

# Birmingham City Council

Planning Committee

21 June 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	9	2017/09461/PA  Land at Pershore Street and Skinner Lane City Centre Birmingham B5  Erection of 6-14 storey building comprising 379 residential apartments (Use Class C3), ground floor commercial units (use Classes A1-A5 and B1a), associated car parking and amenity space.

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Committee Date:	21/06/2018	Application Number:	2017/09461/PA
Accepted:	14/11/2017	Application Type:	Full Planning
Target Date:	31/07/2018		
Ward:	Bordesley & Highgate		

Land at Pershore Street and Skinner Lane, City Centre, Birmingham, B5

Erection of 6-14 storey building comprising 379 residential apartments (Use Class C3), ground floor commercial units (use Classes A1-A5 and B1a), associated car parking and amenity space.

Applicant:	Pershore Street Limited 3rd Floor, Sterling House, Langston Road, Loughton, IG10 3TS
Agent:	GVA 3 Brindleyplace, Birmingham, B1 2JB

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1. Proposal is for the erection of two buildings containing 379 apartments, 9 commercial units, car parking, landscaping, access and ancillary works.
- 1.2. The accommodation would be provided within 2 'L' shaped blocks positioned to the back of pavement to Hurst Street, Skinner Lane, Claybrook Street and Pershore Street to create an enclosed perimeter block. The two buildings would be separated by two pocket gardens to Claybrook Street and Skinner Lane and have a landscaped internal courtyard area. The buildings would range in height from 6-14 storeys.
- 1.3. The buildings would be of a modern, flat roofed, simple framed design with floor to ceiling openings and projecting and recessed balconies and winter gardens articulated in a standard rhythmical pattern. The buildings would be constructed primarily in dark stock bricks in three different bonds – rusticated stretcher bond at ground floor and stretcher bond on the upper floors interspersed with bands of vertical stretcher bond all with light grey pointing. In addition acid etched precast concrete wall panels and colonnades, precast concrete spandrel panels, cills and balconies and powder coated metal framed windows and balustrades would be used. The specific details would be secured via condition.
- 1.4. There would be 13 studios (3%), 207 one bed apartments (55%), 151 two bed apartments (40%) and 8 three bed apartments (2%). Of the one bed apartments 154 (74%) would be 1 bed 1 person and 53 (26%) would be 1 bed 2 person. Of the two bed apartments 13 (9%) would be 2 bed 3 person and 138 (91%) would be 2 bed 4 person. The studios would comprise of an open plan living/dining/kitchen/sleeping area and a bathroom. The other units would comprise an open plan living/dining/kitchen area, 1 or 2 bathrooms and 1, 2 or 3 bedrooms. The units would be single aspect looking out to the adjoining streets or onto the

internal courtyard area. The units would range in size from 38 sqm to 96 sqm and would comply with national space standards. In addition, 122 of the apartments (32%) would have private terrace, balcony or winter garden ranging in size from 7 sqm – 20 sqm.

- 1.5. 95 parking spaces (25%), 10 accessible, would be provided within a lower ground courtyard area accessed off Skinner Lane with an egress out onto Pershore Street. 358 (94.5%) secure, covered cycle spaces would be provided within 4 separate ground/lower ground floor localities.
- 1.6. A landscaped amenity area within the internal deck area would be provided. It would provide approx. 1000sqm of communal space. Green roofs would also be provided where appropriate
- 1.7. 9 commercial units (A1-A5 and B1a) would be provided fronting onto Hurst Street, Skinner Lane and Pershore Street. The units would range in sizes from 36 sqm to 194 sqm.
- 1.8. A financial contribution of £939,920 would be secured via a S106 Agreement.
- 1.9. A Design and Access Statement, Planning Statement, Phase 1 Environmental Assessment, Noise Impact Assessment, Lighting Scheme Feasibility Report, Sunlight/Daylight Assessment, Landscaping Strategy, Residential Market Mix Report, Financial Viability Assessment and Sustainable Urban Drainage Assessment have been submitted in support of the application.
- 1.10. A request for an EIA Screening Opinion was considered during the pre-app process and an ES was not considered to be required.
- 1.11. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is approx. 0.64 hectares and is located to the south east side of the city centre core. It is bounded by Pershore Street to the east, Skinner Lane to the south, Hurst Street to the west and Claybrook Street to the north.
- 2.2. The surrounding area contains a wide range of uses including entertainment, commercial and residential, with the nearest residential accommodation immediately to the north within the Latitude building. Nearby evening entertainment uses include The Village Inn immediately to the south and the Nightingale Club, approx. 55m west along Kent Street.
- 2.3. The site is currently used as a surface level car park and approx 20m from the former Wholesale Market which forms part of the wider Smithfield Development site.

## 3. Planning History

- 3.1. 1<sup>st</sup> August 2011 - 2011/02891/PA Retention of temporary car park – approved temporarily.

## 4. Consultation/PP Responses

- 4.1. Education – Contribution of £856,584.51 is required.

- 4.2. Leisure Services – In accordance with the BDP a financial contribution of £709,800 is required which should be spent on the provision, improvement and/or biodiversity enhancement of public open space and the maintenance of Highgate Park.
- 4.3. Lead Local Flood Authority – additional information acceptable.
- 4.4. Regulatory Services – Overall the revised noise assessment is correct – acceptable internal noise levels can be achieved in the future if residents keep their windows closed. However, EPU guidance recommends that sites where residents would have to keep windows closed to mitigate noise from a commercial, industrial or entertainment premises are not suitable for residential use and refusal is recommended. However, there are examples across the City where this approach has not been accepted and conditions are therefore recommended with regard to air quality, noise mitigation, and land contamination should the proposal be considered acceptable.
- 4.5. Severn Trent – no objection subject to a drainage condition.
- 4.6. Transportation Development – no objections to the amended/additional information subject to conditions.
- 4.7. West Midlands Police – no objections raised but various comments made on how the development should achieve Secure by Design (residential and commercial) and the need for lighting, CCTV, secure boundaries to the communal amenity space and a management plan (bins/post).
- 4.8. Local residents' associations, neighbours and Ward Cllrs have been notified. A site and press notice has also been displayed. 14 letters of objection have been received, including 1 from Cllr Moore. The objections raised can be summarised as follows:
- Proposal is unnecessary and would result in the overdevelopment of the site
  - Inadequate existing infrastructure
  - Loss of car parking increasing already existing significant traffic management issues
  - Development would obstruct view and significantly block light to existing residential apartments
  - Proposed tower is too big – development should be an even height.
  - Proposal would dwarf and de value existing developments
  - Proposal would result in overlooking
  - Skinner Lane is not suitable for commercial deliveries and new commercial uses would compete with existing
  - Proposal would result in adverse construction noise, dust and disturbance
  - Proposal would adversely impact on the distinct social, cultural and historic profile of this side of the City
  - Proposal would introduce noise sensitive receptors into an existing noisy environment
  - Proposal would introduce additional noise generators into an existing noisy area
  - Proposal would adversely impact on existing businesses contrary to the NPPF and NPPG - the venues have serious concerns that should this development be allowed to proceed, the residents in it would be subject to considerable nuisance from general noise from the night time economy including patrons passing to attend the venues and taxis dispersing people

from the venues. Should this nuisance cause complaints to be raised to BCC environmental team, they may impose punitive measures on venues, which potentially result in failure of the businesses, which provide a destination for the LGBT community and the general public alike.

- Inadequate noise assessment
- Sunlight/daylight report is irrational
- City should use planning and licensing powers to protect and preserve late night entertainment venues.
- No need for development - City should require the site to become a public park.

4.9 An additional period of consultation was undertaken following the receipt of a revised noise assessment. 9 further letters of objection were received, including 1 from Cllr Moore, reiterating a number of the previous comments and raising the following additional concerns;

- The replacement noise report still fails to adequately consider a number of noise sources including the external terrace at Nightingales, Sidewalk and queuing for the Village Inn, it relies on out of date data, does not consider Thursday as a regular trading day and fails to consider the cumulative impact of a number of the venues.
- The proposal would change the character of the area and thereby adversely impact on licensing process the businesses are required to comply with.
- Mitigation proposed requires mechanical ventilation and this does not offer a good quality of life for occupiers. The LPA has previously refused applications on this basis which have been supported at appeal.

## 5. Policy Context

5.1. Birmingham Development Plan 2017 (BDP), Saved policies of the UDP 2005, Places for Living SPG (2001), Places for All SPG (2001), Affordable Housing SPG (2001), Public Space in new Residential Development SPD (2007), Car Parking Guidelines SPD (2012), Nature Conservation Strategy for Birmingham (1997), National Planning Policy Framework and Planning Practice Guidance.

## 6. Planning Considerations

### Principle

6.1. The application site is located within the Southside and Highgate Quarter within the City Centre Growth Area as defined by policy GA1. Policy GA1.3 identifies that development in this location should support the growth of the area's distinctive cultural, entertainment and residential activities, its economic role and provide high quality public spaces and pedestrian routes. Policy GA1.1 also states that the City Centre will be the focus for retail, office, residential and leisure activity. Furthermore, policy states that `Residential development will continue to be supported in the City Centre where it provides well-designed high quality living environments and this echoes national planning policy which encourages well-designed development on brownfield land within sustainable locations. The site is also in close proximity to Smithfield which is identified as part of a wider area of change where a significant mix of uses will be expected. The provision of a residential development with ground floor commercial uses on this site is therefore considered to be acceptable in principle subject to detailed matters.

## Parking/Transportation

- 6.2 The proposal would result in the loss of a current surface level car park which can accommodate approx. 238 cars. However, it is a private car park with an expired temporary planning consent to which access could be restricted at any point and I note there are a number of alternatives in the immediate vicinity including on street parking and a multi-storey council car park, opposite the site, on Pershore Street (317 spaces). Consequently, I raise no objection to the redevelopment of the existing car park.
- 6.3 Given the existing use, the proposed development would result in the number of trips to and from the site being reduced; provide 25% on site car parking provision and 94.5% of secure cycle parking provision. In addition, the site is excellently located for public transport close to bus, tram and train stops/stations and within walking distance of a wide range of facilities. I also note that this level of provision is consistent with other residential schemes in the vicinity. I therefore concur with Transportation Development who raise no objection to the proposal, including additional information, subject to conditions, which I attach accordingly.

## Design

- 6.4 Local and national planning policy requires high quality residential development. The proposal would result in the provision of perimeter development on a prime site to the south east of the City Centre close to the Smithfield development site. It would provide active ground floor uses, result in a development at a scale reflective of, and appropriate to, the surrounding existing development and provide a clear distinction between public and private spaces. In addition, the proposed uses would be appropriate for the sites location and increase both the city's commercial/retail and residential offer in a prominent location.
- 6.5 The Head of City Design considers the design results in a robust and simple building which would be broken up and well-articulated and that the use of two blocks, a height range of 6-10 storeys, large window openings, a mix of projecting and recessed balconies, winter gardens and three types of brick bond would provide depth and interest to the elevation and successfully break the buildings mass up. There is an greater scale to existing development to Pershore Street and given its proximity to Smithfield and the wider area of change an increase in height to 14 storeys on the corner of Pershore Street and Skinner Lane marks the sites context and 'anchors' it against the backdrop of the city core.
- 6.6 Internally the accommodation would range in size between 38 sqm – 96 sqm and would provide accommodation in line with national standards. 32% of the apartments would have private amenity space and a large communal courtyard would also be provided. I therefore consider the scheme would provide a good level of accommodation, particularly given its location within the City Centre where external amenity is not normally provided.
- 6.7 I therefore consider the design, scale and mass of the development is in accordance with policy.

## Residential amenity - noise

- 6.8 The site is within a vibrant mixed use area with a number of late night entertainment venues including Medousa, The Village Inn, Sidewalk, RSVP and The Nightingale. These venues have significant capacity, are open and licensed for live and recorded

music, some until 0630 in the mornings and are part of the functional night time economy in Birmingham. Local residents and business' have therefore raised concerns that the proposed development would introduce noise sensitive receptors into this area which could, in turn, result in restrictions being placed upon the way existing businesses conduct themselves/provide their service. Consequently, there are concerns that this could then adversely affect the areas diverse entertainment offer and, ultimately, the character of the area, contrary to policy.

- 6.9 Local and national planning policies recognise the significance of noise and note that new development could either introduce noise or noise sensitive receptors into an area. Furthermore, paragraph 123 of the NPPF states that "...existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established..." However, as identified by Planning Policy Guidance noise should not be considered in isolation, it should be considered alongside the economic, social and environmental dimension of a proposed development and ultimately Local Planning Authorities need to consider whether or not a good standard of amenity (para. 17 NPPF) can be achieved.
- 6.10 A revised noise assessment has been submitted. Regulatory Services consider that this report is correct and that an acceptable internal noise level can be achieved if the future residents keep their windows closed and use mechanical ventilation during the most noise sensitive times. However, in order to ensure that future occupiers close their windows and use the mechanical ventilation provided Regulatory Services consider the units would need to be sealed. They have not reached a view as to whether or not an alternative means of ventilation would be a sufficient defence against potential future noise complaints. Consequently, on the basis of the need for windows to be closed to mitigate noise they consider this would be an inappropriate way to mitigate intrusive noise and recommend refusal.
- 6.11 Local residents have also raised concerns about the unacceptability of sealed units and note that the Council has previously been supported in this respect at appeal. However, cited examples, such as 2016/02336/PA and 2015/1779/PA, where the Council was supported at appeal related to commercial/industrial noise nuisance generated throughout the day (Monday-Saturday), with no restrictions to prevent operation at night where the existing noise and potential for 24 hours commercial operation, was set against a more localised background noise environment which would have been so significant that these units, as sealed units, could not be considered to provide a good quality amenity. Therefore whilst I accept that the use of sealed units across an entire site is not, generally, an acceptable form I also note that this site is located within the City Centre where mixed use developments exist and are actively encouraged by policy.
- 6.12 The noise report identifies that approx 92 (24%) of the proposed flats would require secondary glazing and mechanical ventilation (primarily to Hurst Street). The entertainment noise is primarily, although not exclusively, associated with evening/early hours of Thursday, Friday, Saturday and Sunday nights. On this basis I consider it reasonable to assume that the most noise sensitive rooms are likely to be the bedrooms. Therefore in order to facilitate this sites redevelopment, support the wider regeneration benefits it would bring, and safeguard the existing business/uses I consider it necessary to require the bedrooms to be 'sealed' whilst the living/kitchen areas could be provided with both natural and mechanical ventilation options. Thus providing future occupiers with the option to open windows to living room/kitchen areas at less noise sensitive times i.e. during the day, but securing compliance with

the proposed mitigation in the most noise sensitive areas given the nature of the existing noise environment.

- 6.13 In addition, I note that there are already residents living close to/above some of the existing entertainment venues where there are no live noise complaints with Regulatory Services and that this development would reflect and built upon the existing mixed use nature of area. I do not consider this proposal would materially change the character of the area. Furthermore I note that the Council lost an appeal, on noise grounds for new residential accommodation at the Unitary and Armouries site, to the north/northwest of Nightingales, where the Inspector noted “City Living is not for everyone. Those choosing to occupy apartments in the appeal scheme would be aware of the nature of the area...and the likely night time street and noise environment. Those whom it would not suit would go elsewhere.” Ultimately concluding that subject to conditions to secure noise insulation, ventilation and non-openable windows on Lower Essex Street the future occupiers would enjoy an acceptable living condition. I consider this should be given weight.
- 6.14 Furthermore, there are examples within the City Centre where ‘sealed’ units have been accepted due to noise for residential developments on Broad Street and Sheepcote Street and I consider that these set a precedent for City Centre development where there are wider regeneration benefits associated with the proposed development.
- 6.15 Therefore, in line with planning policy, which requires consideration of the economic, social and environmental impact of a development, I do not consider, on balance, that the issue of noise, or the mitigation proposed, would materially affect changes in behaviour of future occupier’s to adversely affect the enjoyment or occupation of their accommodation sufficient to outweigh the wider regeneration benefits of redeveloping this site and sufficient to warrant refusal of the scheme. Therefore subject to safeguarding conditions I raise no objection to the proposal on the basis of noise and disturbance.

Residential amenity – overlooking sunlight/daylight

- 6.16 Some concern has been expressed by local residents over the proximity of the proposed development and the impact it would have in terms of loss of light and overlooking opportunities.
- 6.17 The proposed building plot is to the south of the existing Latitude development which has residential accommodation first floor and above. There is a range of between 19m - 30+m between the main facing elevations of the existing and proposed apartments. However there is a pinch point on the corner of Hurst Street and Claybrook Street, approx. 18m in length, where the separation distance between windowed elevations would be reduced to between 12m and 15m. There are 10 units within this part of Latitude. However, the units within the Latitude building have double aspect living rooms and the windows between both buildings are not directly opposite. Furthermore I note the distance separation is across a road and the lower distance would not be unusual given the sites dense urban location.
- 6.18 In addition, a sunlight/daylight assessment has been submitted in support of the application. The report concludes that following the proposed development the vast majority of the windows within the apartments in Latitude building meet BRE (British Research Establishment) targets. However, even in the isolated locations where a lower level of VSC (Vertical Sky Component) are found these rooms would meet (or be within a non-material deviation of 0.1%) of BRE levels for their specific room use.

- 6.19 Therefore on the basis of the report, and acknowledging the sites location within an existing urban environment, I consider the proposed development would not adversely affect the amenities of existing or future residents by virtue of overlooking or loss of light sufficient to warrant refusal and I therefore raise no objection.

#### Housing mix

- 6.20 Policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhood. It also identifies that high density schemes will be sought in the city centre. The redevelopment of the site would deliver additional housing on a brown field site close to the City Centre core. The proposed mix would deliver a higher proportion of studio/1 bed units than 2 beds. However the agent has submitted information demonstrating that the composition of the household size in this area differs to the wider Birmingham market with a greater concentration of smaller 1 and 2 bed households. They also provide anecdotal evidence of their market experience in the city where there has been greater demand for the smaller 1 bed units.
- 6.21 Therefore, whilst the City's housing evidence base indicates that there is a need for larger properties this is with reference to Birmingham's strategic housing area as a whole. It does not take account of demand in more localised locations such as the City Centre where there is significantly less land available, housing densities are expected to be higher and detailed data analysis suggests demand for smaller units is more likely. I also note policy PG1 and TP29 which identify housing need/delivery and consider that this scheme would positively contribute towards the achievement of these figures. All the units comply with the National Space Standards. I therefore consider the proposed mix is acceptable and in line with policy.

#### Planning obligations

- 6.22 TP9 requires new public open space should be provided in accordance with the Public Open Space in New Residential Development SPD whilst TP31 requires 35% affordable housing unless it can be demonstrated that this would make the development unviable.
- 6.23 A financial appraisal has been submitted to demonstrate that, with a policy compliant contribution the scheme would not be financially viable and on this basis the applicant offered no financial contribution. However, an independent assessment has been undertaken and whilst it accepts that a full financial contribution is not feasible it considers that the scheme could support a financial contribution of £939,920. This has now been agreed with the applicant.
- 6.24 There is an overriding need for affordable housing across the City and I consider the majority of this money should be used for this purpose. However, I also note there is a project being developed to improve the public realm in Hurst Street. Given the nature of the proposed development and its location immediately adjacent Hurst Street I consider a financial contribution of £300,000 towards these public realm improvements would be more relevant and beneficial to future occupiers than improvements to Highgate Park. I consider this contribution would accord with policy and comply with the CIL Regulations 2010.
- 6.25 The site is located in a low value residential area and does not therefore attract a CIL contribution.

## Other

- 6.26 Part of the site, Pershore Street, is currently considered to have poor air quality. However the site is adjacent existing residential developments in an area expected to see air quality improvements. Therefore, it is not anticipated that air quality would be a significant issue and that any mitigation can be adapted as the air quality improves. Conditions are recommended accordingly.
- 6.27 The land contamination survey suggests further survey work prior to the commencement of the development and appropriate conditions are recommended.
- 6.28 The site currently has minimal ecological value and the proposals provide an opportunity to create new green infrastructure in a highly urbanised area and enhance local biodiversity. My Ecologist therefore welcomes the proposal subject to safeguarding conditions which I attach accordingly.
- 6.29 Severn Trent and Lead Local Flood Agency raise no objection to the proposed development subject to safeguarding conditions which are recommended.
- 6.30 Observations made by the Police have been forwarded to the applicant and conditions with regard cctv, boundary treatment, lighting and bin/post management conditions are recommended.
- 6.31 Issues of construction noise/dust are primarily covered by other legislation and are not therefore attributed significant weight as a planning consideration.

## 7. Conclusion

- 7.1. The proposal would provide a well-designed block development and result in a high quality brownfield development on a prominent and sustainable City Centre location in accordance with the aims and objectives of both local and national planning policy. Issues raised by objectors, particularly in regard to noise have been fully appraised, and on balance, the wider benefits would outweigh the potential impacts. Therefore subject to the signing of the S106 agreement, the proposal should be approved.

## 8. Recommendation

- 8.1. That consideration of planning application 2017/09461/PA be deferred pending the completion of a planning obligation agreement to secure the following:
- a) A financial contribution of £639,920 (index linked from date of resolution) towards the provision of affordable housing.
  - b) A financial contribution of £300,000 (index linked from date of resolution) towards the provision of public realm improvements within Hurst Street.
  - c) Payment of a monitoring and administration fee associated with the legal agreement of £10,000
- 8.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 31<sup>st</sup> July 2018 the planning permission be refused for the following reasons:

a) In the absence of any suitable legal agreement to secure a financial contribution towards off site public open space/realm/affordable housing the proposal would be contrary to TP9 and TP31 of the Birmingham Development Plan and NPPF.

8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 31<sup>st</sup> July 2018, favourable consideration be given to this application subject to the conditions listed below.

- 
- 1 Requires the prior submission of details of a delivery vehicle management scheme
  - 2 Requires the prior submission and completion of works for the S278/TRO Agreement
  - 3 Requires the provision of a vehicle charging point
  - 4 Requires the prior submission of a CCTV scheme
  - 5 Requires the scheme to be in accordance with the listed approved plans
  - 6 Requires the prior submission of sample materials
  - 7 Requires the prior submission of details of green/brown roofs
  - 8 Requires the prior submission of a lighting scheme
  - 9 Requires the prior submission of a landscape management plan
  - 10 Requires the prior submission of boundary treatment details
  - 11 Requires the prior submission of hard and/or soft landscape details
  - 12 Limits the hours of operation 0700-2400
  - 13 Requires window/door reveal/setbacks
  - 14 Requires an employment construction plan
  - 15 Requires the provision of cycle parking prior to occupation
  - 16 Requires the prior submission of a parking management strategy
  - 17 Requires the prior submission of details of bird/bat boxes
  - 18 Requires submission of management plan
  - 19 Requires scheme to be in accordance with the glazing specification
  - 20 Requires the prior submission of noise insulation (variable)
  - 21 Limits the noise levels for Plant and Machinery
  - 22 Requires the prior submission of a contamination remediation scheme
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- 23 Requires the prior submission of details of refuse storage
  - 24 Requires info to future occupiers
  - 25 Requires the prior submission of a contaminated land verification report
  - 26 Implement within 3 years (Full)
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Case Officer: Joanne Todd

**Photo(s)**



Photo 1: Looking across the site from Skinner Lane



Photo 2: View down Skinner Lane, site to right

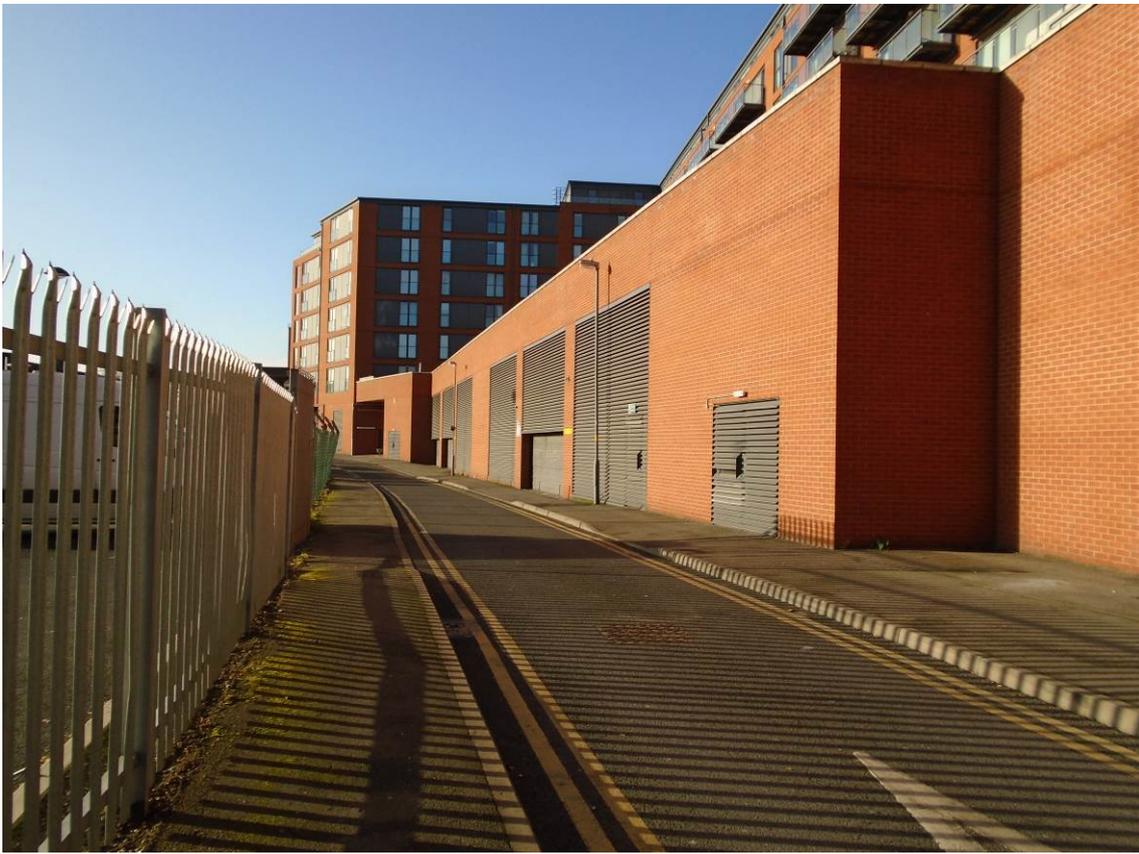
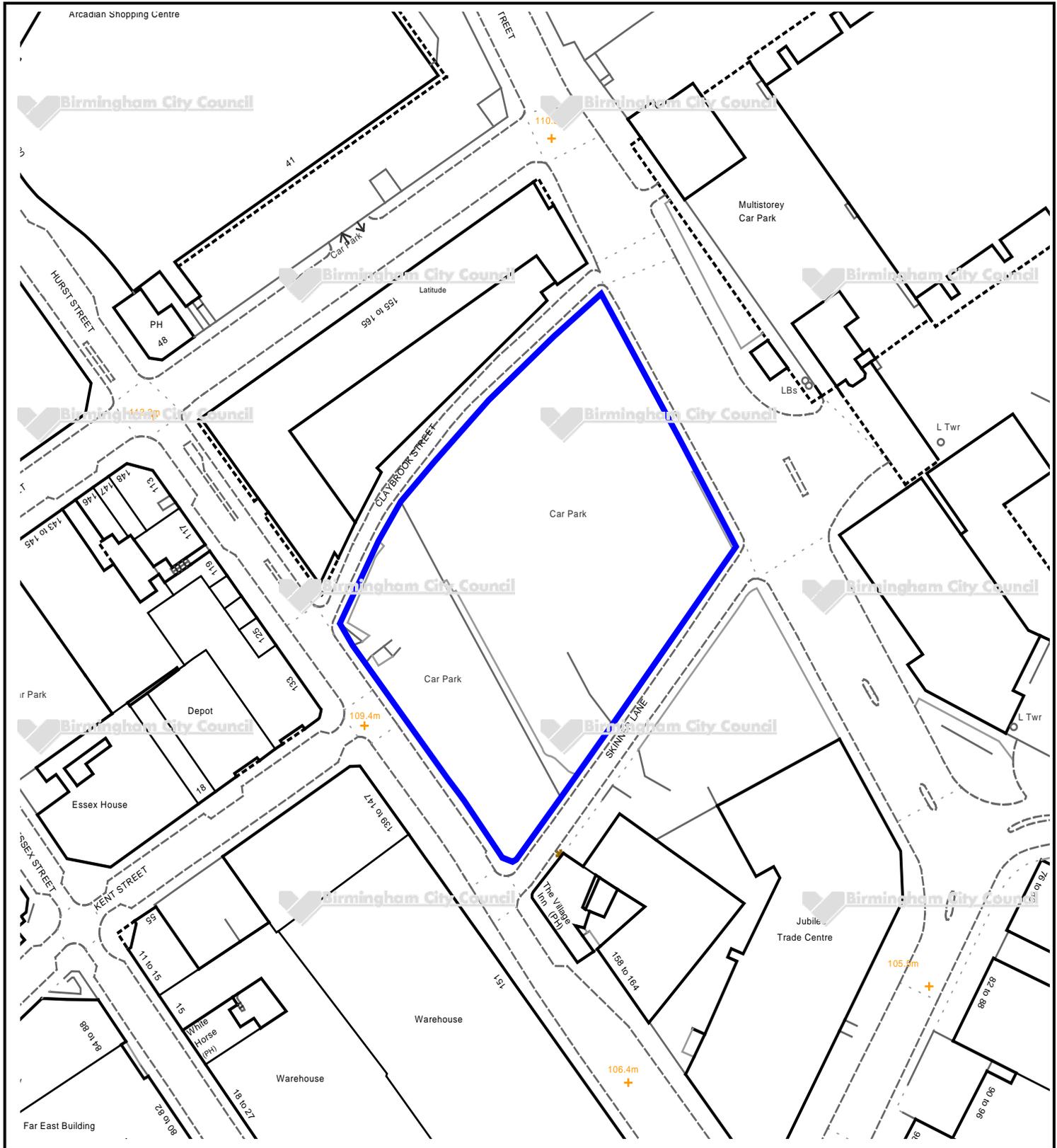


Photo 3: View down Clayton Street, site to left

# Location Plan



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# Birmingham City Council

Planning Committee

21 June 2018

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	2018/01735/PA  252 Short Heath Road Birmingham B23 6JY  Change of use from childrens day nursery (Use Class D1) to 9 bedroom HMO (Sui Generis) with associated parking, cycle store and bin store.
Approve - Conditions	11	2018/01735/PA  Jennifer Walk off Church Road Yardley Birmingham B25 8XR  Erection of 2 dwelling houses

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Committee Date:	21/06/2018	Application Number:	2018/01735/PA
Accepted:	12/03/2018	Application Type:	Full Planning
Target Date:	24/05/2018		
Ward:	Stockland Green		

252 Short Heath Road, Birmingham, B23 6JY

Change of use from childrens day nursery (Use Class D1) to 9 bedroom HMO (Sui Generis) with associated parking, cycle store and bin store.

Applicant: Short Heath Road Developments Ltd  
73 The Parklands, Erdington, Birmingham, B23 6JY

Agent: Thorne Architecture Limited  
The Creative Industries Centre, Wolverhampton Science Park,  
Glaisher Drive, Wolverhampton, WV10 9TG

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Recommendation  
**Determine**

1. Report Back
  - 1.1. On the 24<sup>th</sup> May 2018, your Committee deferred this application minded to refuse due to concerns regarding the cumulative impact of the proposed HMO and intensive use of the premises.
  - 1.2. Since consideration by your Planning Committee, the Agent has submitted further plans showing an amended parking layout and cycle storage details, plus a letter from the lettings company stating that the relevant HMO licensing would be applied for.
  - 1.3. No further letters of objection have been received following the Committee meeting.
  - 1.4. In respect of Committee's concerns regarding the proposed change of use to a 9 bedroom HMO, I take this opportunity to remind Committee of the planning history of the premises. In 1990, planning consent was granted (ref. 1990/01333/PA), for a residential care home for 10 residents, together with associated staff. In 2002, consent was granted (ref. 2001/04913/PA), for change of use from residential care home to children's day nursery for 37 children, between 0700-1800 Mondays to Fridays. Consequently, the premises have a long history of commercial/ institutional use.
  - 1.5. In respect of your Committee's concerns with regard to the cumulative impact that the proposed HMO would have upon the residential amenity of the local community, it is noted that the immediate locality, within both Short Heath Road and The Parklands, comprises traditional properties of relatively modest size. Use of such properties would normally not require consent for a small HMO (less than 6 people). Although there is anecdotal evidence from local occupiers which suggests that there are a number of HMOs in the area, there is no planning evidence to support this. In addition, it is noted that no objections were received from West Midlands Police and

Regulatory Services. Consequently, it is considered that the cumulative detrimental impact reason for refusal may be difficult to justify and defend at planning appeal.

- 1.6. In respect of Committee's concerns with regard to the intensive use of the premises, again it is considered that this may be difficult to justify and defend at appeal. It is noted that within the proposed 9 bedroom HMO, a communal kitchen and lounge/ dining room would be provided. It is preferential that improved communal facilities are provided, such as a separate lounge and separate dining room. In addition, it is noted that bedroom sizes would range from 7.7sq.m to 12.7sq.m (excluding en-suite facilities). Your Committees Policy contained in Special Needs Residential Uses suggests 6.5sq.m for a single bedroom and 12.5sq.m for a double bedroom. Consequently, all bedrooms would comply with the minimum single bedroom size outlined. However, 7 of the 9 proposed bedrooms would not meet the double bedroom standard. Indicative furniture layout plans have been provided which show double beds and hence technically the proposed bedrooms would not comply with policy.
- 1.7. In light of the above, officers advise that the recommended grounds for refusal may be difficult to justify and defend at appeal. However, if members wish the application to be refused on the grounds suggested, then the following reasons for refusal are offered:

**“The proposed change of use would have an unacceptable cumulative impact on local occupiers on the grounds of noise and disturbance from the use of the application premises as a large House in Multiple Occupation which would be likely to have a transient population. This would be contrary to provision of policies PG3 and TP30 of the Birmingham Development Plan 2017, saved policies 8.23 - 8.25 of the Birmingham Unitary Development Plan 2005, Specific Needs Residential Uses SPG and guidance in the National Planning Policy Framework 2012.”**

**“The proposed change of use to a large 9 bedroom HMO would provide inadequate facilities/ room sizes and as such would be too intensive. Consequently inadequate and unsatisfactory living accommodation would be provided which would be contrary to the provisions of policies PG3 and TP30 of Birmingham Development Plan 2017, saved policies 8.23 – 8.25 of Birmingham Unitary Development Plan 2005, Specific Needs Residential Uses SPG and guidance in the National Planning Policy Framework 2012.”**

#### Original Report

2. Proposal
- 2.1. This application seeks permission for a change of use from childrens day nursery (Use Class D1) to 9 bedroom HMO (Sui Generis) with associated parking, cycle store and bin store at 252 Short Heath Road, Erdington. Each room would have en-suite or off-suite accommodation providing dedicated sanitary facilities for each room, plus a communal kitchen together with a lounge/dining area provided on the ground floor. There is also a separate W.C on the ground floor for residents and visiting guests.
- 2.2. Though works to the inside of the building in order to form the rooms within the building have been shown, no external works to the building have been indicated. The scale of the existing building would not be affected by the application proposals.

- 2.3. The proposal would see the ground floor provide 6 bedrooms (each of which would be provided with an en-suite), a kitchen and lounge/dining room. The first floor would provide 3 bedrooms, 3 off-suite bathrooms and a boiler room. The bedroom sizes would range between 7.5 and 12.7sqm.
- 2.4. Off-street parking would be provided for 5 cars, in addition to the on-street parking along The Parklands and Short Heath Road. There will also be covered cycle parking for 8 bikes located at the rear of the premises. Dedicated bin stores would also be located at the rear of the premises.
- 2.5. Access to the premises would remain as existing, via the ramped front and doors to the rear. Amenity space for all residents would be the existing rear garden.
- 2.6. This application is accompanied by a design and access statement. It is stated within this document that rooms will only be offered to single professionals.
- 2.7. [Link to Documents](#)

### 3. Site & Surroundings

- 3.1. The application site comprises an extended end-terraced house situated on the corner of Short Heath Road and The Parklands, Erdington. Properties in the immediate vicinity are residential in nature, and are of typical terrace style.
- 3.2. [Site Location](#)

### 4. Planning History

- 4.1. 26/07/2002 – 2001/04913/PA - Change of use from residential care home to children's day nursery – Approved subject to conditions.
- 4.2. 13/09/1990 – 1990/01333/PA – Rest home, change of use to – Approved subject to conditions.

### 5. Consultation/PP Responses

- 5.1. Nearby occupiers and Ward Councillors consulted. Two objections received from nearby occupiers on the grounds of:
  - Worsening of the effects caused by current HMOs on Short Heath Road, namely noise and on-street parking issues.
  - Over concentration of HMOs in the vicinity.
  - Inadequate provision of parking spaces.
- 5.2. Transportation Development – No objection, subject to the amendment of the car park layout and the provision of cycle storage.
- 5.3. Western Power Distribution – no objection, however 24 hour access is required to the substation located within close proximity to the application site.
- 5.4. Regulatory Services – Requires the provision of a vehicle charging point.

- 5.5. West Midlands Police – no objection.
- 5.6. Councillor Moore requested that the application be determined by Planning Committee.

## 6. Policy Context

- 6.1. The following local policies are applicable:

- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan Saved Policies (2005)
- Places for All SPG (2001)
- Car Parking Guidelines SPD (2012)
- Specific Needs Residential Uses SPG.

The following national policy is applicable:

- NPPF – National Planning Policy Framework (2012)

## 7. Planning Considerations

- 7.1. The key considerations relate to the principle of the change of use; the impact of the proposals on visual amenity; and the impact of the proposals on highway safety.

### Principle of Change of Use

- 7.2. The NPPF contains a presumption in favour of sustainable development and seeks to secure high quality homes and good design in new developments. Paragraph 50 states that Local Planning Authorities should deliver a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, identifying the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. The NPPF also attaches great importance in the design of the built environment, stating that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 69 promotes healthy communities, stating that places should promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- 7.3. TP35 of the BDP 2017 seeks to prevent the loss to other uses (through conversion or redevelopment) of housing which is in good condition, or could be restored to good condition at reasonable cost. Such loss of residential accommodation will only be permitted if there are good planning justifications or an identified social need for the proposed use. It also seeks to bring vacant residential properties back into use, to encourage the physical improvement and occupation of vacant home of all tenures. The City Council will also encourage retrofitting of the existing dwelling stock to achieve the sustainability standards set out in other policies.
- 7.4. Paragraph 8.24 of the saved policies within the UDP 2005 advises that when determining applications for HMO's, the effect of the proposal on the amenities of the surrounding area, and on adjoining premises; the size and character of the property; the floor space standards of the accommodation; and the facilities available for car parking should be assessed.

7.5. Finally, Specific Needs Residential Uses SPG recognises that dwellings intended for multiple paying occupants have a role to play in meeting the housing needs of a certain groups in society.

7.6. The proposal would be acceptable in principle, as it would comply with the policies as stated.

#### Character of the Area

7.7. The application property is located within a residential frontage on Short Heath Road. The property itself is a large, extended end-terrace house in a block of three similar style properties at the junction between Short Heath Road and the Parklands, previously in use as a day nursery. There are no other similarly extended properties in the immediate area, therefore it is unlikely that there are any other large HMOs in the surrounding area. Anecdotal evidence from various neighbours suggests that there are further smaller HMOs in the area, however the true number of small HMOs is difficult to quantify due to Permitted Development rights allowing a dwellinghouse of Use Class C3 to change to a HMO (Use Class C4) of up to 6 people without the need for a license.

7.8. Anecdotal evidence from neighbours also suggests the application site has been under part residential use for a number of years. The agent for this application claims that the last known use of the site is indeed a children's day nursery. Some evidence of this was obtained during a survey that took place on 20<sup>th</sup> September 2017, however photos sent from the agent were taken in only one room, and so is relatively unconvincing. While the photos, and the relevant planning history, confirm that this property was a children's day nursery at some point, it remains unclear as to what the site is in use as at the time of application, and whether there is any element of unauthorised residential use at the premises.

7.9. Through the consultation period, two objections were received from nearby occupiers, both stating a possible over-concentration of HMOs in the local area. Based upon an assessment of council records of HMO planning applications and current HMO licenses, it is considered that the provision of the proposed HMO would not result in an adverse cumulative impact upon the residential character and appearance of the locality. There are clusters of HMOs in this part of Erdington, however these are mainly confined to South Road and Court Lane, which are located 1km and 750m away respectively. In conjunction with the property's previous nursery use, the development would not result in the loss of private residential accommodation. Plus, the proposal does not seek to significantly change the internal layout or external appearance of the building. For these reasons, no objection is raised.

#### Residential Amenity

7.10. Regulatory Services have assessed the proposal and raise no objections, subject to the provision of one vehicle charging point being provided, due to policy that no less than one charging point for electric vehicles shall be provided at each residential unit with dedicated parking. I do not concur with this view on the grounds that the scale of the proposed conversion would not warrant such an intervention where cycle storage is also being conditioned.

7.11. In terms of internal layout, the property would provide shared facilities including a lounge/dining area (9.3sqm) and kitchen on the ground floor (19.4sqm). There would be one individual W.C. on the ground floor, in addition to the en-suite bedrooms that would measure between 10sqm and 14.4sqm. The 'Specific Needs Residential Uses' SPG advocates that a single room should provide a footprint of at least 6.5sq

and a double room 12.5sqm, all rooms adhere to this guidance. Consequently, it is considered that the internal residential environment for future occupiers would be acceptable. The internal communal space at ground floor would come to a total of 28.7sqm. While this does not meet the recommended communal space guidance found in the SPG, this combined with the individual bedroom sizes would be sufficient as the rooms are large enough for both sleeping and living in.

- 7.12. In terms of the residential amenity of future occupiers of the premises, adopted SPG 'Specific Needs Residential Uses' advocates that 16sqm of amenity space should be provided per resident for care homes, equating to 144sqm. This is considered a good starting point for external amenity space requirements for a HMO. The premises benefits from private rear amenity space measuring at 158sqm. For this reason I consider the proposed development would not have an adverse impact on residential amenity.
- 7.13. Two objections were raised during the consultation period for this application, regarding the over concentration of HMOs on Short Heath Road and in the wider area, plus the lack of parking spaces provided and the effect this would have on the road. In regards to HMOs on Short Heath Road, data for approved HMO licenses states there is one other HMO on the same road as the application site, located at 61 Short Heath Road. This data applies to large HMOs with 7 or more bedrooms (Sui Generis). I consider the proposal wouldn't worsen the state of clustered HMOs in the area.
- 7.14. The proposal includes the provision of 5 car parking spaces. While this is fewer than the 9 bedrooms proposed at the site, I consider this not to have a detrimental impact on parking in the local vicinity. There would be 9 cycle storage spaces provided at the site, plus two bus routes that operate in close proximity to the site, which would help offset the discrepancy between car parking spaces and number of bedrooms. Also, it is considered that the proposed use would have fewer cars going to and from the application site compared with its use as a day nursery, as parents and staff would no longer be accessing the site throughout the day. Therefore, I consider there would be fewer car visits to the application site and the local area through this change of use.

#### Highway Safety

- 7.15. Transportation Development have assessed the proposal and raise no objection, subject to a condition for the reconfiguration of car parking spaces, stating that spaces 1 and 2 should be rotated through 90 degrees. In addition, a condition for cycle storage details for 9 cycles has been recommended. I concur with these views. The application site is not located in or near a local centre, though does benefit from being within walking distance of a small parade of commercial use units at the junction of Short Heath Road and Streetly Road, with two bus routes serving the area. As such, the proposal would have sufficient links to local amenities public transport services. While the amount of car parking spaces proposed to be provided is fewer than the proposed bedroom number, I consider that the sufficient provision of cycle spaces and the proximity to local bus services should prevent an adverse impact on car parking in the vicinity.

## 8. Conclusion

- 8.1. I consider that a change of use from children's day nursery (Use Class D1) to a 9 bedroom HMO (Sui Generis) in this location is acceptable as the proposal would not result in any harm to visual or residential amenity; neither would the proposed

development prejudice highway safety. I am satisfied that the living conditions for future occupiers would be adequate and thus the proposal accords with national and local planning policy. The proposal constitutes sustainable development and as such, I recommend planning permission is granted, subject to conditions

9. Recommendation

9.1. Approve subject to the following conditions

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires the prior approval of an amended car park layout
  - 3 Requires the prior submission of cycle storage details
  - 4 No more than 9 residents at HMO
  - 5 Implement within 3 years (Full)
- 

Case Officer: Luke Campbell

**Photo(s)**





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Committee Date: 21/06/2018      Application Number: 2018/01418/PA  
Accepted: 20/02/2018      Application Type: Full Planning  
Target Date: 17/04/2018  
Ward: Yardley East

Jennifer Walk, off Church Road, Yardley, Birmingham, B25 8XR

Erection of 2 dwelling houses

Applicant: Mr Jim Good  
21 Rosemary Hill Road, Little Aston, Sutton Coldfield, Birmingham,  
B74 4HL  
Agent: HG Design Ltd  
Sutton House, 4 Coles Lane, Sutton Coldfield, Birmingham, B72 1NE

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1 Planning permission is sought for the erection of two no. detached, 5 bedroom dwellings on land off Jennifer Walk, Yardley. The proposed buildings would be two storeys, erected to a height of 8.6m from ground level and would provide glazed window units to all habitable rooms on the buildings front and rear elevations overlooking Jennifer Walk and the rear amenity space.
- 1.2 The buildings would be constructed from facing brickwork with a tiled, pitched roof and would each have an identical layout (albeit mirrored from left to right) and would each provide 150sq.m of internal floor space (excluding integral garage) with a kitchen/diner, living room, family room, utility room and W/C at ground floor and 3 no. double bedrooms, 2 no. single bedrooms, a family bathroom and 2 en-suite shower rooms at first floor level. Each unit would have private rear amenity space of 90sq.m with 2 no. off street parking spaces to each unit fronting the principal elevation and an integral garage to each unit.

*Background to Proposal*

- 1.3 A planning application was previously submitted at the application site for the provision of a two storey building that comprised of four no. one bedroom flats, two no. at ground floor level and two no. at first floor level in 2014 under planning reference 2014/06570/PA. This scheme was withdrawn by the applicant following an objection from Regulatory Services regarding adverse levels of noise emissions from an adjacent electricity substation that was situated on land adjacent to the application site that was not within control of the applicant.
- 1.4 A further application was submitted (2015/07533/PA) with additional information from Western Power, the statutory undertaker who owned and maintained the substation, who indicated that the substation was scheduled to be replaced in 2016. However, Western Power could not give a definitive date and answer as to whether the replacement would go ahead and the noise nuisance was therefore deemed to be

outside of the control of the applicant with the application subsequently refused on this basis.

- 1.5 The applicant appealed the refusal of the 2015/07533/PA application with the Planning Inspectorate with the appeal allowed. When the Inspector made their site visit Western Power had removed, relocated and replaced the noisy electricity sub-station with a quieter version that they considered had no adverse impact upon residential amenity for current or future occupiers.
- 1.6 Following the approval at appeal a further planning application (2017/05697/PA) was submitted for the provision of 2 no. dormer bungalows on site with parking provision to the front elevation. This was subsequently approved, subject to conditions.
- 1.7 [Link to Documents](#)
2. Site & Surroundings
  - 2.1 The application site currently comprises a number of existing single storey garage structures that are currently in a state of disrepair. This garage area is located to the rear of residential properties that face onto Church Road and Gayhurst Drive respectively.
  - 2.2 The application site is located at the end of a vehicular cul-de-sac known as Jennifer Walk which provides vehicular access from Church Road along with a pedestrian footway. Jennifer Walk also provides vehicular access to a number of residential bungalows along with a parking area to the rear of these properties. Pedestrian access to Gayhurst Drive can be gained by continuing along Jennifer Walk.
- 2.3 [Site Location](#)
3. Planning History
  - 3.1 2014/06570/PA – The erection of a two storey building to comprise of 4 no. 1 bedroom flats on land off Jennifer Walk, Yardley, Birmingham, B25 8YN – Withdrawn (14/11/14).
  - 3.2 2015/07533/PA – The erection of a two storey building to comprise of 4 no. 1 bedroom flats on land off Jennifer Walk, Yardley, Birmingham, B25 8YN – Refused by LPA and subsequently allowed at appeal by Planning Inspectorate.
  - 3.3 2017/05697/PA – Redevelopment of garage court to provide 2 no. dormer bungalows and associated parking and private amenity space on land off Jennifer Walk, Yardley, Birmingham, B25 8YN – Approved, subject to conditions (24/08/2017).
4. Consultation/PP Responses
  - 4.1 MP and residents associations notified with no comments received.
  - 4.2 7 no. letters of objection/ comments from local residents received on the following points;
    - Gardens adjoin the site with concerns raised about how secure property would be before, during and after work is completed.
    - Concerned about Jennifer walk being used as a main right of way with extra traffic generated.

- Will the properties be marketed for rent or sale?
- How many spaces are proposed and where will visitors to the development park?
- Loss of privacy to adjoining properties/gardens.

4.3 Cllr Neil Eustace – Objects to proposal on the following points;

- Too large a scale of development for site,
- Adjoining properties would be overlooked,
- Access, parking and amenity space is inadequate,
- Any further development in streetscene should be bungalows.

4.4 Regulatory Services – No objection, subject to conditions;

- Noise insulation scheme.
- Electric Vehicle Charging Points.
- Contaminated Land Remediation and Verification Scheme.

4.5 Transportation Development – No objections, subject to conditions;

- Cycle storage details,
- Construction Management Plan,
- Boundary Treatment Details,
- Parking areas laid out prior to use,
- Pedestrian visibility splays.

4.6 West Midlands Police – No objection.

4.7 Severn Trent Water – No objection.

## 5. Policy Context

5.1 National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan (Saved Polices) (2005); Places for Living SPG (2001); Car Parking Standards SPD (2012); Technical Housing Standards – Nationally Described Space Standards (2015).

## 6. Planning Considerations

### *Principle of Development*

6.1 The application site falls within a predominantly residential area and the principle of siting residential development within the application has already been established following the Planning Inspectorates appeal decision for 4 no. apartments under planning reference 2015/07533/PA and for the provision of 2 no. dormer bungalows on site under planning reference 2017/05697/PA. The main considerations are therefore the impact upon the character of the area/visual amenity, the effect upon residential amenity of adjoining occupiers, residential amenity of potential future occupiers and highway safety.

### *Visual Amenity*

6.2 The proposed dwellings have been designed to mirror the scale of existing two storey dwellings that are found in the area, especially those that abound the site to its

eastern and western boundaries (existing dwellings that front onto Church Road and Gayhurst Drive), with pitched, tiled roofs and facing brickwork with a two storey gable fronted detail and single storey gable fronted detail related to the integral garage, both to the principal elevation. The ridge height of the proposed dwellings would measure 5m and the eaves height would measure 8.6m and it is considered that the scale of the proposed buildings would respond well to existing surrounding residential accommodation and to the immediate street scene.

- 6.3 Furthermore, the siting of the proposed buildings would enhance the streetscene and create more of an expected street pattern mirroring that of the locality (i.e. with dwellings on both sides of the road) which is supported, whilst also bringing the site into more efficient use than the current derelict garage area. It is noted that there are 4 no. number bungalow dwellings opposite the site situated along a pedestrian walkway linking Jennifer Walk through to the public highway of Gayhurst Drive with concerns raised regarding the scale of the proposed development in relation to the bungalows. However, it should be noted that consent has already been granted (2015/07533/PA) on appeal for a two storey building to comprise of 4 no. flats. I am of the view that the site and surrounding area is mixed with a variety of dwelling types and scales rather than one predominant dwelling type and scale. I therefore consider the height and siting of the proposal to be appropriate in this context as it contributes positively to the immediate streetscene and surrounding locality and is therefore supported on this basis.

#### *Residential Amenity for Adjoining Occupiers*

- 6.4 The proposed buildings have been designed and positioned centrally within the application site and have been designed so that all windows related to habitable rooms face out onto either the front or rear elevations that overlook rear amenity space associated with the proposal or Jennifer Walk/Gayhurst Drive. The depth of the rear amenity space and front parking areas exceed 10m in depth and as such would provide sufficient separation distance from neighbouring residential properties and garden areas with a minimum of 10m for a two storey structure (to the rear) achieved would comply with Places for Living SPG.
- 6.5 A number of small windows would be positioned to the side elevations of the proposed dwellings with 1 no. at ground floor for a W/C and 1 no. at first floor for an en-suite shower room which are unlikely to give rise to loss of privacy or overlooking as they relate to non-habitable rooms with obscure glazing secured by planning condition. An additional mid-point landing window and first floor bathroom window would be provided to the internal elevation between the two dwellings which would not result in any overlooking/loss of privacy issues. It is considered that these windows of non-habitable rooms would not result in unacceptable levels of overlooking or loss of privacy for adjoining properties.
- 6.6 It is considered that the proposed development would be an improvement to the existing streetscene as it would promote an active frontage with greater natural surveillance from the proposed units along Jennifer Walk which already provides a right of way from Church Road to Gayhurst Drive and to existing residential development along Jennifer Walk and as such accords with Places for Living SPG in this regard.
- 6.7 It is noted that concerns from a local resident have been received regarding security of adjacent properties and residential gardens during construction works as the current garage structures provide boundary walls to a number of gardens which would be removed as part of the proposal. Whilst it is considered that the

development would make gardens more secure as they would form part of a residential boundary once constructed, these concerns were noted during the previous appeal and a condition to ensure that boundary treatment details during construction works were secured prior to works commencing on site was imposed by the inspector and I see no reason to deviate from this approach.

#### *Residential Amenity for Future Occupiers*

- 6.8 Each of the proposed units would provide approximately 150sq.m of internal floor space (excluding integral garage) with bedrooms that either meet or exceed the minimum size thresholds as outlined within the Technical Housing Standards – Nationally Described Space Standards. The rear garden areas exceed the minimum of 70sq.m provision for such dwellings as outlined within Places for Living (90sq.m per unit to be provided) and is therefore considered sufficient in this regard.
- 6.9 Regulatory Services have been consulted on the proposal and have raised no objections subject to the imposition of conditions related to noise insulation of the proposed dwellings windows and doors due to a nearby electricity substation (replaced in 2016) along with a land contamination remediation scheme and verification report and the provision of electric vehicle charging points. Given that the dwellings would have their own on plot parking in front of the dwellings, I do not consider it necessary to impose such an electric vehicle charging point condition as residents can self-service such provision if required.

#### *Highway Safety*

- 6.10 It is considered that the established use as garaging would have the potential to generate an elevated level of vehicle movements compared to the proposed residential use (and previously approved residential use of 4 no. apartments) and would therefore be of benefit to the surrounding area. The site is located near to the Yew Tree Neighbourhood Centre that provides a number of local facilities and public transport routes whilst there is also unrestricted on-street parking provision available in the local area. The development proposal seeks to provide 4 no. parking spaces which would provide 2 no. spaces per dwelling and would therefore provide 200% parking provision and accord with the Car Parking Guidelines SPD. In addition, an integral garage would be provided to each unit so that the proposed dwellings would provide sufficient levels of off street parking provision without detriment to the public highway which is supported.
- 6.11 Transportation Development has raised no objection to the proposal subject to planning conditions relating to the provision of cycle storage, pedestrian visibility splays, boundary treatment details to front elevation, a construction method statement and that the parking layouts are provided prior to occupation. Whilst I agree with the imposition of the construction method statement, boundary treatment and the parking laid out prior to use conditions, I do not consider it necessary to impose a cycle storage condition as the units have large, secure rear gardens with side entry from the street which can accommodate cycles (and sheds), if required and the pedestrian visibility splay given that the height of the boundary treatment has now been provided within this cul-de-sac location.

#### 7. Conclusion

- 7.1 I consider that the proposal would provide sufficiently sized residential accommodation within a residential area and provide an acceptable living environment for future occupiers and adjacent land uses. Subject to the provision of

the conditions outlined above it is considered that the proposal would be acceptable and is recommended for approval on that basis.

8. Recommendation

8.1 Approve, subject to conditions

- 
- 1 Implement within 3 years (Full)
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Requires the prior submission of a construction method statement/management plan
  - 4 Requires prior submission of boundary treatment details during construction
  - 5 Requires the prior submission of boundary treatment details
  - 6 Requires the prior submission of hard and/or soft landscape details
  - 7 Requires the prior submission of sample materials
  - 8 Requires the prior submission details obscure glazing for specific areas of the approved building
  - 9 Requires the prior submission a noise study to establish residential acoustic protection
  - 10 Requires the prior submission of level details
  - 11 Requires the prior submission of a contamination remediation scheme
  - 12 Requires the prior submission of a contaminated land verification report
  - 13 Requires the prior submission of a drainage scheme
  - 14 Requires the parking area to be laid out prior to use
  - 15 Removes PD rights for new dormer windows
- 

Case Officer: Mohammed Nasser

## **Photo(s)**

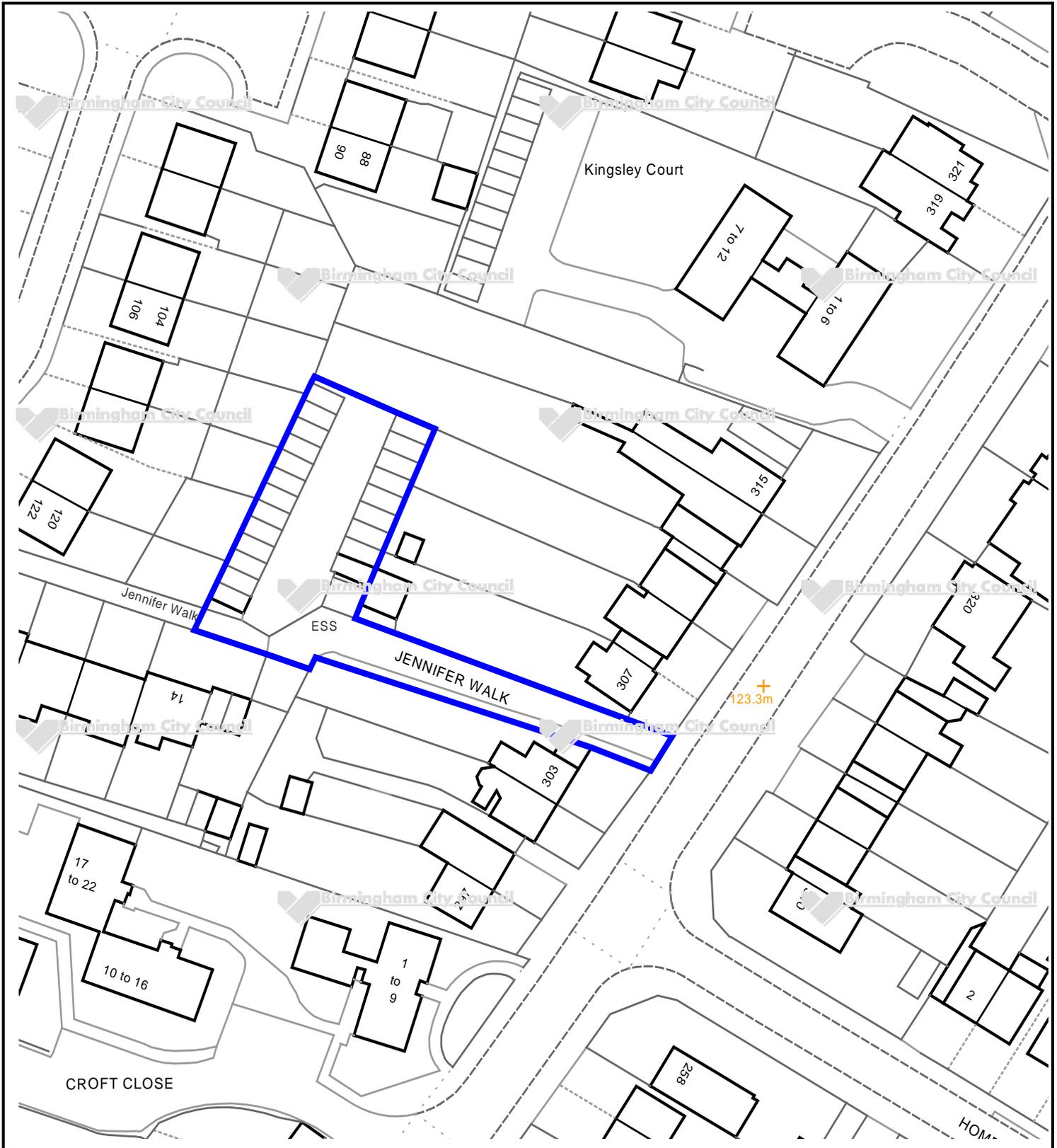
**Fig 1 – View of Site.**



**Fig 2 – Neighbouring Properties – Eastern Elevation (rear of Church Road).**



# Location Plan



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# Birmingham City Council

## Planning Committee

21 June 2018

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>
Determine	12	2018/01541/PA  Plot 4 Pebble Mill - Mill Pool Way off Pebble Mill Road Edgbaston Birmingham B5 7SL  Outline planning application for the construction of a building of up to 9,000m2 for use as part Use Class B1b (research and development) and/or part Use Class C2 (hospital) and/or part Use Class D1 (non-residential institution) with details of access and parking and all other matters reserved
Approve - Conditions	13	2018/01517/PA  Reaside Academy Tresco Close Rubery Birmingham B45 0HY  Construction of a new single storey Junior School for 240 pupils with associated landscaping and car park, and subsequent demolition of the existing school building

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Committee Date:	21/06/2018	Application Number:	2018/01541/PA
Accepted:	01/03/2018	Application Type:	Outline
Target Date:	22/06/2018		
Ward:	Edgbaston		

Plot 4 Pebble Mill - Mill Pool Way, off Pebble Mill Road, Edgbaston, Birmingham, B5 7SL

Outline planning application for the construction of a building of up to 9,000m<sup>2</sup> for use as part Use Class B1b (research and development) and/or part Use Class C2 (hospital) and/or part Use Class D1 (non-residential institution) with details of access and parking and all other matters reserved

Applicant: Pebble Mill Investments Ltd  
c/o Agent  
Agent: David Lock Associates  
50 North Thirteenth Street, Central Milton Keynes, Milton Keynes, MK9 3BP

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Recommendation  
**Determine**

1. Report Back

1.1. Members will recall that the above application was reported to Planning Committee on 24<sup>th</sup> May. Members resolved to defer the application for further expanded neighbour consultation to be undertaken.

Further neighbour consultation responses

1.2. Following Planning Committee on 24 May, further expanded neighbour consultation has been undertaken to the Ward Councillors for Bournbrook and Selly Park Ward and residents/occupiers of properties on Pershore Road, Oakfield Road, Pebble Mill Road, Sir John's Road, Pavenham Drive, Riverside Drive and Bristol Road. A radius of 300m from the application site has been consulted.

1.3. A further 30 letters of objection have been received (these include those reported verbally at the 24 May Planning Committee) from Councillors Brigid Jones and Deidre Alden; residents of Sir John's Road, Pavenham Drive, Oakfield Road, Riverside Drive and Pebble Mill Road and the Selly Oak Branch Labour Party.

1.4. The objections relate to the following issues:

- Insufficient parking for the uses proposed on site, and extra traffic.
- Existing development already causes significant parking problems locally.
- Insufficient public consultation.
- Pebble Mill has contributed to the severe flooding suffered locally.
- There is no need for the development.
- Over development of Pebble Mill has prevented surface drainage.

- The local flood defence scheme has not been prioritised.
  - 8 storeys is not in keeping with the surrounding area.
  - Increase in crime with no increase in policing locally.
  - Impact on air quality.
  - Development has been approved on the flood plain at plot 6 causing the recent flooding.
  - Cannon Hill Park car park charging has exacerbated the parking situation locally.
  - Development is already under way and has been for at least three months at Circle Hospital – object to it being made larger (almost double).
  - Developer has failed to discuss the flooding issues with local residents.
  - Impact from overlooking, loss of light and privacy and Human Rights impacts.
- 1.5. Determination of the outline planning application with all matters (except access and parking) reserved for future consideration was deferred for extra consultation which has subsequently been undertaken. Many of the comments received relate to wider issues locally that are not as a result of the proposed development seeking planning permission. Nevertheless, and for completeness, the issues are addressed in turn below.

#### Flooding

- 1.6. Members will recall that significant debate occurred when development was approved on Plot 6 (flood plain) including an Environment Agency Flood Defence Scheme both on site and further upstream on the Bourn Brook at Harborne Lane. The funding for the Flood Defence Scheme was reliant on development of Plot 6. Work has been ongoing on the flood defence scheme with the culvert under Pershore Road being the remaining element. I am aware that due to heavy rain at the end of May, the local area flooded again, following previous local flood events in 2008 and 2016. However, in relation to the new application at Plot 4 – the subject of this report - and those previously approved on the former Pebble Mill Site, including Plot 6, the Environment Agency, Severn Trent Water and the Lead Local Flood Authority have not objected to the proposed development. The drainage and surface water requirements of Plot 4 would be addressed on site and have been considered in the context of all the other Pebble Mill developments.
- 1.7. Whilst not specifically related to the determination of this new application at Plot 4, for completeness, I note that the Environment Agency has issued information in response to the recent flooding locally. In summary, the severity of the recent flood event was reduced compared to if it had happened before works at Plot 6 began. This is because the increased storage capacity upstream at Harborne Lane had already been completed, which more than off-set the loss of floodplain land due to the development already underway at Plot 6. As such, the recent flooding could not be justified as a reason for the refusal of outline planning permission for the proposed development on Plot 4 – this development will deal with its own drainage and within the wider Pebble Mill site to the satisfaction of the three drainage authorities (Environment Agency, Severn Trent, Lead Local Flood Authority).

#### Parking and Highway Impact

- 1.8. I note the other primary, local objection to the proposed development locally is that of car parking. Firstly, that there is insufficient proposed on site for the development and secondly, that the existing Pebble Mill development is causing severe parking problems locally.

- 1.9. At Planning Committee on the 24<sup>th</sup> May, Members raised concerns regarding parking provision and were advised that the proposed development would not have a significant impact on the highway network sufficient to warrant refusal and that as the end users and final floor space of the development were not known at this stage; the actual requirements would be determined through a subsequent Reserved Matter submission. As such, whilst 176 parking spaces are suggested through this outline planning application; this would be subject to detailed assessment at Reserved Matters which may or may not require an increase in spaces to that currently proposed based on the end-occupiers, final floorspace proposed, and the City's relevant car parking requirement policies.
- 1.10. With regards to parking issues locally; these issues are noted and are not for consideration as part of this application as the current proposal would (through a Reserved Matters submission) address its on-site parking requirements in accordance with the maximum car parking requirements adopted as planning policy. However, for completeness; the applicant (Calthorpe Estates) and the City's Transportation Department are regularly reviewing the impacts of parking on local roads in the vicinity of the Pebble Mill development. Impacts of parking locally are also being assessed in the wider area as part of a master plan for the growth and expansion of the University and the Queen Elizabeth Hospital in conjunction with a growth infrastructure strategy. The use of local roads in Selly Park and Pavenham Drive are noted. This review may or may not result in further Traffic Regulation Orders locally. As a requirement to reduce air quality impacts and achieve modal shift from the use of the private car; it is not practicable to provide car parking on the levels sought by residents to reduce impact on local streets as this measure would encourage rather than deter the use of the private car and therefore impact on air quality. I note the issue of resident parking schemes in Selly Park and this issue should be raised by residents with their Ward Councillors and subsequently BCC Transportation. Funding for this may be available from the proportion of CIL money to the Ward that is secured as a result of student accommodation on Plot 6. Lastly, there is residential objection to extra traffic, but I note the increase would be negligible compared to the already-consented 5,000 sqm.

#### Other Matters

- 1.11. I note the other issues raised within the objections received relate to the need for the development, scale and height, increase in crime, overlooking, loss of light and privacy, and development already having commenced. In relation to development having already commenced; development on Plot 5 for Circle Hospital is underway and has been for a number of months. This application relates to development on the adjacent site (Plot 4) for which development has not commenced. In relation to scale and height, this issue is addressed in depth in the original report below and whilst this would be taller than previously approved on Plot 4, it would not be so out of character with the surrounding area when it is sat next to the adjacent Dental Hospital nor when compared to the previous 11 storey tower that formed part of the previous Pebble Mill television studios. West Midlands Police are aware of the number of crimes reported locally and have raised no objections to the proposed development. I concur with their view and whilst, any increase is unfortunate, I am not aware it can be attributed directly to development on Pebble Mill and so is not of sufficient weight, as a material planning consideration, to refuse outline planning permission for the proposed development. With regards to discussion with local residents regarding the flooding, a meeting was held recently between local residents and the Environment Agency as the flooding issues (and whether the flood defence scheme is adequate) are the responsibility of the Environment Agency. I note the

objections raised regarding overlooking, loss of privacy and light and impact on Human Rights. These issues have already been addressed in the original report however, I reaffirm that the separation distances to all residential properties significantly exceed Your Committee's minimum requirements and as such no undue impact on residential amenity would occur. Finally, the need for the development is not a material planning consideration with sufficient weight to warrant a refusal of outline planning permission. Need is not a policy test in this instance.

- 1.12. I note the comments received from West Midlands Fire Service and that this caused a concern at Planning Committee on 24<sup>th</sup> May. The comments relate to the lack of information provided at this stage of planning however; this is an Outline application with Site Layout to be determined at subsequent Reserved Matters stage, when the Fire Service would be consulted again. A number of their concerns relate to issues that are covered under Building Regulations and as such are outside of Planning's remit.
- 1.13. For completeness, clarification and amendments to the original report were reported verbally to Planning Committee on the 24<sup>th</sup> May. These are replicated below.
- Paragraph 1.4 (of original report) now 2.4, refers to the building as primarily 5 and 6 storeys in height, this should read as 5 and 7 storeys in height.
  - Paragraphs 6.6 and 6.8 of the original report (now 7.6 and 7.8) also refer to the building being primarily 5 and 6 storeys in height and should read 5 and 7 storeys. Also, the paragraphs should refer to one extra storey for plant rather than the two stated.
  - Paragraph 6.8 also states *"most of the extra floor space proposed over and above the previous planning permission would be located at ground floor in a two/three storey block to the rear"* for clarification, this should refer to an increase in the footprint of the building alongside the two/three storey block to the rear and the potential increase in height currently sought.

### Conclusions

- 1.14. The proposed development complies with both local and national policy. The scale of the development proposed is considered acceptable for the site and would have no detrimental impact on neighbouring occupiers or the character and appearance of the local area. The height of the proposed buildings is considered acceptable for the application site and is of a considered scale when taking into account the scale of the former BBC development on the main Pebble Mill site, the scale of buildings developed and approved on the main Pebble Mill site and the residential scale that borders the site.
- 1.15. With regards to the issues of parking and flooding, the indicative parking levels proposed would satisfy the building and land uses' requirements but full details of this would be achieved at Reserved Matters stage. The relevant consultees for Transportation and Drainage have raised no objections to the proposed development. Whilst the wider flooding and parking issues are noted, I do not consider they warrant refusal of the current application, as it would address these issues itself, commensurate with the type and scale of development proposed. The issues are of a wider and larger scale to the current application and are being addressed on the wider scale.

### Recommendation

- 1.16. Despite the objections raised by local residents, I consider that the application should be approved as per the original recommendation of the 24<sup>th</sup> May.

## **ORIGINAL REPORT**

### **2. Proposal**

- 2.1. Outline planning permission is sought for the erection of a building of up to 9,000sq.m for medical uses comprising B1(b) Research and Development and/or C2 Hospital and/or D1 Non-Residential Institution. All matters (except access) are reserved for future consideration. The site is known as Plot 4, and lies towards the centre of the wider site, to the east side (Pebble Mill Road side) of the Dental Hospital and School of Dentistry.
- 2.2. Planning permission has previously been granted for a 5,000sq.m development (up to 5 storeys in height excluding plant) by your Committee under application reference 2017/01959/PA in May 2017.
- 2.3. Whilst all matters (apart from access) are reserved, the previously approved schemes at the Pebble Mill site have provided a template for development within the site as a whole and subsequently this plot. These have led to a urban design context comprising:
- A façade would be provided to the estate road in order to perpetuate the building line;
  - The building would be set back from the estate road, with generous distances to the side boundaries;
  - The building would be located on made-up ground to ensure it is located out of flood risk;
  - Access would be from the internal estate road and parking would be located on plot;
  - The design would be contemporary.
- 2.4. It is proposed that the 9,000sq.m of accommodation would be located in a single block comprising two storeys of basement parking above which would be up to eight storeys. The indicative massing plan illustrates a building that would have two and three storey elements to the side and rear with the main body of the building being 5, 7 and up to 8 storeys in height (when two storeys of roof plant areas are included). The building would primarily be 5 and 6 storeys in height. The two storey 'ground floor element' of the building (above ground) would be approximately 74m deep and 47m wide. On top of this ground floor element would be further accommodation in the form of a 40m wide by 38m deep building. The building would be centrally located within the plot facing the internal estate road, providing sufficient space to the east and west to allow light to adjacent buildings along with access for car parking and deliveries. The proposed development's scale and massing would link the building heights of the other developments together. The submitted Design and Access Statement illustrates how the building could appear, looking due south from the estate's access road (Mill Pool Way), with the Dental facility to the rear to the right hand side :



- 2.5. The application seeks approval with all detailed matters to be reserved for future consideration, apart from access. As such, no details have been submitted for the matters of appearance, layout, scale and landscaping. The site's vehicular access would be at its north-west corner. Up to 167 car parking spaces are proposed on site (which would be achieved by managed tandem parking) in a surface level car park and two basement levels.
- 2.6. The application is supported by a Planning, Design and Access Statement, Sustainable Drainage Assessment; Ecological Appraisal, Flood Risk Assessment, Travel Plan and a Transport Assessment. A Massing context plan has also been submitted.
- 2.7. Site area: 0.38ha.
- 2.8. [Link to Documents](#)
3. Site & Surroundings
  - 3.1. The site is located within the wider Pebble Mill site and is defined by the avenue of trees along Pebble Mill Road and the currently under construction plot to accommodate the previously approved hospital to the east; the three/six storey dental hospital to the south and west; and the internal estate road and rear gardens of the houses on Bristol Road to the north. To the south of the site lies Plot 6, where your Committee approved student accommodation and retail development.

- 3.2. This part of the former BBC studios was a central component of the eleven storey central core of the building. The site was vacated in 2003, and cleared during 2003/2004.
  - 3.3. The immediate area surrounding the Pebble Mill site primarily consists of a mix of two, three and occasionally four storey late nineteenth and twentieth century houses. Playing fields lie to the south and west. The playing field to the south is shortly to be developed for student and retail development along with a flood mitigation scheme (already in part completed) as approved by your Committee. The main leisure uses in the area are Cannon Hill Park to the south east and Edgbaston Golf Course and King Edward's School to the north, adjacent to which is the University of Birmingham's main campus.
  - 3.4. Less than half a kilometre from the site along Pershore Road is the 8 storey West Midlands Police Training Facility, and a series of 1960's twenty storey local authority flats. The urban character of this area is varied including: Edwardian villas, early twentieth century detached homes, and more recently with the increased commercialisation and redevelopment of some sites, larger and taller buildings being built along some of the main roads of this part of Birmingham, such as Edgbaston Mill.
  - 3.5. Bourn Brook and its tributary Chad Brook are important features in the local landscape. These two Brooks along with the retained bands of semi-mature trees divide the site into distinct areas. Flood defence works to the Brook approved by your Committee within the Plot 6 development, are currently being undertaken and are, in part, completed.
  - 3.6. Edgbaston is known for its 'green and leafy' image, the wider site reflects this with its mix of mature and semi-mature trees. The historic use of the site as a campus with one large building on about a third of the site with sporting facilities on the remainder has resulted in a tree-scape which follows former field boundaries within the site.
  - 3.7. [Site Location Map](#)
4. Planning History
  - 4.1. The wider Pebble Mill site benefits from outline consent for a science and technology park with revised accesses onto Bristol Road and Pebble Mill Road and reconfigured sporting facilities, dating from the first consent (2003/00992/PA).
  - 4.2. 26 May 2017. 2017/01959/PA. Outline planning permission granted for the construction of a building of up to 5,000m<sup>2</sup> which can be used as Part B1b (research and development), Part C2 (hospital) and Part D1 (non-residential institution) within the medical confines of the redevelopment of the former Pebble Mill BBC studios with all matters reserved. Plot 4 site.
  - 4.3. 27 April 2017. 2017/00242/PA. Reserved Matters consent granted for appearance and landscaping for the erection of student accommodation (Sui Generis) in association with outline planning permission 2016/04450/PA. Plot 6 site.
  - 4.4. 10 November 2016. 2016/04450/PA. Permission granted for a hybrid planning application consisting of: detailed planning permission for the construction of a flood risk management scheme on land off Harborne Lane and at and near Plot 6 (the former BBC Studios Sports and Social Club site) on the Pebble Mill Medical Park,

alteration of an existing and the provision of new highway access onto Pershore Road with outline planning permission for student accommodation (Sui Generis) and food and drink facilities (A3/A4 & A3 with ancillary A5) and the construction of two pedestrian bridges at the Former BBC Studios Sports and Social Club site. Plot 6 site.

- 4.5. 17 September 2015. 2015/05000/PA. Reserved Matters permission granted for access, appearance, landscaping, layout and scale for a C2 hospital in conjunction with outline approval (2014/00203/PA) for the erection of a building up to 15,000sqm for the use as B1 (research and development), C2 (hospital) and/or D1 (non-residential institutions). All pre-commencement conditions have been discharged and the site is currently being hoarded in advance of construction work commencing on site. Plot 5 site.
- 4.6. 8 January 2015. 2014/07366/PA. Planning permission granted for the proposed erection of 14 flats (consisting of 13 x three bed and 1 x four bed), car parking, landscaping and vehicle access for Bristol Road at 248-250 Bristol Road.
- 4.7. 4 April 2014. 2014/00203/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 15,000sqm for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions). Plot 5 site.
- 4.8. 6 March 2014. 2013/09519/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 5,000m<sup>2</sup> for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions). Plot 4 (the current application site).
- 4.9. 17 October 2013. 2013/06099/PA. Planning permission granted for the Construction of a 62 bedroom, part three and part two storey, care home including secure landscaped gardens and on-site parking with ancillary earthworks (Plot 1).
- 4.10. 7 December 2012. 2012/03743/PA. Permission granted for reserved matters for Dental hospital and school of dentistry (Plots 2 and 3).
- 4.11. 28 August 2012. 2012/03756/PA. Permission granted for the landscaping of land adjacent to Dental Hospital site and proposed Bourn Brook pedestrian footpath.
- 4.12. 17 November 2011. 2011/05676/PA. Permission granted for the erection of Dental Hospital and School of Dentistry on plots 2 and 3, with associated research & development and teaching facilities, ancillary office and support facilities, access, parking and landscaping. Outline consent for 16,000 sqm gross internal floor space (three to six storeys), with all matters Reserved.
- 4.13. 18 August 2011. 2011/03010/PA. Permission granted for a package of advanced infrastructure, inclusive of internal access road, associated drainage, services, security gates and parking, substation and security kiosk, promenade, wildlife planting, area of open space, and footbridge link.
- 4.14. 16 October 2009. 2009/03738/PA. (Site fronting Pebble Mill Road) Permission granted for the erection of a Medical facility providing up to 15,000 square metres of accommodation for Class B1(b) Research and Development, and/or Class C2 Hospital, and/or Class D1 Clinic and/or Medical School and/or Dental School. Detailed consent for site access (Plots 2 and 3).

- 4.15. 6 April 2006. 2006/00518/PA. Permission granted for a Section 73 application to vary and remove B & C conditions of 2003/00992/PA to allow for phased implementation for up to 10 years of outline planning permission for construction of technology and science park with revised accesses on Bristol Road and Pebble Mill Road and reconfigured sporting facilities.
- 4.16. 8 October 2003. 2003/00992/PA. Permission granted for the construction of a technology and science park with revised accesses on Bristol Road and Pebble Mill Road and re-configured sporting facilities (outline application - only access determined).
5. Consultation/PP Responses
- 5.1. Local residents, Ward Councillors, MP and Residents Associations notified. Site and Press notice posted. No responses have been received.
- 5.2. West Midlands Fire Service - Access for fire firefighting and to supporting water supplies is not evident from the information currently provided. Access is required to within 18 m of each fire main inlet connection on the front of the building(s), the inlet must be visible from all points. It is unclear if the car park area is to be fenced or open to the adjoining plot. Any dead end greater than 20 m in length should have an appropriate turning facility for a pump appliance. Access roads should be a minimum of 3.7 m between kerbs, a minimum height clearance of 4.1 m and a minimum carrying capacity of 15 tonnes.
- 5.3. Regulatory Services – No objection subject to safeguarding conditions relating to contaminated land, extraction and odour control, plant noise and vehicle charging points.
- 5.4. Environment Agency – no objection subject to a condition relating to implementation of the flood risk assessment.
- 5.5. Transportation – There are no objections in principle to the access onto this private estate road. A Transport Assessment has been submitted which concludes that the proposals compared with those seen previously would result in approximately 1 additional 2 way movement in the a.m. & p.m. peaks and that the development would not have a significant adverse effect on the local highway network. Along with the increased floor area it is noted that parking within the site has increased from 140 to 167. However, the number of beds and consulting/treatment rooms for the possible use is not known. Assessment of parking provision will need to form part of the full submission, with this Outline application concerned with access only. BCC minimum standards require cycle and motorcycle parking to be provided at one space per 10 members of staff. The final level of cycle and motor cycle parking will also need to be addressed at the detailed design stage.
- 5.6. Severn Trent Water – No objection subject to a drainage condition.
- 5.7. West Midlands Police – No objection subject to a condition relating to CCTV. The proposal site is covered by Edgbaston neighbourhood policing team and calls for service to the police are high. In the six month period (August 2017 to January 2018) there were 228 reported incidents of anti-social behaviour, 204 recorded burglaries, 321 incidents of vehicle crime and 60 bicycles stolen from the ward. There has also been, since March 2017, 3 vehicle crimes and 7 thefts, recorded at the new Dental Hospital. I have liaised with my counter terrorist colleagues who would like to be

informed if as part of the 'research and development' part of this proposal there will be any testing on animals or storage/use of any pathogens or toxins.

- 5.8. Lead Local Flood Authority – No objection subject to sustainable drainage safeguarding conditions.

## 6. Policy Context

- 6.1. NPPF, Birmingham Development Plan (BDP) 2031, Saved Policies of the Birmingham Unitary Development Plan 2005, Places For All 2001, Car Parking Guidelines SPD, Pebble Mill Watermill Archaeological Site.

## 7. Planning Considerations

- 7.1. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling.
- 7.2. The Pebble Mill site is identified in the BDP as being located within the Selly Oak and South Edgbaston Area, albeit outside of the growth area boundary identified in Plan 13 and Policy GA9; as being suitable for a broad range of technology and medical and health uses. The supporting text identifies in Paragraph 5.102 that the area will see significant investment. It goes on to state *“The aims are to maximise the potential of the University and Hospitals, promote economic diversification and to secure significant spin off benefits from new development. In particular the area will provide the focus for the clustering of activities associated with medical technology in the Life Sciences sector. This recognises the potential to marry growth in the Life Sciences sector with the unique spatial opportunities offered in this location. This will further enhance the City’s future economic competitiveness and attract investment and jobs.”*
- 7.3. The proposal would provide a new medical facility comprising of either B1 (b), C2 and D1 or a combination of these uses. The Dental Hospital/School of Dentistry is located on Plots 2 and 3 whilst a private dementia care BUPA facility has been constructed on Plot 1, and a private hospital is under construction on the adjacent site - Plot 5 fronting Pebble Mill Road.
- 7.4. The proposed development uses would sit comfortably within the wider site, which has been established as a medical park, through the uses on site and with the benefit of planning permission. The proposed medical facility would assist in research and development and/or medical care uses supporting the policy focus of the BDP for the clustering of activities associated with medical technology. On this basis, I consider that the addition of the proposed use within a wider site that has planning permission and/or are established as medical uses is acceptable and in accordance with the development plan policy.

### Design and Landscape

- 7.5. Policy PG3 of the BDP identifies that new development should demonstrate design quality and contribute to a sense of place by creating safe and attractive environments.

- 7.6. The application has been submitted with all matters (except access) reserved. A massing context plan has been submitted that indicates that the building would be up to 8 storeys in height on certain parts of the building however, the proposed development would be a primarily five/six storey building with up to a further 2 storeys added in the centre of the building for plant, taking the massing up to a maximum 8 storeys. The five/six storeys would be located to the building frontage to maintain the street scene along the internal access road and bridge the building scale and height from the three/four storey Circle hospital to the north east to the five/six storey (not including plant) Dental Hospital and School of Dentistry to the north west. The building has indicatively been designed to sit on a two storey ground floor element with a smaller box above. As such, part of the proposed building to the rear would only be two storeys in height.
- 7.7. An indicative design has been submitted as detailed in the proposals section of this report. My design advisor has some reservations about scale now proposed, advising a stepping up between the Circle Hospital on plot 5 (4-5 storeys) and the Dental Hospital (5-6 storeys excluding plant), i.e. a maximum of 5 storeys on the frontage to Mill Pool Way, reducing to 4 storeys behind, as per the previous application. My design advisor also raises the possible impact on winter views from residential properties on Bristol Road however, considers the siting of the building to be appropriate and the strong frontage would enhance the character of Mill Pool Way where the building line at the moment is quite fragmented.
- 7.8. I consider that the scale of the development proposed compares favourably with both the former BBC site, which had an intensive urban form with many buildings of 2 or 3 storeys height, and one 11 storey block, and with the new adjacent developments. The massing context plan submitted with the application indicates the development at a maximum of 8 storeys however, the predominant height of the building would remain as 5/6 storeys with the extra two storeys taking account of the possible plant that may be required to be located on the roof. The extra two storeys would be set back from the frontage and would be located in the centre of the building. I note the concern raised by my design advisor however, most of the extra floor space proposed over and above the previous planning permission would be located at ground floor in a two/three storey block to the rear as the building would predominantly remain as 5/6 storeys. The increase in height to a maximum eight storeys has occurred due to the potential for a significant plant area on the roof, which may or may not be required as a result of detailed design and occupier requirements. As such, the proposed building would only differ slightly on its external appearance from the previous consent. Exactly how the 9,000sqm of accommodation would be provided would be determined in a future Reserved Matters application, but the applicant has demonstrated thus far a reasonably likely form of development. The building is shown set back from the estate road allowing for a generous strip of planting to the frontage, in keeping with local character, which would be addressed during reserved matters submission. No trees are affected by the proposed development or located within the application site.
- 7.9. The distance of the indicatively-placed building from rear garden boundaries on Bristol Road is at 20m, which is not considered close especially given the previous development, the length of Bristol Road gardens (100+m), and tree and other vegetation screening on the boundary and in the gardens. Therefore, given the indicative setbacks from the estate road and other site boundaries, the significant avenue of tree cover on and around the site, and the previous development form, I am satisfied that 9,000sqm can be accommodated on the site without undue effects on local character and residential amenity. I note my Design Advisor's comments

however the proposed building would, apart from potential roof plant, remain as per the massing of the building previously approved at 5/6 storeys.

- 7.10. I note that development is currently underway on the adjacent residential site at 248-250 Bristol Road. The footprint of the approved scheme broadly reflects the building patterns of adjacent houses fronting Bristol Road as such, the scheme's relationship with the proposed Plot 4 development would continue to maintain the generous separation distances.

#### Archaeology

- 7.11. I note that the application site is in close proximity to the Pebble Mill Watermill archaeological site. The previous application was supported by an assessment that concluded that the proposed development would not affect the area of archaeological potential. Your Conservation officers have raised no objection to the proposed development and consider that no further archaeological work is required. I concur with this view.

#### Flood Risk and Sustainable Drainage

- 7.12. A Flood Risk Assessment and a Sustainable Drainage Statement have been submitted in support of the application. A detailed hydraulic modelling exercise (undertaken as part of the hybrid planning application for Plot 6 including an extensive flood alleviation scheme) shows that the application site falls outside of the Chad Brook and Bourn Brook flood plain and safe access routes from the site are available outside of the flood plain. With regards to other forms of flooding, the assessment identifies that the site is subject to elevated ground water levels and as such, recommends that any basement construction is made waterproof and that suitable drainage facilities be incorporated in the event that ground water flooding occurs. The Environment Agency has reviewed the flood submission and has raised no objection subject to a condition relating to the implementation of the flood risk assessment recommendations. I concur with this view and relevant drainage conditions are recommended below.
- 7.13. The accompanying sustainable drainage statement identifies that the previous site use (as the BBC) drained to the Bourn Brook at an unrestricted rate. Due to the clay nature of the ground conditions and the elevated ground water level; the assessment identifies that infiltration would not represent a viable means of surface water disposal for the site. However; a fixed discharge rate of 5 litres per second into the Bourn Brook as per the previously agreed surface water strategy is proposed along with cellular storage beneath permeable paving. The LLFA raise no objection to the proposed development subject to the imposition of sustainable drainage conditions. I concur with this view and the relevant conditions are recommended below.

#### Ecology

- 7.14. An ecological assessment was undertaken for the site redevelopment in February 2017. This identified that the site comprises common and widespread habitats that support species of low ecological value and is currently used for the storage of construction materials. The site is noted to have limited potential for roosting bats, nesting birds and no Badger activity was recorded. The City's Ecologist raises no objections and I concur with this view. Safeguarding ecology conditions are recommended.

#### Transport

- 7.15. A Transport Assessment has been submitted in support of the application. Access to the site would be via Mill Pool Way, which connects the two main access points in the form of a priority controlled 'T' junction on Pebble Mill Road and a traffic signal controlled T-Junction. The assessment notes that the site is highly accessible by public transport on both Bristol Road and Pershore Road. It goes on to conclude that the proposed use, in conjunction with the other permitted site uses; would have a negligible impact on traffic flows in both the morning and evening peak hours as it would result in approximately 70 extra two way movements in the am peak and an additional 55 in the pm peak than that previously granted planning permission.
- 7.16. As the end user is yet unknown, detailed car and cycle parking requirements are unknown however, 167 spaces are proposed, compared to the previous 140. Some of these spaces would be provided as tandem parking in order to maximise on-site parking availability. The future occupiers of the building have confirmed that this would be acceptable and commercially operable and would be allocated for staff use only and managed/allocated based on shift patterns. All visitor spaces would be provided as independent parking bays. It is noted that the number of beds and consulting/treatment rooms for the possible use is not known. BCC minimum standards require cycle and motorcycle parking to be provided at one space per 10 members of staff. Whilst the parking requirements will need to be addressed in any future reserved matters submission it is acknowledged that the application site could accommodate the requirement in accordance with the Car Parking Guidelines SPD.
- 7.17. Transportation considers the anticipated parking levels and trip generation levels to be acceptable and I concur with this view. Safeguarding conditions are recommended relating to car park management, construction management and a travel plan.

#### Other Issues

- 7.18. The proposed development does not attract a CIL contribution.
- 7.19. I note the comments received from West Midlands Fire Service; a number of which would be addressed at Reserved Matters stage when further detailed design would have been undertaken and finished parking levels addressed. In relation to fire access with regards to road width and carrying capacity; the submitted access plan shown in the Transport Statement on drawing S1 P1 identifies a radii to the north of 4.5m and to the south to be 3m either side of an access road which is 6m in width, A such, the Regulations required by the Fire Service would be met.

#### 8. Conclusion

- 8.1. The proposed medical facility of either B1(b), C2 or D1 uses or a combination of the proposed uses would be a welcome addition to the Pebble Mill development which has already seen outline permission granted for a private hospital (currently under construction), a private BUPA care home (recently opened) and the relocation of the School of Dentistry and the Dental Hospital. This development would form another part of a growing medical/health park, supporting the aims and objectives of the Selly Oak and South Edgbaston Area in accordance with the BDP. Detailed Scale, Layout, Appearance and Landscaping issues would be dealt with at Reserved Matters stage.
- 8.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would see the development of the remaining vacant

site within the former Pebble Mill site for new medical/research and development facilities and which would provide wider economic and social benefits, whilst supporting the provision of local employment in construction and medical career opportunities and does not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

9. Recommendation

9.1. That outline planning permission with all matters reserved is granted subject to the conditions listed below.

- 
- 1 Requires the submission of reserved matter details following an outline approval
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Requires the prior submission of a contamination remediation scheme
  - 4 Requires the prior submission of a contaminated land verification report
  - 5 Limits the maximum gross floorspace of the unit to 9,000sq.m
  - 6 Requires the implementation of the Flood Risk Assessment
  - 7 Requires the prior submission of a sustainable drainage scheme
  - 8 Requires the prior submission of a drainage scheme
  - 9 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
  - 10 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
  - 11 Requires the prior submission of extraction and odour control details
  - 12 Limits the noise levels for Plant and Machinery
  - 13 Requires the prior submission of hard and/or soft landscape details
  - 14 Requires the prior submission of boundary treatment details
  - 15 Requires the prior submission of a landscape management plan
  - 16 Requires the prior submission of a lighting scheme
  - 17 Requires the prior submission of a construction method statement/management plan
  - 18 Requires the prior submission of sample materials
  - 19 Requires the prior submission of a CCTV scheme
  - 20 Limits the layout plans to being indicative only
  - 21 Requires the prior submission of details of refuse storage
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- 22 Prevents the use from changing within the use class
  - 23 Removes PD rights for telecom equipment
  - 24 Requires a minimum of 10% of parking spaces shall have vehicle charging points.
  - 25 Requires the prior submission of a construction employment plan.
  - 26 Requires the prior submission of a parking management strategy
  - 27 Requires the prior submission of a commercial travel plan
  - 28 Requires the prior submission of details of parking
  - 29 Requires the parking area to be laid out prior to use
  - 30 Requires the prior submission of cycle storage details
  - 31 Implement within 3 years (outline)
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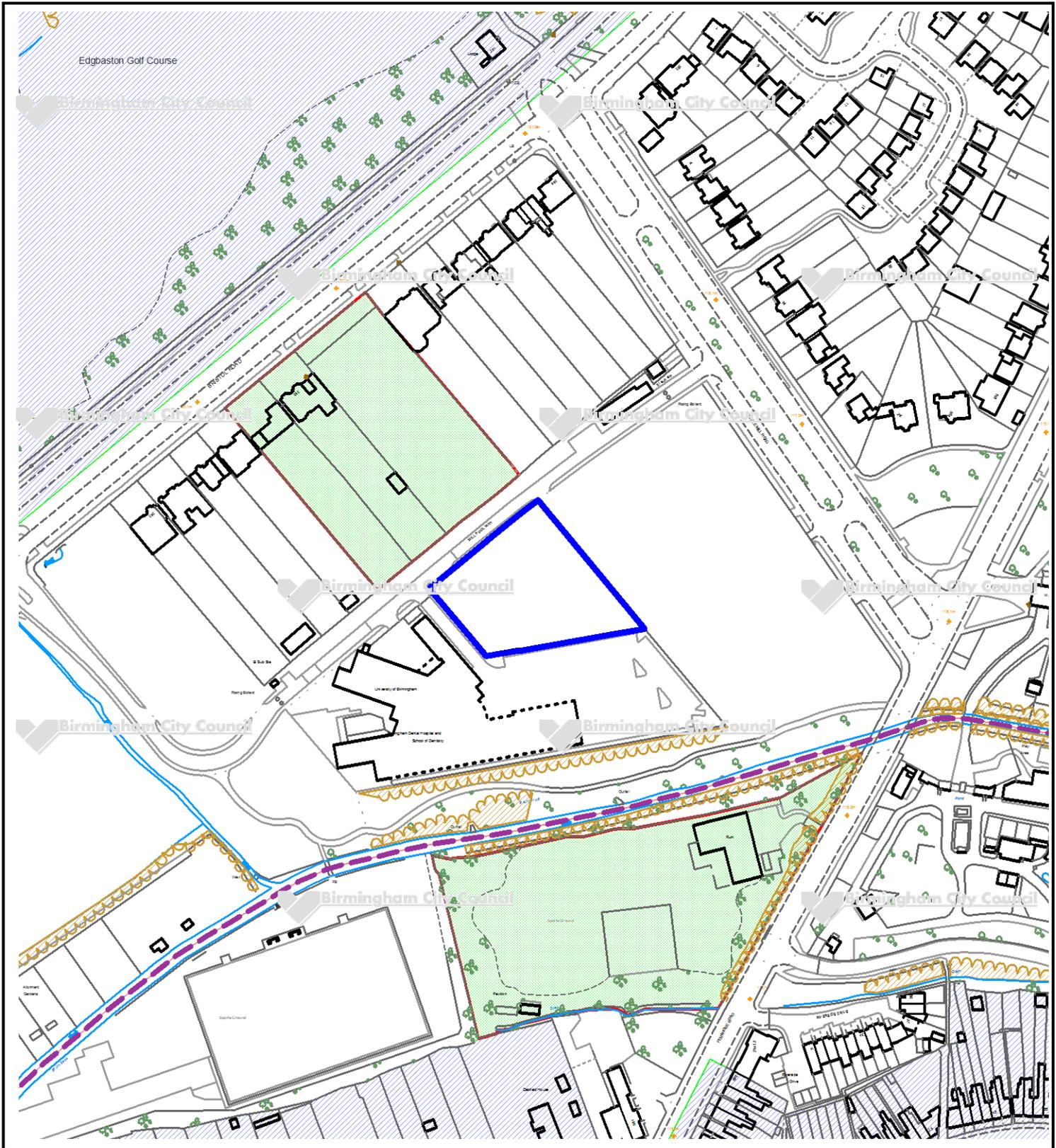
Case Officer: Pam Brennan

**Photo(s)**



Plot 4 and the Dental Hospital/School of Dentistry – looking south west from the site frontage

# Location Plan



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Committee Date: 21/06/2018      Application Number: 2018/01517/PA  
Accepted: 28/03/2018      Application Type: Full Planning  
Target Date: 27/06/2018  
Ward: Frankley Great Park

Reaside Academy, Tresco Close, Rubery, Birmingham, B45 0HY

Construction of a new single storey Junior School for 240 pupils with associated landscaping and car park, and subsequent demolition of the existing school building

Applicant: Education and Skills Funding Agency  
Department for Education, Fourth Floor, Sanctuary Buildings, 20  
Great Smith Street, London, SW1P 3BT  
Agent: Associated Architects LLP  
1 Severn Street Place, The Mailbox, Birmingham, B1 1SE

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Planning permission is sought for the demolition of the existing school and the construction of a new single storey junior school for 240 pupils (2 Form Entry) with associated landscaping and car park. The school has been selected for a whole school building replacement under the Governments Priority School Building Programme. At present, the building is oversized for its current purpose, significantly run down, difficult and expensive to maintain; and due to being set over a variety of levels is considered to be unfit for purpose as a modern, inclusive primary school environment.
- 1.2. The existing school is a 2 form entry for 240 pupils and will be maintained at this level after construction. The school offers places from Year 3 to Year 6, with intake from the nearby Holly Hill Infant School.
- 1.3. The existing school building is located approximately in the middle of the application site and is split across varying levels due to the existing site. The proposed new school building would be located to the north of the existing school and would be constructed on an existing hard surfaced play area, green space and the staff car park. The staff car park would be relocated to the south of the new school and accessed from the existing Tresco Close access point. Following demolition, which would occur following construction of the new school building, the existing school site would provide a new grassed pitch area with a further two existing hard surfaced play courts to remain to the south.
- 1.4. The proposed school building would have a gross internal floor area of 1,329sq.m (compared to the existing 2,328.7sq.m) and would comprise 8 classrooms; a food/science/design and technology room; 5 staff rooms/offices; break out areas; 4

group rooms/special educational needs rooms; library, store rooms, first aid room, toilets and school hall with associated plant rooms, stores and kitchen with servery.

- 1.5. The school would be 'L' shaped with the foot of the 'L' fronting Tresco Close/Ormond Road to the east, and housing the hall and staff/office areas. The remainder of the building fronts north to the River Rea and the rear of residential properties in Lismore Close. The building would measure 58m in width fronting Lismore Close and 36.5m fronting Ormond Road/Tresco Close. The school would be single storey and would have a maximum height of approximately 7m.
- 1.6. The hall area of the new school building would be flat roofed with the roof incorporating a hidden plant deck. The main school would have a grey mono-pitched standing seam roof. The main school entrance would be marked by a canopy following the line of the roof apex, with a flat canopy adjacent. The main school would be white rendered with a 900mm dark brick base with the hall and entrance timber clad. All classrooms would have an external door allowing direct access to outside and full height windows.
- 1.7. A swale and habitat area would be created in the north east corner of the application site, whilst the existing surface water run-off is collected via a piped system that outfalls into the River Rea and this would be maintained.
- 1.8. The site currently comprises of 46 trees, 5 groups of trees and a hedgerow. The proposed school would require the likely removal of 12 trees comprising 8 category 'C' trees, 3 category 'B' trees and 1 'U' Category tree. These trees are located where the new school and car park are to be located and next to the existing school. The 12 trees comprise 4 Norway Maple, 1 Snake Bark Maple, 5 Silver Birch, 1 Sycamore and 1 Field Maple.
- 1.9. 20 car parking spaces are currently provided within the school site, with 23 proposed as a result of the proposed development.
- 1.10. 60 staff currently work at the site (this includes non-teaching staff) comprising 30 full time and 30 part time. This would remain as existing.
- 1.11. A Tree Survey, Ecological Assessment, Transport Statement, Flood Risk Assessment, Energy Statement, Foul and Surface Water Drainage Strategy and a Design and Access Statement are submitted in support of the application.
- 1.12. Site area: 1.7Ha.
- 1.13. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The existing school building is a purpose built middle school constructed alongside the wider Frankley Estate in the mid 1970's and is a mix of construction types with primarily metal cladding.
- 2.2. The school is located approximately in the middle of the application site and is split across varying levels due to the existing site. The main access and school entrance is currently and would remain located off Tresco Close with a further pedestrian access located to the south of the school buildings, off New Inns Lane. Two existing

hard surfaced courts/play areas are located to the south of the school building whilst a further area is located to the north west of the school building.

- 2.3. The site slopes from south to north with a variation of 9 metres across the site.
- 2.4. The site is located in a residential area with residential properties bordering the site to the east, north and west by Ormond Road, Tresco Close, Lismore Close and Woodham Close. New Inns Lane is to the south.
- 2.5. A high pressure gas pipeline runs alongside the sites eastern boundary and adjacent to 32 Tresco Close runs inside the application sites eastern boundary.
- 2.6. [Site Location Map](#)

### 3. Planning History

- 3.1. 24 July 1997. 1997/01789/PA. Planning permission granted for the erection of 2.4m high green powder coated palisade fencing around all of perimeter.
- 3.2. 11 February 1999. 1998/05246/PA. Planning permission granted for the installation of CCTV system to premises, including 2, 6m columns for cameras.

### 4. Consultation/PP Responses

- 4.1. Local residents; Ward Councillors for the former Longbridge Ward; MP and Local Resident Associations Notified. Four Site Notices and a Press Notice posted. The site notices were posted adjacent to the site in Ormond Road and on lampposts outside 81 New Inns Lane, 30 Woodham Close and 5 Tresco Close.
- 4.2. 3 letters have been received comprising 1 support, 1 objection and 1 comment.
- 4.3. The letters of comment and objection relate to the impact of parking locally at school drop off and pick up time, and the increase in traffic, noise and disturbance.
- 4.4. The letter of support states that the proposed development is a much needed improvement that would provide better facilities with the benefits of the scheme outweighing the short term building work and traffic.
- 4.5. Severn Trent Water – no objection subject to a drainage safeguarding condition.
- 4.6. Lead Local Flood Authority – no objection subject to a sustainable drainage safeguarding condition.
- 4.7. Regulatory Services – no objection subject to conditions relating to extraction and odour control, plant and machinery noise, vehicle charging and hours of use of play areas.
- 4.8. Transportation – no objection subject to safeguarding conditions relating construction management and a school travel plan.
- 4.9. Local Services - No objections on behalf of the service subject to there being no overall loss of external play space within the rebuilt school site. I note that the applicant is in discussion with Sport England about a new tennis provision on the site as replacement for the existing hard games courts to be lost.

- 4.10. Sport England - Sport England raises no objection to this application which is considered to meet exception 4 (E4) of our adopted Playing Fields Policy, subject to conditions relating to the phasing of the implementation of the replacement playing field to be provided as soon as is reasonably practicable following de-cant into the new school building and subsequent the demolition of the existing school building and to secure further details of the replacement playing field being provided to meet the guidance contained in 'Natural Turf for Sport' to ensure it is provided to an appropriate specification with appropriate maintenance.

5. Policy Context

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

6. Planning Considerations

Policy and Principle

- 6.1. Policy TP36 of the Birmingham Development Plan states that *“proposals for the upgrading and expansion of existing schools and development of new schools in locations where additional provision is required will be supported”* where the school has safe access by cycle and walking; has safe drop-off and pick-up provision; provides outdoor facilities for sport and recreation and avoids conflict with adjoining uses.
- 6.2. Paragraph 72 of the NPPF identifies that the Government attaches *“great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities”* and that Local Planning Authorities should *“give great weight to the need to create, expand or alter schools.”*
- 6.3. Planning permission is sought for the demolition of the ageing school buildings on site and their replacement with a new, modern single storey school building under the Government’s Priority School Building Programme. The replacement school would also allow the improvement of sport and recreation facilities on site whilst maintaining the existing access and drop-off/pick-up provisions. On this basis, I consider that the proposed development would be in accordance with both BDP and NPPF policy in relation to the upgrading of existing schools.

Scale, Design and Impact on Residential Amenity

- 6.4. The existing school building is located approximately in the middle of the application site and is split across varying levels due to the existing site. The proposed new school building would be located to the north of the existing school and would be constructed on an existing hard surfaced play area, green space and the staff car park. The staff car park would be relocated to the south of the new school and accessed from the existing Tresco Close access point. Following demolition, which would occur following construction of the new school building, the existing school site would provide a new grassed pitch area with a further two existing hard surfaced play courts to remain to the south.
- 6.5. The proposed school building would have a gross internal floor area of 1,329sq.m (compared to the existing 2,328.7sq.m) and would comprise 8 classrooms; a food/science/design and technology room; 5 staff rooms/offices; break out areas; 4

group rooms/special educational needs rooms; library, store rooms, first aid room, toilets and school hall with associated plant rooms, stores and kitchen with servery.

- 6.6. The school would be 'L' shaped with the foot of the 'L' fronting Tresco Close/Ormond Road and housing the hall and staff/office areas with the remainder of the building fronting the River Rea and the rear of residential properties in Lismore Close. The building would measure 58m in width fronting Lismore Close and 36.5m fronting Ormond Road/Tresco Close. The school would be single storey and would have a maximum height of approximately 7m.
- 6.7. The hall area of the new school building would be flat roofed with the roof incorporating a hidden plant deck. The main school would have a grey mono-pitched standing seam roof. The main school entrance would be marked by a canopy following the line of the roof apex, with a flat canopy adjacent. The main school would be white rendered with a 900mm dark brick base with the hall and entrance timber clad. All classrooms would have an external door allowing direct access to outside and full height windows.
- 6.8. The layout of the school site and positioning of the proposed new buildings has been the subject of extensive discussion in order to achieve the optimal layout for the school and minimise and improve the impact that the proposal may have on adjacent residential occupiers. The scale of the proposed new build elements are in keeping with the adjacent residential development, which is primarily two storey. As such, I consider the scale of the proposed development to be acceptable. In terms of layout, the proposed development would alter the orientation of the school building and its position on site to the benefit of adjacent residential occupiers and on this basis; I consider that the proposed development would have a beneficial impact on adjacent occupiers in the longer term. The school building would be moved further away from the majority of existing residential occupiers that border the site and would be 27.5m from 1-5 Tresco Close, 58m from 11 Ormond Road, 48m from Lismore Close and 21m from the closest property in Woodham Close at number 27. Regulatory Services have raised no objections to the proposal in terms of residential amenity subject to a number of safeguarding conditions, the majority of which are recommended below. However, Regulatory Services requested an hours of use condition in relation to the play spaces. The school does not currently have restrictions of this nature in relation to play space use. Given the location of play space/pitches; that two of them remain as per existing and that the space would be no closer to residential properties than existing play space, I do not consider it reasonable or necessary to restrict the hours of operation.
- 6.9. The design and palette of materials of the new building is considered acceptable and would provide a modern feel to the new school and its external appearance. My City Design Advisor and I consider that the proposed building has a better relationship to the street than the existing, that it works well internally, the scale and massing seem appropriate and that the architecture is well considered. On this basis, I consider the design of the proposal to be in keeping with its surroundings.

#### Highway and Transportation Issues

- 6.10. A Transport Statement has been submitted in support of the application. This identifies that the school is located on the main bus corridor along Ormond Road. Ormond Road is also subject to a number of traffic calming measures including junction build outs, chicanes and rumble strips. Bus routes 63, 202, X61, 19 and 49 stop at the bus stop located 130m from the site entrance providing good accessibility to the school by public transport. The Statement identifies that there is no significant

existing accident history or pattern within the vicinity of the school that would indicate an inherent road safety issue that would prevent the construction of the school in the location proposed nor is there an increase in staff and pupil numbers that would have an impact on the local road network. The nearest bus stop is located 100 metres from the school gate providing good accessibility to the school by public transport. Footways of 2 metres are provided on all local roads providing good pedestrian accessibility whilst the National Cycle Network runs along Ormond Road.

- 6.11. Providing vehicular access to the school, and running to the east of the school site is Tresco Close with footways on both sides. On-street parking is available along Tresco Close. There is also a pedestrian entrance to the school off New Inns Lane to the south.
- 6.12. Parking at the site would increase slightly from the current 20 spaces to 23, including 1 space suitable for disabled use. No highway changes are proposed, with the existing access retained. It has also been adequately demonstrated that a refuse vehicle can serve the site. Transportation has raised no objections to the proposed development at this site, providing a like for like replacement school. With no change to staff or pupil numbers it is not expected existing levels of traffic & parking demand will alter. Secure & sheltered cycle storage is offered in line within BCC minimum standards with a 28 space covered store adjacent to the car park. Parking on street within Tresco Close and beyond along Ormond Road is unrestricted, with the exception being the School Keep Clear markings protecting the vicinity of the access. Regular buses run along Ormond Road throughout the day.
- 6.13. I note the objection and comment received relating to traffic and parking relating to existing traffic & parking issues at school drop off/collection times. However, as already outlined, little would change from the existing school operation. Conditions are recommended below to address construction management and a school travel plan that should identify existing issues and provide an action plan to take steps towards addressing them
- 6.14. I concur with the views of Transportation and consider the proposed development to be acceptable and in accordance with policy in relation to highway safety.

#### Drainage and Flood Risk

- 6.15. The accompanying Flood Risk Assessment (FRA) and Foul and Surface Water Drainage Strategy identifies that the site is located in Flood Zone 1 whereby the risk from river or tidal flooding is extremely low. The FRA also identifies that the site is at low risk of surface water flooding. The proposal would see foul water discharged into the existing sewer system whilst surface water is would be collected by way of rain water pipes, gullies and drainage channels into a dedicated below ground surface water drainage system before connecting into the existing system and discharging into the River Rea. A swale and habitat area is proposed in the north east corner of the site providing further attenuation storage.
- 6.16. The LLFA and Severn Trent Water are in acceptance of the principles of the Drainage Strategy subject to drainage conditions including the pre-commencement submission of a Sustainable Drainage Operation & Maintenance Plan.
- 6.17. I consider that the flood risk and drainage strategy is acceptable in principle and recommend the requested LLFA, Severn Trent and development in accordance with the submitted FRA conditions outlined below.

## Trees, Ecology and Landscaping

- 6.18. An arboricultural assessment and preliminary ecological appraisal have been submitted in support of the application. The arboricultural assessment identifies that the site currently comprises of 46 trees, 5 groups of trees and a hedgerow. Within the assessment, only one tree is proposed for removal being a Category U Field Maple. However, the proposed school would require the likely removal of 12 trees comprising 8 category 'C' trees, 3 category 'B' trees and 1 'U' Category tree. These trees are located where the new school and car park are to be located and next to the existing school. The 12 trees comprise 4 Norway Maple, 1 Snake Bark Maple, 5 Silver Birch, 1 Sycamore and 1 Field Maple. No landscaping details have been submitted as part of the application however these can be secured by condition whereby the Local planning Authority can ensure an appropriate mitigation scheme with replacement trees is secured.
- 6.19. My Arboricultural Officer comments that *"the proposal layout shows trees in locations that do not agree with the tree survey or the apparent locations from overhead photography. Some of these may be new trees proposed but that is not clear. From the tree survey overlaid onto the proposal, trees T1 to T6 (C category), T10 (C cat), T11(B cat), T16 (C cat and very small) and T51, T52 (B cat) would need to be removed. T41 is close to the existing building and there would need to be some reworking of levels near to it but, unless the low bank in this area is to be flattened then there does not appear to be any reason to remove the tree and the small associated group. Overall, the removals are mostly C cat and the removal of these and the 3 B cat trees would be agreeable with replacements. There is scope to replace the trees alongside the new car park and/or around the swale area. The hard surfacing within the RPA of T9 should be avoided. There is an overlap of the RPA in the proposal which seems relatively easy to avoid."* A safeguarding condition relating to the submission of an arboricultural method statement is requested by my Arboricultural Officer and is recommended below.
- 6.20. I consider the proposed development to be acceptable and in accordance with relevant policy objectives relating to trees and landscape issues.
- 6.21. In relation to ecology, the preliminary ecological appraisal identified one tree that had the potential for roosting bats however this tree is retained within the proposal. The appraisal also identified that the site hosts no notable flora or fungi species or an invasive plant species. In terms of fauna; the appraisal identifies that the presence of notable invertebrates, amphibians, reptiles and badgers on site is negligible. However, the site is likely to support active bird nests and hedgehogs. The City Ecologist raises no objections and recommends a condition requiring the submission of a scheme for ecological/biodiversity/enhancement measures. I concur with this view and the relevant ecology condition is recommended below.

## Other Issues

- 6.22. Sport England has been consulted on the application as the proposed development involves the loss of playing field that has been actively used within the last five years. The proposal seeks consent for the demolition and re-development of the school, involving the loss of an existing hardcourt area that measures approximately 35m x 35m, set within a larger area that is considered to constitute playing field being over 0.2 hectares in area and capable of accommodating a mini football pitch. There is no evidence to indicate that there has been a playing pitch parked out on the playing field previously. The hardcourt area provides two netball courts (34.5m x

18.25m) and mini football. The applicant has confirmed that this is not the case, and that there is no current community use of the site for sport.

- 6.23. Following discussions with the applicant, an amended plan (AAR-P1-ZZ-SI-A-9001 Rev H) has been provided to show that a new area of playing field would be provided to the south of the new school building, with provision of a mini U7-8 football pitch (43m x 33m with run off). The existing hard courts to the south of the site would be unaffected by the proposed development and would be retained. The school also have a large area of playing field containing various playing pitches to the south side of New Inns Lane within Bromsgrove.
- 6.24. Based on the provision outlined above, Sport England has raised no objections to the proposed development subject to a number of safeguarding conditions relating to the provision of new playing field and the mini U7-8 football pitch. These conditions are recommended below.
- 6.25. I note the location of the high pressure gas line that runs within and alongside the eastern boundary of the application site. The proposed development is unlikely to impact on the pipeline as development is not proposed near to or adjacent to its location. The proposed new school would be located further from the pipeline route than the current school location. As the route within the site runs alongside the eastern boundary to the rear of residential properties 32-40 and 63 Tresco Close which is located under tree cover, I consider it unlikely that site compounds and temporary car parking would be located in pipeline area.
- 6.26. The proposed development does not attract a CIL contribution.

## 7. Conclusion

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

## 8. Recommendation

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

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

2 Requires the implementation of the Flood Risk Assessment

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- 3 Requires the prior submission of a sustainable drainage scheme
  - 4 Requires the prior submission of a drainage scheme
  - 5 Requires the submission prior to occupation a Sustainable Drainage Operation and Maintenance Plan
  - 6 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
  - 7 Requires the prior submission of extraction and odour control details
  - 8 Limits the noise levels for Plant and Machinery
  - 9 Requires the prior submission of hard and/or soft landscape details
  - 10 Requires the prior submission of a construction method statement/management plan
  - 11 Requires the prior submission of sample materials
  - 12 Requires prior submission of phasing details
  - 13 Requires submission of playing field details
  - 14 Requires the submission of a playing field maintenance schedule
  - 15 Requires the submission of a school travel plan
  - 16 Requires the prior submission of cycle storage details
  - 17 Requires the provision of a vehicle charging point
  - 18 Arboricultural Method Statement - Submission Required
  - 19 Implement within 3 years (Full)
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Case Officer: Pam Brennan

## Photo(s)



Photograph 1: View of existing school from Tresco Close looking west

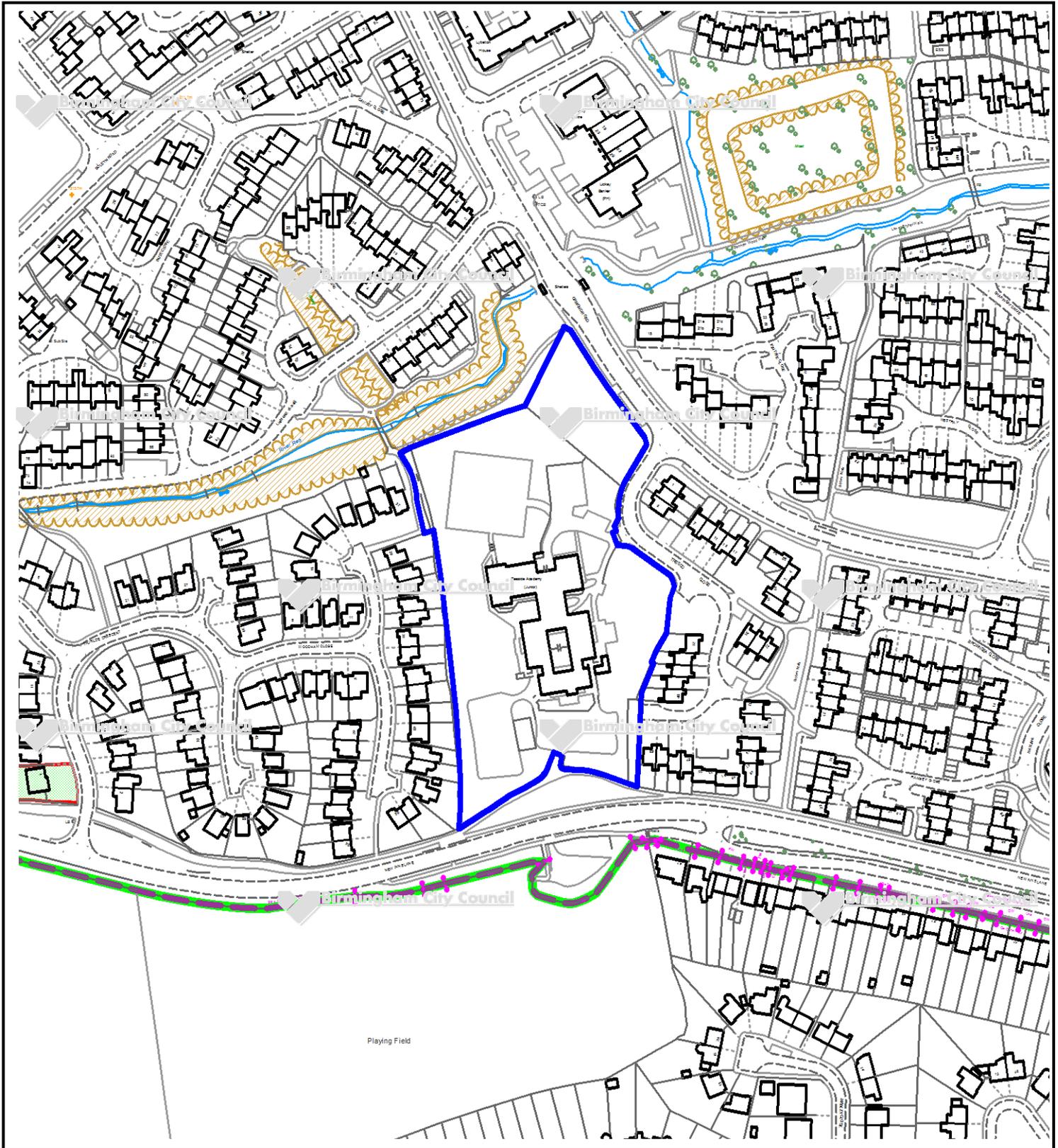


Photograph 2: Existing access off Tresco Close



Photograph 3: View of school and playground from New Inns Lane looking north

# Location Plan



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# Birmingham City Council

## Planning Committee

21 June 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	14	2016/10285/PA  Land off Old Oscott Hill Kingstanding Birmingham B44 9AG  Outline planning application for up to 14 bungalows (with ancillary parking and amenity space, site infrastructure and realignment of road between Servite House and Maryvale Catholic Primary School/Maryvale Convent) with all matters reserved.
Approve – Conditions	15	2018/01756/PA  Land adjacent to Manor Drive Sutton Coldfield Birmingham B73 6ER  Erection of one detached dwelling with associated access and parking
Prior Approval Required Approve – Conditions	16	2018/03677/PA  Osborne Tower Gladstone Street Aston Birmingham B6 7DA  Application for prior notification of proposed demolition of 16 storey tower block

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Committee Date:	21/06/2018	Application Number:	2016/10285/PA
Accepted:	30/11/2017	Application Type:	Outline
Target Date:	01/04/2018		
Ward:	Oscott		

**Land off Old Oscott Hill, Kingstanding, Birmingham, B44 9AG**

Outline planning application for up to 14 bungalows (with ancillary parking and amenity space, site infrastructure and realignment of road between Servite House and Maryvale Catholic Primary School/Maryvale Convent) with all matters reserved.

Applicant: The Archdiocese of Birmingham  
Cathedral House, St Chad's Queensway, Birmingham, B4 6EX  
Agent: First City Limited  
19 Waterloo Road, Wolverhampton, West Midlands, WV1 4DY

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. The applicant seeks outline planning permission for the principle of the erection of up to 14 bungalows with ancillary parking and amenity space and site infrastructure on a piece of land that is primarily currently sealed off and covered by vegetation and trees, with all matters reserved.
- 1.2. In order to try and demonstrate the site would be capable of accommodating a scheme of the size and nature sought under this outline application, the submitted plans indicate a residential scheme comprising 14 units would be laid out in pairs of semi detached dwellings along a new service road to be established within the main part of the site. That new service road would link to part of Old Oscott Hill that currently runs between Servite House and Maryvale Catholic Primary school. That part of Old Oscott Hill would be realigned as part of the proposal.
- 1.3. The indicative plan proposes a modification to one of the footpaths that runs alongside that part of Old Oscott Hill to be realigned as well as the removal of the footpath the other side. It is proposed to extend the footpath that would run within the main part of the site (to the front of the proposed houses) so as to allow it to connect to the retained/modified footpath along the realigned part of Old Oscott Hill.
- 1.4. The indicative site layout would provide a turning head at one end of the new road with the houses facing onto that road. Each dwelling would be set back from the pavement in front and benefit from a rear garden and garage to the side.
- 1.5. The applicant has provided the following documents as supporting information with this application:- Built Heritage Statement; Transport Statement, Travel Plan, Badger

Survey, Planning Statement, Preliminary Ecological Assessment, Arboricultural Survey and SUDS review.

- 1.6. The site area is 0.57 hectares. The development of 14 units would represent a density of approximately 24 units per hectare.
- 1.7. This application follows the approval in 1998 for the erection of 20 bungalows and garages, construction of access road and means of access to highway. That consent has since lapsed and the applicant is now seeking to establish residential development on the site through this revised application.

1.8. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The main part of the site is largely a former orchard associated with the neighbouring convent and is currently overgrown. To the north of the site are houses on Templeton Road. To the north east is a small burial ground and then Cardinal Wiseman Catholic Technology College, to the south of the main part of the site is a convent and also Servite House (containing residential apartments), to the south west is Maryvale Catholic Primary School whilst to the west is Maryvale convent which is a grade II\* listed building.
- 2.2. Part of Old Oscott Hill that has been incorporated into the application boundary is a private road owned by the applicant but also is a Public Right of Way (PROW) on foot only and Highway Maintainable at Public Expense (HMPE) only for the purpose of the footpath. The road element is a private vehicular access that is not HMPE. The general public at large have the right to walk the route but not drive. Those that have permission from the landowner can drive onto the land for whatever purpose this permission has been granted for.

2.3. [Site location](#)

## 3. Planning History

- 3.1. 18.10.2006- 2006/05715/PA- Erection of 20 number bungalows and garage and construction of access- withdrawn invalid application.
- 3.2. 15.03.2001- 2000/05853/PA- Erection of 20 bungalows and garages, construction of access road and means of access to highway (approval of outstanding reserved matters and of amended siting and access details)- approved subject to conditions.
- 3.3. 10.12.1998- 1998/03180/PA- Erection of 20 bungalows and garages, construction of access road and means of access to highway- approved with conditions.

## 4. Consultation/PP Responses

- 4.1. Surrounding occupiers, local councillors and local MP and community group notified as well as press and site notices displayed- 1 letter of objection received from Maryvale Junior and Infant School on Old Oscott Hill- They object to the scheme on the following grounds:-

- Impact on safety and well being of children,
- the road proposed to access the bungalows is used by parents and holds the main access to school for children, this road is extremely busy and is already a danger to children,
- the playground entrance is also the main entry for emergency vehicles therefore this area should be kept clear, the road is not wide enough as it is and is very difficult at the best of times to access due to vehicles parked in the road,
- parents also use the walk way at the back of the proposals (to block this would cause difficulties for parents getting their children to school),
- complaints from residents about parking will increase as no cars will get past at the start and end of the school day as the road is totally blocked,
- worry that the children will get knocked if pavements are narrowed and looking at plans this seems to be the case these concerns are shared by several parents.

4.2. 1 letter of concern submitted by solicitors on behalf of Sister of Blessed Virgin Mary at 99 Old Oscott Hill. They state that they do not object in principle to the proposed development of 14 one bedroom single storey dwellings on this site and note the density of the housing and the height of the homes in this location appears appropriate in this setting. They state that as this application is an outline application with all matters reserved they wish to register their clients' comments and suggestions with the local planning authority and the landowners/their agents so that modifications can be made at reserved matters stage, and suitable conditions can be imposed. They further state that:-

- The Sisters are an enclosed contemplative community who spend their lives in prayer. It is critical, therefore, that when the final design of the development is being prepared appropriate consideration is given to the use of the adjoining land to prevent noise nuisance and any loss of privacy with particular focus on the potential impact arising from plots 13 and 14 as they state the land immediately next to these plots (belonging to the Convent) is used as an enclosed garden for quiet prayer and reflection.
- Request that when considering appropriate conditions for the planning permission the local planning authority should require a Construction Management Plan containing agreed hours of construction.

4.3. 1 response received from Councillor Linnecor who requests the application be presented before committee.

4.4. 1 response received from Councillor Dring who objects to this application on the basis that she states this is a Right of Way and there is some confusion as to who owns this Road and because there are also major traffic and parking issues and being in close proximity to local schools raises a safeguarding issue and keeping children safe.

4.5. Transportation Development- raise no objection to the proposal subject to amendments / conditions relating to the need for a 278 agreement, an agreement/arrangement to fund the review and implementation of Traffic Regulation Orders and that vehicle and pedestrian visibility splays are provided and maintained.

4.6. Regulatory Services- no objections to make, subject to conditions relating a Construction Method Statement/Management Plan; Contamination Remediation Scheme, Contaminated Land Verification Report and the provision of a vehicle charging point.

- 4.7. LLFA- no objection subject to conditions relating to the need to provide surface water drainage and SUDS information and a Sustainable Drainage Operation and Maintenance Plan.
- 4.8. Severn Trent- no objections to the proposals subject to a condition relating to foul and surface water flows.
- 4.9. Leisure Services- No objection.
- 4.10. WM Fire Service- No objection and advise that water supplies should be in accordance with guidelines.
- 4.11. NHS Heart of England Foundation Trust- request a contribution in accordance with Regulation 122 for a contribution of £ 683 per dwelling (£9,562 in total). State that without the contribution the development is not sustainable and should be refused.

## 5. Policy Context

- 5.1. Saved UDP(2005) policies; BDP (2017), SPG Places for Living, SPD Car Parking Guidelines and NPPF.

## 6. Planning Considerations

- 6.1. The proposed development gives rise to a number of planning issues which are discussed below.
- 6.2. Principle- The main part of the application site is largely sealed off and overgrown whilst the part of Old Oscott Hill that forms part of the application site is, in parts, currently in a poor state of repair. The site is set in an area primarily comprising residential units as well as religious and education buildings. Therefore, the principle of developing the site for residential purposes is acceptable. Members are also reminded that the site was previously granted consent under an outline approval for the erection of 20 bungalows in 1998 and has since lapsed.
- 6.3. Design/visual amenity- though this application solely seeks approval for the principle of the use with all matters reserved, I consider it is appropriate to evaluate the indicative scheme to assess, even on an informal basis, to gauge whether a scheme of upto 14 bungalows that the applicant seeks could be accommodated on the site in a reasonable manner. This will give confidence in the ability that a future reserved matters application could be delivered.
- 6.4. The indicative layout provided shows that a development of regularly spaced bungalows could be established on the site with dedicated off street parking capacity (200% parking). The general arrangement shown and the indicative elevations provided show that a low key scheme is not likely to undermine the amenity of the surrounding area (including the grade II\* listed Maryvale convent to the west) and fit in with the surrounds with no adverse impact on the setting of the Listed Building.
- 6.5. Whilst there are trees on the site, many of which will be removed by the development, the proposal would allow for the retention of many trees including in groups and in prominent locations. The trees to be removed, as shown on the indicative plan, are mainly lower category C and U trees. The site does not have any

TPO's and neither is it part of a Conservation Area. It is considered the submitted Tree report is satisfactory. It is considered that should consent be given replacement planting as part of landscape scheme should be sought. No tree conditions are considered to be required at this stage and the tree officer concurs with this view.

- 6.6. Neighbour amenity- All the bungalows on the indicative layout plan would achieve minimum distance separation of at least 5 metres to the rear gardens of the houses on Templeton Road to the north. This separation distance accords with minimum distance separation guidance contained within adopted SPG Places for Living.
- 6.7. The typical indicative internal layout for the bungalows shows that the internal floorspace of each unit would exceed both the overall floorspace size standard for a one double bedroom unit whilst the size of the bedroom would also exceed the minimum size for a double bedroom as set out in Technical housing standards- nationally described space standard.
- 6.8. All the bungalows would have an external private amenity area greater than 52 sq.metres which is the minimum size guide set out for 2 bedroom dwellings in adopted SPG Places for Living, with the exception to units 6, 7, 8, 9 and 14 which would be provided with gardens measuring between 49 and 50 sq.m. I therefore consider the site has the capability of providing a satisfactory level of amenity area per dwelling when submitted for consideration at reserved matters stage.
- 6.9. Highways- The application is proposing alterations /improvements to this part of Old Oscott Hill, which will provide a continuous 1.8m wide footway along the west side connecting to the existing PROW (running partly adjacent to the application site). It is not known whether the proposed new access-road would be for adoption as Highway Maintainable at Public Expense (HMPE).
- 6.10. On the basis of the submitted Transport Statement the development would be expected to generate 5 two-way trips per day per dwelling, the proposal is likely to lead to an increase of approximately 70 vehicle trips during the day. The approximate trips during peak hour would likely to be in the regions of 9 – 10 trips. It is considered that this level of increase in traffic would unlikely to have a severe impact on surrounding highways.
- 6.11. The application is proposing 200% parking provision including the garages though these have an indicative internal width of 2.4m. This matter will be addressed in relation to the final layout proposed upon the receipt of a reserved matters application.
- 6.12. Transportation Development requests measures to prevent parking on the entire length of the improved public footpath along this part of Old Oscott Hill / service road e.g. TRO's and pedestrian drop kerbs where it crosses some vehicular accesses, including the vehicular access to the school. This can be secured by condition. Whilst the road realignment once complete will not extinguish the current PROW over it, it is noted that a short length of the proposed public footpath (western pavement) falls outside the extent of the current PROW. Therefore, this section will need to be dedicated as a public footpath.
- 6.13. Other matters- Regulatory Services raise no objections, subject to conditions including the provision of a vehicle charging point. This is supported by wider BDP policy related to tackling climate change, but not considered necessary on this occasion as the bungalows would have off street parking and future occupiers could easily provide charging facilities as they so wish from their properties.

- 6.14. Overall, the proposal is a compliant land use and is not expected to have any adverse environmental impact, including that related to noise and disturbance.
- 6.15. Ecology- The site is broadly L shaped and consists of open ground with ruderal vegetation, scrub and woodland. The site has been identified as a potential site of interest by the wildlife trust and as such is considered as part of the wider ecological network when we consider the ecological impact of development within the city. A Preliminary Ecological Appraisal was undertaken of the area and found that although the site has some intrinsic value for wildlife in general, given that the site is surrounded by mature suburbs and gardens, its overall importance in the landscape is not significant. My Ecological advisor concurs with this view.
- 6.16. There are a significant number of trees on site but these are mostly of a relatively young age and offer little in the way of roosting opportunities for bats although the overall area especially the boundaries offer some foraging opportunities.
- 6.17. A number of mammal holes were noted during the Preliminary Ecological Appraisal, these were considered to have been excavated by Badgers and a badger survey was subsequently undertaken to establish any use and levels of activity. The results of this survey indicate that Badgers are not present on site but one of the holes had been used (intermittently) by Fox.
- 6.18. In order for the development to proceed the majority of the trees on site will need to be removed. To compensate for this a landscaping plan has been produced which indicates the retention of some trees and sections of hedge, additional tree planting and enhancement of the hedge lines with native species. This is welcomed and the greater diversity of tree species will compensate to an extent for the loss of the trees. The shrub and other soft landscape elements including the attenuation area will add to the overall value for wildlife through the addition of pollinator friendly species and new habitats.
- 6.19. It is recommended that a landscape scheme, secured under reserved matters is submitted, agreed and implemented to enhance the ecological value of the site. With respect to lighting is to be installed consideration to ensuring that the rear gardens and soft landscaped areas are kept at minimum lux levels to ensure the longer term viability for bat foraging is recommended. This could be secured through a lighting condition. My Ecological advisor concurs with these views.
- 6.20. I note the request received from the NHS Trust, for a sum of £9,562. Members are reminded of the verbal update provided to Planning Committee on 24<sup>th</sup> May, on this matter. Our position is that we do not consider the request would meet the necessary tests for such Section 106 contributions. Discussions with the relevant Trust are continuing on this matter, in order for us to understand more fully their planned investments in the City and how we might best be able to support that.
- 6.21. Consultation and public participation responses- The issues raised in the response received in relation to the public participation process relate in the main to the issues of parking/highway safety and noise and disturbance. I consider these matters have been carefully considered in this report and subject to safeguarding conditions and satisfactory reserved matters details being provided are not considered to be issues that warrant refusal of this application.

7. Conclusion

- 7.1. The proposal would bring forward for development a site that has in the past been issued with planning permission for new residential development. This scheme will be at a lower density than the previous consent and I consider applicant has demonstrated that the site has the scope to satisfactorily accommodate upto 14 bungalows.

8. Recommendation

- 8.1. That the application is approved subject to conditions.

- 
- 1 Requires the prior submission of a contamination remediation scheme
  - 2 Requires the prior submission of a contaminated land verification report
  - 3 Requires the prior submission of a construction ecological mitigation plan
  - 4 Requires the prior submission of hard and/or soft landscape details
  - 5 Requires the prior submission of hard surfacing materials
  - 6 Requires the prior submission of boundary treatment details
  - 7 Requires the prior submission of a lighting scheme
  - 8 Requires the prior submission of sample materials
  - 9 Requires the prior submission of level details
  - 10 Requires the prior submission and completion of works for the S278/TRO Agreement
  - 11 Requires the prior submission of a construction method statement/management plan
  - 12 Limits the layout plans to being indicative only
  - 13 Prevents occupation until the service road has been constructed
  - 14 Prevents occupation until the turning and parking area has been constructed
  - 15 Requires vehicular visibility splays to be provided
  - 16 Requires pedestrian visibility splays to be provided
  - 17 Requires the prior submission of of a detailed drainage scheme.
  - 18 Requires the submission of a Sustainable Drainage Operation and Maintenance Plan
  - 19 Requires the submission of foul and surface water flow details
  - 20 Restricts development of dwellings associated with this outline approval to single storey dwellings only.
-

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- 21 Requires an agreement/arrangement to fund the review and implementation of TROs
  - 22 Requires the submission of reserved matter details following an outline approval
  - 23 Requires the scheme to be in accordance with the listed approved plans
  - 24 Implement within 3 years (outline)
- 

Case Officer: Wahid Gul

**Photo(s)**

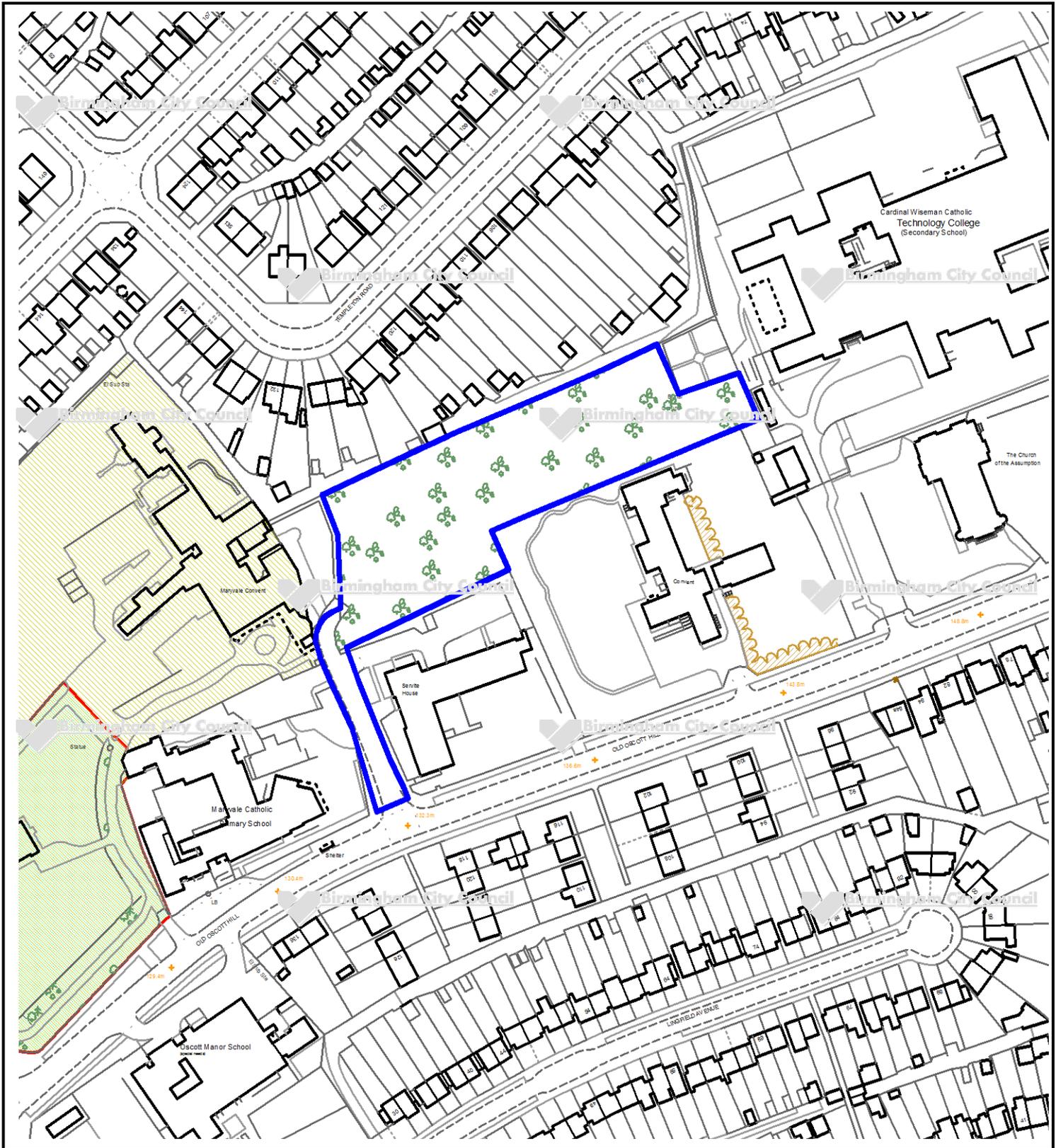


Photo 1 - View looking towards the main part of the site



Photo 2 - View looking at end of Old Oscott Hill service road

# Location Plan



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Committee Date: 21/06/2018      Application Number: 2018/01756/PA  
Accepted: 09/04/2018      Application Type: Full Planning  
Target Date: 04/06/2018  
Ward: Sutton Trinity

Land adjacent to, Manor Drive, Sutton Coldfield, Birmingham, B73 6ER

Erection of one detached dwelling with associated access and parking

Applicant: Mr Tim Dixon  
65 Park Hill Road, Harborne, Birmingham, B17 9HH  
Agent: BHB Architects  
Georgian House, 24 Bird Street, Lichfield, WS13 6PT

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for the erection of one 4 bedroom dwelling with associated access, parking and turning area and garden. The proposed dwelling would be two and a half storey with rooms in the roof served by dormer windows in the rear elevation. It is proposed to be finished in brick and tiles. The ground floor consists of a hall, snug and an open plan living, kitchen and dining room with a utility, WC and garage attached to the side. At first floor is the master bedroom with dressing room and en-suite, one bedroom, the family bathroom and access to the roof space above the garage which is designed as a gym/ cinema room. The roof space of the house provides two further bedrooms and a shower room.
- 1.2. Access to the site is proposed from the north via the recently consented housing development replacing 5 Manor Drive which itself is accessed off the private driveway Manor Drive. The new access would lead to a turning and parking area to the front of the proposed garage. Private amenity space is proposed to the front and rear of the dwelling.
- 1.3. The applicant has submitted a Design & Access statement and Tree report in support of their application.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site, which is 645 sqm in area, currently forms part of the rear garden of 3B Manor Drive but is not within the ownership of 3B Manor Drive. It bounds onto a railway line at the rear. 3B Manor Drive is a large detached property that was constructed as part of a development of 4 dwelling houses within the grounds of Somerfield, a large detached residence approximately 10 years ago. The site contains 3 Corsican Pines and a group of Yew trees that are covered by TPO 1062.

- 2.2. The adjoining site (5 Manor Drive) is occupied by a large bungalow but there is an extant planning approval for its demolition and replacement with 4 detached dwellings. The access to this current application site is proposed to be off the new road to be constructed in association with this consent.
- 2.3. The site is located at the end of Manor Drive, which is a private residential road with no footpath and is bounded by holly hedges and mature trees. Manor Drive is accessed off Manor Hill, where Manor Hill makes a right-angled bend into Driffold. The surrounding area is predominantly residential in character.
- 2.4. [Location plan](#)
3. Planning History
- 3.1. The relevant planning history for the application site includes the planning history of 3A, B, C and D Manor Drive, the proposed plot and the land to the north, 5 Manor Drive, as follows:
- Plot history:**
- 3.2. 2017/03357/PA - Erection of a four bedroom detached dwelling with associated access and parking. Withdrawn 11.08.2017
- 3.3. 2016/5414/PA - Erection of a four bedroom detached dwelling with associated access and parking. Withdrawn 22.08.2016
- 3A-D and plot history:**
- 3.4. 2006/07443/PA - Erection of 4 houses and access road at Somerfield, Manor Drive, off Manor Hill, Sutton Coldfield. Approved 26.02.2007.
- 3.5. 2006/00533/PA – Erection of 5 new dwellings, demolition of outbuildings and revised access at Somerfield, Manor Drive, off Manor Hill, Sutton Coldfield. Refused 04.04.2006 on the grounds of character and appearance and living conditions in respect of visual intrusion. Subsequent appeal dismissed on the ground of the harm to the character and appearance of the surrounding area because of the risk to protected trees.
- Relevant history for 5 Manor Drive:**
- 3.6. 2017/09293/PA – Demolition of existing dwellinghouse and erection of 4 detached dwellinghouses including new service road with associated car parking and landscaping. Approved 03.11.2017
- 3.7. 2013/00554/PA - Demolition of existing dwelling and erection of 4 detached dwellings including new service road, car parking and landscaping. Approved 21.03.2013
- 3.8. 2012/02391/PA - Demolition of existing dwelling house, garages and outbuildings and erection of four, five bedroom dwelling houses with garages, new access road and associated landscaping. Approved 06.07.2012
4. Consultation/PP Responses
- 4.1. A site notice was erected and the immediate neighbours notified in addition to Ward Councillors and local MP.

- 4.2. 10 letters of representation have been received from 7 neighbouring residents raising the following concerns:
- Site previously refused consent and dismissed on appeal
  - Applicant has not included the private drive in the red edge or served the correct certificate
  - Owner of site to north does not have legal right to allow access from Manor Drive to the site
  - Over development of the site
  - Results in removal of all green infrastructure and natural assets
  - Design does not fit in with style of houses in the area
  - Increase in vehicle noise and pollution
  - Existing junction of Manor Drive and Driffold is hazardous, increase in traffic will make it more dangerous
  - Five houses off a narrow unmade road is inappropriate and not sufficient access for emergency vehicles
  - Impact of construction traffic
  - Will overlook neighbouring properties
  - Does not comply with separation distance requirements (should be 24m due to 1.5m difference in ground levels)
  - Increase risk of flooding and land slippage
  - Still results in loss of tree for access and loss of Yew trees
  - Application site maintained at expense of neighbour
  - Reduction in property values
- 4.3. Network Rail – Provided advice regarding works adjacent to a railway.
- 4.4. Transportation Development – No objections subject to conditions.
- 4.5. Regulatory Services – No objection subject to noise insulation and electric vehicle charging conditions.
- 4.6. Severn Trent Water – No objection as the proposal has minimal impact on the public sewerage system
- 4.7. West Midlands Police – No objections, recommends Secured by Design advice.
5. Policy Context
- 5.1. The following policies are applicable:
- Development Plan (BDP) 2017;
  - Unitary Development Plan 2005 (saved policies 3.14-3.14D and Chapter 8);
  - Mature Suburbs SPD (2008);
  - Places for Living SPG (2001);
  - Places for All SPG (2001);
  - Car Parking Guidelines SPD (2012); and
  - National Planning Policy Framework 2012.
6. Planning Considerations
- 6.1. Policy PG3 of the BDP supports high quality new residential development and TP28 requires it to be sympathetic to historic, cultural or natural assets. Paragraph 3.14C of the UDP states that development should have regard to the development guidelines set out in “Places for Living” and Paragraph 3.14D outlines a number of

good urban design principles against which new development will be assessed. Mature Suburbs SPD states that new housing can have a significant impact on local distinctiveness, on the character of an area, and that new development must be of 'good design' resulting from a good understanding of the local character and circumstances. Places for Living SPG is also relevant in regard to local context and impact on amenity.

- 6.2. Planning permission was granted in 2007 for the 4 houses which are now known as 3A, B, C and D Manor Drive. The consent for 4 followed a refusal for 5 houses which was also dismissed on appeal on the grounds of the harm to the character and appearance of the area due to the potential loss of trees. The appealed proposal included two dwellings in close proximity to TPO'd trees. Since that refusal and the subsequent consent for 4 houses the protected Beech tree has died and been removed. This has been replaced by a young Oak tree. The protected Corsican Pines and group of Yew trees remain and are within the application site.
  - 6.3. The previous application for a single dwelling on this site was withdrawn following concerns being raised in relation to the risk of the loss or reduction of the 3 Corsican Pine trees and therefore the impact on the character and appearance of the area.
  - 6.4. This current application seeks to overcome the concerns associated with both the larger scheme for the wider site and also the single dwelling on this site. As noted above, the current application includes a tree report which has set out the position, root protection zone and canopy spread of the trees. Furthermore, the current proposal has reduced the footprint of the proposed dwelling and re-positioned it within the plot and also amended the access position to provide access off the new access road to the north rather than off the road serving 3C and 3D.
  - 6.5. The site to the north, which is now proposed as access to the application site, has three previous planning consents dating from 2012. The most recent was approved in November 2017 and is therefore an extant consent which could be developed.
  - 6.6. The main considerations remain whether the scale, design and siting of the proposed dwelling is acceptable; the effect of the proposal upon the appearance and character of the area; the impact on trees; and the impact upon the amenities of the existing and proposed properties.
- Layout, design, scale and massing**
- 6.7. The proposed dwelling is a four bed detached dwelling which appears from the front elevation as a two storey dwelling but includes rooms within the roof space served by two dormer windows on the rear elevation. A street scene drawing has been submitted with the application which shows that the ridge height of the proposed dwelling will be no higher than 3C and 3D, which make up the street scene.
  - 6.8. This has been achieved through the reduction in the depth of the proposed dwelling. The width has also been reduced since the previous application and overall the footprint of the proposed house is smaller than the footprint of any of the immediately neighbouring properties, including the four dwellings proposed on the site to the north.
  - 6.9. The depth of the footprint is approximately 7.6m with a width of 11m and the attached garage being 6m by 6m, therefore creating a total footprint of just under 120sqm. Height to eaves is 5m and to ridge is 9.2m. This, as noted above, allows for rooms in the roof space. However, I do not consider that the roof slope is overly steep and it appears to be in proportion with the neighbouring dwellings. Internal

room sizes meet the standards within DCLG Technical Housing Standards – Nationally Described Space Standards (2015). The external amenity space also exceeds the recommended garden space size for a family dwelling as set out in the Places for Living SPD.

- 6.10. Externally the dwelling is proposed with a pitched roof, which also provides maximum roof space. The front elevation has flat roofed bay windows either side of an open porch with the first floor windows designed with small gable roof sections above. The garage to the side has a single garage door with a window serving the WC. Arched brick headers are proposed over the WC window and the first floor windows and a brick detail course is shown at ceiling height of the ground floor, barge boards on the gables to sides and front and a double pot chimney is included. To the rear the living room has a large, five panel, folding glass door. In addition there is a window to the kitchen and a window and door to the utility room on the ground floor, three windows and two roof lights at first floor, and two dormer windows and one roof light at second floor, within the roof slope.
- 6.11. I acknowledge that none of the existing dwellings immediately around the site are two and a half storey; none have rooms and dormers in the roof. However, as noted previously, the height of the proposal is no higher to the height of the two existing dwellings to its side. The property at 3D Manor Drive has a pitched roof and beyond the four houses numbered 3A to D Manor Drive has a more varied design and character. I do not consider that the use of the roof space for rooms and the addition of dormer windows and roof lights in the rear elevation would cause the development to be out of keeping with the area. The dwelling has been well designed with appropriate proportions and detailing which I consider relate well to the context of the area and does not visually harm the street scene or the wider area.
- 6.12. Accordingly the proposal complies with the requirements of PG3 of the BDP, paragraph 3.14 of the UDP and the advice in Places for Living SPG.
- Impact on amenity of existing properties and amenity for occupiers**
- 6.13. Places for Living' SPG requires 21m between facing windowed elevations for two storey dwellings in order to protect existing dwellings from overlooking. The proposed dwelling is over 21m from the single storey rear part of 3B Manor Drive and as such the first floor windows would be further apart. A new boundary would need to be provided between 3B and the proposed dwelling as this is currently open, however a boundary would reduce the impact from the ground floor windows and the distance complies with the SPG.
- 6.14. The SPG does require the separation distance to be increased by 2m for every 1m rise in ground level between new and existing dwellings. The neighbouring residents therefore consider that, as the existing dwelling at 3B is on ground which is approximately 1.5m higher than the plot the separation distance should be increased to 24m. However the SPG requires the increase in separation when the new dwelling is on higher ground than the existing dwelling. In this instance the new dwelling will be overlooked by 3B, due to the higher position of the existing dwelling, rather than the other way around. Accordingly a 21m separation distance is acceptable and achieved in this instance.
- 6.15. Furthermore, the proposed dwelling is more than 10m from the rear garden of 3B and as such will not cause unacceptable overlooking of the existing dwelling or garden. As such, although the residents of 3B are likely to feel more overlooked, and have lost what they have been maintaining as garden (albeit not in their

ownership) the distance between the existing dwelling and the proposed dwelling is such that a refusal could not be justified.

- 6.16. 3C Manor Drive will be more than 5m from the side of the proposed dwelling. No windows are proposed in the side elevation and as such, although there is a partially glazed door in the ground floor serving the utility room and a window at first floor serving the bathroom there will not be any direct overlooking and the distance will ensure that the impact on light is not significantly adverse.
- 6.17. Plot 4 of the approved development to the north will be over 25m from the side elevation of the dwelling proposed in this application. As such, although Plot 4 will have its front elevation facing towards this proposal, the separation distance is such that it complies with the requirements of the SPD and the amenity of the future residents of both schemes will be protected.
- 6.18. Concern has also been raised by neighbouring residents that the new dwelling does not have a 10m long rear garden. The SPG requires a garden area of 70sqm which the proposed dwelling exceeds. The 10m distance is not set within the SPG and 10.5m is usually the standard garden length between houses to ensure that the 21m separation distance between facing windows is achieved. In this case the proposed dwelling has a garden of over 70sqm (approx. 230sqm), albeit less than 10m long, but backs onto the railway line rather than another dwelling. 3b Manor Drive has a retained garden of some 240sqm.
- 6.19. Regulatory Services have raised no objection recommending a noise insulation condition which I consider is reasonable. I therefore consider that the proposal complies with the requirements of adopted policy and the Places for Living SPD.

#### **Impact on trees**

- 6.20. As noted above the previous applications for developing this parcel of land were refused on the basis that the proposals placed important trees at risk of being removed or reduced to an extent where the works to the trees would adversely affect the character and appearance of the surrounding area.
- 6.21. TPO 1062 applies to the site and covers the three Corsican Pine trees and a group of Yews. The current proposal, as with the previous scheme, retains the Corsican Pines but proposes the removal of the group of Yew trees. The submitted tree report, which has been updated since the previous application, advises that the Yew trees have limited public amenity value whereas the Corsican Pines have good public amenity value. The previous scheme showed access to the site and the driveway to the dwelling within the root protection area of the Corsican Pine trees and as such officers were concerned about both the impact of the works required to construct the access and drive and the potential that future residents would seek to remove these trees.
- 6.22. The current proposal has repositioned the access and driveway to the north of the site and also reduced the footprint of the proposed dwelling pulling it further away from the Corsican Pine trees. The group of Yews are still to be removed and the report accepts that replacement planting will be required to mitigate the loss. The recently planted Oak tree is also proposed to be repositioned. The tree report advises that this tree is young enough to be transplanted without risk to the life of the tree.
- 6.23. A small corner of the driveway is still within the root protection area of the Pines, however I consider there is sufficient space within the driveway for vehicle

manoeuvring and parking outside of the tree canopy and the level of root damage is significantly reduced.

- 6.24. The Tree Officer has confirmed that the repositioning of the access driveway has reduced the potential for damage to legally protected pine trees significantly. Furthermore the Tree Officer has raised no objection to the removal of the protected yews which have a limited public amenity value. A condition is recommended to ensure the Oak tree is relocated appropriately. Overall the previous concerns regarding the potential loss of the trees has now been overcome and this issue no longer forms a reason to refuse the application.

**Other matters**

- 6.25. Access to the site is now proposed from the north via the recently consented development for four houses. This therefore removes the risk to the TPO'd trees from creation of the access drive. It also removes the vehicle impact on 3B, C and D Manor Drive. The concerns of the local residents are noted, however the increase in traffic from one further dwelling on this plot would not result in a severe highway impact and Transportation Development has no objections to the proposal. Sufficient space is provided within the plot for parking and turning of at least two cars and therefore the proposal complies with the Car Parking Guidelines SPD. The electric vehicle charging condition requested by Regulatory Services is not reasonable for a single dwelling and charging facilities can be provided from the garage if required by the future occupiers. A condition is recommended to remove the permitted development rights to create any further hard standing without consent on the grounds of protection of the trees.
- 6.26. The site is adjacent to the railway line. The proposed dwelling is a sufficient distance from the line to not cause any risk to operation of the railway. Network Rail has provided advice which will be forwarded to the applicant and will be a matter for the developer of the site.
- 6.27. No details have been provided in the current application regarding boundary treatments and as such I consider that a condition is necessary to ensure that an appropriate boundary is provided to 3B Manor Drive. All other boundaries can be retained as existing. The application site is not public amenity space and neither does it provide the only green areas and natural assets on Manor Drive, it is currently mowed lawn. The development of the site will be set within domestic garden areas as per the surrounding development which will retain green infrastructure and natural assets.
- 6.28. Foul drainage is proposed to be connected to the existing mains drainage system and surface water is proposed to be discharged via soakaways. These are both the preferred means of dealing with drainage of the site and will ensure that the development of the site does not increase flood risk or impact on amenity.
- 6.29. A CIL form has been completed and submitted with the application. The form advises that the dwelling is 246.7sqm. It is within a High Value CIL area as identified in the Council's adopted CIL documents and as such the proposed development would be liable for CIL. However, the applicant has indicated on the form that they wish to claim self-build relief. A separate form will be required prior to commencement, at this time the acknowledgement of CIL liability is all that is required.
- 6.30. The concerns of objectors that the proposed scheme will devalue existing property is not a material planning consideration. The query over the red edge of the

application site and the certificate has been corrected with the red edge including the whole of Manor Drive and notice being served on all of the residents along Manor Drive. Accordingly I am satisfied that the correct red edge and ownership certificate and notification has been provided. Legal ownership or right to provide the access is not a planning matter and would need to be considered separately by the developer.

7. Conclusion

- 7.1. The design, scale, mass and layout of the proposed dwelling would be acceptable. Local residential occupiers would not be adversely affected and there would be no detrimental impact on the appearance of the street scene or highway safety. The current proposal has reduced the risk of loss of the protected trees. Accordingly the proposal complies with the Birmingham Development Plan (2017); Places For Living SPG (2001) and with the principles of the National Planning Policy Framework (2012).

8. Recommendation

- 8.1. Approve, subject to the following conditions:

- 
- 1 Requires the prior submission noise insulation details
  - 2 Requires the replanting of the Oak tree
  - 3 Requires the prior submission of hard and/or soft landscape details
  - 4 Requires the prior submission of hard surfacing materials
  - 5 Requires the prior submission of boundary treatment details
  - 6 Requires the prior submission of a lighting scheme
  - 7 Requires the prior submission of sample materials
  - 8 Requires the prior submission of level details
  - 9 Prevents occupation until the landscaping scheme including replacement trees are provided.
  - 10 Removes PD rights for extensions
  - 11 Removes PD rights for extensions
  - 12 Requires pedestrian visibility splays to be provided
  - 13 Requires the scheme to be in accordance with the listed approved plans
  - 14 Arboricultural Method Statement - Submission Required
  - 15 Requires the implementation of tree protection
  - 16 Requires tree pruning protection
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17 Implement within 3 years (Full)

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Case Officer: Karen Townend

**Photo(s)**

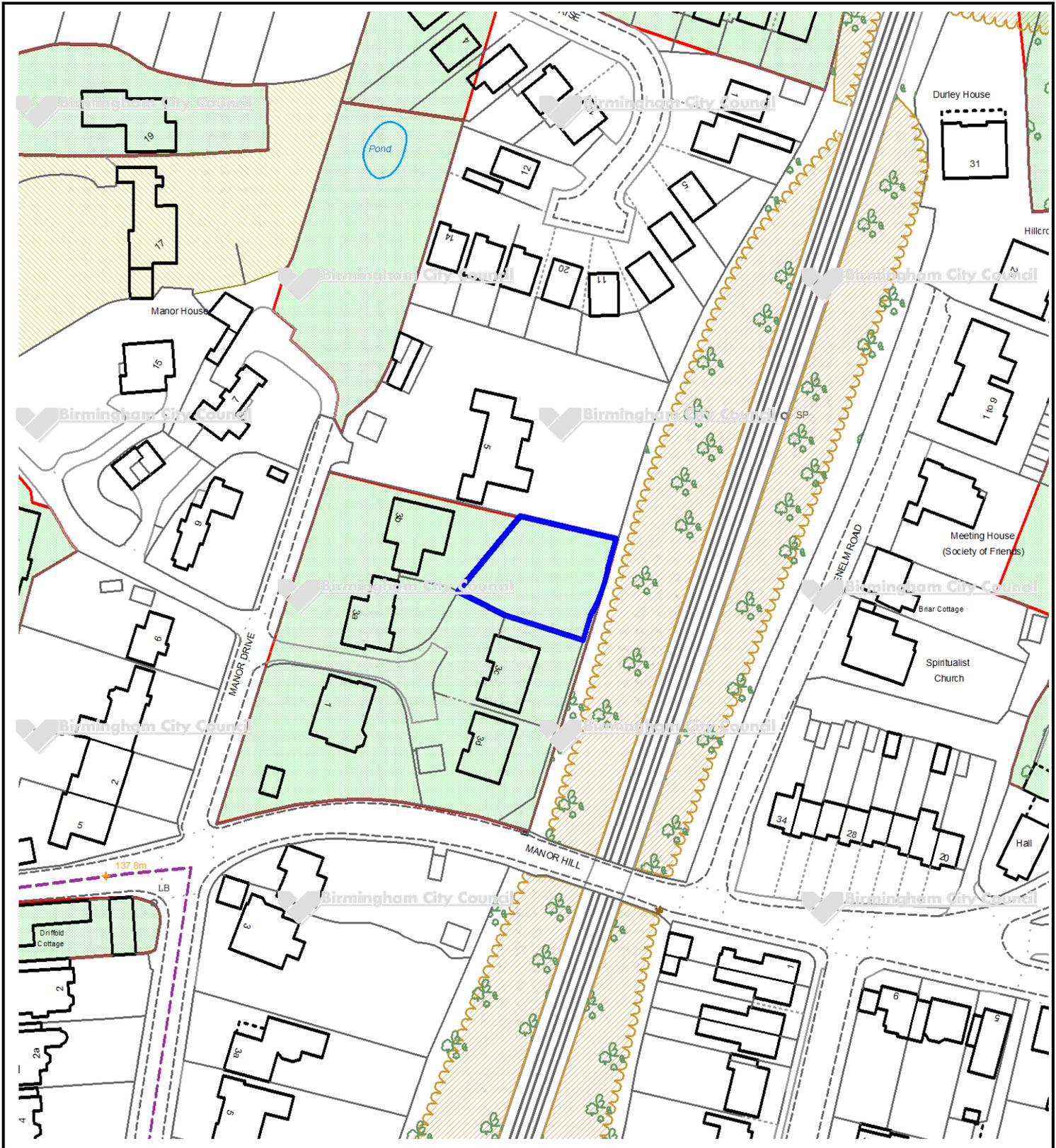


Photo 1 – looking southwest towards the rear elevations of 3a and 3b Manor Drive



Photo 2 – Looking northwest towards the rear of 3b and 5 Manor Drive

# Location Plan



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Committee Date:	21/06/2018	Application Number:	2018/03677/PA
Accepted:	08/05/2018	Application Type:	Demolition Determination
Target Date:	21/06/2018		
Ward:	Nechells		

Osborne Tower, Gladstone Street, Aston, Birmingham, B6 7DA

Application for prior notification of proposed demolition of 16 storey tower block (Osborne Tower).

Applicant: Birmingham City Council  
Economy Directorate, Clearance Land & Property, Level 2, Lancaster Circus, Birmingham, B4 7DY

Agent: Acivico Ltd  
92-93 Louisa House, Edward Street, Birmingham, B2 2AQ

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Recommendation

**Prior Approval Required And To Approve With Conditions**

1. Proposal

1.1. This application, made under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015, is to determine whether the City Council requires the prior approval for the method of demolition, or site remediation following demolition works, for Osborne Tower, Gladstone Street, Aston.

1.2. It is proposed to clear the site and secure it by erecting suitable fencing.

1.3. The method of demolition has been confirmed by the application to be mechanical.

1.4. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site relates to a 16 storey tower block located on Gladstone Street, Aston. To the front of the tower block is a small parking area and a block of flat roofed pre-fabricated garages. There is also a small area of public open space surrounding the site.

2.2. The application site sits within a largely residential area. To the north and east of the site are modern terraced dwelling houses and maisonettes, also to the north of the site is a Salvation Army centre and to the south-west of the site is a primary school.

[Site Location](#)

3. Planning History

- 3.1. 12/06/2015 - 2015/02284/PA - Demolition of Osborne Tower and the erection of 32 no. new dwellings for affordable rent with associated infrastructure works, landscaping and parking - Approved subject to Conditions (Not implemented)
- 3.2. 17/07/2014 - 2014/04494/PA - Prior notification for the proposed demolition of residential tower block - Accepted as not needing prior approval from the Council (Not implemented)
4. Consultation/PP Responses
  - 4.1. Regulatory Services – No objections.
  - 4.2. Transportation Development – No objections subject to a condition relating to dust prevention methods.
  - 4.3. Local residents associations and Councillors were notified. Site notices were displayed by the applicant. No comments received to date.
5. Policy Context
  - 5.1. General Permitted Development Order 2015 (the GPDO)
6. Planning Considerations
  - 6.1. Schedule 2, Part 11, Class B of the General Permitted Development Order 2015 states that any building operation consisting of the demolition of a building is permitted development subject to a number of criteria, including the submission of a prior notification application in order to give local planning authorities the opportunity to assess the details of demolition and site restoration only, to minimise the impact on the local amenity. This application is to determine whether prior approval is required for the demolition of an existing tower block. The issues to be considered with this type of application are solely the method of demolition and means of restoring the site.
  - 6.2. The tower block on the site is to be demolished in readiness of the site being redeveloped to accommodate new development. The existing building is not locally or statutorily listed and is of little architectural merit. I therefore raise no objection to the principle of the demolition of these buildings.
  - 6.3. The proposals for this site are consistent with demolition applications approved elsewhere in the City in the past and would involve the removal of demolition material from the site and restoring the land to the height of surrounding land levels. The site would be left in a tidy condition and enclosed with appropriate fencing to secure the site, pending its future redevelopment. This will ensure that the site has an acceptable appearance taking into account the residential nature of the surrounding area.
  - 6.4. Transportation Development has requested a condition relating to dust prevention methods, which I concur with.
7. Conclusion
  - 7.1. Whilst the proposed method of demolition, clearance and enclosure of the site are acceptable the lack of information regarding dust prevention means that prior approval is required and a condition is attached.

8. Recommendation

8.1. Prior approval required and approved subject to conditions.

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1 Requires the prior submission of dust prevention methods

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Case Officer: Philip Whittaker

**Photo(s)**

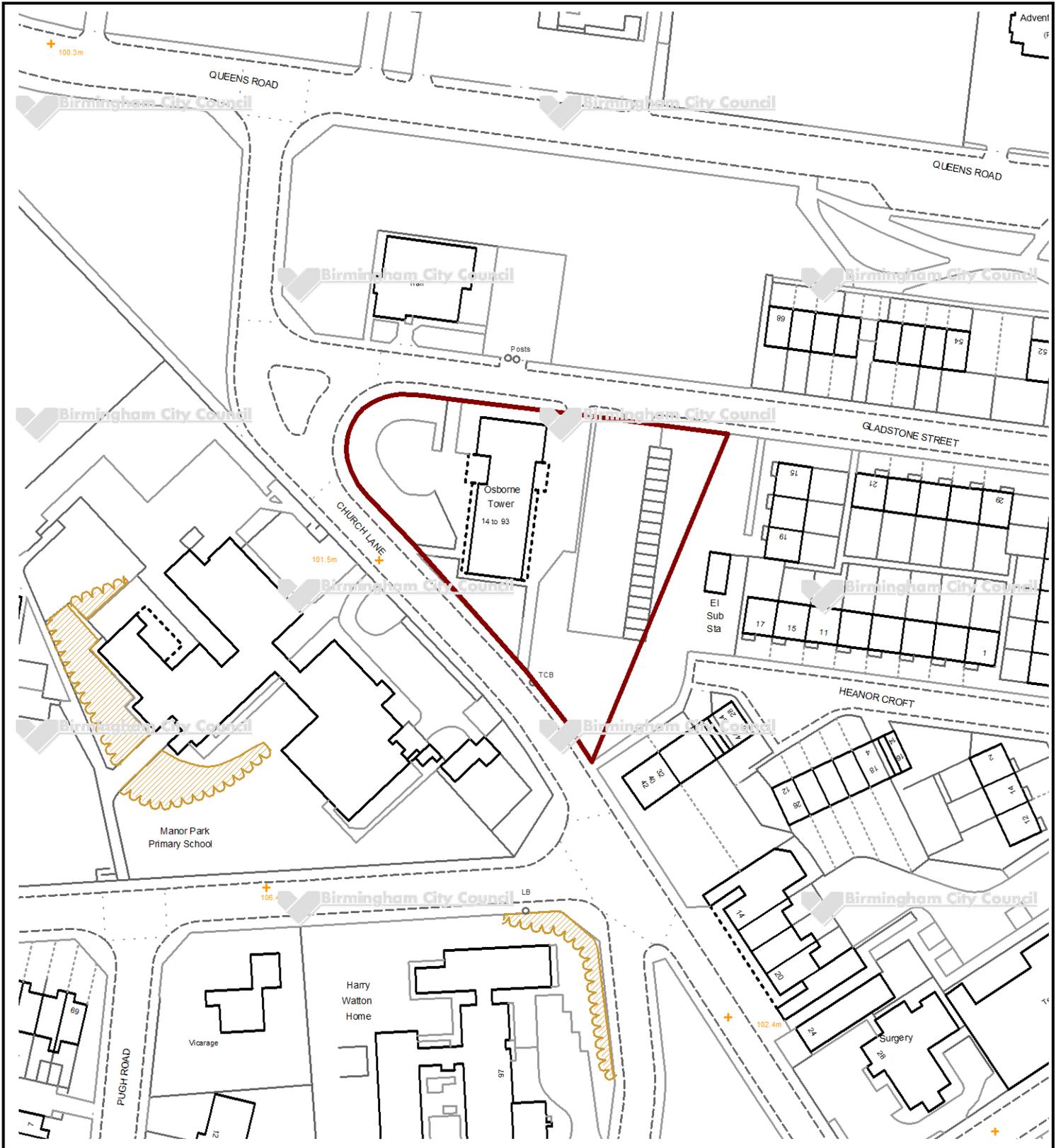


Photo 1: View from Gladstone Street



Photo 2: View from Church Lane

# Location Plan



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**Birmingham City Council  
Planning Committee 21 June 2018**

**Appeal Decisions Received from the Planning Inspectorate in May 2018**

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
<b>Enforcement</b>	165 Bristol Road, Edgbaston	Unauthorised works to a listed building. 2017/0749/ENF	Dismissed (see note 1 attached)	Enf	Written Representations
<b>Enforcement</b>	87 Handsworth Wood Road, Handsworth Wood	Erection of single storey rear extension. 2014/0272/ENF	Dismissed	Enf	Written Representations
<b>Householder</b>	2 Trenchard Close, Sutton Coldfield	Erection of single storey forward and side extension. 2017/10016/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	7 Acacia Road, Bournville	Erection of two storey and single storey rear and first floor side extension. 2017/09394/PA	Allowed (see note 2 attached)	Delegated	Written Representations
<b>Householder</b>	1 Phipson Road, Sparkhill	Erection of first floor rear extension and installation of dormer window to rear. 2017/09199/PA	Dismissed	Delegated	Written Representations
<b>Advertisement</b>	Moor Lane Industrial Estate, Moor Lane, Witton	Display of two double-sided led digital advertisement hoardings on a free-standing tower. 2017/09673/PA	Dismissed	Non-determined	Written Representations
<b>Advertisement</b>	Brookvale Trading Estate, Land to the north of, Moor Lane, Witton	Display of 2 internally illuminated digital LED display panels and 2 logo boxes. 2017/09554/PA	Dismissed	Non-determined	Written Representations
<b>Residential</b>	7 Wollerton Grove, Sutton Coldfield	Extensions and alterations to existing bungalow to provide first floor accommodation including installation of dormer windows to front and rear and erection of detached dwellinghouse with car parking, and new car parking and footway crossing to 7 Wollerton Grove. 2017/04803/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council  
Planning Committee 21 June 2018**

**Appeal Decisions Received from the Planning Inspectorate in May 2018**

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
<b>Retail</b>	Old Horns Crescent, Great Barr	Redevelopment of site (including cutting and filling the existing site to create a level site) to provide a Class A1 retail store with associated car parking and landscaping. 2016/09132/PA	Dismissed	Committee	Inquiry

**Total - 9 Decisions: 8 Dismissed (89%) 1 Allowed**

**Cumulative total from 1 April 2018 - 19 Decisions: 16 Dismissed (84%), 3 Allowed**

## **Notes relating to appeal decisions received in May 2018**

### **Note 1: (165 Bristol Road)**

The appellant's application for costs was refused.

### **Note 2: (7 Acacia Road)**

**Application refused** because the site is within the Bournville Conservation Area and the proposed first floor side extension would be incompatible with the character and appearance of that area.

**Appeal allowed** because the Inspector concluded that the proposed extension would not harm the character and appearance of the host dwelling and it would at least preserve the character or appearance of the conservation area.