate whether the proposed scheme could achieve BREEAM Excellent under any circumstances has been undertaken but that the costs associated with such provision would render the scheme economically unviable whilst also not fully meeting the requirements for BREEAM Excellent. However, the submitted pre-assessment confirms that a BREEAM Very Good rating can be achieved and confirms that credits for this rating are achieved in all key stages of the development, including demolition, construction and long-term management. It is considered appropriate to impose a condition to secure final certification and a Post Construction Assessment Report within 6 months of first occupation of the building.
- 6.29. In addition to the BREEAM pre-assessment, an Energy and Sustainability Statement has been submitted which looks to secure Sustainable Construction and which also references Low and Zero Carbon Energy Generation. The statement has demonstrated that the proposal goes beyond the requirements of policies TP3 and TP4 in terms of energy efficiency and carbon reductions with various measures proposed, including the; orientation of the building, alongside the site location, in order to make use of solar gain and reduction of energy consumption, ensuring U values are much lower than those required under Building regulations, improved fabric performance and thermal mass, natural ventilation and low energy lighting are also to be used.
- 6.30. Furthermore, the provision of roof mounted photovoltaic panels (538 no. in total) at an incline of 5 degrees and an east orientation along with an air source heat pump, which are considered acceptable for a building of this size and scale, are proposed to be used which are supported. On this basis it is considered that the proposed energy strategy is appropriate and the development is considered to represent a highly sustainable form of development, from construction through to occupation and would be in compliance with policies TP3 and TP4 of the Birmingham Development Plan and the NPPF.

Highway Matters and Parking

- 6.31. A total of 124 no. car parking spaces are proposed within the application site to serve the proposed development. Such provision is broken down into the provision of 6 no. disabled bays and 8 no. parent and child spaces located closest to the building entrance along with 2 no. electric vehicle charging points which are located on the car parks south western boundary. As part of the overall figure, 12 no. staff parking spaces are proposed to the rear of the building in a separate 'staff only' parking area. The applicant has also indicated the provision of 11 no. cycle storage stands (to provide space for 22 no. cycles) to the sites frontage on Mere Green Road to the buildings south eastern corner. The overall parking provision levels are considered appropriate in this regard subject to an increase in 1 no. disabled bay as commented upon by Transportation Development.
- 6.32. The proposal seeks to provide a new vehicular access point centrally on the site's southern boundary, offset to the right of the Sainsbury's access opposite, from Mere Green Road. The two existing access points that serve the site would be removed and the kerbstones reinstated to full height. Furthermore, the provision of the new access would result in the relocation of an existing pedestrian crossing 17m further

east along Mere Green Road and would also make provision for a new pedestrian crossing approx. 38m to the west of the existing Sainsbury's site access and in front of the boundary between the application site and Mere Green Primary School.

- 6.33. The application has been accompanied by a transportation statement and associated survey information of traffic levels and behaviours along Mere Green Road in the vicinity of the application site. The applicant has also confirmed that a Road Safety Audit process will be undertaken and such measures would be secured by planning condition, should permission be granted for the proposed development. This view is supported by my Transportation Development officer. The officer has also assessed the internal layout of the car park which would also be used for delivery vehicles and is content that the access and internal car park layout offers sufficient space for HGV's to manoeuvre within the site and into the delivery bay in a safe manner.
- 6.34. A number of objections and concerns have been raised by local residents regarding high traffic levels along Mere Green Road associated with existing uses in and around the district centre and the impacts of additional traffic generated by the proposed development. Specific concerns have also been raised over the scope of the transport assessment and the traffic survey undertaken. This concern has been relayed to the applicant following discussions with the Transportation Development officer and given that the original survey was undertaken 18 months previously, further survey work along Mere Green Road during peak times (weekday PM rush hour and Saturday lunchtime) was undertaken in February 2020 and provided for assessment. Concerns have also been made regarding the siting of the proposed access and its operation with the Sainsbury's access opposite.
- 6.35. My transportation officer has assessed the scheme in its entirety along with all associated documentation, the additional survey information and has undertaken their own observations and assessment using local authority data and raises no objections to either the scope of the survey work undertaken which is considered to be representative of traffic levels and behaviours observed on site or with regards to the siting of the proposed access on which advice was provided for at pre-application stage, which is considered to be an appropriate design solution in this case. When coupled with the revised and additional pedestrian crossings either side of the proposed access, it is considered that the development proposal would not adversely impact upon either highway safety or upon the operation of the wider highway network sufficient to warrant refusal.
- 6.36. Furthermore, the provision of an additional crossing point is welcomed which would provide access directly from the site and other uses such as the school, to the district centre. As such, the site is considered to be located in a sustainable location, close to public transport options and within walking distance to other facilities within the district centre promoting linked trips and the overall health and vitality of the adjacent centre.
- 6.37. Whilst no objections are raised by My Transportation Development officer in relation to highway safety and network issues they have recommended a number of conditions to ensure that the development proposal achieves those aims. Firstly they have requested the imposition of a cycle storage condition on the basis that the provision indicated on the submitted plans is isolated away from the store entrance and a revised location should be looked at. I agree with this comment and recommend the imposition of such a condition to secure such changes. In addition they have requested that the disabled parking bay provision is increased by 1 no. which can be secured via condition.

- 6.38. Furthermore, a condition to secure S278 works, including delivery of site access and all necessary and associated highway modification to Mere Green Road to include, removal of redundant vehicular accesses, lighting, drainage, signage, TRO and carriageway markings, relocation of existing/provision of new light controlled pedestrian crossing facilities, road safety audits (including post-implementation), future maintenance, interactive driver speed limit signs and/or a mechanism for review of speed limit on Mere Green Road in the vicinity of the site, is proposed. Alongside conditions looking at the provision of a Construction Method Statement, mud prevention measures, means of access and design of the site access, pavement boundary details, parking management and provision of parking layout prior to occupation, a commercial travel plan, as well as conditions to monitor and control delivery vehicles on site. These conditions are considered reasonable and necessary to facilitate the development proposal and subject to their attachment to any subsequent planning consent, the development proposals are considered acceptable in this regard.

Other Matters

- 6.39. It is noted that the development framework associated with the application site makes reference to the fact that consideration should be given to allow possible future pedestrian access from the car park at the north of the site to allow a direct route for residents onto Mere Green Road. This was discussed by the applicant at pre-application stage with the LPA and Town Council and the view was taken at that stage that the purposes of such a link would not meet any obvious pedestrian desire lines, would not provide access to the public realm north of the site and could also create potential surveillance (or lack of) and safety issues. The LPA accepts this approach in this case.
- 6.40. The Councils Employment Access Team have been consulted on the application and have raised no objections to the proposal, subject to a condition securing the prior submission of an on-site local employment opportunities plan, for the Councils consideration. This seeks to ensure that local residents can benefit from the proposal in terms of employment opportunities during both the construction process and end retail use. The imposition of such a condition is considered appropriate and is included within the recommendation.
- 6.41. West Midlands Police's Secure by Design team have been consulted on the application and have raised no objections. They have however requested the imposition of a condition to ensure that deliveries to the supermarket take place after 07:00 weekdays and 08:00 at weekends in order to maintain residential amenity of nearby dwellings. The imposition of such a condition is not considered necessary in this case given that the submitted noise assessment has demonstrated that the delivery noise would result in a low impact upon residential amenity due to the distance of sensitive receptors along with the imposition of appropriate mitigation measures (2m high boundary treatment).

7. Conclusion

- 7.1. The application site has adequately demonstrated through the submission of a sequential assessment that the provision of an A1 use class retail store is appropriate on this former industrial site on the edge of, but outside of Mere Green district centre.

- 7.2. The proposal would result in a high quality development that would enhance the streetscene and accord with the general guidance outlined within the development framework subject to the imposition of conditions.
- 7.3. The submission has also adequately demonstrated that the use of and layout of the site would not adversely impact upon highway safety or upon the operation of the wider highway network, again subject to suitable safeguarding planning conditions.
- 7.4. Furthermore, the building would achieve a very good BREEAM rating and therefore meet the Council's aim for its carbon reduction and sustainable construction measures. As such the application proposal, subject to conditions, is considered to be in compliance with the relevant sections of the local and national planning policy and the application is recommended for approval on this basis.
8. Recommendation
- 8.1. Approve, subject to conditions.

-
- | | |
|----|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission of a construction method statement/management plan |
| 4 | Requires the submission of the design of the access |
| 5 | Requires the submission of a parking management strategy |
| 6 | Requires the submission of a commercial travel plan |
| 7 | Requires the delivery and service area prior to occupation |
| 8 | Requires the submission of cycle storage details |
| 9 | Requires the submission of details of a delivery vehicle management scheme |
| 10 | Requires the submission and completion of works for the S278/TRO Agreement |
| 11 | Requires the submission of an amended car park layout - disabled bay provision |
| 12 | Requires the prior submission of a sustainable drainage scheme |
| 13 | Requires the prior submission of a Sustainable Drainage Operation & Maintenance Plan |
| 14 | Requires the prior submission of a drainage scheme for foul and surface water |
| 15 | Requires the submission of sample materials |
| 16 | Requires the submission of hard and/or soft landscape details |
| 17 | Requires the submission of hard surfacing materials |
| 18 | Requires the submission of boundary treatment details |
-

-
- 19 Limits the hours of use - Monday-Saturday and Bank Holidays 07:00-22:00 and Sunday 10:00-17:00
 - 20 Requires the prior submission of a contamination remediation scheme
 - 21 Requires the submission of a contaminated land verification report
 - 22 Limits the noise levels for Plant and Machinery
 - 23 Requirements within pre-defined tree protection areas
 - 24 Requires implementation of recommendations outlined in Hoare Lea Noise Impact Assessment Revision 3
 - 25 Requires the prior submission of a BREEAM certificate and post construction report
 - 26 Requires the prior submission of a construction employment plan.
 - 27 Requires the submission of a CCTV scheme
 - 28 Requires the submission of an external lighting scheme
-

Case Officer: Christopher Wentworth

Photo(s)

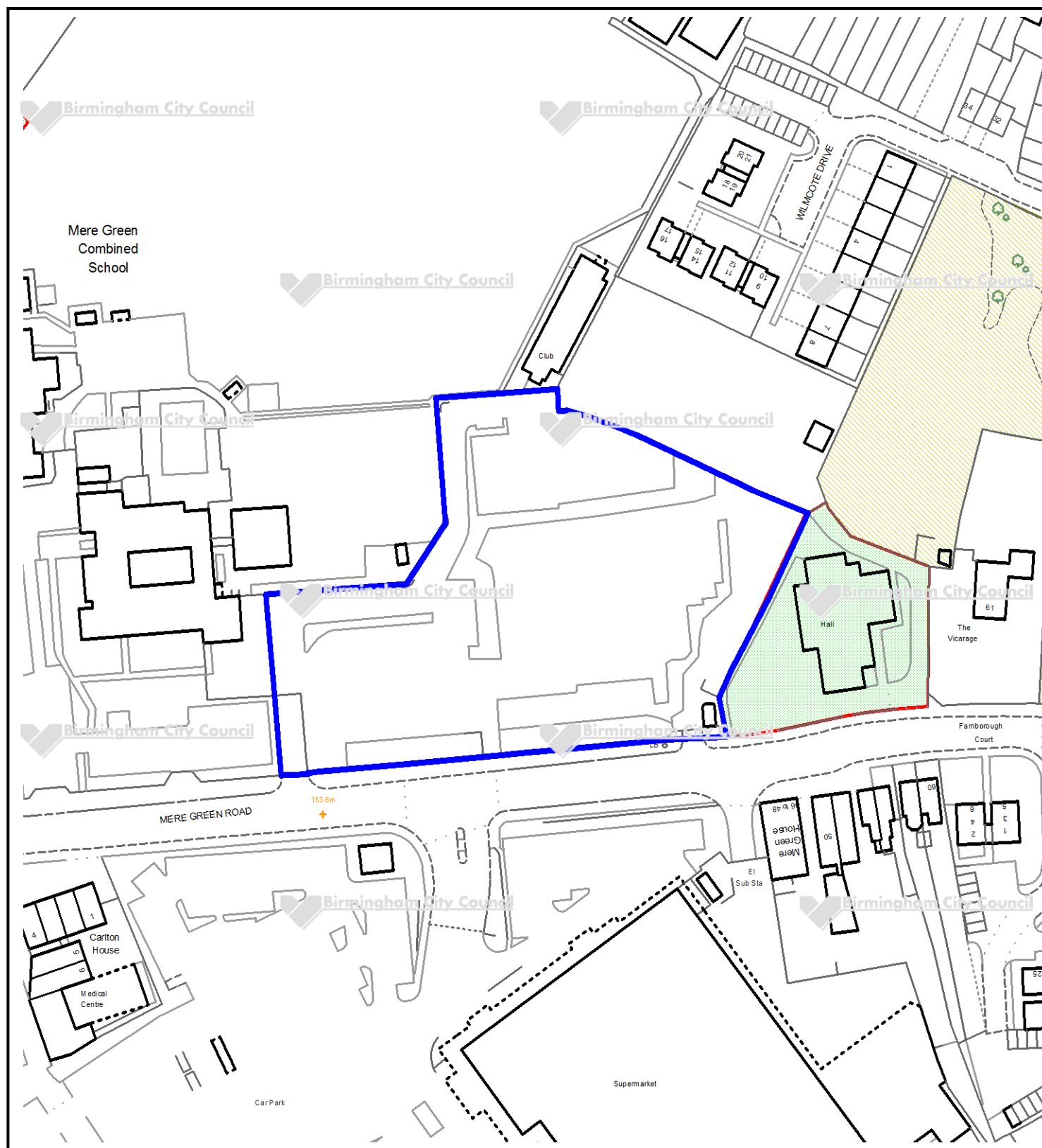


Application site.



Mere Green Road frontage looking towards application site.

Location Plan



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Birmingham City Council

Planning Committee

18 June 2020

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>
No Prior Approval Required	9	2020/03248/PA Highways land adjacent 1200 Bristol Road South West Heath Birmingham B31 2RW Application for Prior Notification for the installation of a 20 metre high monopole with wrapround cabinet at base and ancillary work.

Committee Date:	18/06/2020	Application Number:	2020/03248/PA
Accepted:	29/04/2020	Application Type:	Telecommunications
Target Date:	23/06/2020		Determination
Ward:	Northfield		

Highways land adjacent 1200 Bristol Road South, West Heath, Birmingham, B31 2RW

Application for Prior Notification for the installation of a 20 metre high monopole with wraparound cabinet at base and ancillary work.

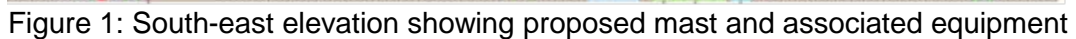
Recommendation

No Prior Approval Required

1. Proposal

- 1.1. This is a prior notification application for the installation of a 20m high Phase 8 telecommunications monopole with a wraparound cabinet at its base and associated works.
- 1.2. The proposed mast would be located on the pavement on the opposite side of Bristol Road South to no.1193 Bristol Road South.
- 1.3. The proposed mast forms part of an integral requirement for H3G LTE to expand its 5G telecommunications network across Birmingham specifically in this instance to enhance 5G coverage levels and network capacity within the local area.
- 1.4. There is now a requirement to upgrade the UK H3G (Three) network to provide improved coverage and capacity, most notably in relation to 5G services. Three are in the process of building out the UK's fastest 5G network. Three has 140MHz of 5G spectrum (and 100MHz of it contiguous), which means the service provided will be much faster and able to handle more data. To bring this new technology to the public H3G will need to provide a mix of upgrades to existing sites and the building of new sites. New sites will be needed for many reasons, including that the higher radio frequencies used for 5G do not travel as far as those frequencies currently in use and that sometimes not all existing sites can be upgraded. In this area there is an acute need for a new mast to deliver the above.
- 1.5. The nature of 5G and the network services it provides, means the equipment and antennas required are quite different to the previous, and existing, service requirements. In particular, the nature of the antennas, and the separation required from other items of associated equipment, is such that it cannot utilise some existing structures that provide an installation for another operator, most notably in a street works or highways environment.
- 1.6. The proposed monopole would be 20m in height with the wraparound cabinet at its base measuring approximately 1.8m x 0.7m. Immediately to the east of the proposed pole would be three standalone cabinets, 1 No. Commscope G100876 Cabinet (power & transmission), 1 No. Commscope Bowler cabinet and 1 No.

1.7. The applicant states that the proposed equipment would be ICNIRP-complaint (International Commission on Non-ionizing Radiation Protection).



2. Site & Surroundings

2.2. Site Location

3.1. None.

Page 2 of 8

- 4.1. Local schools, local Ward Councillors, the Constituency MP and residents associations have been consulted. The application has been advertised through a site notice. 5 letters of objection has been received from local occupants and Councillor Olly Armstrong has objected to the application. A petition from 204 people, also supported by Cllr Armstrong has been received. These objections relate to the following matters:
- Poor location for a mast which would be visually detrimental to the character of the local area and be an eyesore
 - Potential health risks to children and adults
 - lack of consultation and transparency of consultation by the applicant and council, of key stakeholders, including the many residents and shops
 - Detrimental impact upon surrounding property prices and making business premises less desirable.

4.2. Transportation Development – No objection

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan 2005 (Saved Policies).
 - Telecommunication Development: Mobile Phone Infrastructure SPD 2008.
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) 2019.
 - The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 16 (as amended 2016).

6. Planning Considerations

Principle of the Development

- 6.1. This is a prior notification application. As such, the only issues that can be considered when assessing this application are the siting and appearance of the proposed telecommunications monopole and cabinets. The principle of development is therefore not an issue of consideration for this prior approval application.

Policy Context

- 6.2. Paragraphs 112-116 of the National Planning Policy Framework (NPPF) 2019 relate to the installation of telecommunications equipment.
- 6.3. Paragraph 112 advises that planning decisions should support the expansion of electronic communications networks including next generation mobile technology (such as 5G).
- 6.4. Paragraph 113 states that the number of sites for installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It explains that the use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and

smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

- 6.5. Paragraph 115 states that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. This should include:
- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
 - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
 - c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
- 6.6. Paragraph 116 states that “Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”.
- 6.7. The Telecommunications Policy (Paragraphs. 8.55-8.55C) in the Birmingham UDP (2005) and the Telecommunications Development SPD state that a modern and comprehensive telecommunications system is an essential element in the life of the local community and the economy of the City but that in assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties. In respect of ground-based masts, the Council’s SPD states that they should make the most of existing screening or backdrop to buildings and avoid open locations, that they should be mitigated by landscaping and planting, that street locations will be discouraged but where they are the only option they should appear as an unobtrusive addition, and where possible sites should have a backdrop of trees to reduce visual contrast.
- 6.8. It should be noted that both of the above policies pre-date the advancements in technology required to 4G and 5G. The current set of monopoles and masts being brought out by operators for 5G need to be above the height of the surrounding buildings and trees so as to provide clear sightlines and greater coverage. As such the recommendation in the above policies that masts are screened is not able to be achieved whilst also providing the modern technology requirements.

Siting and Appearance

- 6.9. The agent has stated the site selection process has also been influenced by the numerous vertical elements of street furniture distributed around the vicinity of the site including street lighting columns. The height of the pole has been kept down to the absolute minimum capable of providing the required essential new 5G coverage. The proposed location was considered to be the only viable option as this is an extremely constrained cell search area. Options are extremely limited and the only viable solution that minimises amenity issues has been put forward. The search area is made up of tightly packed residential properties with a railway to the

South and East. Wide pavements are in the locality however these are overlooked by houses, resulting in a lack of options.

- 6.10. The proposed monopole which is being applied for would be 20m high which is the maximum height allowed under the permitted development process. The proposed height of the mast is required to enable 5G, which the applicant states is more prone to shadowing effect from adjacent buildings, structures and tree canopies. The height needs to avoid the obstacles. The GDPO was amended in 2016 to allow for this increase in height for 5G.
- 6.11. The proposed monopole and associated equipment would be sited on the pavement of Bristol Road South but would not be obstructive to either pedestrians or motorists. There are various items of street furniture adjacent to the site along this section of Bristol Road South including street lighting, road signage and street trees. The proposed development would be located adjacent to mature trees with a height of approximately 25m which would help to soften the impact of the proposed works. I consider the location of the telecommunications equipment away from residential properties to be suitable for such a development. The proposed development would not be located directly outside a residential property, would be approximately 38 metres from the nearest residential uses and would be separated by Bristol Road South, a busy 4 lane highway with a central reservation, so there would be no immediate effect on dwellings within the street scene.
- 6.12. It is acknowledged that the new monopole would be of a relatively significant height and whilst it would have a substantial impact on visual character of the area, this should be balanced against the benefits of providing the enhanced technology and capacity of 5G. The proposed mast is a standard design, widening at the top to accommodate the antennae. The diameter and overall form is similar to many other masts throughout the city and is not objectionable.
- 6.13. The telecommunications equipment would not result in any excessive visual clutter within the street. The proposal would not have a harmful impact upon the visual quality of the wider street scene and therefore there are no grounds upon which to resist such a development.

Impact upon Public Health

- 6.14. The concerns raised in relation to the potential health risks to children and adults from the mast are noted. However, paragraph 116 of the NPPF states that the Local Planning Authority must determine applications on planning grounds. The applicant has demonstrated, by way of an appropriate certificate, that the proposed installation would meet the standards of the ICNIRP for public exposure as recommended by Paragraph 116 of the NPPF and a fully compliant certificate has been submitted. Consequently, I consider the application is acceptable on the grounds of public health.

Transportation and highway safety

- 6.15. Transportation Development have been consulted on this application and have raised no objections. I therefore consider that the proposal would not have a detrimental impact on highway safety.

Other Issues

- 6.16. The councils Principal Arboriculturist has stated that the proposed installation should not have any impact on the trees within TPO 679 located on the boundary of 1200 Bristol Road South. The applicant has been made aware that any requests made to prune any of the trees contained within TPO 679 in order to provide better 5G signal would not be supported.
- 6.17. I can confirm that all properties within 50m of the proposed development and all schools within 200m of the proposed development have been notified in-line with both local and national validation requirements for this type of application.
- 6.18. I note the concerns have raised with regards to the proposals impact upon surrounding property prices and making business premises less desirable. These concerns do not constitute material planning considerations and therefore have no bearing in the determination of this application.
7. Conclusion
- 7.1. It is considered that the siting and design of the proposal being considered under the Prior Approval process is acceptable in this location. The proposed development would comply with the principles set out in the NPPF (2019), TP46 of the BDP, Policy 8.55 of the Birmingham Unitary Development Plan 2005 and Telecommunications Development: Mobile Phone Infrastructure SPD 2008, which has been adopted as a Supplementary Planning Document.
8. Recommendation
- 8.1. No prior approval required.

Case Officer: James Herd

Photo(s)

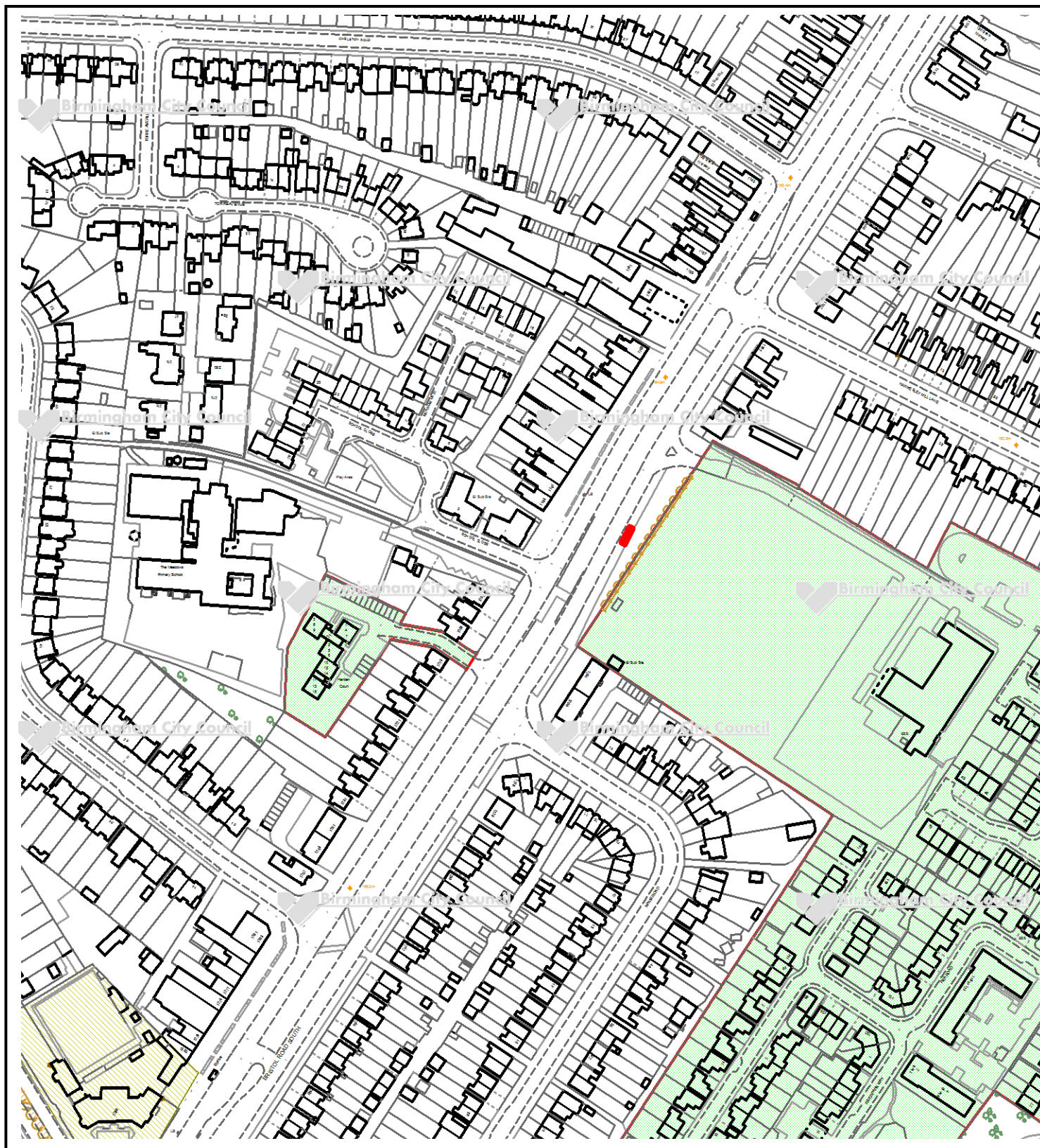


Figure 2 – Southerly views towards proposed siting of mast.



Figure 3 – North-westerly views from the application site to the commercial parade on the opposite side of Bristol Road South.

Location Plan



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Birmingham City Council

Planning Committee

18 June 2020

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	10	2019/04481/PA Elite House 95 Stockfield Road South Yardley Birmingham B27 6AT Change of use from offices (Use Class B1) to hostel incorporating 45 No. bedrooms and ancillary facilities (Sui Generis)
Approve – Conditions	11	2018/06785/PA Land at junction of Bromford Drive/Chipperfield Road Birmingham B36 Erection of 28no. dwellinghouses alongside associated highway works and landscaping
Approve – Conditions	12	2019/05286/PA Land adjacent Bromford Drive and Chipperfield Road Birmingham B36 8BU Erection of 25 no. dwellings and associated highway works and landscaping
Approve – Conditions	13	2020/02817/PA 220 High Street Erdington Birmingham B23 6SJ Change of use from pawnbrokers shop to an adult gaming centre

Committee Date:	18/06/2020	Application Number:	2019/04481/PA
Accepted:	16/07/2019	Application Type:	Full Planning
Target Date:	18/06/2020		
Ward:	Tyseley & Hay Mills		

Elite House, 95 Stockfield Road, South Yardley, Birmingham, B27 6AT

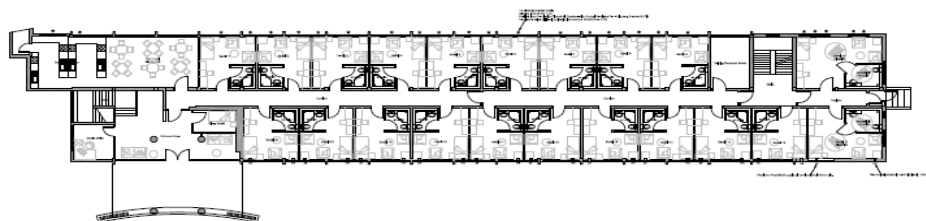
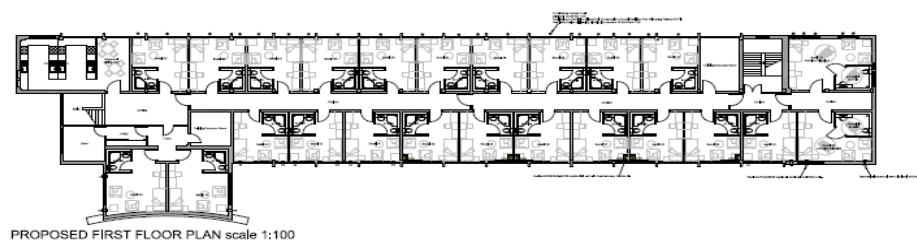
Change of use from offices (Use Class B1) to hostel incorporating 45 No. bedrooms and ancillary facilities (Sui Generis)

Recommendation


Approve subject to Conditions

1. Proposal

- 1.1. The proposal relates to the change of use of Elite House from offices (Use Class B1) to a hostel comprising 45 self-contained one person rooms and ancillary facilities (Sui Generis Use).
- 1.2. There would be 21 bedrooms provided on the ground floor (19 standard 1 person bedrooms and 2 disabled rooms). The rooms would all be equipped with ensuites and the standard rooms would extend to approx. 16sqm (including the ensuite) and the disabled rooms would be approx. 22sqm in area (including the ensuite). There would also be a foyer, office and computer room provided on the ground floor.
- 1.3. The first floor would have a similar configuration of rooms of equivalent size to the ground floor with two additional bedrooms being provided in the former board rooms to the front of the building. Thereby there would be a total of 24 rooms on the first floor and two training rooms and a store. There would be a communal kitchen/dining area extending to approx. 35sqm on each floor and training/computer rooms.



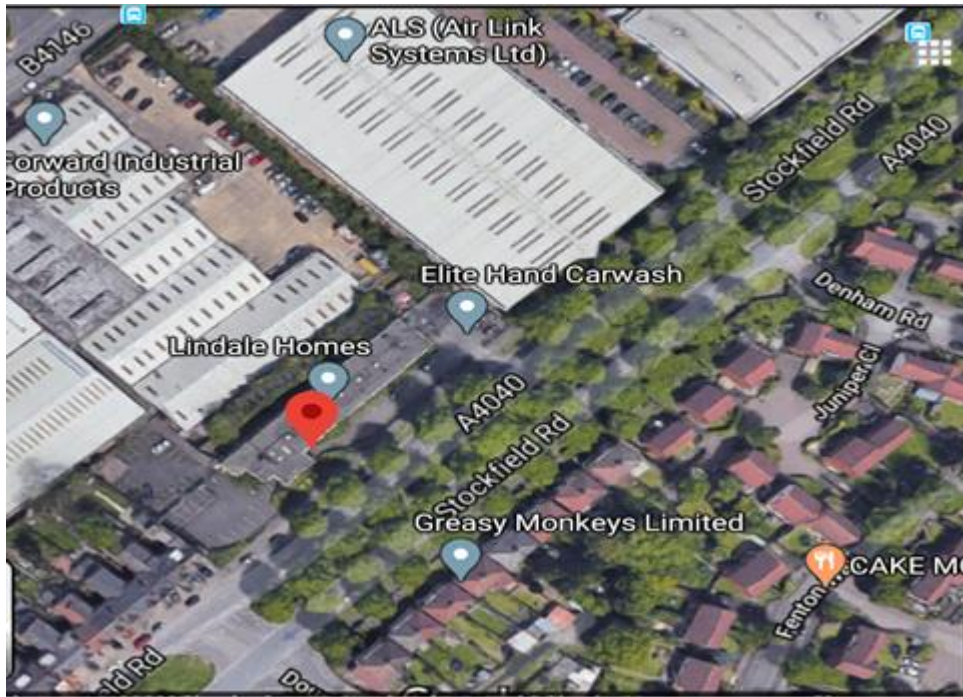
SCHEDULE OF ACCOMMODATION
45 self-contained one person rooms (including disabled rooms)
45 self-contained one person rooms (including disabled rooms)

	
<p>PLANNING APPLICATION</p> <p>Application Number: 2019/04481/PA</p> <p>Application Type: Full Planning</p> <p>Ward: Tyseley & Hay Mills</p> <p>Committee Date: 18/06/2020</p> <p>Accepted: 16/07/2019</p> <p>Target Date: 18/06/2020</p>	
<p>PROPOSED FIRST FLOOR PLAN scale 1:100</p> <p>PROPOSED GROUND FLOOR PLAN scale 1:100</p>	
<p>SCHEDULE OF ACCOMMODATION</p> <p>45 self-contained one person rooms (including disabled rooms)</p> <p>45 self-contained one person rooms (including disabled rooms)</p>	
<p>Scale: 1:100</p>	

- 1.4. There would be an entrance, car park and cycle park provided to the south of the building (where the car park was located previously) and there would external amenity space provided to the rear (west side of the building) and to the north side and front of the building. A revised proposed site plan has been provided which shows hard and soft landscaping provided in the amenity spaces and four seating areas and connecting pathways. The boundary to the rear of the premises adjoining the existing industrial premises would be delineated by a gabion cascade and trailing planting as detailed in the site plan.



- 1.5. A revised Management Plan has been provided and states that the hostel would be managed by Reliance Social Housing. In terms of occupation, it would be males over the age of 25 and classified as low risk.
- 1.6. The tenants would be provided with computer skills to assist them in finding a job and reintegrating into mainstream society. In respect of staffing, there would be one site manager, one concierge staff member, one overnight security guard and two full time housing officers. Reliance Social Housing as the registered provider would be responsible for the maintenance of all communal areas, waste disposal and compliance with all Health and Safety requirements.
- 1.7. The application is accompanied by a Planning Statement, Management Plan, Noise Assessment and Addendum and Marketing Brochures.



Elite House within its context on Stockfield Road

1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The building comprises a long rectangular, flat roofed structure situated with two storeys above a basement. The vacant office accommodation is partitioned with mainly stud walls internally, and there is an existing reception area and associated facilities on the ground floor. The quality of the building is notable with a panelled board room to the first floor and the original metal windows in place.
- 2.2. The existing building is a two storey building that fronts onto Stockfield Road and there is a car park along the front and immediately to the south west of the building with two gated vehicular access points directly from Stockfield Road. There is an unauthorised car wash operating within the curtilage at the northern end of the building.
- 2.3. The building is located on the edge of the Kings Road Core Employment Area. It is located adjacent to large manufacturing buildings to the north and west of the site and distribution buildings to the east of the site. Two storey residential dwellings are located to south of the building and also to east on the opposite side of Stockfield Road.

2.4. [Site Location Plan](#)

3. Planning History

- 3.1. 28.07.2017. 2017/02044/PA - Outline application for second floor extension to Elite House (6 no. apartments) and erection of three storey building comprising of 8 no.

apartments (14 no. apartments total) with appearance, layout and scale to be determined. Approved subject to Conditions.

- 3.2. 06.02.2017. 2016/10532/PA – Prior Approval – Change of use from offices (Use Class B1[a]) to residential (Use Class C3) – Prior approval required and approved subject to conditions.
- 3.3. 09.11.2016. 2016/07947/PA – Prior Approval – Change of use from offices (Use Class B1[a]) to residential (Use Class C3) – Prior approval required and refused – Lack of noise assessment and levels of car parking and cycle storage not sufficient.

4. Consultation/PP Responses

- 4.1 MP, Ward members, residents associations and neighbouring residents consulted. Site notice posted. 13 comments received, summarised as appropriate. In the interests of clarity, the summary below relates to the additional consultation exercise in relation to the amended plans reducing the number of bedroom units to 46 (with single person occupancy).
- Concerned over safety and security in the vicinity
 - The proposed management company necessary capacity or experience to manage such a large hostel.
 - The number of residential units is still too high with insufficient security of tenure for the residents.
 - Following discussions between the applicant and local Ward Councillors, the scheme has been improved and reduced to a total of 46 persons with just one person per room, en-suites in the rooms and disabled units.
 - The communal kitchen/dining room area is insufficient.
 - There seems to be a communal kitchen with four cookers and four sinks. On checking the BCC Directorate of Housing and Constituencies Property Management Standards Applicable to Houses in Multiple Occupation (HMOs) believe that this property which is not providing cooked meals, as a hostel would need to, would be classified as an HMO, in which case there should be a sink and a cooker per five residents. (Section 2.15 on p. 19) In a setting like this we believe that a second kitchen-dinner with the same provisions again would be more appropriate.
 - There is no suggestion that the applicants have withdrawn the original plan to summarily evict residents who caused them any problems and to evict anyone who stays six months.
 - The external amenity space is not weather proof and would result in noise and disturbance for neighbours
 - It's unclear whether the windows and heating would be upgraded to make the building suitable for residential use.
 - The proposed change of use constitutes the loss of employment land.
 - There are a number of large houses in this area used as supported adult housing for various client groups as well as a number of HMOs offering small units to single people which in some cases are more vulnerable and transient and therefore the cumulative impact is a consideration
 - It's unclear that the proposal would meet local need as referred to in the planning statement

Cllr Roger Hamer raised the matter that the management company is not suitable, in terms of size, resources and experience for managing such a large and sensitive site.

Cllr John O'Shea raised the loss of commercial/industrial space, poor design and sustainability, inadequate communal space and inadequate external amenity space.

- 4.2 Severn Trent – No objection subject to conditions in relation to foul and storm drainage.
- 4.3 WM Police – No objection subject to conditions in relation to internal door security.
- 4.4 Regulatory Services – No objections in relation to the revised glazing and ventilation plan and details have been added for each bedroom and these are in accordance with the recommendations in the overheating report and vent details. Conditions are also required in relation to contaminated land and vehicle charging points.
- 4.5 Transportation Development - No objections subject to conditions in relation to car park design and cycle parking provision.
- 4.6 Tree Officer - There is an overgrown conifer hedge to the rear of the building and a deciduous tree at the end of the hedge. The hedge and tree would need to be removed to implement the proposal and this would be acceptable. Tree conditions are not required.

5. Policy Context

- 5.1. Birmingham Development Plan 2017 and Birmingham Unitary Development Plan 2005 (Saved Policies); Car Parking Guidelines 2012 SPD; Places for Living SPG 2001; Special Needs Residential Uses SPG and National Planning Policy Framework (2019).

6. Planning Considerations

Background

- 6.1. The proposal was originally submitted in May 2019 and the accommodation was proposed to contain 10 one person bedrooms, 13 two person bedrooms, 11 three person bedrooms and 7 four person bedrooms. The proposed hostel would have accommodated a total of 97 persons. Following concerns raised in the consultation exercise in relation to the scale of the proposal, the scheme was reduced to 45 one person bedrooms with ensembles. The application site is located close to a number of commercial noise generating sources and additional technical information has been provided to address noise impact on future occupiers. The main issues in the determination of the application are the principle of development, the impact of existing noise generating sources and the impact of the proposal on the amenity of neighbouring residential occupiers.

Principle

- 6.2. The application site is located on the edge of a core employment area. Policy TP19 of the BDP states that Core Employment Areas will be retained in employment use and that applications for uses outside these categories will not be supported unless an exceptional justification exists. It is noted that the previous use of the premises as offices B1(a) is not included in the definition of employment use within the policy.
- 6.3. The applicant has provided detailed evidence in relation to the marketing of the site for the B1(a) office use since 2015 with no enquiries or uptake of the premises for the current lawful use. As the site is on the edge of the core employment area, adjoining residential uses, it is considered that the loss of the site for employment purposes would not materially affect the integrity of the employment area.
- 6.4. Members should note that planning permission has been granted for prior approval for a change of use from offices (B1) to residential (C3) under application (2016/10532/PA) and a subsequent outline planning consent (2017/02044/PA) has been granted for the conversion of the building to residential use and provision of apartments in the grounds of the premises. This application remains capable of implementation and carries significant weight in determination of the current proposal. The views of Strategic Planning are noted in this respect. It is therefore considered that the exceptional justification required by policy TP19 of the BDP has been fulfilled and thereby the change of use from offices (Use Class B1) to a hostel (Sui Generis) would be acceptable in principle.

Design, Internal and external space standards

- 6.5. Saved paragraphs 8.28 and 8.30 of the UDP (2005) relate to the provision of hostels and residential homes. Proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance and should include within the site boundary adequate outdoor amenity space to provide a satisfactory living environment for residents which should normally be a minimum of 16sqm of space per resident, separate from car parking areas, access ways and circulation space.
- 6.6. The proposal relates to the provision of 45 single person rooms which would equate to provision of 720sqm of external amenity space. There is an area of amenity space to the side and rear of the property (excluding the proposed car park and access) which would amount to approx. 900sqm. There is currently a car wash operating in part of this land but that will cease upon implementation of this proposal and the proposed site plan shows it removed and amenity space provided. The proposed amenity space would be impacted by the adjoining commercial uses and the traffic noise from Stockfield Road and it is not possible to mitigate these impacts entirely. However, the revised site plan provided shows the provision of boundary treatment including a gabion cascade to separate the site from the adjoining industrial premises. There are coniferous trees to the rear on the site of the proposed amenity space but there are no objections from the Tree Officer to their removal and it is noted that they are overgrown in respect of the available space. The location of the space is such that the residential amenity of existing adjoining occupiers would not be affected since the closest residential properties are located further to the south of the building on Stockfield Road beyond the proposed car park. On balance, the space available is considered sufficient to fulfil policy requirements.
- 6.7. The proposed bedrooms would each have an ensuite and would have an average floorspace in excess of 16sqm which would fulfil the internal standards set out in the

Special Needs Residential Uses SPG. There are communal dining/kitchen areas of 35sqm on each floor and three training rooms in the building.

- 6.8. The building is of high quality in terms of its architecture, circulation and fenestration. The applicant contends that the proposal relates solely to a change of use and the existing external fabric will be retained. The applicant has been requested to confirm that the original metal windows can be retained and satisfactory acoustic ventilation secured. There is a condition attached requiring the provision of details of the proposed window design and materials.

Noise

- 6.9. The application was initially accompanied by a Noise Survey which sought to establish whether there were any significant commercial noise sources nearby and measure the potential noise impact arising from these sources. The report concluded that there will be no significant noise impact from the surrounding commercial/ industrial uses.
- 6.10. Regulatory Services expressed concern in relation to the high daytime (LAeq) noise levels that were observed in the survey. The applicant provided an addendum to the noise survey indicating the locations at which the noise survey was conducted. It was concluded that the external noise level was of the order of 55dB. It was considered that a satisfactory noise level could be maintained with closed windows. However, as an alternative, the applicant provided details of a 'Passivent' ventilation system and an annotated glazing and ventilation plan. There is now no objection to the application subject to conditions.

Impact on Residential Amenity/Third Party Representations

- 6.11. The closest residential property is No. 73 Stockfield Road to the south of the site and it is approximately 30m from the building. The residential dwellings on the opposite side of Stockfield Road are in excess of 55m away from the building. No. 73 would also adjoin the proposed car park rather than the amenity space and it is not considered that this change is significant over and above the present situation.
- 6.12. In terms of the comments received in relation to cumulative impact, there is a planning consent for a change of use from self-contained flats to a residential care home at Nos 53-55 Stockfield Road (1991/01472/PA). It does not appear that this has been implemented. Therefore, it is not considered that the proposal would have a detrimental cumulative impact in respect of the residential dwellings in the immediate vicinity. The revised internal configuration of the building is considered to comply with the requirements of the Special Needs Residential Uses SPG. In terms of the management of the building and expertise of the housing provider, this would be a matter for the applicant and not a material consideration in respect of the whether the proposed use of the building would be acceptable or not in planning terms. The updated Management Plan provided sets out the details in relation to the operation of the proposed use including the number of staff, security and maintenance of the building.

Highway Matters

- 6.13. There are no objections raised from Transportation Development, subject to a number of standard conditions. The previous lawful use of the building is noted in terms of traffic generation and the proposed level of car and cycle parking provision is considered adequate.

7. Conclusion

- 7.1. It is considered that the revised plans with a reduced number of bedrooms and improved external amenity space would be acceptable. The proposal would enable the retention and viable reuse of a prominent building and the proposal which has been vacant for a prolonged period. The technical objection in relation to noise has been satisfactorily addressed and the proposal would comply with the adopted development plan and the NPPF.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|----|--|
| 1 | Implement within 3 years (Full) |
| 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 submission of a contaminated land verification report |
| 5 | Requires the provision of a vehicle charging point |
| 6 | Development in to accord with Acoustic Recommendations |
| 7 | Requires the prior submission of a drainage scheme |
| 8 | Requires the submission of hard and/or soft landscape details |
| 9 | Requires the provision of cycle parking prior to occupation |
| 10 | Requires the parking area to be laid out prior to use |
| 11 | Occupancy Restriction (45 Residents) |
| 12 | Development in accordance with Management Plan |
| 13 | Architectural Details Required |
| 14 | Cessation of unauthorised car wash |
-

Case Officer: David Kelly

Photo(s)



Front (east) Elevation of Building



Side (South) Elevation of Building

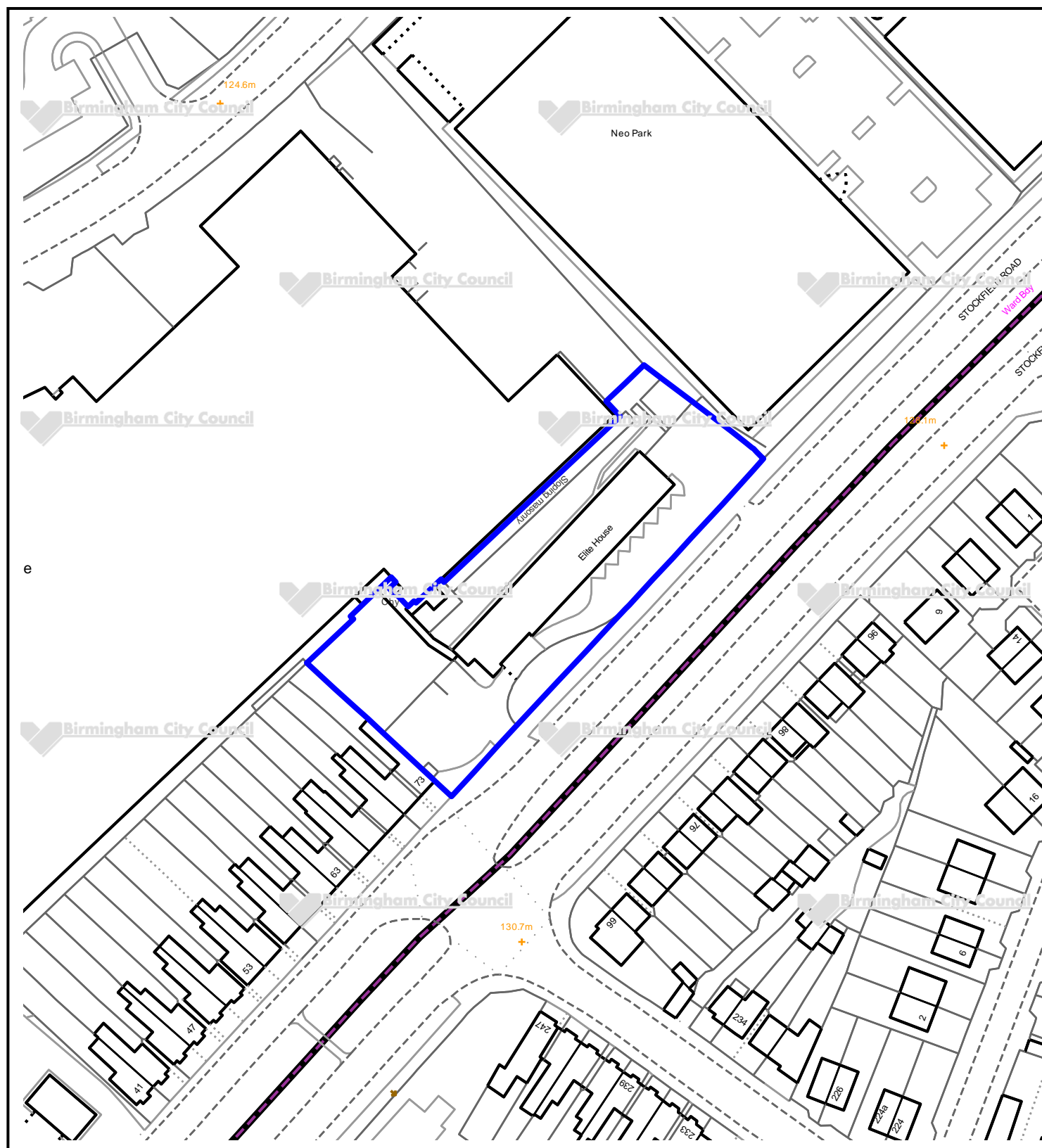


Rear view looking North



Rear view looking South

Location Plan



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Committee Date:	18/06/2020	Application Number:	2018/06785/PA
Accepted:	22/08/2018	Application Type:	Full Planning
Target Date:	19/06/2020		
Ward:	Bromford & Hodge Hill		

Land at junction of Bromford Drive/Chipperfield Road, Birmingham, B36

Erection of 28no. dwellinghouses alongside associated highway works and landscaping

Recommendation

Approve subject to Conditions

1. Proposal

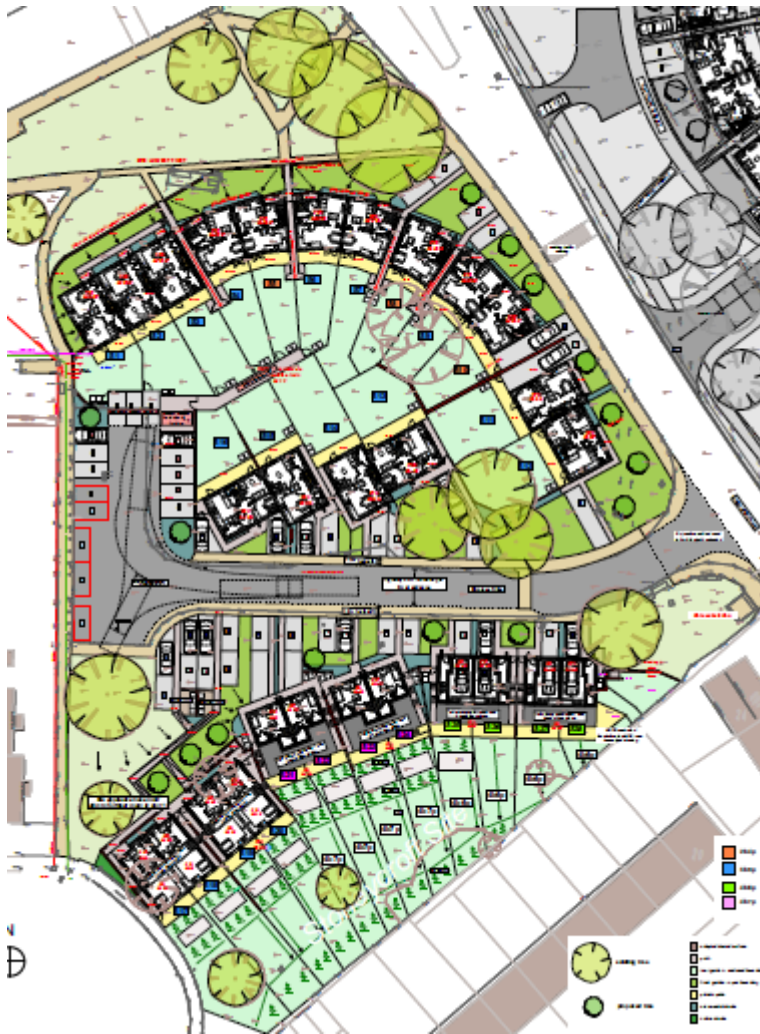
- 1.1. Full planning permission is sought for the erection of 28 dwellings at Land at junction of Bromford Drive/ Chipperfield Road, Hodge Hill, Birmingham. The site is part of the overall Bromford Estate project which involves the implementation of Flood Defence measures along the River Tame in association with the development of some 225 new houses and flats on 12 sites ranging in size from 0.06 to 1.77 hectares. All the proposed dwellings will be for social-rented provision not for private sale and will be implemented by BMHT.



Above - existing aerial photos of development site and adjacent development site to the east

- 1.2. The proposed development includes 28 plots which are a mixture of 3no. 2 bed 4 person dwellings, 17no. 3bed 5 person dwellings, 4no. 4bed 6person dwellings and 4 no. 4bed 7 person dwellings.
- 1.3. Direct access from Bromford Drive is restricted because of junction spacing, services and topography. The majority of houses proposed will be served off Empress Drive, the existing highway link crossing the site east/ west to terminate in a small parking court and improved turning head area. A number of the properties shall be accessed directly from the Chipperfield Rd frontage.

- 1.4. The lower section of the site features a strong arc of 2 & 3 bedroom 2 storey house types (plots 1-12) which is setback from the highway and features frontage parking and a small parking courtyard off Empress Drive. The arc terraced arrangement mirrors that on Bayley Development site (separate application elsewhere on this agenda) to symmetrically define the important nodal junction between Bromford Drive and Chipperfield Road.



Above: Proposed Site Layout Plan

- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The proposed development is a cleared open site which was previously occupied by the former Stoneycroft Tower high rise flats and was cleared in April 2011 and has an overall area of 0.89H, 2.19 acres. In common with many of the clearance sites in the immediate locale, a small northern part of Stoneycroft lies within the flood plain of the River Tame which is currently planned to feature a local second channel flood control defence running west to east along the northern edge of the estate.

- 2.2. The site features a very steep slope from south to north and is crossed by numerous underground services and an existing highway access, Empress Drive, to houses fronting the site on the western boundary.
- 2.3. On two sides the Stoneycroft site is overlooked by similar existing two storey housing of a Radburn layout in keeping with the majority of the original 1960's estate plan. On the remaining sides the site overlooks Chipperfield Road and Bromford Drive. To the east it addresses the Ex-Bayley Tower site, its sister clearance site (see App. No. 2019/05286/PA, elsewhere on this agenda).
3. Planning History
- 3.1. 2006/04077/PA- Demolitions of Tower Block – Approved subject to conditions – July 2006.
4. Consultation/PP Responses
- 4.1. Local residents and Ward Councillors have been notified, a site notice displayed and press notice issued. One objection has been received from a local resident, expressing concern that the proposal will result in the loss of the open space as a community facility and that the proposed buildings will have an adverse impact on light and outlook from existing properties.
- 4.2. **Transportation Development** – No objection subject to the imposition of conditions relating to creation of access, the proposed service road, parking and turning, submission of a residential travel plan and cycle storage. The plans to be approved vary from those originally submitted, to address the initial issues raised relating to the access, parking and footpaths. The proposed development requires extinguishment and modification of elements of existing highway within the site, which need to be secured by an Order under Section 247 of the Act.
- 4.3. **Ecology** – No objection subject to the imposition of conditions relating to further bat surveys and ensuring an ecological enhancement/betterment is achieved as a result of the proposed development.
- 4.4. **Landscape Team** - No objection to the proposal subject to the imposition of standard conditions relating to planting, hard and soft landscaping, boundary treatments, submission of a maintenance plan and levels detail.
- 4.5. **City Design Team** – No objections raised in relation to the proposals.
- 4.6. **Regulatory Services** – No objection subject to conditions requiring the submission of a noise insulation scheme, contamination remediation scheme, contaminated land verification report and the provision of electric vehicle charging points.
- 4.7. **Education Infrastructure Team** – No objection received in relation to the application.
- 4.8. **Leisure Services** – This application is a scheme of over 20 dwellings which is subject to both off site public open space and play area contributions. Since this is a BCC scheme and therefore would not be subject to a Section 106 agreement compensatory public open space works should be provided within the adjacent Bromford/Firs estate, to be funded by the applicant. The open space/play area

contribution required, based on the number of occupants of the development, is £154,675.

- 4.9. **Trees** – No objection subject to the imposition of conditions relating to tree protection areas and pruning.
- 4.10. **Environment Agency** – No objection subject to a conditions relating to finished floor levels and flood resilient construction.
- 4.11. **Severn Trent Water** – No objection subject to a condition requiring the submission of drainage details.
- 4.12. **Lead Local Flood Authority** – No objection subject to conditions requiring the submission of a sustainable drainage scheme and operation and maintenance plan.
- 4.13. **West Midlands Police** – No objections to the proposals. Natural surveillance of some parking spaces could be improved.
- 4.14. **West Midlands Fire Service** – No objections.
- 4.15. **NHS Foundation Trust** – No objections received regarding the proposals subject to a financial contribution of £43,479.

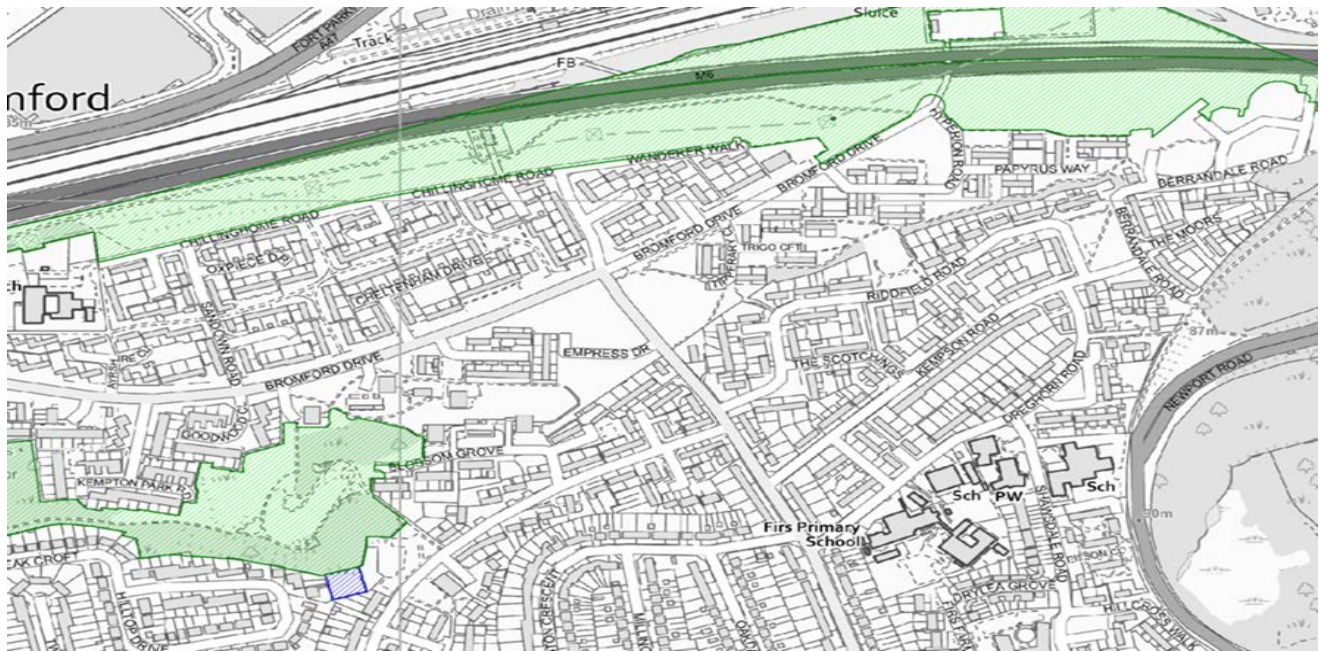
5. Policy Context

- 5.1. National Planning Policy Framework (NPPF) 2019, Birmingham Development Plan (BDP) 2017, Saved 2005 Unitary Development Plan (UDP) Policies, Affordable Housing SPG 2001, Car Parking Guidelines SPD 2012, Places for Living SPG 2001 Public Open Space in New Residential Development SPD 2007

6. Planning Considerations

Principle of Development

- 6.1. In accordance with the requirements of the NPPF this proposal constitutes the reuse for housing of a site which lies within a sustainable location. The site has been identified as being suitable for residential development within the City's Strategic Housing Land Availability Assessment (SHLAA). Policy TP32 (Housing Regeneration) of the BDP identifies the Bromford Estate as being a priority area within the City for housing regeneration and renewal. The proposed development is therefore acceptable in principle with regard to these policy designations.
- 6.2. The development will result in the loss of incidental open space. Policy TP9 (Open Space, Playing Fields and Allotments) of the BDP endeavours to prevent the loss of open space (open space is defined in the BDP as any piece of open land that has 'recreational or public value...which may or may not have free public access'). In this case, the site was previously occupied by a residential tower block and is further supported as there is an existing open space surplus in the locality. Surpluses are calculated against an aspirational ward minimum standard of open space and playing fields. The BDP advises that, for open space, the ward minimum should be 2.0ha per 1,000. The current ward score for the Bromford and Hodge Hill Ward, in terms of open space is 3.24ha. Accordingly, the principle of the proposed loss of the existing open space is acceptable.



Above: Site showing its position in relation to allocated Public Open Spaces, detailed in green.

Housing Density and Type

- 6.3 Policy TP30 (the Type, Size and Density of Housing) of the BDP advises that new housing should be provided at a density responding to its context and that developments should deliver a range of dwellings. The proposed development is considered appropriate within the context of the existing pattern of development in the wider area, which is generally characterised by two and three storey family housing. The proposed mix of 2, 3 and 4 bedroom houses responds to an identified local need identified within the Strategic Housing Market Assessment for this type of housing and will help to support the creation of a mixed, balanced and sustainable neighbourhood.

Rev:	Date:	Notes:
Job Title		
Client		
Drawing Title		
Scale as noted @ A2		Date
Proj. No.	Drawing No.	Revision
 axis design architects ltd 1000-10th Ave. Suite 1000, Vancouver, BC V6Z 1G6 info@axisdesignarchitects.com 604.681.8270		



Above – examples of different housing tenures proposed

- 6.6 The arc terraced arrangement mirrors that on the adjacent Bayley site (2019/05286/PA) to symmetrically define this important nodal junction between Bromford Drive and Chipperfield Road. Plots 17 to 28 are carefully sited within the existing slope and where necessary have been designed as 2½ or full 3 storey split level houses. All houses are arranged as semi-detached pairs or linked terraced all featuring front to rear access to facilitate garden/refuse collection, cycle storage and accessibility.



Above -3 storey split level dwelling

- 6.7 All the proposed homes have front and rear private gardens meeting BCC minimum target areas of 52 and 70sqm for smaller and larger houses.
- 6.8 In the cases of the split level plots 17-28, the gardens feature a combination of terracing, gradual slopes and level patio areas closer to the house.
- 6.9 With regard to the comments received from the Police, the proposals are considered to provide adequate surveillance of the proposed parking area from the

proposed plots and the communal parking area location (which is existing) prevents the development from having a 'parking dominated' frontage, and is more desirable from a highway safety perspective than having multiple access points onto the highway.

- 6.10 The proposed development is considered to comply with Birmingham Development Plan Policy PG3 (Place Making). This policy dictates that all developments will be expected to be of high design quality, contributing to a strong sense of place. The proposals are considered to also create a more sustainable living environment than that of the previous residential scheme which previously occupied the site. The proposals are also considered to be compliant with BDP Policy TP27 (Sustainable Neighbourhoods) which states that all new housing in Birmingham is expected to contribute to making sustainable places, characterised by a strong sense of place with high design quality. The proposals are considered, along with the adjacent site development, to provide a sustainable scheme which makes use of the site characteristic.
- 6.11 Policy 3.14 of the Saved 2005 UDP details that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. The design and landscaping of new developments will be expected to contribute to the enhancement of the City's environment. In the opinion of the Local Planning Authority the proposals constitute a sizeable improvement in the design and layout of the residential development, thus enhancing the City's environment.

Residential Amenity

- 6.12 The NPPF requires that a good standard of amenity is provided within developments. Most of the plots have gardens which accord with guidelines set out in Places for Living SPG in respect of size and length. In the instances which do not meet the guideline figures - permitted development rights for rear extensions can be removed so as to maintain adequate garden sizes within the development. In respect of the bedroom sizes provided, these meet the guidance set out within the Government's 2015 Technical Housing Standards – Nationally Described Space Standard. Some of the house types exhibit a shortfall in the required minimum gross internal floor areas, however the shortfall is relatively small and in itself would not be sufficient reason to warrant refusal of the application given that, overall, an adequate living environment would be provided with a reasonable level of residential amenity for the future occupants.
- 6.13 Plots 1 – 10 are situated within an ark which front onto the open space and Bromford Drive beyond. The properties are a mixture of small terraced, semi - detached and detached properties and are all 2 storey in nature. The properties are accessed via walkways which also give access to the dwellings associated amenity space. These gardens share a boundary with the gardens of properties on plots 13-16.
- 6.14 The properties on plots 13-16 are semi detached properties with parking areas situated to the south, fronting on to the access road at Empress Drive. Given the position of the widows, the rooms which they serve, the relative orientations and the back to back gardens, including boundary treatment, it is considered that the relationship between the properties are acceptable and would not lead to a loss of privacy or residential amenity generally.

- 6.15 Properties within plots 17-20 are semi detached two storey properties which are situated to the south of an area of open space and associated car parking. The properties front on to the access road/ communal parking area beyond, with linear gardens to the south. These properties, as well as properties situated on plots 21-24 and 25-28, back on to the rear gardens of the existing properties at Palmers Grove. The proposed properties would be situated between 35 metres – 24 metres apart which accords with Places for Living guidance relating to distance between rear elevations of dwellings and neighbouring gardens. There would be limited direct views from the proposed properties towards habitable room windows of the dwellings to the rear and given the orientation and level change.
- 6.16 The properties situated on plots 25-28 are the largest properties within the sites redevelopment, with floor areas of 128 square metres, all semi detached properties (three storeys high) with internal garages on the ground floor. The properties when viewed from the south appear as 2 storey properties. The proposed dwelling proposed at Plot 28 is not considered to detract from the residential amenity currently afforded to the property situated at 22 and 24 Palmers Grove/166 and 168 Chipperfield Road by virtue of the acute angle and distances between the properties.

Access/Highway Safety

- 6.17 No adverse comments have been received from Transportation Development in relation to the creation of the new internal access road or individual driveways from the highway. As such it is considered that the proposed means of vehicular access into the site is acceptable and would not have any harmful effect on highway safety. Any outstanding issues have been covered through the imposition of conditions, the majority of which are standard in nature.
- 6.18 Parking provision across the site accords with the guidelines set out in the Parking Standards SPD – the development will not therefore result in on-street parking which could potentially be detrimental to highway safety.
- 6.19 The proposed development will necessitate ‘stopping up’ orders for the closure of existing highway within the site and footpaths which cross it. Replacement footpath links are to be provided within the site layout and as such the closure of the existing is acceptable.

Trees and Ecology

- 6.20 The Birmingham Development Plan (BDP) Policy TP7 Green Infrastructure Resource states that the City Council will seek to maintain and expand a green infrastructure network throughout Birmingham. The integrity of the green infrastructure network will be protected from development and where possible opportunities will be taken to extend and enhance the network and to improve links between areas of open space. Any development proposal that would sever or significantly reduce a green infrastructure link will not be permitted. New developments will be expected to address green infrastructure issues in an integrated way and to take advantage of new opportunities such as green and brown roofs. It is important that all new green infrastructure features and assets are designed to help the City adapt to a changing climate.
- 6.21 The City Council will also seek to conserve and enhance Birmingham's woodland resource (collectively known as ‘The Birmingham Forest’). Particular attention will be given to protecting the City's ancient woodlands as irreplaceable semi-natural

habitats. All trees, groups, areas and woodlands will be consistently and systematically evaluated for protection and all new development schemes should allow for tree planting in both the private and public domains. The importance of street trees in promoting the character of place and strengthening existing landscape characteristics will be recognised.

- 6.22 Policy TP8 Biodiversity and Geodiversity states that the maintenance, enhancement and restoration of sites of national and local importance for biodiversity and geology will be promoted and supported.
- 6.23 The Ecology officer has not raised any objections regarding this application on the basis that further conditions relating to the further submission of information relating to bat surveys and ensuring an ecological enhancement/betterment is achieved as a result of the proposed development, as per the guidance detailed within the NPPG.
- 6.24 The Tree officer - the proposals retain mature trees in key areas, along frontages and around the entrance to the site. Further mature trees are situated and retained within the site adjacent to plots 17-20. The further planting proposals allied with those of the trees to be retained are considered appropriate.



Above: Proposed Site Layout Plan

Contamination

- 6.25 Policy TP28 of the BDP (The Location of New Housing) requires that new residential development should be capable of remediation in the event of serious physical constraints, such as contamination. Within this context the conditions recommended by Regulatory Services for a contamination remediation scheme and a contaminated land verification report are considered to be necessary.

Flood Risk

- 6.26 BDP Policy TP6 (Management of Flood Risk and Water Resources) requires that measures are put in place to mitigate new development against flood risk and ensure that it does not increase flood risk elsewhere. Policy TP28 states that new

residential developments should be located outside flood zones 2 and 3 unless effective mitigation measures can be demonstrated.

- 6.27 At the time of submission of the application the site partly lay within a flood zone 3 area. In October 2019 application 2019/02210/PA was approved, submitted by the Environment Agency for the construction of flood defences within the Bromford Area along the River Tame corridor between Hurricane Park and Castle Bromwich Business Park. The effect of the approved works is that flood risk at this site will be reduced, to the extent that it will fall into flood zone 2 once the scheme has been completed. The Environment Agency considers the flood risk mitigation measures set out in the submitted Flood Risk Assessment to be acceptable, and on this basis the proposal complies with Policies TP6 and TP28.

Affordable Housing

- 6.28 A development of this scale must provide 35% affordable housing, in accordance with Policy TP31 (Affordable Housing) of the BDP. The proposal is for 100% affordable housing, primarily intended for occupation by families on the Council's waiting lists.

Financial Contributions

- 6.29 BDP Policy TP47 (Developer Contributions) seeks to ensure that developments provide or contribute towards the provision of infrastructure to meet the needs of the development.
- 6.30 In accordance with Policy TP9 of the BDP and the Public Open Space in New Residential Development SPD residential schemes of 20 or more dwellings should provide on-site public open space and children's play provision. Developer contributions can also be used to address the demand from new residents if not provided onsite.
- 6.31 With regard to the request made by Leisure Services for a financial contribution, the applicant has advised that as part of the contribution to the placemaking of the wider estate a plan to comprehensively enhance the existing open spaces in the area is being worked upon in conjunction with Parks Services, the Environment Agency, HS2, the ward members and local residents. It is estimated that the proposed housing developments within the estate and the flood defence works referred to in paragraph 6.1 will contribute a minimum of £1.8 million of improvement works e.g. new cycle paths, foot paths, play facilities, tree planting etc. Specifically, it is anticipated the development of this site and the site on the opposite side of Chipperfield Road, in the position of the former Baley Tower will contribute approximately £100,000 to the improvement of green space and creation of new parks. On this basis it is considered that the open space needs of the future occupants of the development will be adequately met as a result of these planned improvements and therefore a separate contribution will not be necessary.
- 6.32 As detailed in Paragraph 4.10, the NHS Foundation Trust requested that a total of £43,478 be contributed as a result of the development. In the opinion of the Local Planning Authority, both the contribution and the view held by the NHS Foundation Trust, are not relevant to this application. The proposals are part of a larger scheme of redevelopment which actually, reduces the number of properties. There is a net loss of properties from 231 units to 53 over the application site and the site adjacent. Due to this not only is there a net reduction in the number of residential properties but also a reduction of inhabitants of the area. In the opinion of the LPA this was not

considered prior to the consultation response being sent.

- 6.33 As detailed in Paragraph 4.10, the NHS Foundation Trust requested that a total of £43,478 be contributed as a result of the development. In the opinion of the Local Planning Authority, both the contribution and the view held by the NHS Foundation Trust, are not relevant to this application. The proposals are part of a larger scheme of redevelopment which actually, reduces the number of properties. There is a net loss of properties from 231 units to 53 over the application site and the site adjacent. Due to this not only is there a net reduction in the number of residential properties but also a reduction of inhabitants of the area. In the opinion of the LPA this was not considered prior to the consultation response being sent.
- 6.34 As advised by the Education Infrastructure Team there is sufficient capacity within existing and proposed schools in the local area to accommodate the additional number of pupils that would be generated by the development.

7. Conclusion

- 7.1 The development would provide affordable housing at this site as part of the wider housing-led regeneration of the Bromford Estate. For the reasons set out throughout this report it is considered that the scheme is fully policy compliant and is therefore acceptable.

8 Recommendation

- 8.1 It is recommended that:

- 1) The application is approved with conditions, and;
- 2) No objection be raised to the stopping up of existing highways within the site and that the Department for Transport (DfT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

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- | | |
|----|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Submission of a Sustainable Drainage Operation & Maintenance Plan |
| 4 | Sustainable drainage scheme |
| 5 | Requires the prior submission of a contamination remediation scheme |
| 6 | Requires the submission of a contaminated land verification report |
| 7 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 8 | Requires the prior submission of an additional bat survey |
| 9 | Requires the prior submission of details of bird/bat boxes |
| 10 | Drainage |
-

-
- 11 Requires the submission of hard and/or soft landscape details
 - 12 Requires the submission of hard surfacing materials
 - 13 Requires the prior submission of earthworks details
 - 14 Requires the submission of boundary treatment details
 - 15 Requires the submission of a landscape management plan
 - 16 Requires the prior submission of level details
 - 17 Requires the submission of sample materials
 - 18 Removes PD Rights for Garage Conversion
 - 19 Removes PD rights for extensions
 - 20 Arboricultural Method Statement - Submission Required
 - 21 Requires the implementation of tree protection
 - 22 Requires tree pruning protection
 - 23 Requires the submission of details to prevent mud on the highway
 - 24 Requires the prior installation of means of access
 - 25 Prevents occupation until the service road has been constructed
 - 26 Prevents occupation until the turning and parking area has been constructed
 - 27 Requires the submission of details of pavement boundary
 - 28 Requires the submission of a residential travel plan
 - 29 Requires the submission of cycle storage details
 - 30 Flood Risk Assessment:
 - 31 To be implemented by BMHT only
-

Case Officer: Gavin Forrest

Photo(s)



FIG 1 – Junction with Bromford Drive



FIG 2 - Site looking towards Empress Drive houses from Bromford Drive

Location Plan



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Committee Date:	18/06/2020	Application Number:	2019/05286/PA
Accepted:	25/06/2019	Application Type:	Full Planning
Target Date:	28/02/2020		
Ward:	Bromford & Hodge Hill		

Land adjacent Bromford Drive and Chipperfield Road, Birmingham, B36 8BU

Erection of 25 no. dwellings and associated highway works and landscaping

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1 This is an application for the development of 25 houses (at a density of 31 dwellings per hectare) on the site of a former tower block at the corner of Chipperfield Road and Bromford Drive. The proposed site layout follows:



- 1.2 The development would provide houses for social rent and forms part of the Birmingham Municipal Housing Trust housebuilding program on the Bromford Estate. The proposed house types are as follows:
- 12no. 2-bedroom;
 - 5 no. 3-bedroom;
 - 8 no. 4-bedroom
- 1.3 Access to the site would be via an access road off Chipperfield Road, which will connect to Tipperary Close to the south of the site to form a link road. The development effectively constitutes two 'halves' either side of the access road – the northern half contains 13 of the houses, all of which are two storeys high, whilst the other 12 are located within the southern half and are 2.5 – 3 storeys high. The houses in the northern half are mostly laid out in an 'arc' arrangement, with most of the parking being provided in a rear courtyard. Those in the southern half front the access road and are split level where the existing slope within this part of the site dictates. Parking is provided within the curtilage of the properties to the front. In total, 37 parking spaces are to be provided in the form of driveways and garages, as well as 3 visitor parking spaces.
- 1.4 The site contains a number of mature trees, the majority of which are to be retained with the exception of three in the north-eastern corner to accommodate the proposed housing there and one along the western frontage which is to be removed to accommodate the access road.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. This is an open, 0.8 hectare site which slopes downwards steeply from south to north. To the west, on the opposite side of Chipperfield Road, is the site of a proposed BMHT development of 28 houses (application 2018/06785/PA, which is also on the Committee agenda). To the south there are two storey houses and three storey flats on Well Close and Chipperfield Road. To the east are two storey houses on Tipperary Close, the front elevations of which face the site. The wider area is characterised by housing set out in a Radburn layout.

[Site Location Plan](#)

3. Planning History

- 3.1. 2007/04922/PA - Demolition of multi storey block of flats and resurfacing of land with turf, approved September 2007.

4. Consultation/PP Responses

- 4.1. Transportation Development - The proposed development requires extinguishment and modification of elements of existing highway within the site, which need to be secured by an Order under Section 247 of the Act.

- 4.2 Lead Local Flood Authority – no objection subject to conditions requiring the submission of a sustainable drainage scheme and operation and maintenance plan.
- 4.3 Regulatory Services – no objection subject to conditions requiring the submission of a noise insulation scheme, contamination remediation scheme, contaminated land verification report and the provision of electric vehicle charging points.
- 4.4 Education Infrastructure Team – no objection, the development would generate the need for an additional 7 primary and 4 secondary school places. The former could be accommodated within existing primary schools local to the development, and the latter can be accommodated within the local secondary school expansion programmed being undertaken.
- 4.5 Leisure Services – this application is a scheme of over 20 dwellings which is subject to both off site public open space and play area contributions. Since this is a BCC scheme and therefore would not be subject to a Section 106 agreement compensatory public open space works should be provided within the adjacent Bromford/Firs estate, to be funded by the applicant. The open space/play area contribution required, based on the number of occupants of the development, is £131,275.
- 4.6 Environment Agency – no objection subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment.
- 4.7 Severn Trent Water – no objection subject to a condition requiring the submission of drainage details.
- 4.8 West Midlands Police – concerns raised over the proposed layout, in particular the lack of surveillance of some of the parking spaces.
- 4.9 Local residents and Ward Councillors have been notified, a site notice displayed and press notice issued. One objection has been received from a local resident, expressing concern that the proposal will result in the loss of the open space as a community facility and that the proposed buildings will have an adverse impact on light and outlook from existing properties.

5. Policy Context

- 5.1. National Planning Policy Framework (NPPF) 2019
Birmingham Development Plan (BDP) 2017
Saved 2005 Unitary Development Plan (UDP) Policies
Affordable Housing SPG 2001
Car Parking Guidelines SPD 2012
Places for Living SPG 2001
Public Open Space in New Residential Development SPD 2007

6. Planning Considerations

Principle of Development

- 6.1. In accordance with the requirements of the NPPF this proposal constitutes the reuse for housing of a site which lies within a sustainable location. The site has been identified as being suitable for residential development within the City's Strategic

Housing Land Availability Assessment (SHLAA). Policy TP32 (Housing Regeneration) of the BDP identifies the Bromford Estate as being a priority area within the City for housing regeneration and renewal. The proposed development is therefore acceptable in principle with regard to these policy designations.

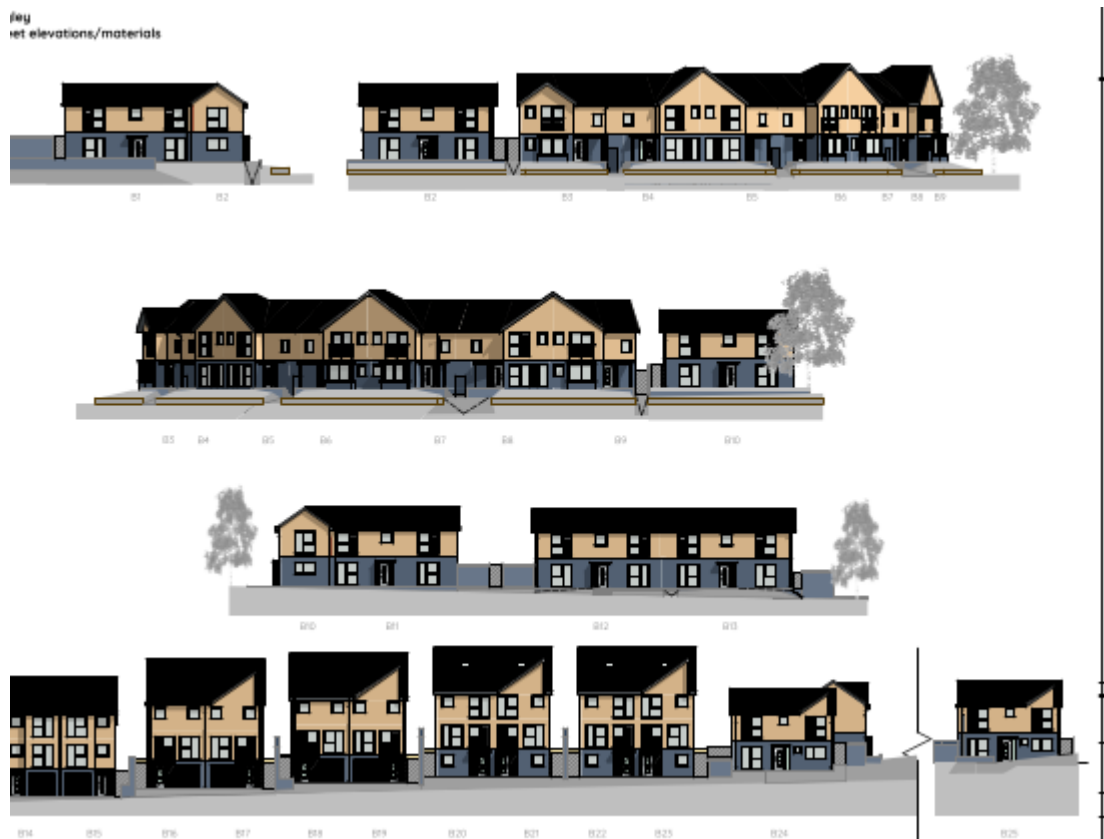
- 6.2 The development will result in the loss of incidental open space. Policy TP9 (Open Space, Playing Fields and Allotments) of the BDP endeavours to prevent the loss of open space (open space is defined in the BDP as any piece of open land that has *'recreational or public value...which may or may not have free public access'*). The policy determines that schemes shall only be supported when there is an existing open space surplus in the locality. Surpluses are calculated against an aspirational ward minimum standard of open space and playing fields. The BDP advises that, for open space, the ward minimum should be 2.0ha per 1,000. The current ward score for the Bromford and Hodge Hill Ward, in terms of open space is 3.24ha. This includes a large area of open space within the estate approximately 150m to the north of the site which could be used by the occupants of this development. Accordingly, the principle of the proposed loss of the existing incidental open space is acceptable.

Housing Density and Type

- 6.3 Policy TP30 (The Type, Size and Density of Housing) of the BDP advises that new housing should be provided at a density responding to its context and that developments should deliver a range of dwellings. The density of the proposed development is considered appropriate within the context of the existing pattern of development in the wider area, which is generally characterised by two and three storey family housing. The proposed mix of 2, 3 and 4 bedroom houses responds to an identified local need identified within the Strategic Housing Market Assessment for this type of housing and will help to support the creation of a mixed, balanced and sustainable neighbourhood.

Design/Character

- 6.4 The proposed houses would be set back from the highway behind deep landscaped buffers and the layout provides active street frontages to Chipperfield Road and Bromford Drive and to the internal access road. The proposed buildings are of a contemporary design and would, with staggered frontages, varying roof forms and differing storey heights, have an overwhelmingly positive impact on the visual amenity of the site and the wider area. With regard to the comments received from the Police, only a relatively small proportion of the layout provides rear courtyard parking – this is acceptable given that it is characteristic of the wider area, prevents the development from having a 'parking dominated' frontage, and is more desirable from a highway safety perspective than having multiple access points onto the highway.
- 6.5 The following is image of the proposed house types and street scene



Proposed House types and street scenes

6.6 In this respect the proposal complies with the following policies:

- BDP Policy PG3 (Place Making) – all developments will be expected to be of high design quality, contributing to a strong sense of place;
- BDP Policy TP27 (Sustainable Neighbourhoods) - new housing in Birmingham is expected to contribute to making sustainable places, characterised by a strong sense of place with high design quality;
- Saved 2005 UDP Policy 3.14 - a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. The design and landscaping of new developments will be expected to contribute to the enhancement of the City's environment.

Residential Amenity

6.7 The NPPF requires that a good standard of amenity is provided within developments. Most of the plots have gardens which accord with guidelines set out in Places for Living SPG in respect of size and length. There are some however which do not meet the guideline figures - permitted development rights for rear extensions can be removed so as to maintain adequate garden sizes within the development. In respect of the bedroom sizes provided, these meet the guidance set out within the Government's 2015 Technical Housing Standards – Nationally Described Space Standard. Some of the house types exhibit a shortfall in the required minimum gross internal floor areas, however the shortfall is relatively small and in itself would not be sufficient reason to warrant refusal of the application given that, overall, an adequate living environment overall would be provided with a reasonable level of residential amenity for the future occupants.

- 6.8 Plots 14-18 are three storeys high and overlook the amenity space of flats on Well Close at distances of between 8m and 14m. The building lies at an angle to the proposed houses and, at its closest point, is 22m from their rear elevation. Given the relative orientation and that the flats are at an elevated level relative to the site, it is considered that the relationship is acceptable and would not lead to a loss of privacy.
- 6.9 Plots 18-21 (three storeys high) overlook the rear garden of a house on Well Close at distances of between 15m and 17m, which accords with Places for Living guidance relating to distance between rear elevations of dwellings and neighbouring gardens. There would be no direct views from the proposed properties towards habitable room windows of the house or those immediately adjacent to it. Again, the level change is a mitigating factor with regard to the potential for overlooking.
- 6.10 Plots 22-25 are two and three storeys high and border the amenity area of a three storey block of flats on Chipperfield Road. Distance separations exceed the Places for Living guidelines and there would be no direct views towards habitable rooms within the flats.
- 6.11 To the northeast of the site is a row of houses on Tipperary Close, the front elevations of which face the site. The proposed houses on plots 1 and 2 would be sited at an angle to them, such that there would be no direct views towards the windows. No loss of privacy would therefore occur. The houses would be sited at sufficient distance to ensure there would be no adverse impact on outlook or light.

Access/Highway Safety

- 6.12 No adverse comments have been received from Transportation Development in relation to the creation of the new internal access road or individual driveways from the highway. As such it is considered that the proposed means of vehicular access into the site is acceptable and would not have any harmful effect on highway safety along Bromford Drive and Chipperfield Road.
- 6.13 Parking provision across the site accords with the guidelines set out in the Parking Standards SPD – the development will not therefore result in on-street parking which could potentially be detrimental to highway safety.
- 6.14 The proposed development will necessitate ‘stopping up’ orders for the closure of existing highway within the site and footpaths which cross it. Replacement footpath links are to be provided within the site layout and as such the closure of the existing is acceptable.

Trees

- 6.15 There are currently 21 individual trees and a single group of trees at the site, none of which are protected by a TPO. The tree survey submitted with the application identifies only one of the trees as being ‘category A’ – this tree is located on the western boundary and the access road has been carefully sited to ensure that it does not encroach upon its root protection area so that it can be retained within the development.

Contamination

- 6.16 Policy TP28 of the BDP (The Location of New Housing) requires that new residential development should be capable of remediation in the event of serious physical

constraints, such as contamination. Within this context the conditions recommended by Regulatory Services for a contamination remediation scheme and a contaminated land verification report are considered to be necessary.

Flood Risk

- 6.17 BDP Policy TP6 (Management of Flood Risk and Water Resources) requires that measures are put in place to mitigate new development against flood risk and ensure that it does not increase flood risk elsewhere. Policy TP28 states that new residential developments should be located outside flood zones 2 and 3 unless effective mitigation measures can be demonstrated.
- 6.18 At the time of submission of the application the site partly lay within a flood zone 3 area. In October 2019 application 2019/02210 was approved, submitted by the Environment Agency for the construction of flood defences within the Bromford Area along the River Tame corridor between Hurricane Park and Castle Bromwich Business Park. The effect of the approved works is that flood risk at this site will be reduced, to the extent that it will fall into flood zone 2 once the scheme has been completed. The Environment Agency considers the flood risk mitigation measures set out in the submitted Flood Risk Assessment to be acceptable, and on this basis the proposal complies with Policies TP6 and TP28.

Ecology

- 6.19 BDP Policy TP8 (Biodiversity and Geodiversity) requires that development should support the enhancement of Birmingham's natural environment. Such measures should be appropriate to the nature and scale of the development proposed. Should permission be granted an Ecological Enhancement Strategy for the development of the site can be sought by condition, in addition to the provision of bird boxes.

Affordable Housing

- 6.20 A development of this scale must provide 35% affordable housing, in accordance with Policy TP31 (Affordable Housing) of the BDP. The proposal is for 100% affordable housing, primarily intended for occupation by families on the Council's waiting lists.

Financial Contributions

- 6.21 BDP Policy TP47 (Developer Contributions) seeks to ensure that developments provide or contribute towards the provision of infrastructure to meet the needs of the development.
- 6.22 In accordance with Policy TP9 of the BDP and the Public Open Space in New Residential Development SPD residential schemes of 20 or more dwellings should provide on-site public open space and children's play provision. Developer contributions can also be used to address the demand from new residents if not provided onsite.
- 6.23 With regard to the request made by Leisure Services for a financial contribution, the applicant has advised that as part of the contribution to the placemaking of the wider estate a plan to comprehensively enhance the existing open spaces in the area is being worked upon in conjunction with Parks Services, the Environment Agency, HS2, the ward members and local residents. It is estimated that the proposed

housing developments within the estate and the flood defence works referred to in paragraph 6.14 will contribute a minimum of £1.8 million of improvement works e.g. new cycle paths, foot paths, play facilities, tree planting etc. Specifically, it is anticipated the development of this site and the site on the opposite side of Chipperfield Road will contribute approximately £100,000 to the improvement of green space and creation of new parks. On this basis it is considered that the open space needs of the future occupants of the development will be adequately met as a result of these planned improvements and therefore a separate contribution will not be necessary.

- 6.24 As advised by the Education Infrastructure Team there is sufficient capacity within existing and proposed schools in the local area to accommodate the additional number of pupils that would be generated by the development.
- 6.25 The development site falls within a Low Value Area Residential Zone and will therefore be subject to a nil CIL charge.

7. Conclusion

- 7.1 The development would provide affordable housing at this site as part of the wider housing-led regeneration of the Bromford Estate. For the reasons set out throughout this report it is considered that the scheme is fully policy compliant and is therefore acceptable.

8 Recommendation

- 8.1 It is recommended that:
- 1) The application is approved with conditions, and
 - 2) No objection be raised to the stopping up of existing highways within the site and that the Department for Transport (DfT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

-
- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Noise Insulation Scheme |
| 4 | Sustainable drainage scheme |
| 5 | Submission of a Sustainable Drainage Operation & Maintenance Plan |
| 6 | Requires the prior submission of a contamination remediation scheme |
| 7 | Requires the submission of a contaminated land verification report |
| 8 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 9 | Requires the prior submission of details of bird/bat boxes |
-

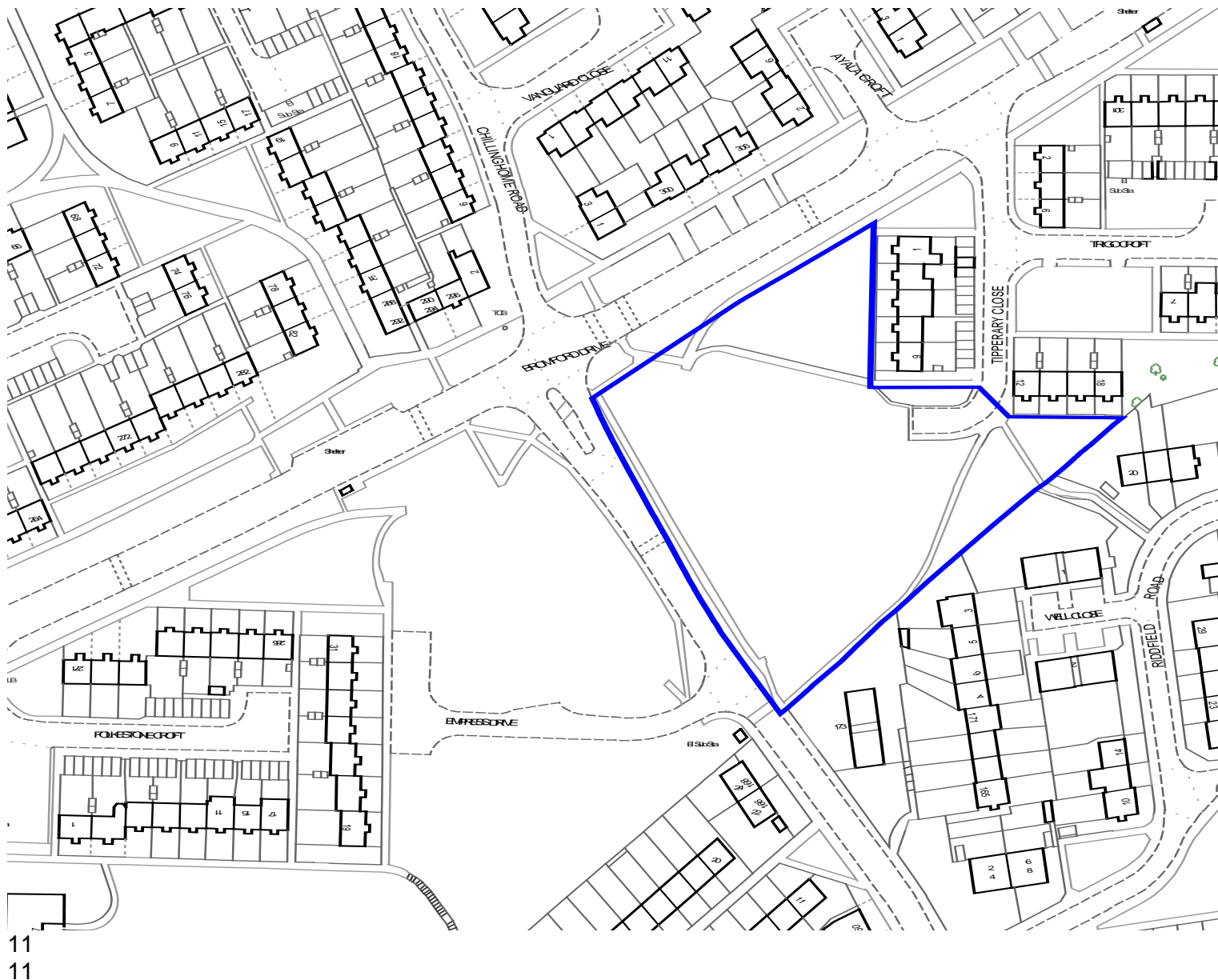
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- 10 Drainage
 - 11 Requires the submission of hard and/or soft landscape details
 - 12 Requires the submission of hard surfacing materials
 - 13 Requires the prior submission of earthworks details
 - 14 Requires the submission of boundary treatment details
 - 15 Requires the submission of sample materials
 - 16 Requires the prior submission of level details
 - 17 Removes PD Rights for Garage Conversion
 - 18 Removes PD rights for extensions
 - 19 Requires the implementation of tree protection
 - 20 Arboricultural Method Statement - Submission Required
 - 21 Requires tree pruning protection
 - 22 Flood Risk Assessment
 - 23 Requires the prior submission of a construction method statement/management plan
 - 24 Requires the submission of details to prevent mud on the highway
 - 25 Requires the prior installation of means of access
 - 26 Prevents occupation until the service road has been constructed
 - 27 Prevents occupation until the turning and parking area has been constructed
 - 28 Requires the submission of a residential travel plan
 - 29 Requires the submission of cycle storage details
 - 30 To be implemented by BMHT only
-

Case Officer: Faisal Agha

Photo(s)



Location Plan



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Committee Date:	18/06/2020	Application Number:	2020/02817/PA
Accepted:	14/04/2020	Application Type:	Full Planning
Target Date:	19/06/2020		
Ward:	Erdington		

220 High Street, Erdington, Birmingham, B23 6SJ

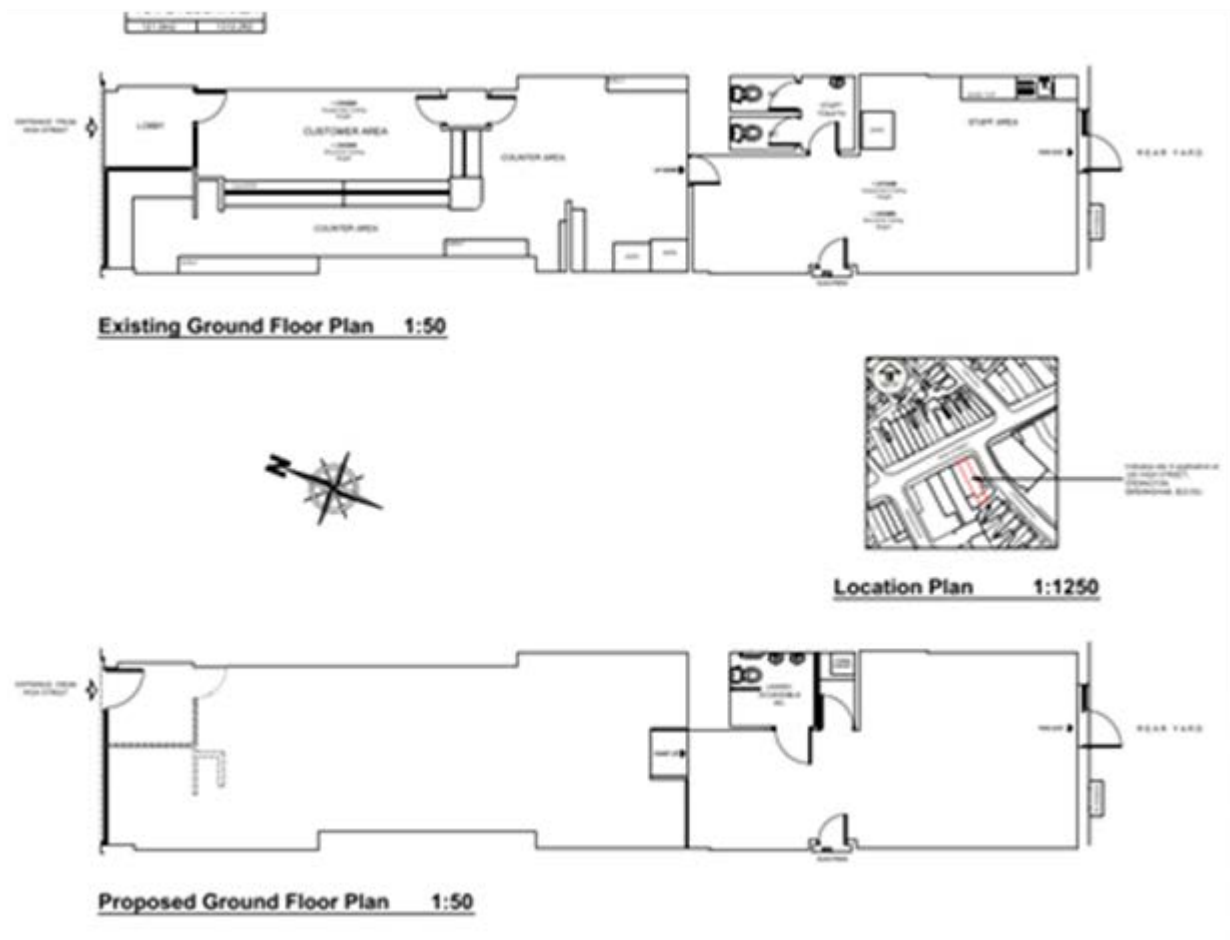
Change of use from pawnbrokers shop to an adult gaming centre

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning consent is sought for the proposed change of use of a vacant pawnbrokers shop (Sui Generis) to an adult gaming centre (Sui Generis) at 220 High Street, Erdington.
- 1.2. The submitted design and access statement and application form state that the proposed use would be to the ground floor and would employ a total number of five full time staff.
- 1.3. The proposal would be sound insulated. No external works are proposed.
- 1.4. The proposal would be accessed from the High Street frontage. Internal alterations are proposed which include the conversion of the existing staff toilets to a unisex wc.
- 1.5. The proposed hours of opening would be 07:00 to 00:00 daily (including Bank Holidays).
- 1.6. There would be no increase over the existing total gross internal floor space area of 121.9 square metres.
- 1.7. Below are the existing and proposed ground floor plans.



1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the ground floor of a three storey property situated within the Primary Shopping Area of Erdington District Centre. The application site is situated near to the junction of Erdington High Street and Harrison Road and comprises of a vacant pawnshop (Sui Generis) with a shop front at ground floor and vacant first and second upper floors and boarded up first floor windows to the rear elevation. To the rear is a small private courtyard that is related to the ground floor.
- 2.2. The upper floors of the property are finished in red brick with a single pitched dormer at second floor level, slate roofs and timber windows.
- 2.3. The site offers no off street parking provision.
- 2.4. The High Street is predominantly a mixture of ground floor commercial uses with commercial storage or residential flats at first and second floor. Harrison Road, to the east of the High Street, is predominantly residential in nature.
- 2.5. There are double yellow lines and Traffic Regulation Order parking restrictions on the High Street and double yellow lines to the east of the application site along Harrison Road.

- 2.6. The adjacent uses comprise of No. 222 High Street, a charity shop (Use Class A1) with commercial storage use at first and second floor and No. 218 High Street, a vacant unit, formerly a double glazing supplier (Use Class A1) which has been granted consent for one apartment at first floor and second floor under 2019/03389/PA on 28/06/2019 but has not been implemented.
- 2.7. [Site Location](#)
3. [Planning History](#)
- 3.1. 1999/00083/PA: Retention of existing shop front: Refused: 11.05.99: Allowed on Appeal: APP/P4065: 21.02.00.
- 3.2. 1999/00082/PA: 1: Approve: Display of fascia sign and projecting canopy. 2: Refuse: Retention of traditional pawnbroker's balls: Part Approve/Part Refuse: 29.03.99.
4. [Consultation/PP Responses](#)
- 4.1. Transportation Development – no objection.
- 4.2. Regulatory Services - no objection subject to conditions for noise insulation between residential and commercial uses and opening hours of 07:00 – 00.00 daily.
- 4.3. West Midlands Police - no objection.
- 4.4. Local residents and Ward Councillors were consulted and a site notice displayed.
- 4.5. Councillor Alden – objection on the grounds that the application has caused significant concerns locally amongst residents and other businesses on the High Street. The application would lead to a loss of A1 retail unit on the High Street. The proposal is unsuitable for the High Street, and would be counter to the district centre policies that the Birmingham Development Plan and the Council set out. While the addition of another gambling unit on the High Street would worsen the on going ASB linked to existing gambling outlets, causing more crime and increasing the fear of crime in the area.
- 4.6. 3 individual letters of objection have been received from local residents. These objections are based upon the following issues:
- Anti-social behaviour
 - Noise disturbance.
 - Too many gambling premises, a total of 8 premises within a 200m of the site.
 - Harmful impact and decline in Local Centre attractions to retailers and public.
 - Harm to continuity of shopping displays within Primary Shopping Area.
 - If approved, restrict trading hours to either normal shop hours or 9pm latest to protect residential amenity.
5. [Policy Context](#)
- 5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017 - Policy TP24
- Birmingham Unitary Development Plan 2005 (Saved Policies)
- Shopping and Local Centres SPD (2012)
- Places For All SPG (2001)
- Car Parking Guidelines SPD (2012)

5.2. The following national policies are applicable:

- National Planning Policy Framework (2019).

6. Planning Considerations

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

6.2. Key material considerations are the principle of the use, impact upon residential amenity, impact on visual amenity impact and highway matters.

Principle of the development

- 6.3. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.4. Policy 8.9 of the adopted UDP states that amusement centres may be appropriately located within larger shopping areas, but regard must be paid to the potential for noise or disturbance to any nearby residential accommodation. Policy 8.10 highlights that planning permission is likely to be refused in cases where the site is in a predominantly residential area, is within an identified primary retail frontage, would cause unduly obtrusive noise and disturbance, creates areas of dead frontage or affects the appearance or setting of a listed building.
- 6.5. Policy TP24 of the Birmingham Development Plan (2017) promotes a diversity of uses within local centres identified in the hierarchy of local centres outlined in Policy TP21. These uses include leisure, offices, restaurants, community/cultural facilities and residential on upper floors where it provides good quality, well designed living environments.
- 6.6. Policy TP24 of the Birmingham Development Plan (BDP) 2017 and policy 1 and 2 of the Shopping and Local Centres SPD states that within Primary Shopping Areas 55% of all ground floor units in District Centres should be retained as retail (Use Class A1). The 'Shopping and Local Centre' SPD defines existing Local Centres within Birmingham. The site falls within the Primary Shopping Area of Erdington Local Centre. The surrounding area is mixed use in character.
- 6.7. The most recent survey of the centre has identified that within the Primary Shopping Area 64.52% of uses are A1 retail uses within the primary shopping area. The proposed Sui Generis use would not reduce the percentage of A1 uses (as the existing use is not an A1 retail use but a Sui Generis Use), thus not falling below the 55% threshold for the overall District Centre as a result of the proposal.

- 6.8. It is considered that the proposal would conform to Policy TP24 of the Birmingham Development Plan (BDP) 2017, Policy 1 and 2 of the Shopping and Local Centres SPD. The surrounding area is characterised by predominantly retail (Use Class A1) uses. The proposed opening hours would ensure the character and function of the District Centre is maintained.
- 6.9. The application site is situated within a sustainable location and within the Primary Shopping Area of Erdington District Centre, which is well served by good public transport links. The proposal would bring back a vacant unit into active use and as such would enhance the viability and vitality of the District Centre. Therefore, the principle of development is acceptable.

Residential Amenity

- 6.10. The agent has confirmed that the proposal would be sound insulated, would not play amplified music or have noisy machines and tannoy systems found in seaside amusement centres. Furthermore, the proposal would have footfall levels similar to many high street shops and staff would not allow anyone into the premises who is intoxicated.
- 6.11. The High Street is predominantly a mixture of ground floor commercial uses with commercial storage or residential flats at first and second floor. The adjacent uses comprise of No. 222 High Street, a charity shop (Use Class A1) with commercial storage use at first and second floor and No. 218 High Street, a vacant unit, formerly a double glazing supplier (Use Class A1) which has been granted consent for one apartment at first and second floor under 2019/03389/PA on 28/06/2019 but has not been implemented. The residential dwellings situated on Harrison Road, to the east of the High Street are sited a sufficient distance away from the proposal not to be adversely affected in terms of potential noise and disturbance.
- 6.12. West Midlands Police have raised no objection in respect to the proposal, the proposed opening hours and the potential crime and security risks to customers, residents and staff. Regulatory Services have raised no objection to the proposed opening hours of 07:00 – 00.00 7 days a week and have stipulated a scheme of noise insulation between residential and commercial uses will be required to be submitted to the Local Planning Authority for approval.
- 6.13. I concur with Regulatory Services viewpoint regarding the imposition of the planning conditions noted above. I consider that the proposal is unlikely to have an adverse impact upon the amenity of residential occupiers and other commercial uses within the immediate vicinity of the site by virtue of noise disturbance, anti-social behaviour, crime and safety issues.

Highways Safety

- 6.14. The application site is located within the within the Primary Shopping Area of Erdington District Centre which is a sustainable location with good public transport accessibility and is located in an area that is subject to limited on street parking. Transportation Development have raised no objection to the proposal and it is considered that the proposal would not have a detrimental impact on highways or pedestrian safety.

Visual Amenity

- 6.15. The proposal would not have a detrimental impact on the visual amenity and character of the surrounding area as no external alterations are proposed. The existing shopfront would be retained and the proposal would bring the present vacant unit back into use which would enhance the public realm.

7. Conclusion

- 7.1 The proposed Sui Generis use would not reduce the percentage of A1 uses, thus not falling below the 55% threshold for the overall District Centre as a result of the proposal. The proposal would not have a detrimental impact on residential amenity, highways and pedestrian safety or the visual amenity of the surrounding area. I therefore do not consider that there are sustainable grounds upon which to recommend refusal of the application.

8. Recommendation

- 8.1 Approval subject to the following conditions:

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Implement within 3 years (Full) |
| 3 | Limits the hours of operation between the hours of 07:00-00:00 7 days a week. |
| 4 | Requires the prior submission of noise insulation (variable) |
-

Case Officer: Harjap Rajwanshi

Photo(s)

Figure 1 – Front elevation



Figure 2 – Rear Elevation



Location Plan



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