

Birmingham City Council

Planning Committee

16 March 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	8	2016/08023/PA 11-15 Sherifoot Lane Sutton Coldfield Birmingham B75 5DR Demolition of the two existing bungalows and erection of five detached dwellings, new access road and landscaping
Approve – Conditions	9	2017/00788/PA McDonald's Restaurant College Road Kingstanding Birmingham B44 0AA Variation of Condition C5 attached to planning application 2006/06577/PA to enable the restaurant to trade between the hours of 05:00 and 00:00 daily.

Committee Date:	16/03/2017	Application Number:	2016/08023/PA
Accepted:	23/09/2016	Application Type:	Full Planning
Target Date:	03/02/2017		
Ward:	Sutton Four Oaks		

11-15 Sherifoot Lane, Sutton Coldfield, Birmingham, B75 5DR

Demolition of the two existing bungalows and erection of five detached dwellings, new access road and landscaping

Applicant:	Arcadia Land Ltd c/o Agent
Agent:	Cerda Planning Vesey House, 5-7 High Street, Sutton Coldfield, Birmingham, B72 1XH

Recommendation
Determine

Report Back

1. Background.

1.1. The above application was considered by your Committee at its meeting on 2nd February 2017 where members expressed concern at the proposed demolition of the two existing bungalows and the erection of five two-storey dwellings which they considered would be too intensive, unacceptable and inappropriate for the location. It was resolved that the application be deferred for a site visit.

1.2. The site visit took place on 9th February 2017 and the application was considered further by your Committee at its meeting on 16th February 2017 where members reiterated their original concerns and deferred the application mindful to refuse.

2. Issues

2.1. The principal concerns raised by members were the proposal was too intensive, the rear properties were too high and domineering in close proximity to the existing properties in Crockford Drive which would result in overlooking and loss of privacy/light and the frontage properties would breach the existing building line. There was a general feeling amongst members that bungalows would be preferable at the rear.

2.2. On the basis of the above concerns I suggest the following reasons for refusal;

1) The siting of the proposed dwellings at the rear (Plots 3 and 4) would be too close to the rear and side boundaries of the site and due to their scale and built form would result in an unacceptable overbearing impact and loss of privacy to existing residents at 9a and 17 Sherifoot Lane and 18 and 20 Crockford Drive. As such the proposal would result in a detrimental impact on the amenities of existing residents and would be contrary to Policy PG3 of the Birmingham Development Plan

2017 and the National Planning Policy Framework.

2) The proposed development would create a cramped and over-intensive development of the site that would be out of keeping with and harmful to the character of the local area, in terms of the small plot sizes, inadequate space between the dwellings, the siting of the dwellings forward of the established building line and limited space for front gardens and replacement tree planting. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017, Places for Living SPG and the National Planning Policy Framework.

Original Committee Report

1. Proposal

- 1.1. Planning permission is sought for the demolition of two existing bungalows and erection of 5 five-bedroom dwellinghouses, including new private access road and landscaping.
- 1.2. The proposed development has been amended during this application from six to five dwellinghouses. There have also been amendments to the scale, siting and building form of the dwellinghouses; the siting of the bin store collection point; the width and alignment of the access road; the parking arrangements; and the landscaping scheme. These amendments have been made to address remaining Officers issues of concern and the reasons for refusal in the previous refused application (2015/06900/PA) for a similar development for six dwellinghouses, which was subsequently dismissed at appeal in April 2016.
- 1.3. The development would consist of three dwellinghouses set back between 6.4 and 8.0 metres from the back of the footpath to Sherifoot Lane and two dwellinghouses sited behind, approximately 41 metres from Sherifoot Lane, that would be accessed from a new private access road between plots 2 and 5.
- 1.4. The dwellinghouses would be two-storeys high and the dwellinghouses to the front of the site would include rooms within their roof space. The dwellinghouses would be of traditional design with hipped roofs and pitched roof front gables, bay windows, chimney breasts and the dwellinghouses in plots 1, 2, 4 and 5 would have integral garages. Plot 3 would have a double garage sited 2.9 metres to the southeast of the dwellinghouse. The dwellinghouses would be finished in part render/part brickwork with a tiled roof and windows in gun metal grey power coated aluminium.
- 1.5. Internally, the dwellings would comprise a lounge, study, WC, family area, utility room and kitchen/dining room on the ground floor. At first floor there would be 4 bedrooms (two with en-suites) and a bathroom. The dwellinghouses in plots 3 and 4 would include a separate dining room on the ground floor and only one en-suite at first floor, but with dressing rooms to either one or two bedrooms. The dwellinghouse in plot 4 would also have a study room at first floor compared to the other dwellinghouses which would have a ground floor study room. All bedrooms would comply with the minimum bedroom sizes set out in Places for Living SPG.
- 1.6. Plots 1, 2, 4 and 5 would have integral garages and Plot 3 would have a detached double garage. Parking provision would be 200% for the dwellinghouses to the front of the site and 300% for the dwellinghouses to the rear of the site.

- 1.7. A bin collection point within 25 metres of Sherifoot Lane would be provided adjacent to the access road alongside the side boundary to plot 5.
- 1.8. Site Area: 0.28 hectares. Density: 18 dwellings per hectare.
- 1.9. A Planning Statement, Arboricultural Constraints Report and a Bat Assessment were submitted in support of this application. It was recommended in the Tree Survey that a Cherry tree should be removed for arboricultural reasons and all other trees can be retained, subject to adequate tree protection during construction works.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is located on the north side of Sherifoot Lane, approximately 70 metres to the northwest of the road junction with Hill Village Road. The site measures 0.28 hectares and is rectangular in shape with a wide road frontage measuring 42 metres. It currently contains two large bungalows set back from the road and with separate vehicular access points to Sherifoot Lane. The rear gardens to both properties are relatively long and contain mature trees. Trees within the rear gardens of the bungalows in Crockford Drive that overhang the rear boundary of the site are covered by Tree Preservation Order (TPO 115). The site levels are relatively flat.
 - 2.2. The surrounding area is predominantly residential in character and contains a mixture of house designs and types. Adjoining the site to the west are two, two-storey dwellinghouses that were granted planning in 2006 under application 2006/04115/PA on a site that previously contained a bungalow. To the east is a two-storey late 1940s dwellinghouse that was originally a bungalow and has been extended, and includes a recently constructed detached garage/workshop (that was granted planning permission in 2015 under application 2015/06368/PA). To the rear of the site are bungalows that front onto Crockford Drive. To the south of the site, on the opposite side of Sherifoot Lane, are two-storey detached dwellings and a bungalow. To the southwest and around the road junction with Hill Village Road is a three storey block of flats, and to the southeast of the site is a housing development comprising 13 two-bedroom retirement homes situated around a courtyard and private access road (known as The Dovecotes).
 - 2.3. The site is located approximately 380 metres from Mere Green District Centre and has good accessibility to public transport services, including regular bus service on Hill Village Road and Sherifoot Lane.
 - 2.4. [Site Location](#)
3. Planning History
 - 3.1. 19 October 2015 - 2015/06900/PA - Refused planning permission for demolition of the two existing bungalows and erection of 6 detached dwellings including new access road, boundary treatment and landscaping. The application was refused on the grounds of the proposal being out of character in terms of its cramped appearance, small plot sizes, inadequate space between the dwellinghouse and the siting of the dwellinghouses to the front of the site being forward of the established building line. It was also considered that the proposed development would lead to loss of privacy for future and existing residents and result in an overbearing impact on the adjoining residents at 9A Sherifoot Lane.

- 3.2. Subsequent appeal (APP/P4605/W/3139948) dismissed on 15 April 2016.
- 3.3. Related Planning History at 9 Sherifoot Lane - 24 August 2006 - 2006/04115/PA - Planning permission granted for erection of two detached dwellinghouses and demolition of existing bungalow, subject to conditions.
- 3.4. Related Planning History at 17 Sherifoot Lane - 24 August 2015 - 2015/06368/PA - Planning permission granted for erection of single storey detached garage/workshop to side/forward of property, subject to conditions.
4. Consultation/PP Responses
- 4.1. Ward Councillors, M.P, Residents Associations and nearby occupiers were notified and Site Notice displayed outside site.
- 4.2. Councillor Meirion Jenkins - Objects to the application and supports local residents in objecting to this application. Councillor Meirion Jenkins advises that the proposed development would not be in keeping with the area and that there has already been a similar application to redevelop this site for 6 new houses which was refused by the Council and dismissed at appeal.
- 4.3. Two letters of objection have been received from the Sherifoot Lane / Hill Village Road and Districts Residents Association. They advise that it would not be possible to build 5 large houses and garages on this small site and provide safe and adequate access for sufficient cars and emergency vehicles etc. They consider that building any properties to the rear of the site would affect the privacy of all surrounding properties, in particular the bungalows in Crockford Drive, which have short gardens. They further consider that the development would lead to additional on-street parking demand and a new road access close to the junction with Gibbons Road and Tower Road; the severe bend in the road; the access to The Dovecotes (which is an intensive development); and on an already busy road with a regular bus route. The Residents Association conclude that the site is not suitable for back land development and that it should only be used for houses with frontages onto Sherifoot Lane.
- 4.4. The first consultation relating to the original scheme for six dwellinghouses received 17 letters of objection from nearby occupiers including a letter from GW Planning on behalf of a nearby resident. The reasons for objecting can be summarised as:
- Out of character due to encroachment of front building line, disregard to set backs and street scape, poor design, backland form of development, over-intensive, cramped appearance, loss of green space, high density and would set a precedent for other developments that are out of character.
 - The development would fail to reflect the coherent and legible building line that is respected by 9, 9A Sherifoot Lane and the development to the north-east of the site. Although not considered an issue by the Inspector in the previous appeal, it is considered that if there was a new appeal for this proposal the Inspector may take a fresh view about the impact on local character.
 - Back garden developments should not be allowed when it directly impacts neighbouring properties.
 - Over intensive, overdevelopment, visually intrusive and over prominent.
 - Limited area for soft landscaping, which would be detrimental to the character of the area, in terms of its open and green aspect, the ecological resource it

provides and the amenity value these large gardens afford the adjoining neighbours.

- Harm the amenity of existing occupiers in terms of loss of outlook, views, privacy and daylight.
- Proposal is oppressive and not sustainable, as due to permitted development, future extensions to the proposed dwellinghouses would massively impact further in a negative manner on existing views, natural light, privacy, quality of life and reduce enjoyment of neighbouring residents living spaces both internally and externally.
- Car parking, especially to the dwellinghouses to the rear of the site, would cause noise, light pollution, fumes to neighbouring residents.
- The new road access would reduce the safety of surrounding houses increasing the risk of burglary and if street lights were erected in the road this would cause unwanted light pollution.
- Impact the wellbeing and established enjoyment of life of existing residents.
- Contrary to the minimum separation distances outlined in Places for Living SPG and neighbouring properties have permitted development rights to extend out at the rear which would further reduce the separation distance and cause overlooking.
- Contrary to NPPF, NPPG, policies 3.8, 3.10 and 5.20 of the UDP 2005, PG3 of the BDP 2017, Places for Living SPG, the 45 Degree Code SPG and the Mature Suburbs SPD.
- Loss of two beautiful bungalows that are in fantastic condition.
- Loss of garden space would have a serious environmental impact and significantly harm the animal population.
- Loss of trees prior to this application has been detrimental to both the outlook and character of the area and the proposed scheme leaves no room for future planting of mature trees.
- New tree planting would cause overshadowing problems.
- Impact on ecological resources and the environment.
- Inadequate car parking provision with very limited allocated space for visitors, and any increase in on-street parking would hinder the flow of traffic; impact the local bus service and lead to inadequate access for emergency and service vehicles (this would certainly increase the risk of loss of life and property in the event of a fire).
- Increase traffic congestion and impact highway safety.
- Access off the site is off an already busy road and would lead to a possible road accident waiting to happen.
- Increase pressure on resources, facilities and amenities, in particular on local school and nursery places.
- Bin site is a considerable distance from plots 3, 4 and 5, and in a prominent location which would be contrary to NPPF as it would be poor design and potentially a hazard at the entrance.
- The applicant has not consulted local residents.
- Two trees are not shown in the correct location and their root protection area is not drawn correctly. Other trees within neighbouring properties have been identified incorrectly in the submitted tree survey report and the proposed development would damage these existing trees.
- The backland developments referred to by the applicant have a different form and are located in a different context. Also, 3 of the 4 examples quoted predate the adoption of 'Places for Living Supplementary Planning Guidance' by Birmingham City Council in March 2001. Moreover, it is understood that, in all instances, the original application was amended in

terms of the total number and type of dwellings permitted and the building line maintained.

- The proposed development has not overcome the reasons given in the previous dismissed appeal.
- The neighbouring property at 17 Sherifoot Lane has pulled their garage back to conform with the building line compared to the proposed development.
- The development would have approximately 50% of the street frontage for driveway access and access road, and as such there would be limited opportunity to recreate high levels of hedgerows and shrubs.
- There are acceptable alternatives that would create enough profit for the developer, for example 4 or 5 houses to the along the front of the site or a number of small bungalows.
- The development does not alleviate the shortage of affordable housing - a policy the Local Authority should be supporting.
- Devalues residences in the area.

4.5. The second consultation relating to the amended scheme for 5 dwellinghouses received 13 letters of objection including: 1 from the Sherifoot Lane / Hill Village Road and Districts Residents Association; 11 from surrounding residents and GW Planning who have already commented; and 1 from a nearby resident who has not made previous comments. The new comments that have not been expressed in the 1st consultation are:

- The reduction in house numbers, the slight re-orientation of the dwellings on plots 3 and 4 has gone some way to relieve the very oppressive built form of the original scheme, however, it would still destroy the privacy and amenity of neighbouring residents and bring car movements closer to adjoining rear gardens.
- The existing local grain of private back gardens and residential amenity would be disrupted by the incongruous island of built form created by the two dwellinghouses to the rear of the site.
- Amended scheme has not changed the impact on local character or loss of privacy to neighbouring properties.
- Dwellinghouses are still poorly designed; the access road is unsafe; and there is no clear definition between public fronts and private backs.
- Loss of green/eco habitats.
- No evidence of sustainable drainage.
- No evidence of the use of sustainable materials with a low carbon footprint.
- The gardens to the proposed dwellinghouses would be overshadowed because of their limited depth and north-west orientation.
- A tree in the rear garden of 17 Sherifoot Lane overhangs the site and should not be lost;
- Proposed dwellinghouses and tree planting would overshadow the bungalows and their gardens, especially during the winter months when the sun is low in the sky;
- Tree planting would also be a nuisance during leaf fall and would encourage moss growth and other well-known problems with trees;
- Council needs to take the opinion of local residents more importantly than a developer trying to make a quick profit and who doesn't live in the area;
- Demolition of two bungalows would imbalance the population density of the neighbourhood with pressure on resources and facilities;
- Bin storage is a considerable distance from plots 3 and 4;
- Drawings show incorrect measurements of plot sizes and incorrect location of two trees and their root protection area;

- Lack of space for the access road, pavements, bin store and gaps between buildings;
 - Request Planning Committee to make a site visit;
 - The development does not fulfil local and national housing requirements for single persons and small family housing.
- 4.6. Regulatory Services - No objection subject to a condition to require a charging point for electric vehicles.
- 4.7. Transportation Development - No objection subject to conditions to secure a package of highway works; appropriate vehicular and pedestrian visibility spays; a construction plan; and measures to prevent mud on the adjoining highway.
- 4.8. Severn Trent Water - No objection subject to a condition to require suitable drainage of the site. They also advise that there may be a public sewer located within the application site.
- 4.9. West Midlands Fire Service - No objection.
- 4.10. West Midlands Police - No objection.
5. Policy Context
- 5.1. National Planning Policy Framework 2012, Technical housing standards nationally described space standard 2015, Birmingham Development Plan 2017, Birmingham Unitary Development Plan 2005 (saved policies), Places for Living SPG, Car Parking Guidelines SPD, 45 Degree Code SPD and Tree Preservation Order (TPO) 115.
6. Planning Considerations
- 6.1. The determining issues for this application are whether the amended proposed scheme has overcome the previous reasons for refusal in terms of its impact on local character and on the amenities of adjoining residents taking into account the previous dismissed appeal. I have also considered the impacts on highway safety, trees and ecology.
- 6.2. *Policy Context*
- 6.3. The National Planning Policy Framework (NPPF) advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 58 highlights that the Government attaches great importance to the design of the built environment. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 53 also states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 6.4. Birmingham Unitary Development Plan (UDP) 2005 within the saved policy 3.14 states that the design and landscaping of new development will be expected to contribute to the enhancement of the City's environment. Good design may also help to promote and secure sustainable forms of development.

- 6.5. Policy PG3 for the Birmingham Development Plan (BDP) advises that ‘all new development will be expected to demonstrate high design quality, contributing to a strong sense of place’ and ‘make best use of existing buildings and efficient use of land in support of the overall development strategy’.
- 6.6. Places for Living SPG advises that responding to the local context can ensure the unique identity of a place is not harmed as well as avoid any potential adverse impact on neighbouring buildings, landscape and uses. It identifies numerical guidelines for garden, bedroom sizes and separation distances for new residential developments
- 6.7. *Principle of Development*
- 6.8. The application site relates to a previously developed site and is located within an established residential area with good access to local shops, services and facilities within Mere Green. The site is not located within an area of flood risk and Severn Trent Water raise no objection subject to a condition requiring suitable drainage of the site, which I have attached accordingly. I also do not consider that the proposed development for five houses would result in a significant pressure on local amenities, including school places and doctor surgeries. The proposed development would encourage the most efficient use of land in sustainable locations and the principle of a backland form of development was considered acceptable in the previous refused planning application and was not raised as an issue of concern by the Inspector in the dismissed appeal. I therefore consider that the principle of development is acceptable subject to the following site specific considerations.
- 6.9. *Impact on local character*
- 6.10. The application site is situated within an attractive residential environment and is currently occupied by two bungalows. The surrounding area is characterised by a mixture of detached and semi-detached two-storey dwellinghouses, bungalows and three storey and two storey blocks of flats. There is a wide variety of plot sizes in the immediate area and there is no coherent front building line, in particular to the west of the application site and around the road junction with Hill Village Road. I acknowledge that there are a number of properties that follow a linear pattern of development facing towards the highway. However, there are also properties that are sited behind the front building line and are accessed from a private access road. Such as the dwellinghouse at 49 Hill Village Road and the courtyard development comprising 13 retirement properties located on the corner of Sherifoot Lane and Tower Road.
- 6.11. The previous application (2015/06900/PA) for six dwellinghouses was refused in October 2015 on the grounds that the proposed development would be out of character in terms of its cramped appearance, small plot sizes, inadequate space between the dwellinghouse and the siting of the dwellinghouses to the front of the site being forward of the established building line.
- 6.12. The current amended scheme has reduced the number of dwellinhouses from six to five to provide a more spacious layout to the rear of the site and reduce the impact on the amenities of adjoining occupiers.
- 6.13. To achieve the minimum separation distances as set out in Places for Living SPG between building faces within the development and with neighbouring properties, the amended scheme has repositioned the three dwellinghouses to the front of the site

closer to Sherifoot Lane. The dwellinghouses would now be sited 8.2, 6.2 and 6.8 metres from Sherifoot Lane (respectively) and would have a similar set back from the highway as the dwellinghouses at 5, 7, 14 and 16 Sherifoot Lane. I acknowledge the point raised by one resident that the proposed dwellinghouses would be inconsistent with the deep front building line established by the existing two bungalows, as well as the existing dwellinghouses at 9 and 9A Sherifoot Lane and the dwellinghouses to the east of the application site. However, I note that the front building line varies considerably to the west of the application site and the Inspector in the previous dismissed appeal advised that "... there is no clearly discernible building line". I am therefore of the view that the siting of the three dwellinghouses to the front of the site would not appear over prominent in the street scene or have a detrimental impact on the character and appearance of the area.

- 6.14. The proposed dwellinghouses to the rear of the site would be in a backland location. The Inspector in the previous dismissed appeal did not contend that backland development of the rear gardens of 11 and 15 Sherifoot Lane would be out of character. The Inspector advised that "By virtue of their siting well away from the road, I find that their visual impact from the public realm would be limited". The Inspector continued by stating that "... the proposal would protect the character and appearance of the area, it would remain a relatively low density form of development within an established residential area where development has largely occurred on an ad hoc basis over time".
- 6.15. I also agree that the siting of the dwellinghouses in plots 3 and 4 would be acceptable and would have a negligible impact on the character and appearance of the area. I note that one of the main principles outlined in Places for Living SPG is to create safe and attractive places with a clear division between public and private space, and I am of the view that this development would achieve this principle given that the five dwellinghouses would have good spatial separation from one another and the adequate landscaping would be provided to the rear boundaries of plots 1, 2 and 5 to ensure their rear gardens are safe, secure and private. The orientation and siting of the dwellinghouse in plot 4 would also help to provide natural surveillance of the access road and provide a visual connection with Sherifoot Lane.
- 6.16. The proposed dwellinghouses would have a good design with traditional features that would reflect the characteristics of existing dwellinghouses in the area. The height of the dwellinghouses and choice of building materials would also be in keeping with the adjoining dwellinghouse at 9A Sherifoot Lane and the two-storey dwellinghouses located on the opposite side of the road. I therefore consider that the proposed development would sit comfortably in relation to the existing pattern of development and would not have a detrimental impact on the character and appearance of the local area, in accordance with policy PG3 of the BDP and the NPPF. Conditions are recommended to secure appropriate building materials, landscaping, boundary treatment and hard surfacing.
- 6.17. I note the concerns expressed by nearby occupiers about garden grabbing and the view that this development would set a precedent for future backland developments. However, the NPPF sets out a need to boost significantly the supply of housing and garden land is not exempt from development where no adverse impacts would result. I also do not consider that the development would set a precedent for future developments as all applications are considered on their own merits. Furthermore, I do not consider that the application site does not fall within a mature suburb as defined by the Council's Mature Suburbs SPD because the surrounding area, in particular the pattern of development to the west of the site has not been planned in a consistent or homogenous nature.

- 6.18. *Impact on the amenities of existing and future occupiers*
- 6.19. The previous refused scheme included three large two storey dwellinghouses with rooms within the roof space that were sited in a linear arrangement to the rear of the site, with narrow gaps of less than 2 metres between the buildings and from the adjoining rear gardens to 9A and 17 Sherifoot Lane.
- 6.20. The Inspector in the previous dismissed appeal advised that "Notwithstanding the fact that the new dwellings would be detached, existing residents would be faced with an almost continuous wall of two and a half storey built form (including habitable room windows), in relative close proximity to their rear garden boundaries. Consequently, I consider that by virtue of the overall scale of these buildings proposed, in terms of width, height and number, that the development would represent an over prominent form of development in the rear garden environment of the occupants of those dwellings within Crockford Drive".
- 6.21. The current amended scheme has reduced the number of dwellinghouses to the rear of the site from three to two, which has improved the spacious layout of the site and provided greater gaps between the buildings (5.3 metres) and a greater separation from the adjoining rear gardens belonging to 9A and 17 Sherifoot Lane (over 4 metres).
- 6.22. The two dwellinghouses have also been reduced in ridge height by one metre (now measuring 8.3 metres); the rooms within the roof space have been omitted; and single storey side elements have been incorporated into the design of the dwellinghouses to help break up the mass and bulk of the dwellinghouses. I am now satisfied that the previous concern about the continuous built form of development to the rear of the site has been overcome by the current amended scheme and that the proposed development would not appear overbearing or oppressive when viewed from the rear of 18 and 20 Crockford Drive.
- 6.23. In addition, there are mature trees along the rear boundary of the site which provide an effective screen for 20 Crockford Drive and some of these trees are protected by a Tree Preservation Order (TPO 115). The layout of the proposed development would retain these trees. The submitted layout plan also shows new tree planting along the rear boundary shared with 18 Crockford Drive. Therefore, the proposed development would be less prominent when viewed from 18 and 20 Crockford Drive given the level of tree screening along the rear boundary of the site.
- 6.24. Local residents have raised concern that the proposed development and potentially the new tree planting would result in overshadowing of the south facing rear gardens to 18 and 20 Crockford Drive. I note that the rear gardens to 18 and 20 Crockford Drive are already partially overshadowed by the existing trees and that the application site only extends along one half of the rear boundary shared with 18 Crockford Drive. I also consider that the use of hipped roofs and the good separation between the proposed dwellinghouses and the rear gardens to 18 and 20 Crockford Drive would ensure there is no significant reduction in direct sunlight reaching the rear gardens of 18 and 20 Crockford Drive.
- 6.25. The Inspector considered that the appeal proposal would have a harmful effect upon the living conditions of 9A Sherifoot Lane and 18 and 20 Crockford Drive, by virtue of a material loss of privacy. The application site is generally flat and the current amended scheme would achieve the minimum separation distances between the proposed dwellinghouses to the rear of the site and the bungalows at 18 and 20

Crockford Drive, and between the proposed dwellinghouse in plot 3 and the rear elevation of 9A Sherifoot Lane in accordance with the guidelines set out in Places for Living SPG. Also, the proposed dwellinghouses in plots 3 and 4 would be set back a sufficient distance from the existing rear gardens belonging to 18 and 20 Crockford Drive in order to comply with the minimum guidelines contained within Places for Living SPG. I therefore do not consider that the proposed development would result in loss of privacy to 9A Sherifoot Lane and 18 and 20 Crockford Drive.

- 6.26. Although the Inspector did not raise concern about loss of privacy to 17 Sherifoot Lane, I note that the occupiers of 17 Sherifoot Lane have raised concern about overlooking from the rear facing windows of the proposed dwellinghouse in plot 5; loss of views; and impact from vehicles using the access road and driveway to plot 4 in terms of noise, disturbance from car head lights and car fumes. From planning history, it appears that historically the plots at 11 and 15 Sherifoot Lane formed part of the garden to 17 Sherifoot Lane, which is designed with its principle habitable room windows on the west elevation facing the application site. A garage with a room in the roof space has recently been built at 17 Sherifoot Lane which would provide some screening of the proposed dwellinghouse in plot 5. I also note that the existing side boundary treatment between 15 and 17 Sherifoot Lane is relatively low in height (approximately 1.5 metres) and allows complete views of the side facing living room window of 17 Sherifoot Lane from the rear gardens of 11 and 15 Sherifoot Lane.
- 6.27. In respect of the impact of the proposed development, the dwellinghouse in plot 5 would be sited over the footprint of the existing bungalow to be demolished and would not come any close to the side boundary shared with 17 Sherifoot Lane. The proposed dwellinghouse would have first floor rear facing bedroom windows, however, the view from these windows to the side facing habitable room windows at 17 Sherifoot Lane would be at an oblique angle and any views into these rooms would be limited. I have recommended a condition to ensure the side facing bathroom window in the dwellinghouse on plot 5 is installed with obscure glazing to prevent overlooking. I also note that there are no side facing windows proposed in the dwellinghouse in plot 4.
- 6.28. The rear garden to plot 5 would be sited alongside the main habitable room windows to 17 Sherifoot Lane and additional tree planting would be provided along the side boundary to ensure any disturbance from the use of the driveway to plot 4 would be negligible. I also do not consider that the access road would result in unacceptable noise disturbance to existing and future residents given the low level of traffic that would be generated by two dwellinghouses. I have attached a condition to secure an appropriate lighting scheme for the access road to protect residential amenity. Subject to this condition, I do not consider that the proposed development would have a detrimental impact on the amenities of the existing occupiers of 17 Sherifoot Lane in terms of overlooking, noise and disturbance.
- 6.29. Given the close proximity of the site with existing dwellinghouses and their gardens, I consider it necessary to withdraw permitted development rights in respect of extensions and outbuildings and new windows to ensure the amenities of existing occupiers are safeguarded.
- 6.30. The proposed development would comply with the 45 Degree Code SPG in relation to the adjoining dwellinghouses at 9A and 17 Sherifoot Lane and would therefore not result in any loss of sunlight or daylight to these properties.

- 6.31. I note that concern has been raised about the potential risk to security of the adjoining rear gardens from the private access road. The proposed development would not expose any of the adjoining rear gardens and additional landscaping would be provided to reinforce the boundaries. As such, there would be no increased security risk to the adjoining properties.
- 6.32. I also note that there have been concerns to property values but this is not a material planning consideration.
- 6.33. *Living environment for future occupiers*
- 6.34. The proposed development would provide an acceptable living environment in terms of internal layouts and all internal spaces would comply with the Technical housing standards nationally described space standard 2015. The layout of the site would provide adequate family garden sizes for all dwellinghouses ranging between 135 and 263sqm in area, which exceeds the minimum guidelines contained in Places for Living SPG.
- 6.35. The separation distances between building faces and between the rear elevations of the dwellinghouses in plots 1, 2 and 5 and the front elevations of the dwellinghouses in plots 3 and 4 would comply with the minimum separation guidelines as set out in Places for Living SPG.
- 6.36. The first floor habitable room windows in the front elevation of the dwellinghouse in plot 3 would be 10 metres away from the rear gardens to plots 1 and 2 and would therefore comply with the minimum guidelines set out in Places for Living SPG. Appropriate landscaping would also improve the level of privacy for these two rear gardens. I therefore consider that the proposed development would provide a high quality living environment for future occupiers.
- 6.37. Regulatory Services also raises no objection to the proposed development, subject to a condition to require a vehicle charging point for electric vehicles. I do not consider that this requirement is necessary or reasonable given the low number of dwellinghouses proposed.
- 6.38. *Impact on Highway Safety*
- 6.39. Local residents have raised concern about the impact of the proposed development in terms of the increase in traffic and parking pressure on the existing free flow of traffic on Sherifoot Lane and increase in traffic congestion at the road junction with Lichfield Road. However, Transportation Development raise no objection to the proposed development and advise that the increase in traffic that would be generated by five dwellinghouses in comparison to the existing use of the site for two bungalows would not be significantly greater to cause a detrimental impact on the free flow of traffic or upon highway safety. I further note that West Midlands Fire Service raise no objection to the application. I concur with these views and do not consider that the proposed development would result in unacceptable risks to highway or pedestrian safety in the adjoining highway or pose a safety risk to future occupiers as it would provide access for emergency vehicles.
- 6.40. I note that the parking provision exceeds the maximum car parking standards outlined in the Car Parking Guidelines Supplementary Planning Document, however, the proposed development is for relatively large family dwellinghouses and due to the backland location of two of the dwellinghouses it is considered that the parking provision is acceptable in this instance.

- 6.41. I have recommended the conditions suggested by Transportation Development to require a Bell mouth access is provided at the junction with Sherifoot Lane and to ensure satisfactory vehicular and pedestrian visibility splays can be achieved at the access points. I consider that conditions requiring a construction method statement/management plan and measures to prevent mud on the highway are not necessary for a development that is for a relatively small housing scheme.
- 6.42. *Impact on Trees and Ecology*
- 6.43. From my Officer's site visit, it was observed that a number of trees had been felled prior to the submission of the previous refused application. The Council's Tree Officer advised that the trees that have been felled did have an element of public amenity value seen over the existing bungalows and replacement trees are therefore required to compensate for the loss of these trees. The Tree Officer further advises that appropriate tree protection measures would need to be implemented as indicated in the submitted Tree Survey Report to safeguard all retained trees. I concur with this view and have attached conditions accordingly.
- 6.44. The application was submitted with a Daytime Bat Survey which concluded that there are no suitable features or evidence of bats in the bungalow at 11 Sherifoot Lane and limited features in the bungalow at 15 Sherifoot Lane. The limited features found in 15 Sherifoot Lane were considered to be not suitable for bats. The trees within the site were also inspected and found to have no potential for bats. The Council's Ecologist agrees with the findings of the Bat Survey however has recommended a condition to require ecological enhancements given the recent loss of trees and proposed loss of gardens. I concur with this view and have attached a condition accordingly.
- 6.45. *Community Infrastructure Levy (CIL)*
- 6.46. The development may now be liable for CIL. The submitted application forms specify that the floor area of the development would be 957.7sqm GIA (specify 284.4 sqm existing floorspace/1242.1 sqm new floorspace). This would equate to a payment of £66,081.
7. Conclusion
- 7.1. I consider that the proposed development would provide a strong sense of place and an acceptable living environment for future occupiers. It would sit comfortably within the existing streetscene and no objection was raised to the principle of backland development by the Inspector in the previous dismissed appeal. I therefore do not consider that the proposed development would have a detrimental impact on the character and appearance of the area.
- 7.2. The development would not give rise to any overlooking, overshadowing or other adverse impacts on existing occupiers of neighbouring properties and conditions are attached to remove permitted development rights for any future changes to the proposed dwellinghouses. The development would provide appropriate parking provision for this site and would not have a detrimental impact on highway safety. I therefore consider that the proposed development would accord with policies set out in the Birmingham Development Plan 2017, Places for Living SPG, the 45 Degree Code SPD, Car Parking Guidelines SPD and the National Planning Policy Framework.

8. Recommendation

8.1. I recommend approval subject to the following conditions:

-
- 1 Requires the prior submission of level details
 - 2 Requires the prior submission of hard and/or soft landscape details
 - 3 Requires the prior submission of hard surfacing materials
 - 4 Requires the prior submission of boundary treatment details
 - 5 Requires the prior submission of sample materials
 - 6 Requires the prior submission of a lighting scheme for the private access road and driveways to plots 3 and 4
 - 7 Requires vehicular visibility splays to be provided
 - 8 Requires pedestrian visibility splays to be provided
 - 9 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 10 Requires the prior submission of details of obscure glazing for the first floor bathroom window in the east facing (side) elevation of the dwellinghouse in plot 5 and the first floor bathroom and en-suite windows in the west facing (side) elevation of the dwellinghouse in plot 1
 - 11 Removes PD rights for new windows
 - 12 Removes PD Rights for hard surfacing of front garden
 - 13 Removes PD rights for extensions
 - 14 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 15 Prevents gates being installed to the development access road.
 - 16 Requires the scheme to be in accordance with the listed approved plans
 - 17 Implement within 3 years (Full)
-

Case Officer: Helen Hawkes

Photo(s)



11 Sherifoot Lane



15 Sherifoot Lane

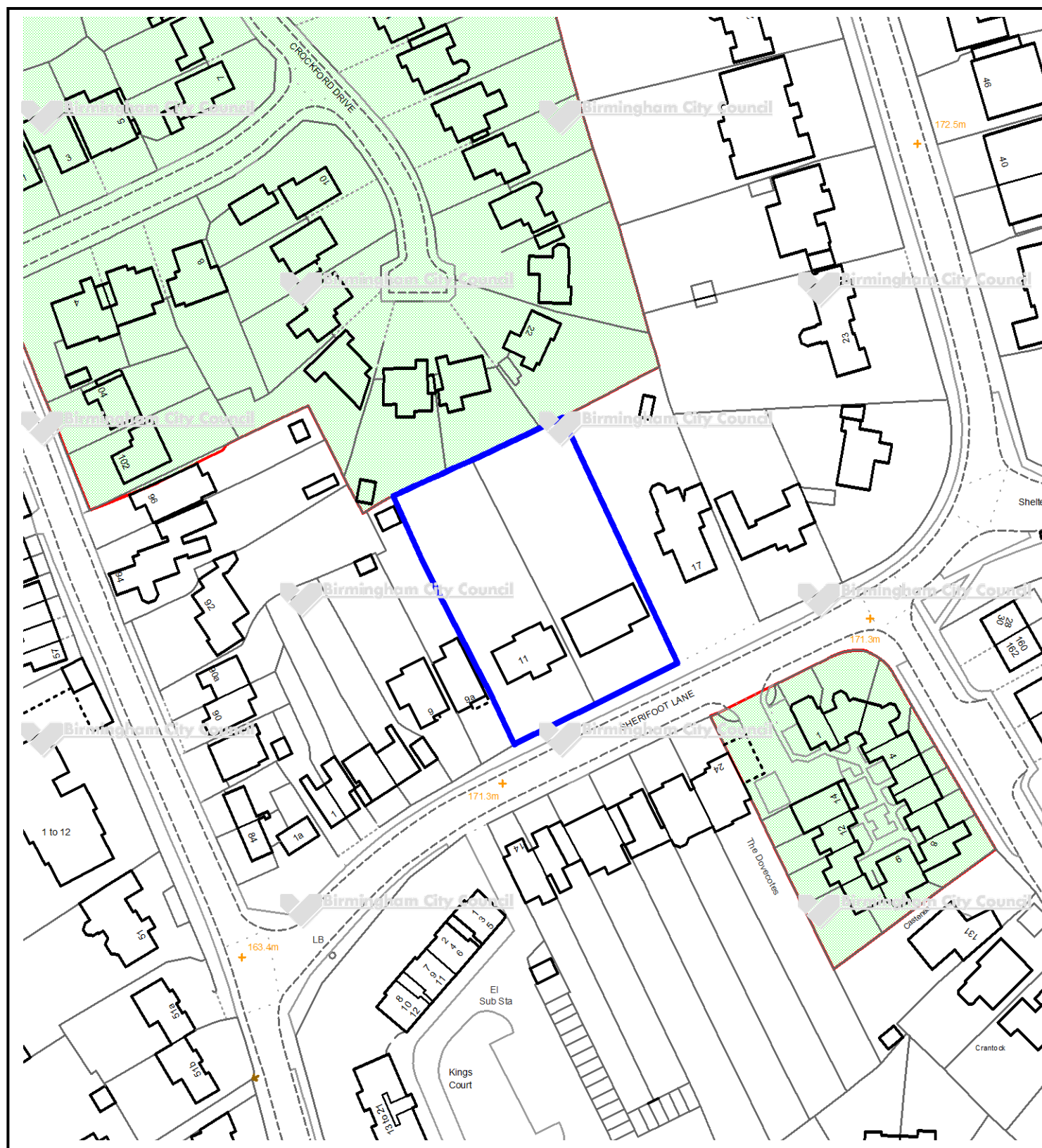


Side (west) elevation of 17 Sherifoot Lane



Bungalows to rear of site at 18 and 20 Crockford Drive

Location Plan



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Committee Date:	16/03/2017	Application Number:	2017/00788/PA
Accepted:	31/01/2017	Application Type:	Variation of Condition
Target Date:	28/03/2017		
Ward:	Kingstanding		

McDonald's Restaurant, College Road, Kingstanding, Birmingham, B44 0AA

Variation of Condition C5 attached to planning application 2006/06577/PA to enable the restaurant to trade between the hours of 05:00 and 00:00 daily.

Applicant:	McDonald's Restaurants Ltd c/o Agent
Agent:	Savills (UK) Limited 33 Margaret Street, London, W1G 0JD

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought to vary condition C5 attached to planning approval 2006/06577/PA to allow an increase in the hours of operation of the McDonalds Restaurant located at College Road, New Oscott from 0500 to midnight daily. An additional 1½ hours in the mornings.
- 1.2. The wording of condition C5 currently states:

"The premises shall be closed for business between midnight and 0630 hours daily. REASON: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity".
- 1.3. These hours of opening were previously approved on a one year temporary basis in order to monitor the sites new opening hours under 2016/01277/PA. This application is to allow these same opening hours on a permanent basis.
- 1.4. A site management plan has been submitted in support of this application, which covers the following areas:
 - CCTV
 - Litter
 - The customer order display unit
 - Staff safe – reduction in anti-social behaviour
 - Signage
 - Conflict avoidance training
 - Complaints log procedure
 - 24 hour security
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the drive thru McDonalds restaurant located at College Road, Oscott. This is a two storey building that sits on the corner of College Road and Warren Farm Road and has a prominent position at this busy road junction.
- 2.2. The drive thru loops around towards the building in the north corner of the site with the order booths being located to the side of the building. The car parking is located to the side and front of the building.
- 2.3. Surrounding the site are residential properties, with some landscaping and screening provided.
- 2.4. The nearest public house is the Beggars Bush some 1,150m away from the site to the north-east.
- 2.5. [Site Location Map](#)

3. Planning History

- 3.1. 31/03/2016 - 2016/01277/PA - Variation of condition C5 attached to planning approval 2006/06577/PA in order to modify the approved opening hours from 0630 to midnight daily to 0500 to midnight daily – Approved temporary.
- 3.2. 05/01/2016 - 2015/09407/PA - Removal of condition number C5 (The premises shall be closed for business between midnight and 0630 hours daily) attached to approval N/06577/06/FUL to enable the restaurant to trade 24 hours a day, seven days a week – Refused.

Reason for Refusal:

- The proposed 24 hour opening hours would lead to increased late-night noise and general disturbance to the detriment of the residential amenity of nearby occupiers and would be likely to lead to further incidents of crime and disorder. As such the proposal would be contrary to Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 3.3. 12/12/2014 - 2014/07221/PA - The installation of 4 no. new lamp posts (5m columns) adjacent to the drive thru lane – Approved subject to conditions.
 - 3.4. 29/09/2014 - 2014/06567/PA - Non-material amendment attached to approval 2014/00697/PA for relocation of presenter booth window, replacement 1.8m close boarded timber fence, redecorate boarded-up windows and re-lining of car park – Approved.
 - 3.5. 26/03/2014 - 2014/00697/PA - Reconfiguration to the drive thru lane to provide a side-by-side ordering point system and associated works - Approved subject to conditions.
 - 3.6. 12/12/2011 - 2011/07558/PA - Application to determine the details for condition number 3 and 5 attached to approval 2011/04208/PA – Approved.
 - 3.7. 01/11/2011 - 2011/05785/PA - Application to determine the details for condition numbers: 2, 4, 6 & 9 attached to approval 2011/04208/PA – Approved.

- 3.8. 25/08/2011 - 2011/04208/PA - Alterations and refurbishment to patio area including associated works, alterations to footway crossings, demolition of toilet block, boundary treatment and formation of additional car parking spaces – Approved subject to conditions.
- 3.9. 25/06/2008 - 2008/02465/PA - Variation of condition C4 attached to planning consent N/01435/97/FUL, to change the opening hours to 0630 - 2400 Sunday to Thursday and 0630 - 0200 Friday and Saturday – Refused.

Reason for refusal:

- The proposed extension of opening hours would lead to increased late-night noise and general disturbance to the detriment of the residential amenity of nearby occupiers and would be likely to lead to further incidents of crime and disorder. The proposal is therefore contrary to Policies 8.6 and 8.7 of the Adopted Unitary Development Plan (2005) and PPS1 and companion guide 'Safer Places'.
- 3.10. 10/01/2007 - 2006/06577/PA - Variation of condition C4 on application N/01435/97/FUL to allow opening between the hours of 6.30am and midnight seven days a week – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Site notice displayed, surrounding occupiers, residents associations, local members and MP notified – 7 objections have been received with the following concerns:
- Surrounded by residential properties
 - Extra noise pollution
 - Extra air pollution
 - Anti-social opening hours
 - Litter problems
 - Traffic built up
 - Blocking driveways and limiting access to homes
 - Light pollution
 - In breach of previous consent with delivery times
 - Infringement on privacy
 - No notification from McDonald's on intentions

4.2. West Midlands Police – No objections.

4.3. Transportation Development – No objections.

4.4. Regulatory Services – No objections.

5. Policy Context

- 5.1. The Birmingham Unitary Development Plan 2005 (saved policies), Birmingham Development Plan 2017, SPD: Shopping and Local Centres (2012), Places for All (2001), National Planning Practice Guidance (2014), National Planning Practice Guidance (2014) and the National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The main issues for consideration in the assessment of this planning application are the impact of the extension of opening hours by 1 hour 30 minutes from 0630 opening to 0500 opening, on residential amenity and highway safety.
- 6.2. Paragraphs 8.6 and 8.7 of the Unitary Development Plan 2005 (saved policies) contain a series of criteria to assess proposals such as this. In general such uses should be confined to shopping areas of mixed commercial development. The cumulative impact on amenity and traffic and the impact on the vitality and viability of the shopping frontage should also be considered. In assessing proposals for evening opening consideration should be given to the proximity of residential accommodation, nature and character of the shopping area and ambient noise levels. To protect residential amenity, if permission is granted, conditions may be attached requiring the premises to be closed and cleared of customers by a certain time.
- 6.3. Paragraph 123 of the NPPF requires that planning policies and decisions should aim to; “avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development” and to “mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions”.
- 6.4. Further guidance on noise issues is included within the NPPG. It advises that noise needs to be considered when new developments may create additional noise and local planning authorities’ decision taking should take account of the acoustic environment and consider;
- Whether or not a significant adverse effect is likely to occur.
 - Whether or not an adverse effect is occurring or likely to occur; and
 - Whether or not a good standard of amenity can be achieved.
- 6.5. The NPPG further advises that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. Various factors need to be taken into account including the source and level of noise together with the time of day it occurs. Some types of noise will cause a greater adverse effect at night as people tend to be more sensitive to noise at night if they are trying to sleep and there is less background noise at night.
- 6.6. The NPPG emphasises that some commercial developments can have particular impacts as their activities are at a peak in the evening and late at night and local planning authorities should bear in mind not only the noise that is generated within the premises but also noise that may be made by customers in the vicinity. It also advises that using planning conditions to restrict activities allowed on site at certain times can mitigate against the effects of noise.
- 6.7. Residential amenity
Regulatory Services raise no objection to the permanent extension of the proposed opening times as they have not received any formal complaints from local residents in the last 12 month monitoring period for these hours previously approved on a 1 year temporary basis under 2016/01277/PA. I concur with this view.

- 6.8. The Birmingham Unitary Plan 2005 saved policy 8.7 states that such uses will normally be required to be closed and cleared of customers by 11.30pm; it makes no specific reference to the time of morning opening. I note that the public participation responses refer to current problems within the temporary approved opening times, although no formal complaints have been received by Regulatory Services. I acknowledge that ambient noise, predominantly generated by passing traffic, would be at a lower level during the early morning hours. However, the number of customers is likely to be less between 5am and 6:30am than during the day and evening.
- 6.9. I note the concerns that have been raised in relation to potential anti-social behaviour and disturbance. I do not consider it likely that the extra opening hours proposed would result in an increase in anti-social behaviour particularly given the early morning extension rather than later into the evening after the closing time of public houses. Similarly, the Police have not raised an objection to the application. A number of the issues raised by local residents relate to the management of the site. These matters are addressed in the submitted site management plan.
- 6.10. Highway safety
Transportation Development raise no objection to the proposal. I concur with this view. The additional hours fall outside of peak traffic movement times and I consider it unlikely that a significant amount of traffic would be generated during the extra period proposed. Consequently I do not expect that highway safety would be prejudiced by the proposal.

7. Conclusion

- 7.1. Approve subject to conditions.

8. Recommendation

- 8.1. That planning permission is granted.

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- | | |
|---|--|
| 1 | Requires the agreed mobility access to be maintained |
| 2 | All loading and unloading of goods to take place within the application site |
| 3 | Limits the hours of use to 0500-0000 daily |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | The areas allocated for car parking and vehicle circulation |
| 6 | Limits the maximum number of customers/covers to 120 |
| 7 | Limits delivery time of goods to or from the site to 0700-2300 daily |
-

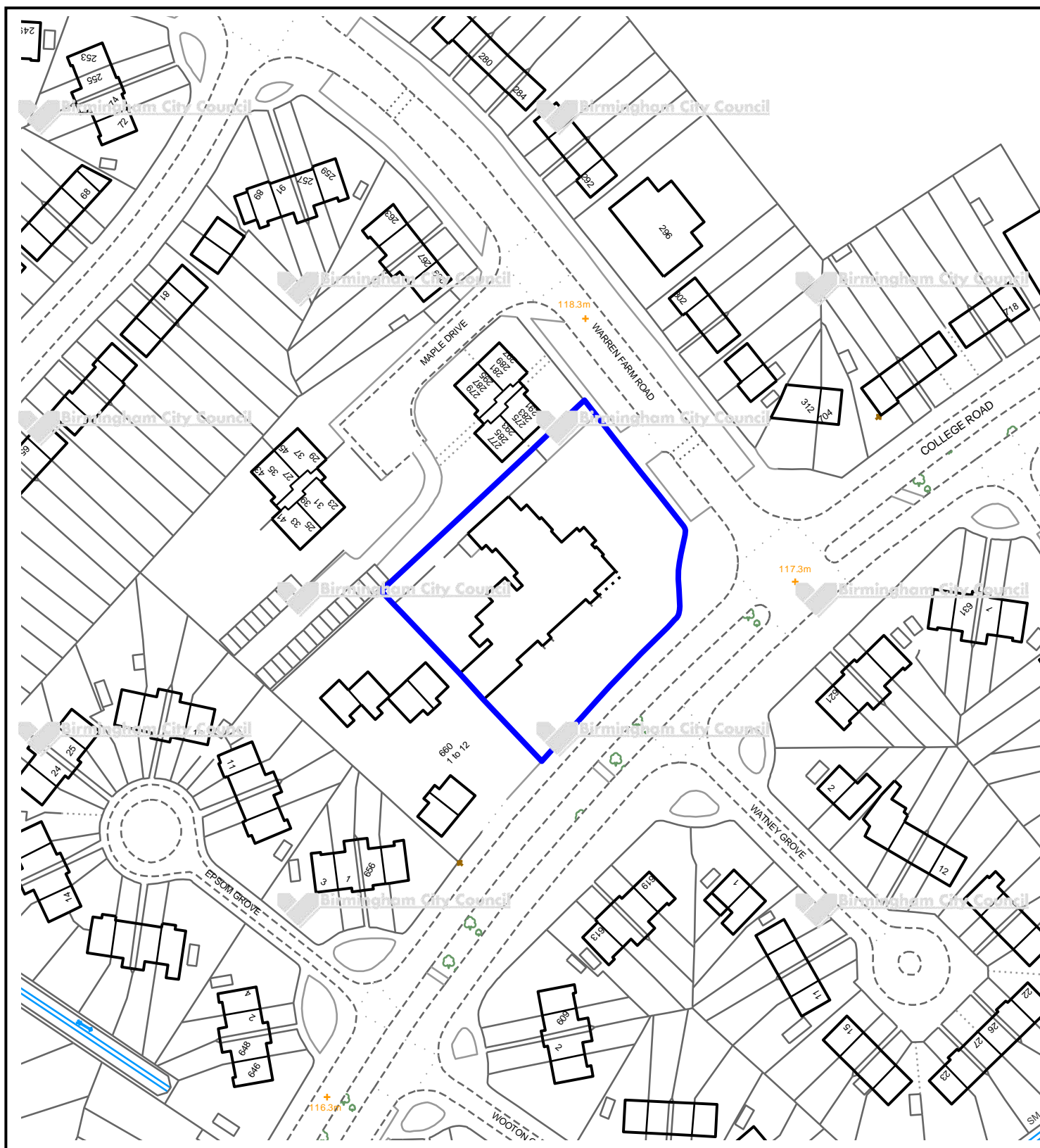
Case Officer: Stephanie Hollands

Photo(s)



Figure 1 – Application site

Location Plan



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Birmingham City Council

Planning Committee

16 March 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	10	2016/09630/PA 95 Willows Road Balsall Heath Birmingham B12 9QF Change of use from Use Class D1 (non-residential institutions) to 15 bed Sui Generis HMO.
Approve - Conditions	11	2017/00077/PA Land to the south of Meadway incorporating the Kent's Moat Recreation Ground, site of former high rise flats and existing flats to the south of the Poolway Shopping Centre Stechford Birmingham B33 Reserved Matters application for appearance, landscaping, layout and scale for 136 residential dwellings (Use Class C3) pursuant to outline planning permission 2015/09502/PA

Committee Date:	16/03/2017	Application Number:	2016/09630/PA
Accepted:	28/11/2016	Application Type:	Full Planning
Target Date:	23/01/2017		
Ward:	Sparkbrook		

95 Willows Road, Balsall Heath, Birmingham, B12 9QF

Change of use from Use Class D1 (non-residential institutions) to 15 bed Sui Generis HMO.

Applicant:	Mr N Ghanche c/o Agent
Agent:	ACP Architects Roma Parva, Level Two, 9 Waterloo Road, Wolverhampton, WV1 4DJ

Recommendation
Determine

1. Report Back

- 1.1. On the 16th February 2017, your Committee deferred this application minded to refuse due to concerns regarding traffic congestion and insufficient parking provision on Willows Road, and the impact the proposal would have on the local community in respect of a large house in multiple occupation adjacent to an existing established day nursery.
- 1.2. Since consideration by your Planning Committee, the Agent has advised he believes the lawful permitted use to be open D1, relating to non-residential institutions such as place of worship, education and training centres. The application site was in use as the Lubavitch Centre from 1975 to January 2016, when the building was purchased at auction and the place of worship / community centre use ceased. However although it is understood that the building was in limited use as a place of worship and community centre between 2014 and 2016, in planning terms the lawful use as an open D1 use continues and has not been lost.
- 1.3. Two further letters of objection were received following the Committee meeting, raising concerns in respect of traffic congestion and parking demand likely to be generated by the proposed house in multiple occupation use. I consider that my comments in the original report address the concerns raised sufficiently.
- 1.4. Further regard has been had towards the planning history of the application site and can confirm the following:
 - Planning permission was sought for the change of use from residential dwelling house to synagogue in 1966 (under planning application 25477001) – a 5 year temporary planning permission was granted, which was personal to the applicant. Due to the permission being personal to the applicant, specific reference was made to no use of cars associated with the place of worship.

- The temporary consent was renewed on 14/07/1971 for a further 4 years. The permission was still granted as being personal to the applicant (planning application 25477003).
 - A planning application for the permanent retention of the use of the site as a place of worship and associated community facilities was submitted in 1982. Permission was granted for the permanent retention of use, and the permission was not subject to being personal to the applicant. A condition was attached to the planning permission which required car parking to be available, understood to be provided within the forecourt on the Willows Road frontage (planning applications 25477008 and 25477009).
- 1.5. Given the evolution of the use of the site, as illustrated by the planning history, it is clear that historically, the site did not generate a significant level of parking demand as the premises was subject to a personal planning permission for 16 years and as the site was an Orthodox Jewish synagogue, there was very little travel to the premises by vehicle. However, when planning permission was sought for the permanent retention of the use of the site as a place of worship in 1982, the personal consent was lifted and the permitted use therefore became an open D1 non-residential institution. This position was confirmed by enquiries made to the Council in 1988 by the synagogue in respect of the operation of a school from the site, which would have been categorised under Use Class D1.
 - 1.6. The removal of the personal permission from the use of the site as a place of worship in 1982 therefore effectively presented a greater likelihood of parking demand from the premises, despite this being rarely founded at the site. It is considered on this basis, that if the site were to return to its former use as a D1 non-residential institution, a considerable parking demand could be substantiated as a result of its operation.
 - 1.7. The Agent for the application has specified that there is a restrictive covenant on the site which sets out that other religious faith usages (either for worship or otherwise) are legally restricted outside Judaism for a period of 999 years. Notwithstanding this covenant, the lawful permitted use of the site is for open D1 non-residential institution use. The site could therefore be converted to a clinic, health centre, crèche, day nurseries, day centres and consulting rooms, non-residential education and training centres without the need for a change of use planning application.
 - 1.8. On this basis, I consider that the proposed change of use at the subject of the current application would have a lesser impact on parking demand than if the site were to resume its operation within the D1 use class. Given that the site has an open D1 non-residential institution use, I consider that there is a reasonable prospect that the site could be brought back into use without the need for planning permission or to satisfy parking requirements.
 - 1.9. In respect of Committee's concerns with regard to the impact that the proposal would have upon the local community, it is again considered that a reason for refusal would be difficult to sustain and defend at planning appeal on these grounds, particularly in light of no objection being received from West Midlands Police.
 - 1.10. In light of the above, officers advise that the recommended grounds for refusal are not consistent with adopted planning policy and guidance. However, if members wish the application to be refused on the grounds suggested then the following reasons for refusal is offered:

“The proposed change of use would have an adverse impact on the safety and free flow of traffic in the adjoining highways and generate an unacceptable level of parking demand by virtue of the multiple individuals that would be accommodated by the application site as a large house in multiple occupation. The proposals are contrary to policies PG3 and TP44 of the Birmingham Development Plan, Car Parking Guidelines SPD and National Planning Policy Framework.”

“The proposed change of use would have an unacceptable impact on adjacent occupiers on the grounds of fear of crime generated from the use of the application premises as a large house in multiple occupation which would be likely to have a transient population which would present a risk to occupiers of the adjacent day nursery. This would be contrary to Policies PG3 and TP30 of Birmingham Development Plan, saved paragraphs 8.15 and 8.25 of Birmingham Unitary Development Plan and National Planning Policy Framework.”

- 1.11. With regard to the reason for refusal suggested by Members relating to the density of the proposals and the living environment for prospective occupants, this matter is dealt with thoroughly in the original report below. It is considered that the provision of 2no. large kitchens to be shared between 15no. bedrooms, all of which significantly exceed the minimum floorspace standards, would achieve an adequate level of residential amenity for prospective occupiers. This is considered appropriate alongside the large external communal amenity area to the rear which would be made available. On this basis, I do not consider it appropriate to provide a reason for refusal on these grounds as this would not be defensible at appeal.

Original Report

2. Proposal

- 2.1 This application proposal relates to the change of use from a former place of worship (Use Class D1 non-residential institution) to a 15 bedroom Sui Generis House in Multiple Occupation at 95 Willows Road.
- 2.2 The proposed HMO would comprise 15 bedrooms, with 3 bedrooms on the lower ground floor; 6 bedrooms on the ground floor, and 6 bedrooms on the first floor. These bedrooms would range in floorspace from 18sqm to 30sqm, and incorporate en-suite shower rooms and internal storage for each of the bedrooms.
- 2.3 The proposed HMO would comprise of one communal kitchen/diner (23.6sqm) on the ground floor, and one communal kitchen/diner (24.6sqm) on the first floor. Each of these kitchen/diners would provide 2 x ovens, 2x hobs, 1x 2200mm larder-style fridge/freezer, 2x kettles, 2x toasters, coffee machine, kitchenware, utensils, and a washer/dryer alongside a large dining table and chairs.
- 2.4 The application site comprises a front yard which is used as parking for 2no. vehicles and is proposed to be retained as part of the HMO. The rear garden is sizeable and it is proposed that such would be made available for the use of prospective residents of the HMO.
- 2.5 No extensions or external alterations are proposed as part of the application proposals, except for the introduction of two new windows on the south west gable elevation. These windows would be double glazed UPVC windows in white frames

to match existing. The gable overlooks the garden to the adjacent day nursery, and would be fitted with obscure glass at first floor level to address this.

- 2.6 Internal alterations would be required to as part of the change of use. These are understood to be in the process of being undertaken at present. No planning permission is required for internal alterations.
- 2.7 The application proposals have been subject to amendments following discussions with the Agent which raised concerns regarding the level of communal living space provided as part of the scheme.
- 2.8 [Link to Documents](#)

3. Site & Surroundings

- 3.1. The application site comprises a large, much extended 2.5 storey part detached building which has most recently been used as a place of worship and youth centre. The building comprises three first floor dormers, a large bay window, main entrance and sash windows on the front eastern elevation. The rear western elevation relates to a large extension with lower ground windows present. The building sits within relatively isolated grounds with a large rear garden, and small gated driveway to the front.
- 3.2. The surroundings relate predominantly to residential use, with a large number of semi-detached and terraced dwellings present. Adjacent to the application site lies an existing detached day nursery, at the junction of Edgbaston Road and Willows Road. A place of worship is located to the north, at the junction of Willows Road and Willows Crescent.
- 3.3. Willows Road is served by bus route 35, providing access between Moseley, Kings Heath, Hawkesley and Birmingham City Centre. There is considerable parking demand on Willows Road which frequently results in conflicts, alongside the bus route.
- 3.4. [Site Location](#)

4. Planning History

- 4.1. 30.04.1999 – 1998/03769/PA – Extension at existing synagogue to create third floor guest accommodation and storage area, ground floor store extension and provision of disabled lift to all floors. – Refused, appeal dismissed.
- 4.2. 18.11.1982 – 25477009 – Erection of extensions to existing youth centre (phase 2) and relocation of existing synagogue. – Approved subject to conditions.
- 4.3. 10.06.1982 – 25477008 – Continued use of premises as a synagogue and youth centre. – Approved subject to conditions.
- 4.4. 10.06.1982 – 25477007 – Erection of an extension to the side and rear of the premises comprising games and classroom lounge/library, kitchen. – Approved subject to conditions.
- 4.5. 10.02.1977 – 25477006 – Continued use as a synagogue. – Approved.

- 4.6. 10.02.1977 – 25477005 – Extensions to synagogue. – Approved.
- 4.7. 09.09.1971 – 25477003 - Synagogue on ground floor & 2 flats continued use. – Approved.
- 4.8. 04.05.1967 – 25477002 - Use as synagogue with 2 flats over. – Approved.
- 4.9. 17.03.1966 – 25477001 - Conversion for use as synagogue. – Approved.

5. Consultation/PP Responses

- 5.1. Transportation Development - No objection subject to conditions relating to Cycle Store Details.
- 5.2. Regulatory Services – No objection.
- 5.3. West Midlands Police – No objection.
- 5.4. Site Notice posted. Ward Members and neighbours notified. Nineteen letters of objection received, raising concerns regarding:
- Impact on traffic congestion;
 - Likely increase in parking demand;
 - Prospective occupants of the HMO;
 - Safeguarding of the children present at the day nursery with such a large scale HMO, of which a number of prospective residents would be likely to be short-term;
 - Overlooking of residential accommodation into the garden of the day nursery;
 - Likely appeal of the HMO to young professionals;
 - Proposals would be out of character with the surrounding family dwellings; and
 - Poor living environment for prospective residents, with limited facilities available.
- 5.5. A petition signed by 22 people has been submitted objecting to the proposals on the grounds of the proposals being out of character with the area, and likely to raise significant transportation conflicts.

6. Policy Context

- 6.1. National Planning Policy Framework (2012); Birmingham Development Plan (BDP) (2017); Birmingham Unitary Development Plan (Saved Policies) (2005); Places for Living (2001); Specific Needs Residential Uses: Houses in Multiple Occupation SPG (2006)

7. Planning Considerations

- 7.1. The application proposals relate to the change of use of a former D1 use class place of worship to a 15-bed Sui Generis House in Multiple Occupation. The key planning considerations therefore relate to the principle of the change of use, alongside the

impact that the proposals would be likely to have on existing and future residential amenity and highway safety.

- 7.2. **Principle of Change of Use** – The application proposals seek permission for the operation of a large detached building as a 15-bed HMO. The location of the application site is within a residential street which is predominated by terraced and semi-detached family dwellings.
- 7.3. Paragraph 5.19B of the Birmingham UDP indicates that where residential areas contain properties which have been converted into “institutional” uses such as hotels, hostels, day nurseries or nursing homes, subdivided into flats, or is in multiple occupation, concentrations of such uses can have an adverse effect upon the essential residential character of a particular street or area. The majority of the existing HMOs in the area would not be subject to planning control and would therefore appear and operate as a single family dwelling house, housing 6 persons and under, therefore falling under Use Class C4: Houses in multiple occupation (between 3-6 people).
- 7.4. A large number of objections raised by neighbours and interested parties refer to a safeguarding concern in respect of the day nursery located adjacent to the application site. Whilst I appreciate the concerns raised, I consider that the applicant has addressed the issue of potential loss of privacy and overlooking by proposing obscure glazing to be installed in the proposed new windows. Furthermore, West Midlands Police raise no objection to the application proposals. Regarding the general compatibility of uses, the principle of a House in Multiple Occupation, which would be of a residential character, would be acceptable.
- 7.5. I appreciate that there would be a large number of residents and that such residents may change frequently and at short notice. However, I would not consider that this safeguarding issue would be more or less severe than if the application premises were proposed to be converted to self-contained flats or dwellings.
- 7.6. The application proposals relate to the change of use of a detached building within its own grounds, and would convert a non-residential building to a form of residential use, which would arguably fortify the residential character of the area. The proposals are therefore considered to be acceptable in principle, and compliant with adopted planning policy.
- 7.7. **Impact on Residential Amenity** – Applications for change of use to Houses in Multiple Occupation need to be assessed against criteria in Paragraphs 8.23-8.25 of UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality.
- 7.8. The application proposal comprises 2no. communal kitchen/diner to be shared by 15no. residents. The Housing Department’s “Houses in Multiple Occupation (HMO) Property and Management Standards” refers to a minimum of 21.5sqm required for a dining kitchen to be used by up to 15 people (11.5sqm for 2-5 persons plus an additional 1sqm for every additional person thereafter). The proposed ground floor communal kitchen/diner would measure 23.6sqm floorspace whilst the proposed first floor kitchen/diner would measure 24.6sqm. Whilst the Standards do not constitute adopted planning policy, they provide useful guidance. It is my view that the provision of the two kitchens, which was the result of extended negotiations with the Agent,

would provide an adequate level of residential accommodation for prospective occupiers, which would constitute an acceptable living environment.

- 7.9. The proposed bedroom sizes and indicative furniture layout provided for each of the 15 en-suite bedrooms would be acceptable in terms of minimum floorspace required for 2 room lettings as part of a HMO, as established by the guidance within Specific Needs Residential Uses: Houses in Multiple Occupation SPG, and requiring a minimum of 15sqm floorspace.
- 7.10. The application proposals do not relate to any extensions or alterations which would have an impact on neighbouring residential amenity. A number of objections raised concerns regarding the HMO causing noise and disturbance issues for existing residents. The application property is part-detached and there is a day nursery at the property immediately adjacent. Given this, I do not consider that there would be any detrimental impact on adjoining occupiers, as a result of this change of use. Regulatory Services raise no objections to the application proposals, however given the scale of the HMO I consider that it would be likely that a degree of noise and disturbance would be generated by the proposals, by virtue of the number of residents likely to be coming and going, and the disturbance that arises alongside the practice of a large household.
- 7.11. As the proposals would be likely to have a lesser impact in terms of noise and disturbance than the permitted lawful use as a place of worship, and as the communal kitchens exceed the minimum size, I do not consider that these concerns would warrant a recommendation for refusal. Furthermore, if the application site were to remain in use as a place of worship, the site would arguably generate a greater level of noise and disturbance with a larger number of visitors to the site.
- 7.12. **Impact on Highway Safety** – The application proposals seek consent to change the use of an existing building, most recently used as a place of worship, to a 15 bedroom HMO. No parking provision is incorporated as part of the application proposals however it is understood that the two driveway parking spaces would be retained as part of the change of use. No cycle store provision is proposed.
- 7.13. A considerable level of local objection has been raised relating to the lack of parking, noting the existing parking situation in the area and the likely impact that the proposals would have upon such demand.
- 7.14. While the proposed development has potential to generate some additional parking demand in a locality where there is very high parking pressure, the lawful permitted use of the site has potential to generate higher parking demand. As such, Transportation Development does not consider that the proposed development would result in a demonstrably severe impact sufficient to sustain a recommendation of refusal. I concur with the view from Transportation Development that the site operating as its lawful permitted use would have a greater parking requirement and would outweigh the demand for parking from the proposed change of use.
- 7.15. Regarding cycle storage, it appears that there is a route from Willows Road to the rear garden area where such could be sited. Transportation Development recommends that this provision should be conditioned to any grant of planning permission.
- 7.16. **Other Matters** – Regarding the concerns raised of the HMO overlooking the day nursery, the application proposals comprise obscure glazing being installed at first floor level, which would relate to the first floor kitchen/diner. The new ground floor

window is obscured by a large brick boundary wall and therefore does not require obscured glass. This element of the scheme will be secured by planning condition to protect the amenity of neighbouring properties.

- 7.17. In respect of the concerns raised in objections relating to the prospective occupants of the HMO and the likely appeal of the HMO to young professionals, this is not a planning matter and cannot be assessed further.

8. Conclusion

- 8.1. This application proposal relates to the change of use of a former place of worship to a large, 15-bed House in Multiple Occupation, with 2no. communal kitchen / diners. The proposal is compliant with adopted planning policy and acceptable in principle. West Midlands Police raise no objection to the application proposal, and the proposed obscure glazing at first floor level would mitigate any instances of potential overlooking to the adjacent Day Nursery.
- 8.2. The application proposals do not provide any car parking which are acknowledged to be likely to generate an increased level of parking demand on Willows Road which is subject to considerable existing demand. However, given the permitted lawful use of the site as a place of worship which would be likely to generate significantly more parking demand, Transportation Development raise no objection to the proposal.
- 8.3. For the reasons set out above, I recommend that the application should be approved subject to conditions.

9. Recommendation

- 9.1. Approve subject to conditions.

1	Requires the prior submission details obscure glazing for specific areas of the approved building
2	Requires the prior submission of cycle storage details
3	No more than 15 bedrooms at the HMO
4	Requires the scheme to be in accordance with the listed approved plans
5	Implement within 3 years (Full)

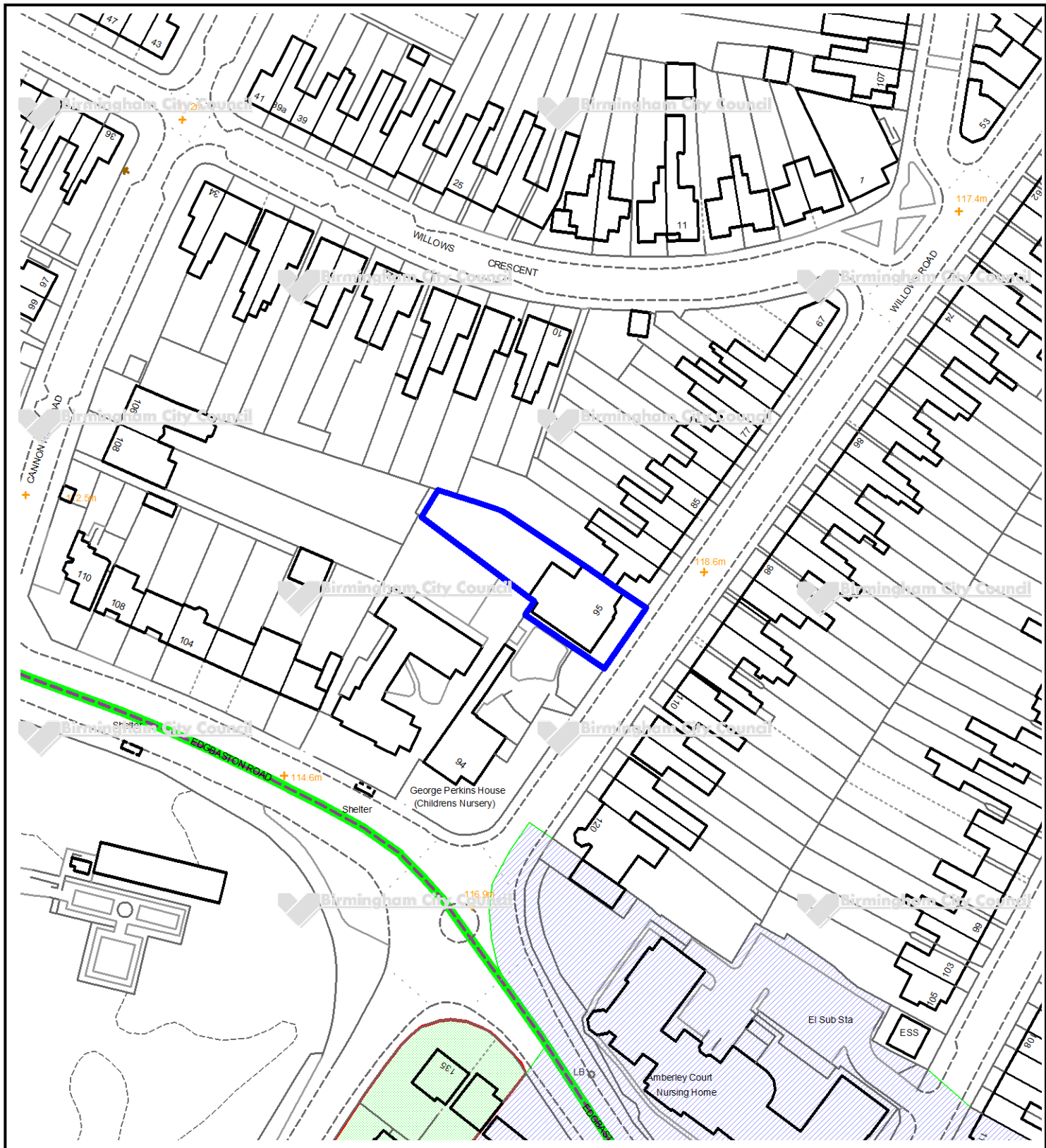
Case Officer: Claudia Clemente

Photo(s)



Figure 1: Application Site

Location Plan



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Committee Date:	16/03/2017	Application Number:	2017/00077/PA
Accepted:	10/01/2017	Application Type:	Reserved Matters Development
Target Date:	11/04/2017		
Ward:	Stechford and Yardley North		

Land to the south of Meadway incorporating the Kent's Moat Recreation Ground, site of former high rise flats and existing flats to the south of the Poolway Shopping Centre, Stechford, Birmingham, B33

Reserved Matters application for appearance, landscaping, layout and scale for 136 residential dwellings (Use Class C3) pursuant to outline planning permission 2015/09502/PA

Applicant:	Kier Living Ltd Tungsten Building, Central Boulevard, Blythe Valley Park, Solihull, West Midlands, B90 8AU
Agent:	BM3 Architecture Ltd 28 Pickford Street, Birmingham, B5 5QH

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Reserved matters application (appearance, landscaping, layout and scale) for the erection of 136 houses pursuant to outline planning permission 2015/09502/PA. There would be a 50/50 split (68 units each) between affordable and open market housing. The affordable housing would consist of 28no. 2-bed units, 14no. 3-bed units, 12no. 4-bed units and 14no. 5-bed units, made up of single storey bungalows, dormer bungalows, 2-storey dwellings as well as a limited number of dwellings with 3-storey elements. The open market housing would consist of 23no. 2-bed units, 29no. 2/3-bed units and 16no. 4-bed units, made up of 2-storey dwellings. The housing would be spread across the north eastern and south western sections of the wider redevelopment site, in general accordance with the indicative layout submitted with the outline application. The south eastern section of the wider site will be the retained/enhanced public park and the north western section will be the new district centre (to be subject to a separate reserved matters application) and Phase 2 (to be subject to a separate outline or full planning application).
 - 1.2. The layout of the new housing creates new perimeter blocks and reinforces perimeter blocks where adjacent to existing housing that currently backs onto the Kent's Moat Recreation Ground.
 - 1.3. The appearance of the new houses would be a contemporary take on traditional brick and tile housing with features that are characteristic of BMHT schemes such as large sized openings and an additional gable option to the front elevation. 2 bricks (red multi and buff) with 2 tiles (grey and terracotta) are proposed to help break up long street elevations as well as grey coloured cladding panels to some gable frontages and between windows with windows and box bays also both coloured grey.

- 1.4. 242 off street parking (178%) would be provided in convenient locations to either the front or side of the properties. All the 4-bed and some of the 3-bed open market houses also have a detached or integral garage, which increases the off street parking to 269 and represents a 198% provision.
- 1.5. Means of access was approved under the outline consent in the form of a new roundabout off Meadway and an altered access off Sheldon Heath Road. The current reserved matters application also includes the provision of 27no. parking spaces that would front the new district centre, which has already received outline planning permission under 2015/09502/PA.
- 1.6. The density of the proposed housing is in the region of 35 dwellings per hectare.
- 1.7. The proposals have been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and there is no requirement for an Environmental Assessment
- 1.8. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site forms part of a wider 15ha site and Meadway runs along its northern boundary with housing beyond that. To the south, the site is bounded by houses to the northern side of Blakenhale Road, to the east it is bounded by houses on the western side of Outmore Road and to the west by the Poolway Shopping Centre and houses on the northern side of Sheldon Heath Road. Poolway Shopping Centre was built in the late 1950s and comprises largely of groundfloor retail shops with residential units above and is inward facing with very poor visibility and outlook onto Meadway and the recreation ground. Kent's Moat Recreational Ground is an expansive area of public open space which slopes down (some 8-10m) towards its eastern and southern boundaries. It sits relatively level with the Poolway Shopping Centre and Meadway. The northern section of the site is cleared land which previously contained a number of high-rise residential towers which accommodated a total of 222 flats and were demolished in 2009-2010.
 - 2.2. [Site location](#)
3. Planning History
 - 3.1. 04/02/16 – 2015/09502/PA. Outline planning application to include up to 136 residential dwellings (C3), district centre to include retail uses (A1, A2, A3, A5) and/or community/leisure Uses (D1, D2) up to 2,730sqm (Gross Internal Area), new roundabout access from Meadway, access from Broadstone Road, enhancements to retained public open space, landscaping, provision of new playing fields, new multi-use games area, new toddler play area, new teenage play area, drainage works, ancillary works and demolition of existing buildings. Approved.
4. Consultation/PP Responses
 - 4.1. Transportation Development – Comments to be reported at the meeting.
 - 4.2. West Midlands Police – No objection.
 - 4.3. West Midlands Fire Service – No objection.

- 4.4. Local residents, residential groups, Ward Councillors and MP consulted with site and press notices posted.
- 4.5. 1 representation received from a neighbour objecting to the application on the following grounds:
- The Council is unable to provide effective services so what will happen by increasing the number of residents in the area?
 - Only green space in the wider area.
 - Insufficient bus service and increasing traffic, slowing down public service and increasing air pollution would make the area worse to live in.
 - Insufficient amenities such as leisure centres and shops.
 - Redeveloping the Poolway is a basic need but making favelas out of it is 'disturbing', 'idiotic' and 'criminal'.
 - It is not clear who are the recipients of the plan and who is investing whose money?
 - Who will be able to rent or buy the houses?
 - What kind of improvement is the plan bringing to the area?
 - Stop concreting and overbuilding the suburbs and change vacant building by the Bull Ring into residential accommodation.
 - The area needs investment in urban gardens, playgrounds and leisure centres.

5. Policy Context

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

6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005 and the Birmingham Development Plan 2017. The NPPF is also a material consideration.
- 6.2. The principle of the provision of 136 new dwellinghouses on the application site was established under 2015/09502/PA. This current reserved matters application is seeking approval of the outstanding reserved matters (access was approved at outline stage) namely appearance, landscaping, layout and scale.
- 6.3. Visual amenity:
- 6.4. The application submission reflects the good urban design principles illustrated in the indicative layout submitted with the outline application. Strong perimeter blocks are proposed, incorporating existing houses which currently have exposed boundaries to Kent's Moat Recreation Ground, providing natural surveillance and security to the new houses as well as much improved overlooking of the retained

park. The houses would be set within well-sized plots with good levels of landscaping to counterbalance the provision of convenient off-street parking either to the front or sides of the houses.

- 6.5. The external appearance of the properties with variations of certain house types as well as a cohesive approach to the use of external materials would provide a good quality residential environment that will make a significant contribution to the planned wider regeneration of the area including the enhanced retained park and the new District Centre. The scheme would improve the character and quality of the area.
- 6.6. An Arboricultural Impact Assessment has been submitted in support of the application, which identifies that the majority of the existing trees within the site subject to this reserved matters application would be retained. However some 21 individual trees (7no. Category A, 11no. Category B and 3no. Category C) as well as 2 groups of trees (Category C) are proposed to be removed to accommodate the development including the new roundabout off the Meadway. Within the context of the trees to be retained across the site and retaining the key characteristic of the two clusters to the northern edge of the site adjacent to the Meadway, it is considered that the impact on visual amenity is acceptable. This view is shared by your Tree Officer and recommends conditions relating to an arboricultural method statement and tree protection plan as well as tree pruning. Furthermore an extensive landscaping scheme has been submitted which is in accordance with BMHT's External Works Design Guide. This includes new tree, hedge and shrub planting within the front gardens, which would complement the layout and setting adjacent to the retained public park which is to be extensively refurbished and enhanced as part of the wider regeneration scheme. 97no. new trees (heavy standard, extra heavy standard and semi-mature) are proposed as part of the landscaping scheme.
- 6.7. Neighbour amenity:
- 6.8. The new houses would all have private gardens that meet, and in many cases significantly exceed minimum guidelines given in 'Places for Living' SPG, with 2 exceptions (plots 14 and 120). These are relatively minor, having shortfalls of 4sqm and 7sqm, and within the context of the overall scheme is considered acceptable. Set back and separation distances, as detailed in 'Places for Living' SPG, are also generally met between the new houses. Where they are not met the shortfalls are minor, with houses set at oblique angles to one another and also at 'pinch-points' on perimeter block to achieve a good layout in terms of urban design. Again, within the context of the overall scheme, these shortfalls are acceptable.
- 6.9. With regard to the new houses and existing houses on Meadway and Sheldon Heath Road, the separation distances guidelines are exceeded. The new houses that have rear elevations facing the existing houses on Meadway would have a setback of over 20m and a separation distance from the rear elevation of the existing houses of over 40m. The guidelines seek a minimum set back and separate distance of 10m and 21m respectively. In relation to existing houses on Sheldon Heath Road, these numerical guidelines are also either met or exceeded. The only exception are plots 117 and 118, which are 2-storey 4-bed houses, which have a setback distance of 9.5m rather than the guideline of 10m in relation to the rear boundaries of nos. 56 and 58 Sheldon Heath Road. Nos. 56 and 58 have a 16m and 23.5m deep rear gardens respectively, resulting in separation distances of 25.5m and 33m, whereby a minimum of 21m is sought. The 0.5m setback shortfall is minimal and within the context of the generous depth of the existing adjacent gardens it is considered that this could not represent a reason for refusal.

- 6.10. The proposed affordable houses meet national space standards. The open market houses have a number of shortfalls in terms of total floorspace, including 2-bed units having a total floorspace of 64sqm and 66sqm, whilst a minimum of 70sqm is normally required. A number of properties have small rooms that are shown as being a study which could be used as a single bedroom but would not meet the minimum 7.5sqm. Ultimately how such a space is used would be a personal decision by future occupiers. The shortfalls are relatively minor for the accommodation shown and provide an overall level of accommodation that could not support a reason for refusal within the context of the overall scheme.
- 6.11. Highway safety:
- 6.12. Means of access was approved under the outline consent in the form of a new roundabout off Meadway and an altered access off Sheldon Heath Road
- 6.13. 242 off street parking (178%) would be provided in convenient locations to either the front or side of the properties, whilst all the 4-bed and some of the 3-bed open market houses also have a detached or integral garage, which increases the provision to 198%. The proposed layout also provides potential for some on-street parking and it is considered that the overall provision is appropriate.
- 6.14. Transportation Development's comments will be reported at the meeting.

7. Conclusion

- 7.1. This reserved matters application achieves all the good urban design objectives established with the outline planning permission and would make a significant improvement to the quality and character of the locality. The new houses would provide a good level of amenity for future occupiers as well as safeguarding the amenity of existing neighbours as well as providing an appropriate level of off-street parking provision. The proposal is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the implementation of the approved landscape details |
| 3 | Requires the prior submission of an Arboricultural Method Statement and Tree Protection Plan |
| 4 | Requires tree pruning protection |
| 5 | Requires the prior submission of obscure glazing and opening restrictor to The Aston house type |
-

Case Officer: Peter Barton

Photo(s)



Figure 1 – Meadway frontage (beyond trees, which are to be retained)



Figure 2 – Rear boundary of existing properties along Meadway and backing onto Kent's Moat Recreation Ground

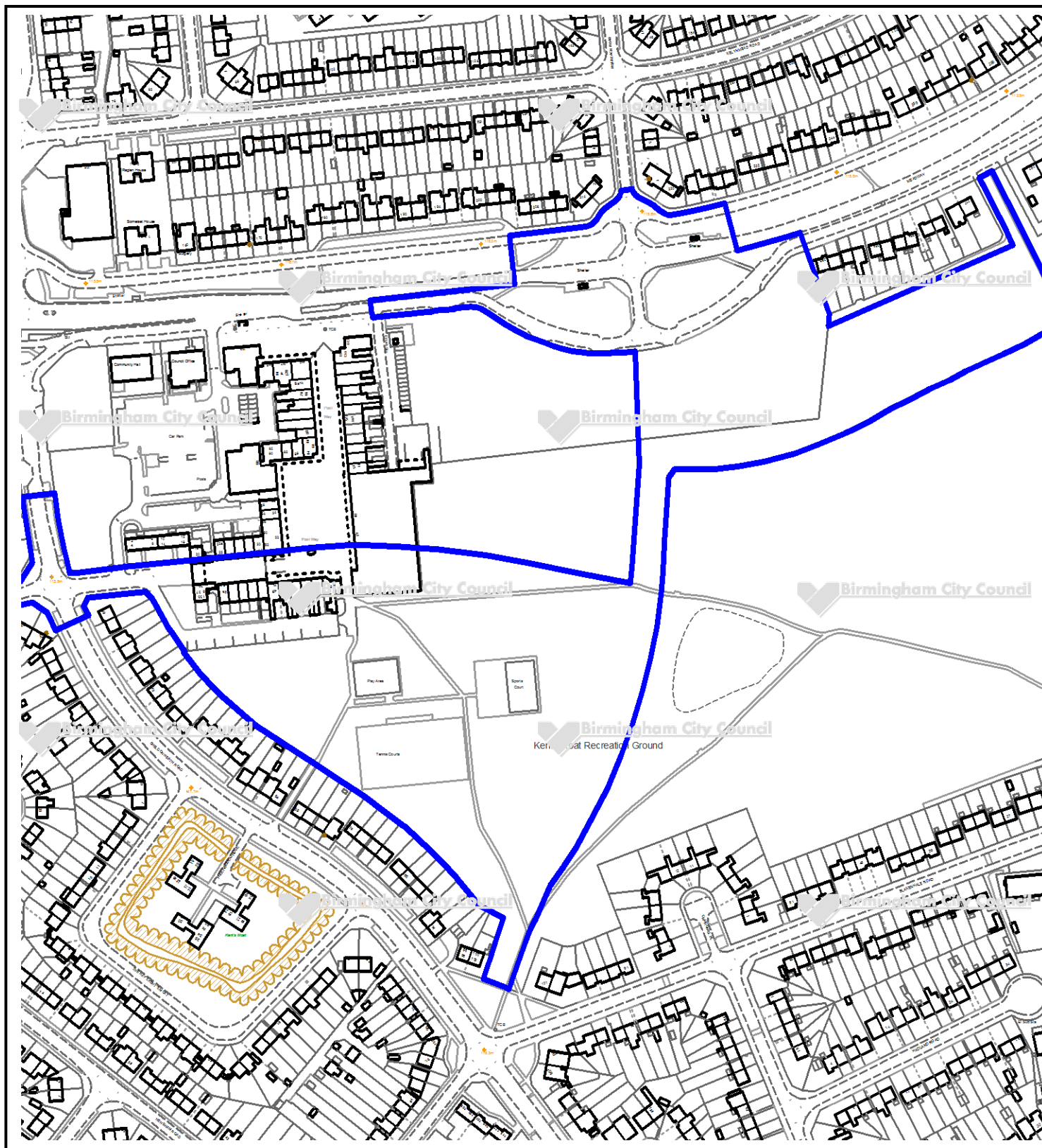


Figure 3 – Existing play area and MUGA (to be re-provided on retained park)



Figure 4 - Rear boundary of existing properties along Sheldon Heath Road and backing onto Kent's Moat Recreation Ground

Location Plan



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Birmingham City Council

Planning Committee

16 March 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	12	2017/00403/PA 46 Chantry Road Moseley Birmingham B13 8DJ Erection of single storey rear extension with extension to basement floor to rear and alterations to front driveway
Approve - Temporary	13	2017/01253/PA Bristol Road South (between junctions with Church Road and Chatham Road) Northfield Birmingham B31 Display of 24 non-illuminated lamppost advertisement banners
Approve - Temporary	14	2017/01268/PA Bristol Road South (between junctions with Broughton Crescent and Lickey Road) Longbridge Birmingham B31 Display of 21 non-illuminated lamppost advertisement banners
Approve - Temporary	15	2017/01269/PA Longbridge Lane (between junctions Bristol Road South and Central Avenue) Longbridge Birmingham Display of 24 non-illuminated lamppost advertisement banners

Committee Date:	16/03/2017	Application Number:	2017/00403/PA
Accepted:	17/01/2017	Application Type:	Householder
Target Date:	14/03/2017		
Ward:	Moseley and Kings Heath		

46 Chantry Road, Moseley, Birmingham, B13 8DJ

Erection of single storey rear extension with extension to basement floor to rear and alterations to front driveway

Applicant:	Mrs Karin O'Sullivan 46 Chantry Road, Moseley, Birmingham, B13 8DJ
Agent:	Lapworth Architects Crown House, 123 Hagley Road, Edgbaston, Birmingham, B16 8LD

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a single storey rear extension, an extension to the basement floor to the rear, and driveway alterations to the front of the property. The extensions would be a maximum of the full width of the plot (c. 9m), they would extend 8.4m into the garden from the dwelling's main rear elevation, with the basement terrace a further 3m in depth. The extensions are flat-roofed, with brick and glazed elevations. The basement works would require relatively significant excavation at the centre and rear of the existing dwelling. The front driveway slopes down on one side to the former basement garage, it would be built-up to a level surface to enable two cars to park, along with hard and soft landscaping and amended boundary treatment.

1.2. [Link to Documents](#)

2. Site & Surroundings

- 2.1. This application relates to a semi-detached property, with accommodation over four floors (including the basement) located within the Moseley Conservation Area and is subject to an Article 4(2) Direction. The surrounding area is residential in character and comprises large late 19th Century properties.
- 2.2. The application property has a gable frontage with a brick and render elevation and feature bay windows. There is a lower level garage below the property, which has previously been converted to a habitable room, with an existing driveway to the front. To the rear is a single storey element with a flat roof design. There is an existing raised decking to the rear of the property, with the garden ground levels stepping down into the garden. The application site benefits from a rear garden which contains mature landscaping. The garden is enclosed by close boarded fencing and planting.

2.3. The attached neighbouring property, No. 48 Chantry Road, is a semi-detached property of a similar design and scale to the application site. There is a raised driveway to the front and a long garden to the rear. There is a single storey element to the rear elevation, built following a planning approval in 2013. To the rear of the property is a raised patio area with glazed balustrades. The boundary between the two properties is defined by tall close-boarded fencing.

2.4. The neighbouring property to the west adjacent side, No. 42 Chantry Road, is a detached property with a hipped roof design. There is a single storey outbuilding to the side of the property, along the boundary to the application site.

2.5. [Site Location Plan](#)

3. Planning History

3.1. No planning history

4. Consultation/PP Responses

4.1. Neighbouring properties and local Ward Councillors have been consulted and a site notice has been displayed. 13 objections including one from Councillor Trickett have been received from neighbouring properties raising the following concerns:-

- Noise and disruption caused by excavation and construction works
- Parking implications during construction
- Structural implications of the excavation works and basement extension - potential damage and subsidence, impact on the party wall, impact on the surrounding water table resulting in increased flooding and dampness. Associated financial implications
- Loss of light and overlooking, breach of the 45 degree code policy
- Impact on private amenity space
- Proposed extension would dominate views
- Design and scale out of keeping with the character of the neighbourhood
- Impact on the Moseley Conservation Area and views from the park to the rear
- Visual impact of the driveway alterations on the Conservation Area
- Article 4(2) Direction in place to protect historical features of properties
- Setting a precedent for further development
- Removal of trees and planting to the front
- Incorrect information on the application form
- No direct neighbour notification

4.2. 2 letters of support received from 2 neighbouring properties.

4.3. Comments have also been received from The Moseley Society raising concern over the scale and design of the proposed development, the loss of light from the rear extension and the impact on planting to the frontage.

4.4. Environmental Pollution Control – No objections

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan 2005 (Saved Policies Chapter 8 and 3.14 – 3.14D)
 - Birmingham Development Plan (Adopted 2017)
 - Places For Living (Adopted Supplementary Planning Guidance 2001)
 - The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
 - Extending your Home (Adopted Supplementary Planning Document 2007)
 - Moseley Conservation Area and Article 4(2) Direction
 - Moseley Supplementary Planning Document
- 5.2. The following national policies are applicable:
- NPPF: National Planning Policy Framework (2012)
6. Planning Considerations
- 6.1. The principal matters for consideration are the scale and design of the proposed extension, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties' amenities. National and local policy tests require the character and appearance of a Conservation Area to be preserved or enhanced.
- 6.2. Turning first to the rear extension, the proposed single storey rear extension would breach the 45 degree line from the rear facing habitable room window to No. 48 Chantry Road. However, the extension has been designed to incorporate glazing to the side elevation, roof and rear elevations from the point of the 45 degree breach. The proposed 2m high brick wall to the side elevation facing No. 48 would be no higher than the existing boundary treatment, with the additional height of the extension consisting of glazing. The code allows for glazed structures as the glazing would still allow light to pass through to neighbouring properties, so although the extension would breach the 45 degree line, it would comply with the wider policy Code. Therefore taking into account the existing 2m close boarded boundary fencing together with the introduction of glazing to the side, rear and roof; I do not consider the impact on the neighbouring occupiers in terms of light would be such as to sustain a refusal of the application.
- 6.3. The design of the development, whilst modern, would not compromise the existing character and architectural appearance of the property. The scale is proportionate to the main dwelling and would not result in a prominent feature. As the extension is located to the rear of the property, it would not be visible within the wider street scene or the wider views of the Conservation Area and would not harm the character and appearance of the Conservation Area. As such the development would comply with the design principles contained within the design guide 'Extending your Home' Supplementary Planning Document.
- 6.4. Turning next to the proposed basement extension, given the nature of a basement, the majority of the extension would not be visible from the public realm and therefore would not have a detrimental impact on the appearance of the dwelling or the character of the surrounding area. An area of decking is proposed above the basement extension with an additional terrace proposed to the end. The applicant has submitted amended plans showing screening (a frosted-glazing side panel) to the boundary to No. 42, which removes any potential overlooking and loss of privacy to the neighbouring property. The basement would have windows facing down the garden. This extension would be at a lower level and built into the existing garden so would not result in a prominent feature.

- 6.5. The proposed development complies with the numerical guidelines set out in 'Places for Living' and 'Extending Your Home' Design Guide; as a result there is no detrimental impact on neighbour's private amenity.
- 6.6. Turning finally to the proposed alterations to the frontage, the proposed design and scale of the frontage alterations is of a similar design and scale to that at neighbouring property No. 48 which was approved in 2013. Planting is proposed to the side of the proposed driveway with part of the boundary wall to the front retained. The Conservation Officer has raised no objections to the proposal subject to conditions for materials and further details of the proposed frontage/driveway (walls, railings, hard surfacing). Therefore I consider the design and scale of the proposal would have an acceptable impact and would not harm the character and appearance of the Conservation Area.
- 6.7. Aside from the matters I have addressed, other objection points have been raised by neighbouring properties. In terms of the potential issues of noise and disruption and parking related to construction, these are not material planning considerations and therefore do not form part of my assessment of the application. Implications for structure/stability, dampness, etc. are not planning matters, they would be addressed by the Party Wall Act and/or Building Regulations. Notwithstanding, the applicant has advised that a professional structural engineer would be employed prior to the commencement of any development. The Article 4 Direction establishes what developments do or do not require planning permission, it is not a vehicle for assessment of applications. That is done by the planning policy context set out above. Concern has been also raised with regards to information on the application forms concerning loss of trees and planting. However, the plans indicate the alterations proposed and there is sufficient information contained on the plans to assess the application. For completeness, my Tree Officer has been consulted. He has no objection, noting there are no direct risks to trees from the proposal. He considers the conifer on the frontage and boundary trees in the rear garden are far enough from the proposal, access and working area for there not to be any need for tree conditions. Lastly, there has been comment about the degree of local consultation on the application. I can confirm that our notification procedures were followed, with letters to the nearest neighbours and a site notice displayed.
- 6.8. The proposed development does not attract a CIL contribution

7. Conclusion

- 7.1. This application is recommended for approval as the proposal complies with the objectives of the policies as set out above and constitutes Sustainable Development. The character and appearance of the Conservation Area would be preserved.

8. Recommendation

- 8.1. Approve subject to conditions

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

2 Requires the prior submission of level details

-
- 3 Requires the prior submission of sample materials
 - 4 Requires the prior submission of new walls, railings & gates & gate posts/piers details
 - 5 Provide obscurely-glazed side screen to ground floor terrace
 - 6 No access to or use of the first floor flat roof
 - 7 Removes PD rights for new windows
 - 8 Implement within 3 years (Full)
-

Case Officer: Leah Russell

Photo(s)



Photo 1: Rear elevation to No. 42 Chantry Road



Photo 2: site's rear elevation



Photo 3: Rear elevations to site (left hand side) and No. 48 Chantry Road (right hand side)

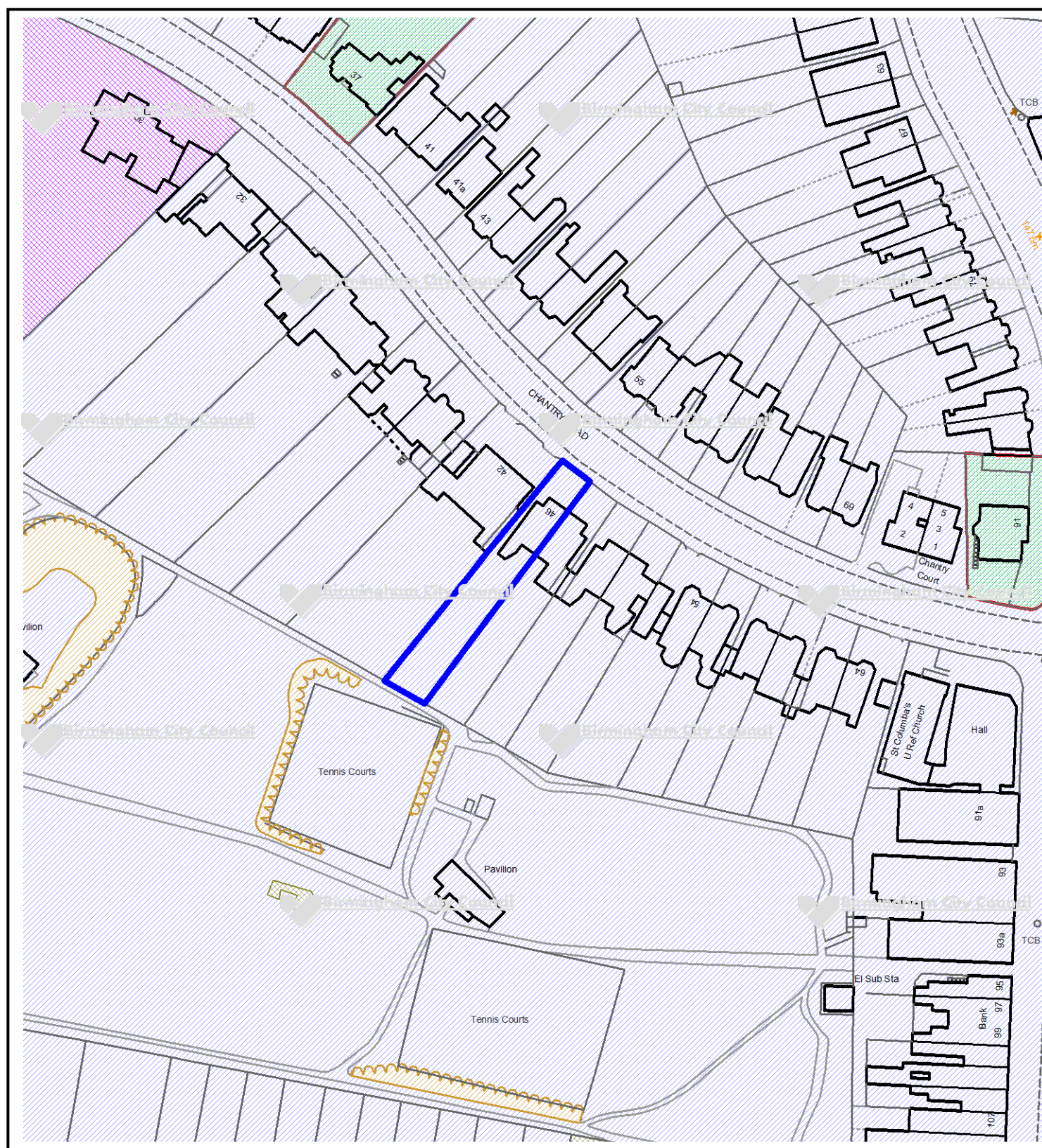


Photo 4: Rear garden



Photo 5: Front elevation

Location Plan



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Committee Date:	16/03/2017	Application Number:	2017/01253/PA
Accepted:	09/02/2017	Application Type:	Advertisement
Target Date:	06/04/2017		
Ward:	Northfield		

Bristol Road South (between junctions with Church Road and Chatham Road), Northfield, Birmingham, B31

Display of 24 non-illuminated lamppost advertisement banners

Applicant:	Birmingham City Council 10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent:	Bay Media Limited 18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 24no. non-illuminated advertisement banners on lampposts within the Northfield District Centre, along Bristol Road South.
- 1.2. The banners would be attached to the lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m in width. The banners would be made of PVC which would be affixed top and bottom to arms attached to the lamppost column. The banners are typically spaced some 20m to 35m apart, but with wider gaps in places.
- 1.3. The applicants states the adverts are to be mostly for city events with limited commercial content, overseen by the City's Corporate Strategy Team.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 24 lampposts situated on both sides of Bristol Road South between the junctions with Church Road and Chatham Road. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The site is located within the linear Primary Shopping Area of Northfield District Centre that projects along both sides of the Bristol Road South. The area is characterised by predominantly retail uses.

[Site Location](#)

3. Planning History

- 3.1. None relevant on the application site, however this application forms one of a number of such submissions on your committee's agenda.

4. Consultation/PP Responses

- 4.1. Transportation – No objections, subject to a condition regarding the distance from kerb.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies).
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) (2012).

6. Planning Considerations

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. The proposed adverts would be in scale and character with the existing commercial/retail town centre and would not dominate the highway environment. The banners would be situated at appropriate locations and would not over-burden the street with advertising. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs acceptable.
- 6.4. I therefore raise no objection to the proposed adverts on the grounds of public amenity.

PUBLIC SAFETY

- 6.5. The proposed advertisement banners would form part of the highway environment and an appropriate level of forward visibility is provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction.

- 6.6. Transportation Development raises no objection subject to confirmation that the advertisement panels would be a sufficient distance from the kerb edge so as not to conflict with vehicular traffic. I concur with this conclusion and an appropriate condition is recommended.
- 6.7. I therefore raise no objection to the proposals on public safety grounds subject to the imposition of a suitable safeguarding condition.

7. Conclusion

- 7.1. This proposal would not result in harm to amenity or public safety. This proposal therefore meets with the policy context and is recommended for approval.

8. Recommendation

- 8.1. Temporary Approval subject to the following conditions:

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | The advertisement banners hereby approved shall be situated either at least 500mm from the kerb edge or no closer to the highway than the existing lamppost to which they are attached |
| 3 | Limits the approval to 5 years (advert) |
-

Case Officer: Catherine Golightly

Photo(s)

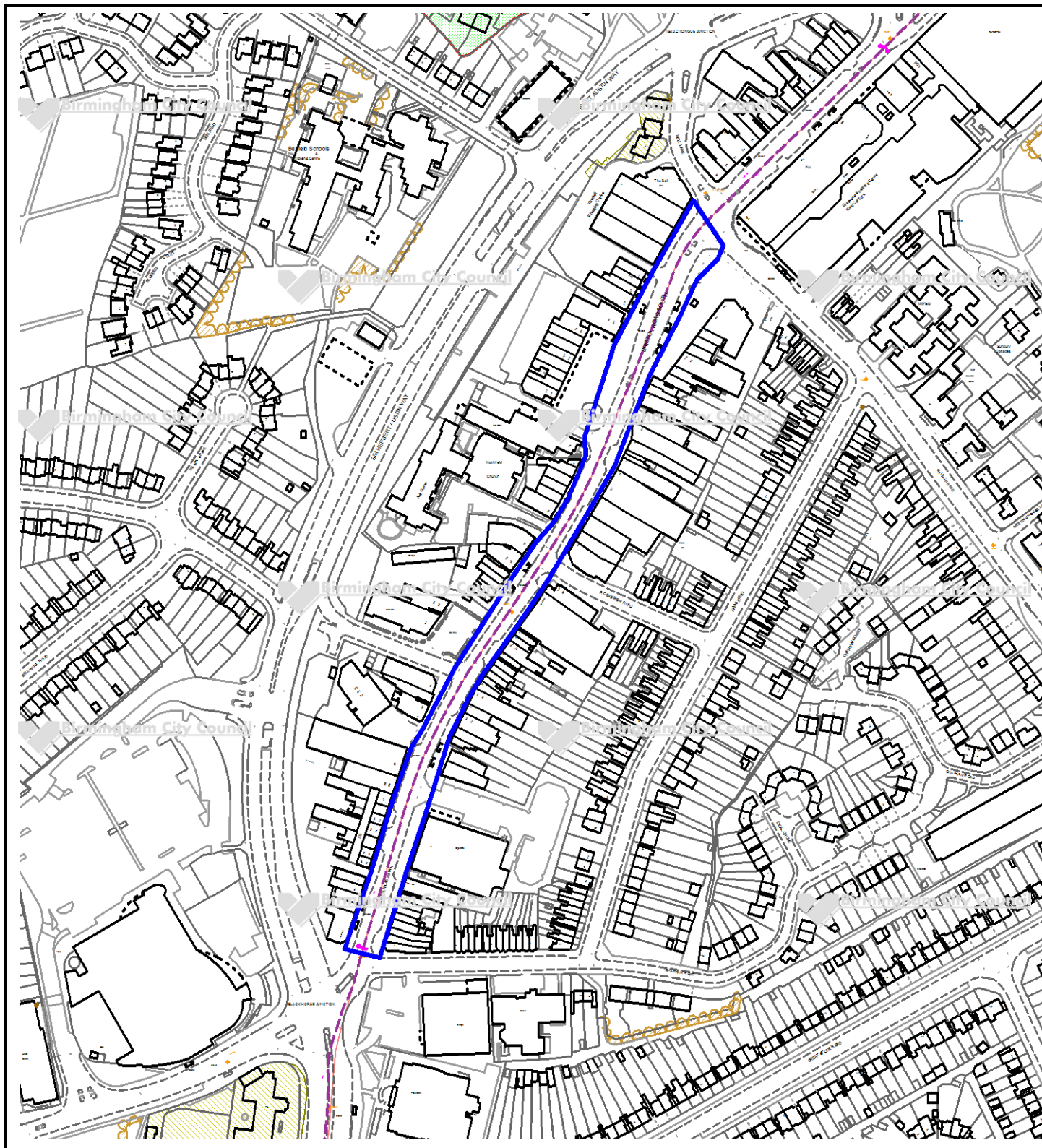


Figure 1: Southern end of Bristol Road South, looking North.



Figure 2: Northern end of Bristol Road South, looking North.

Location Plan



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Committee Date:	16/03/2017	Application Number:	2017/01268/PA
Accepted:	17/02/2017	Application Type:	Advertisement
Target Date:	14/04/2017		
Ward:	Longbridge		

Bristol Road South (between junctions with Broughton Crescent and Lickey Road), Longbridge, Birmingham, B31

Display of 21 non-illuminated lamppost advertisement banners

Applicant:	Birmingham City Council 10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent:	Bay Media Limited 18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 21no. non-illuminated advertisement banners on lampposts along Bristol Road South.
- 1.2. The banners would be attached to the lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m in width. The banners would be made of PVC which would be affixed top and bottom to arms attached to the lamppost column. The banners are typically spaced some 10m to 20m apart, but with wider gaps in places.
- 1.3. The Applicant states the adverts are to be mostly for city events with limited commercial content, overseen by the City's Corporate Strategy Team.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 21 lampposts situated on both sides of Bristol Road South between the junctions with Lickey Road and Broughton Crescent. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The site is located to the north and west of the Longbridge Neighbourhood Centre. The area is characterised by retail uses and Bournville College to the east; with a vacant Regional Investment Site to the north west.

[Site Location](#)

3. Planning History

- 3.1. None relevant on the application site, however this application forms one of a number of such submissions on your committee's agenda.

4. Consultation/PP Responses

- 4.1. Transportation – No objection, subject to condition regarding the distance from the kerb.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies).
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) (2012).

6. Planning Considerations

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. The proposed adverts would be in scale with the existing street and would not dominate the highway environment. The banners would be situated at appropriate locations and would not over-burden the street with advertising. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs acceptable.
- 6.4. I therefore raise no objection to the proposed adverts on the grounds of public amenity.

PUBLIC SAFETY

- 6.5. The proposed advertisement banners would form part of the highway environment and an appropriate level of forward visibility is provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction.

- 6.6. Transportation Development raises no objection subject to confirmation that the advertisement panels would be a sufficient distance from the kerb edge so as not to conflict with vehicular traffic. I concur with this conclusion and an appropriate condition is recommended.
- 6.7. I therefore raise no objection to the proposals on public safety grounds subject to the imposition of a suitable safeguarding condition.

7. Conclusion

- 7.1. This proposal would not result in harm to amenity or public safety. This proposal therefore meets with the policy context and is recommended for approval.

8. Recommendation

- 8.1. Temporary Approval subject to the following conditions:

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | The advertisement banners hereby approved shall be situated either at least 500mm from the kerb edge or no closer to the highway than the existing lamppost to which they are attached |
| 3 | Limits the approval to 5 years (advert) |
-

Case Officer: Catherine Golightly

Photo(s)

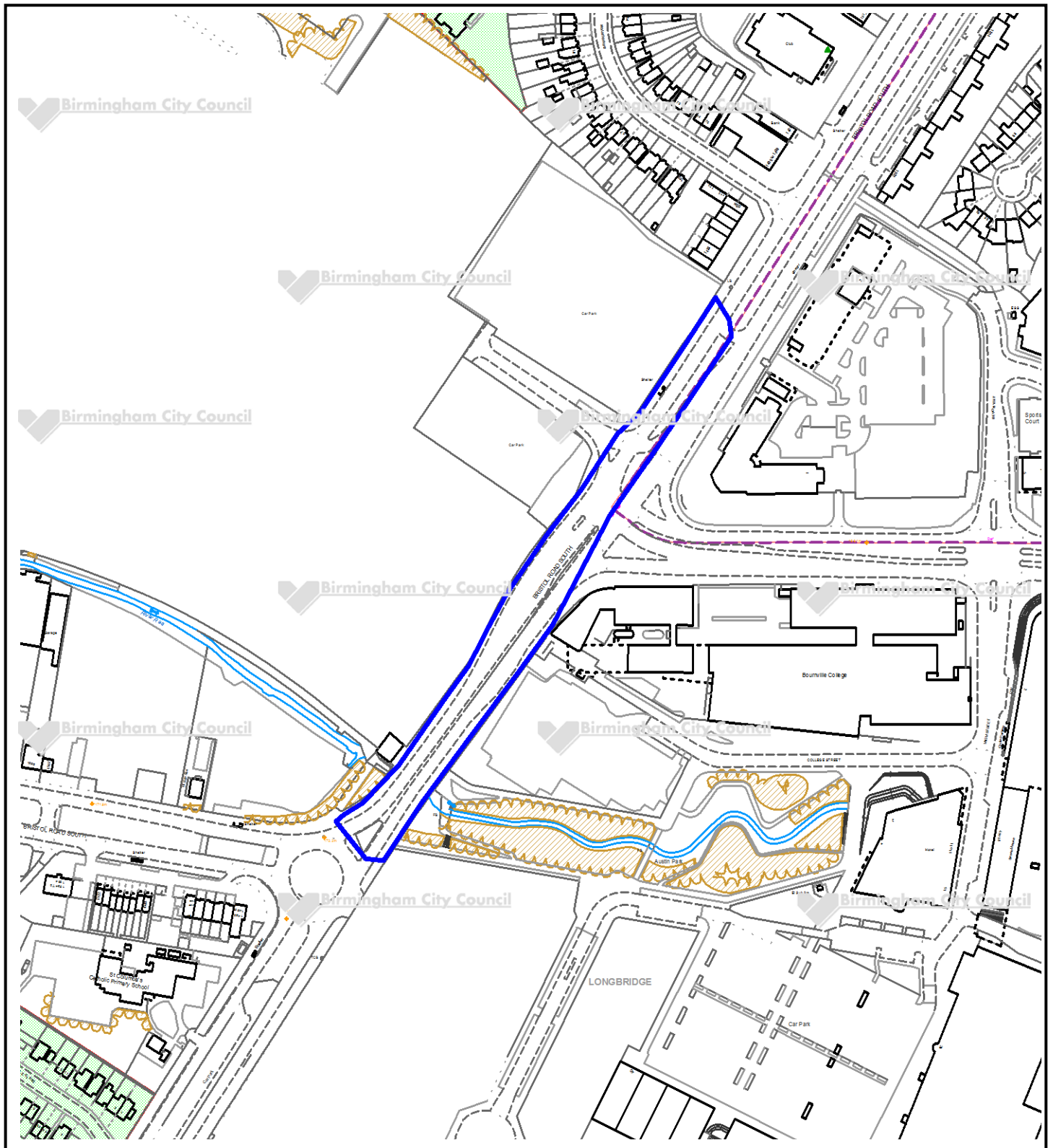


Figure 1: Bristol Road South, looking North.



Figure 2: Bristol Road South, looking South.

Location Plan



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Committee Date:	16/03/2017	Application Number:	2017/01269/PA
Accepted:	17/02/2017	Application Type:	Advertisement
Target Date:	14/04/2017		
Ward:	Longbridge		

Longbridge Lane (between junctions Bristol Road South and Central Avenue), Longbridge, Birmingham

Display of 24 non-illuminated lamppost advertisement banners

Applicant: Birmingham City Council
10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent: Bay Media Limited
18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 24no. non-illuminated advertisement banners on lampposts along Longbridge Lane.
- 1.2. The banners would be attached to the lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m in width. The banners would be made of PVC which would be affixed top and bottom to arms attached to the lamppost column. The banners are typically spaced some 10m to 45m apart, but with wider gaps on places.
- 1.3. The Applicant states the adverts are to be mostly for city events with limited commercial content, overseen by the City's Corporate Strategy Team.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 24 lampposts situated on both sides of Longbridge Lane between the junctions with Bristol Road South and Central Avenue. These lighting columns form part of the general highway infrastructure along the main road.
- 2.2. The site is located to the north of the Primary Shopping Area of Longbridge Neighbourhood Centre and extends to the east beyond Longridge Train Station. The area is characterised by retail uses and Bournville College to the south; with a Regional Investment Site, Train station and 'Park and Ride' facility to the north.

[Site Location](#)

3. Planning History

- 3.1. None relevant on the application site, however this application forms one of a number of such submissions on your committee's agenda.

4. Consultation/PP Responses

- 4.1. Transportation – No objection, subject to condition regarding the distance from the kerb.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies).
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) (2012).

6. Planning Considerations

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. The proposed adverts would be in scale with the existing street and would not dominate the highway environment. The banners would be situated at appropriate locations and would not over-burden the street with advertising. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs acceptable.
- 6.4. I therefore raise no objection to the proposed adverts on the grounds of public amenity.

PUBLIC SAFETY

- 6.5. The proposed advertisement banners would form part of the highway environment and an appropriate level of forward visibility is provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction.
- 6.6. Transportation Development raises no objection subject to confirmation that the advertisement panels would be a sufficient distance from the kerb edge so as not to

conflict with vehicular traffic. I concur with this conclusion and an appropriate condition is recommended.

- 6.7. I therefore raise no objection to the proposals on public safety grounds subject to the imposition of a suitable safeguarding condition.

7. Conclusion

- 7.1. This proposal would not result in harm to amenity or public safety. This proposal therefore meets with the policy context and is recommended for approval.

8. Recommendation

- 8.1. Temporary Approval subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | The advertisement banners hereby approved shall be situated either at least 500mm from the kerb edge or no closer to the highway than the existing lamppost to which they are attached |
| 3 | Limits the approval to 5 years (advert) |
-

Case Officer: Catherine Golightly

Photo(s)

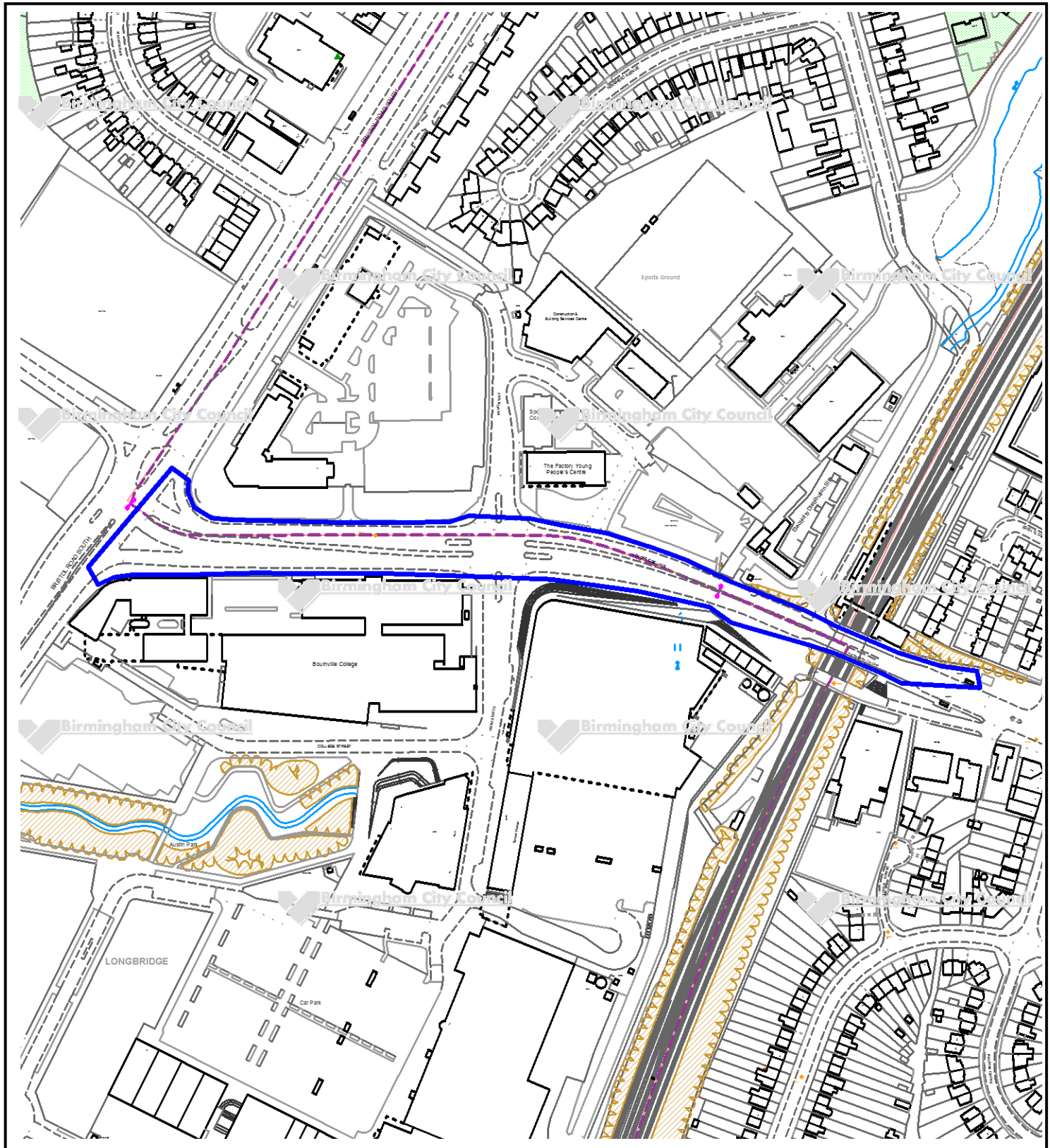


Figure 1: Longbridge Lane, looking East.



Figure 2: Longbridge Lane, looking West.

Location Plan



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Birmingham City Council
Planning Committee 16 March 2017

Appeal Decisions Received from the Planning Inspectorate in February 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	370-374 Dudley Road, Winson Green	Unauthorised single storey front extension and roller shutters. 2015/0232/ENF	Dismissed	Enf	Written Representations
Enforcement	91a Alcester Road, Moseley	Unauthorised raised terrace seating area and associated screened surround to front. 2016/0829/ENF	Dismissed (see note 1 attached)	Enf	Written Representations
Advertisement	1 St. Chads Queensway, Lancaster Street	Display of digital display advertisement hoarding. 2016/05721/PA	Allowed (see note 2 attached)	Delegated	Written Representations
A3 / A5	The Rising Sun Unit 2, Cockshut Hill Yardley	Change of use from retail unit (Use class A1) to hot food takeaway (Use class A5). 2016/05591/PA	Allowed (see note 3 attached)	Delegated	Written Representations
A3 / A5	134 Yardley Road, Acocks Green	Change of use from retail (Use class A1) to hot food takeaway (Use class A5). 2016/07080/PA	Allowed (see note 4 attached)	Delegated	Written Representations
A3 / A5	Land to rear of 433-435 Dudley Road, Winson Green	Change of use of part of the rear of the ground floor of the unit (Use class A1) to a hot food take away unit (Use class A5).2016/07528/PA	Allowed (see note 5 attached)	Delegated	Written Representations
Residential	Land rear of 96-98 Pendragon Road, Great Barr	Sub-division of rear gardens to allow for the erection of 3 two bedroom dwelling houses. 2016/05766/PA	Dismissed	Delegated	
Other	91a Alcester Road, Moseley	Retention of raised terrace seating area and associated screened surround to front. 2016/04487/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council
Planning Committee 16 March 2017**

Appeal Decisions Received from the Planning Inspectorate in February 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Other	Clock Service Station, Coleshill Road, Castle Bromwich	Demolition of existing kiosk, erection of new retail kiosk, underground fuel tanks, car wash, service/wash bays, ATM and installation of solar panels to roof. 2015/08778/PA	Dismissed	Delegated	Written Representations

Total - 9 Decisions: 5 Dismissed (56%), 4 Allowed

Cumulative total from 1 April 2016 - 91 Decisions: 60 Dismissed (66%), 28 Allowed, 3 Part Allowed

Notes relating to appeal decisions received in February 2017

Note 1 (91a Alcester Road)

The Inspector varied the enforcement notice by: 1) deleting the words from the second line in Section 5 “by reinstating paving of the type found immediately to the south of the site” and 2) in Section 6 by increasing the compliance period from 3 months to 6 months and deleting the words “You are required to comply with this notice by 23/01/17”

Note 2 (1 St. Chads Queensway)

Application refused because the advertisement hoarding would, due to its scale present an unduly obtrusive and dominant feature in the street scene adversely affecting the visual amenity of the area. The scale of this advertisement when considered in conjunction with the number of existing advertisements in the vicinity would also result in a cumulative adverse visual impact on the area.

Appeal allowed because the Inspector considered that whilst the proposal would be noticeably larger, it would be no higher than the existing sign and would be seen in the context of the surrounding city scape which comprises large, tall buildings on the opposite side of the road, lower buildings and trees to the rear, the dual carriageway, and other large advertisements. It would not, therefore, appear incongruous or unduly dominant in this particular street scene.

Note 3 (The Rising Sun)

Application refused because: 1) The proposal would be sited in an out-of-centre location and insufficient justification has been provided within the submitted sequential assessment to justify the use of the site over sequentially preferable alternatives and as such would likely result in detriment to the vitality and viability of existing local centres. 2) The use of the application premises for a hot food takeaway would adversely affect the amenity of occupiers of nearby dwellings and premises by reason of noise and general disturbance.

Appeal allowed because the Inspector considered that: 1) Although the application failed to satisfy the sequential test, the site has been vacant for over a year, is in an accessible location that is well served by public transport and no particular harm has been cited that affects the vitality and viability of existing local centres. 2) With a condition restricting the opening hours and the presence of existing boundary treatments, the proposal would not harm the living conditions of existing and future residential occupiers in terms of noise and disturbance.

Note 4 (134 Yardley Road)

Application refused because proposal would exceed the maximum allowance of ten percent for hot food takeaways within the frontage and the Yardley Road Neighbourhood Centre. This would lead to a concentration of hot food uses which would adversely affect the vitality and viability of the Neighbourhood Centre and the frontage of which it forms part of.

Appeal allowed because the Inspector considered that the northern part of the Neighbourhood Centre currently exhibits the signs of significant economic decline

and in the circumstances concluded that the conflict with Policy 4 is outweighed by the proposal's potential benefits to the local economy.

Note 5 (433-435 Dudley Road)

Application refused because: 1) The proposed development would have an adverse cumulative impact on the basis that the 10% threshold for A5 uses in this neighbourhood centre (Dudley Road Neighbourhood Centre) has already been exceeded. 2) The proposed development would undermine the amenity of local occupiers by reason of cooking fumes and smoke that the development would give rise to by cooking within an open sided external structure with no details of how the fumes or smoke would be filtered and controlled. The consequence of this is that local occupiers would be exposed to the smell, odour and particles from the development.

Appeal allowed because the Inspector considered that: 1) The proposed hot food takeaway use would operate from the rear of the premises with access from a service road with no established retail frontage and as a result would have no adverse effect on the vitality or viability of the neighbourhood centre, nor on its retail function. 2) Cooking would take place in the rear yard on an open barbecue grill for a maximum period of one hour during any day, well away from the nearest residential property and there is no evidence that cooking fumes, odours or other emissions would cause any significant adverse effects to people in the locality.

Note 6 (Land at the corner of Aston Lane/Wellhead Lane, 2015/01779/PA)

Following the dismissal of the appeal on 28 October 2016, the Inspector has refused applications for costs by the appellant and the Council.