

Birmingham City Council

Planning Committee

28 March 2019

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	9	2018/08417/PA 121 School Road Moseley Birmingham B13 9TX Erection of 1 no. dwelling house with associated parking and landscaping

Committee Date:	28/03/2019	Application Number:	2018/08417/PA
Accepted:	25/10/2018	Application Type:	Full Planning
Target Date:	28/02/2019		
Ward:	Moseley		

121 School Road, Moseley, Birmingham, B13 9TX

Erection of 1 no. dwelling house with associated parking and landscaping

Recommendation
Determine

Report Back

1. Members will recall that this application was presented to Planning Committee on 28 February 2019. At determination, Members will recall that the application was deferred, minded to refuse for the following reasons:
 - a) Loss of residential amenity to surrounding properties;
 - b) Design; and
 - c) Overlooking/separation distances.
2. Officers consider that the recommendation to approve in accordance with the original report dated 28 February 2019 remains appropriate; however if Members remain minded to refuse the application then the following reasons for refusal are suggested:
 - a) The proposed development does not provide adequate separation distances to existing residential units and would lead to a loss of privacy substantially harming amenity levels for the occupiers of nearby properties. As such the proposal would be contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
 - b) By virtue of its siting, scale and massing the dwelling be unduly dominant and overbearing to the rear garden of No. 2 Blenheim Road substantially harming amenity levels for the occupiers of this property. As such it would be contrary to the Policy PG3 and TP27 of the Birmingham Development Plan 2017 and saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
 - c) By virtue of its scale, massing and detailed design the proposal would not reflect the existing character of the street scene and as such would be contrary to Policy PG3 of the Birmingham Development Plan 2017 and saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.

Original Report

1. Proposal

- 1.1. This application seeks planning consent for the erection of 1 no. dwelling house with associated parking and landscaping at 121 School Road, Moseley.
- 1.2. The proposed dwelling would measure 7.3m in height to the eaves, 10.1m in height to the roof ridge and 10.9m in width. The dwelling would be constructed of red brick with a double pitched roof clad with grey interlocking tiles and contrasting brick panels set around the window cills/heads and chimney flue. To the front there would be a bay window feature and three dormer windows, and to the rear there would be a two storey wing element.
- 1.3. The internal layout would consist of an open plan kitchen/living/study area, a cloakroom and WC on the ground floor, a double bedroom, twin bedroom/study and bathroom on the first floor and a double bedroom, a single bedroom and a bathroom on the second floor. To the rear 90m² of private amenity space would be provided.
- 1.4. The property would front School Road with two parking spaces to the side with access of School Road via a proposed dropped kerb.
- 1.5. The proposed development would not attract a CIL contribution.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a rectangular piece of land, fronting School Road. The site was previously in commercial use; used for the storage of building materials. In 2013 the site was granted planning consent for the erection of a single storey building to be used as a hairdresser, however it would appear that use was never implemented.
- 2.2. The site is bound by a brick wall to the rear and sides, and to the front the site is bound by wooden panel fencing and entrance gates set into the site to allow vehicular access. To the north of the site there is a GP Surgery. To the east, the site adjoins the rear curtilage of No.2 Blenheim Road. Immediately adjoining the site is a single storey commercial unit which is no longer in use and a row of three storey terraced properties. Located opposite the site, on the other side of School Road, are two storey terraced houses. The surrounding area is predominantly residential in character. King's Heath District Centre is located to the west of the site.

3. [Site Location](#)

4. Enforcement History

- 4.1. 2004/2326/ENF - Erection of fence and gates, use of land for storage of building materials possible building works in progress – No building works on site, case closed.

5. Planning History

- 5.1. 10/05/2005 - 2005/01855/PA - Change of use to store building materials – Refused – Reasons for refusal: proposal would introduce a new business into an established residential area and adversely impact residential amenity.

- 5.2. 14/08/2006 - 2006/04127/PA - Development of three one-bedroom flats – Refused – Reasons for refusal: intense development in a mature suburb and would have a detrimental impact upon residential amenity in terms of loss of privacy and nearness to neighbouring boundary.
- 5.3. 2013/06489/PA - Removal of existing temporary building and erection of single storey detached building for use as a hairdressers (Use Class A1), formation of 4 no. parking spaces and installation of boundary treatments – Approved subject to conditions.
- 5.4. 24/05/2018 - 2018/03160/PA - Pre-application discussion for erection of 2 dwelling houses and associated parking – Response concluded that housing could be acceptable in principle subject to complying 45 Degree Code and separation distances to neighbouring properties.

6. Consultation/PP Responses

- 6.1. Regulatory Services – No objection subject to contamination remediation scheme, contaminated land verification report and electrical vehicle charging.
- 6.2. Transportation Development – No objection subject to visibility splay incorporated into access, footway crossing to be constructed to City specification at the applicants expense and redundant crossing to be incorporated into access and construction management plan.
- 6.3. West Midlands Police – No objection.
- 6.4. Severn Trent Water – No objection however recommends that the Applicant to contact them as there may be public sewers recently adopted under the Transfer Of Sewer Regulations 2011.
- 6.5. Site notice displayed, local ward councillors/MP and surrounding occupiers notified and 4 objections received from neighbouring occupiers raising concerns regarding:
- Overlooking and loss of privacy
 - Inadequate separation distances
 - Loss of light
 - Obscure glazing may not be implemented as shown on proposed plans
 - Scale and massing
 - Impact upon highway safety
 - Increase in traffic
 - Potential to impact Highway Safety scheme
- 6.6. Councillor Kerry Jenkins and Councillor Martin Straker Welds – Asked by constituents to alert planning officers to the concerns about highway safety along School Road which is subject of an experimental traffic scheme.
- 6.7. The Moseley Society - objecting stating that the proposal fails to comply with planning policy, the use of obscurely glazed windows would result in unacceptable living conditions for future occupiers, the proposal would increase traffic problems and the application should not be decided until No. 123 has been considered.

- 6.8. School Road Issues Group – objecting raising concerns regarding highway safety and highway safety experiment.

7. Policy Context

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

8. Planning Considerations

Background

- 8.1. Pre-application discussions were held with the Applicant and the scheme was subsequently modified on the advice of the LPA with regards to design improvements and reduction in the number of dwellings proposed to one rather than two.
- 8.2. The main considerations in the determination of this application are whether the principle of residential use would be acceptable on the site; the scale, siting and design of the proposed development, the living conditions for future occupiers; the impact of the proposal on the amenity of neighbouring residents; and impact on highway safety and parking.

Policy and Principle of Development

- 8.3. The National Planning Policy Framework (NPPF) 2012 seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 8.4. Policy PG3 of the BDP states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context.

- 8.5. The 45 Degree Code and Places for Living SPG provide design guidance and set guidelines for residential development to ensure all new development respects the appearance of the local area and does not adversely affect neighbouring amenity.
- 8.6. The application site is located within an established residential area, in a low flood risk zone (Flood Zone 1), is well serviced by existing infrastructure and services are accessible from the site. As such I consider the principle of residential development in this location to be acceptable.

Visual Amenity and Landscaping

- 8.7. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.”
- 8.8. Existing adjoining buildings on this row of terraced houses are three storeys in height. The proposed development would also be three storeys in height and would follow the eaves and roof ridge height of the neighbouring properties. Whilst I note concerns regarding the scale of the property when viewed from its side along School Road, I do not consider the scale would be so discordant as to recommend refusal on this basis. The proposed dwelling would be in line with the established building line. Concerns were raised by the City Design Team regarding the fenestration of the initial design. Following these comments, amended plans were submitted altering the positioning of the proposed dormer windows, and the design of the proposed dormers was amended to improve the symmetry of the windows and reflect the dormer style windows at No. 12. The proposed bay window was also improved to reflect the style of bay window within the street scene. A condition has been attached requiring the submission of sample materials, to ensure that the materials used in the external surfaces of the dwelling are acceptable. As such, I am satisfied that the siting, scale, massing and design of the proposed dwelling would be in keeping with the character and appearance of the area and would have an acceptable impact upon the wider visual amenity .
- 8.9. The City's Landscaping Officer has raised no objection to the proposal and has recommended that further details of proposed landscaping, boundary treatments and details of hard surfaces is secured by way of condition. Such conditions have been attached.

Impact on Future Residential Amenity

- 8.10. The Government's Technical Housing Standards require at least 7.5m² for a single bedroom and at least 11.5m² for a double bedroom. All proposed bedrooms would comply with this standard. In terms of the overall internal floor space, the Government's Technical Housing Standards requires 121m² for a 4 bedroom, 7 persons, three storey dwelling. The proposal exceeds this standard as 141.8m² of internal floor space is provided. The proposed dwelling would have a garden area of approx. 90m² which would comply with the minimum recommended private amenity space guidelines of 70sq.m, as set out in the Council's Places for Living SPG. I am therefore satisfied that the living conditions for the future occupiers of the proposed dwelling would be acceptable.

Impact on Existing Neighbouring Residential Amenity

- 8.11. I note the concerns of local objectors in respect of loss of privacy and overlooking as a result of the proposed development. The proposed windows in the rear elevation would not comply with the recommended 10m set back overlooking distance to the

rear garden of No. 2 Blenheim Road, as set out in the Council's Places for Living SPG. The proposed dwelling is designed in such a way that two of the first floor windows in the rear elevation would light the stairs and landing and as such would be obscurely glazed. The third first floor window in the rear elevation would be a secondary source of light and would also be obscurely glazed. Primary light sources for windows would face School Road. I recommend that a condition is attached to require the first floor side and rear windows facing the boundary to No. 2 Blenheim Road, to be obscurely glazed and their opening controlled, to avoid overlooking. In addition to this, in order to further protect neighbours residential amenity, I recommend a condition is attached to remove permitted developments for the insertion of new windows.

- 8.12. The proposal would be set in from the boundary to the rear of No. 2 and would be positioned at such an angle so that it would not be directly adjacent to the rear of No. 2. I note No. 2 has no ground floor windows in the rear wing elevation and the proposed development would comply with the 45 Degree Code to the first floor window in the rear elevation of No.2. I therefore consider it would be unreasonable to refuse this application on the grounds of residential amenity impact to No. 2 given that there would be no loss of light and potential overlooking would be mitigated through safeguarding conditions.
- 8.13. I do not consider there would be any loss of privacy or loss of light as a result of direct overlooking into front windows of houses on the opposite side of School Road. The separation distance would be approx. 13m and within the realms of what would be considered acceptable for a front to front relationship, where windows overlook a public highway, rather than any private area.
- 8.14. As the development complies with the 45 Degree Code and the remainder of the numerical guidelines set out in 'Places For Living' SPG and 'Extending Your Home' Design Guide, I am satisfied that subject to safeguarding conditions, the proposed development would cause no detrimental impact on neighbours light, outlook or amenity.

Highway Safety and Parking

- 8.15. Concerns have been raised by local residents regarding the impact the proposal will have on the highway safety of School Road. Transportation Development have been consulted on the proposal and have raised no objection to the proposal subject to conditions requiring: a pedestrian visibility splay to be incorporated into the driveway, the new footway crossing to be installed to City specification and the redundant crossing to be reinstated with full height kerbs in order to protect pedestrian safety along the footway. I consider these conditions to be appropriate and necessary and as such recommend they are attached.
- 8.16. The Council's Car Parking Guidelines SPD recommends a maximum of two parking spaces per dwelling in this location as such the proposal would comply with this standard, as there are two off-street parking spaces proposed. Transportation Development consider the traffic and parking demand associated with the development would not be greater than that of the previous commercial use. In line with Transportation Developments views, I conclude that the proposal would not have an adverse impact in terms of highway safety or parking.
- 8.17. Local residents have raised highway safety concerns arising as a result, with cars having to mount the pavement in some circumstances in order to be able to pass. Transportation Development have acknowledged the concerns raised regarding the

length of the footway crossings along School Road and the impact a further footway crossing along this stretch of the road may have. However Transportation Development considers that with the reinstatement of the redundant crossing there will be a reduction in length of dropped kerbs along this section of School Road and as such the proposal could not be reasonably refused on these grounds.

- 8.18. Transportation Development have acknowledged the concerns raised regarding potential disruption to the highway during construction and recommend that a construction management plan condition is attached. However given that the proposal is for one dwelling, I consider this condition would be unnecessary to attach in this instance.
- 8.19. There is an experimental temporary traffic closure planned for the section of School Road between Cotton Lane and Greenhill Road. To aid this closure, the section of School Road directly adjacent to the application site would be closed to through traffic. I note local residents have raised concerns as to the impact the proposed development may have on this experimental traffic closure. Transportation Development are aware of the experiment and have confirmed that the proposed development would have no impact upon this traffic experiment.

Other Matters

- 8.20. Due to the previous commercial use of the site, Regulatory Services have requested further contaminated land investigation is required and as such recommend conditions attached requiring a contamination remediation scheme to be submitted prior to development commencing. The Applicant has agreed to the attachment of this condition. In addition to this, Regulatory Services have recommended that a condition is attached for a contamination remediation scheme. Regulatory Services have also requested that a condition is attached for the provision of a vehicle charging point, we presently only attach such a condition for flatted developments.
- 8.21. West Midlands Police raised no objection to the proposal. However, they stated that the development will require compliant with Part Q Building Regulations 2015. They also recommend that the applicant gives full consideration to the principles adopted in the enhanced security standards produced by Police Crime Reduction initiative 'Secure by Design'. These details will be forwarded to the applicant.

9. Conclusion

- 9.1. I consider that the siting, scale and appearance of the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed dwelling would contribute to meeting the city's need for more housing. The proposed dwelling would provide satisfactory living accommodation for future occupiers and would have a limited impact on the amenity of adjoining occupiers or on highway safety and parking. Therefore, I consider that the proposal constitutes sustainable development and recommend the application is approved subject to conditions.

10. Recommendation

- 10.1. Approve subject to conditions:

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the submission of sample materials
 - 3 Requires the submission of hard surfacing materials
 - 4 Requires the submission of boundary treatment details
 - 5 Requires pedestrian visibility splays to be provided
 - 6 Requires the prior submission of a contamination remediation scheme
 - 7 Requires the submission of a contaminated land verification report
 - 8 Requires the submission details of obscure glazing for the two first floor rear windows of the approved building
 - 9 Removes PD rights for new windows, dormer windows and rooflights
 - 10 Removes PD rights for extensions
 - 11 Requires the prior submission of level details
 - 12 Requires the new footway crossing to be constructed to City specification & redundant crossing to be reinstated with full height kerbs at the applicants expense.
 - 13 Requires the parking area to be laid out prior to use
 - 14 Implement within 3 years (Full)
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Case Officer: Laura Reid

Photo(s)



Photo 1 – Application Site



Photo 2 – Site Entrance



Photo 3 – Existing Residential Properties to the East

Location Plan



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Birmingham City Council

Planning Committee

28 March 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	10	2018/00808/PA Former Manor Public House Station Road Stechford Birmingham B33 9AX Erection of 24 dwellings, associated landscaping and access works (phase two)
Approve - Temporary 2 Year	11	2018/08782/PA 2-26 Anthony Road Saltley Birmingham B8 3AA Change of use of part of warehouse to a car repair/body workshop and MOT facility (Sui Generis) and alterations to front to include installation of roller shutter

Committee Date:	28/03/2019	Application Number:	2018/00808/PA
Accepted:	16/02/2018	Application Type:	Full Planning
Target Date:	31/03/2019		
Ward:	Glebe Farm & Tile Cross		

Former Manor Public House, Station Road, Stechford, Birmingham, B33 9AX

Erection of 24 dwellings, associated landscaping and access works (phase two)

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal
 - 1.1. [Link to Documents](#)
 - 1.2. **Report back**
 - 1.3. Members will recall that this application was presented to Planning Committee on 30th August, 2018 with a recommendation to approve subject to a Section 106 agreement and a number of conditions.
 - 1.4. Members will recall that the scheme was approved subject to:
 - i. 35% affordable housing (9 units) for affordable rent;
 - ii. a payment of £119,575 (index linked to construction costs from 30th August 2018 to the date on which payment is made) towards the provision, improvement and/or biodiversity enhancement of public open space, children's play and the maintenance thereof at Glebe Farm Recreation Ground within the Stechford and Yardley North Ward.
 - iii. Payment of legal fees.
 - 1.5. Since this time the applicant has been in negotiations with the Local Planning Authority over the S106 agreement.
 - 1.6. Members will note and appreciate that the development site falls within a Low Value Area Residential Zone and will therefore be subject to a nil CIL charge. However, given the scale of the proposed development, ie: more than 15 dwellings the scheme should deliver 35% affordable housing in accordance with Policy TP31 of the Birmingham Development Plan.
 - 1.7. In accordance with Policy TP9 of the BDP, residential schemes of 20 or more dwellings should provide on-site public open space and / or children's play provision. Developer contributions could also be used to address the demand from new residents if not provided onsite.
 - 1.8. The application proposals still seek to provide 12 no. houses and 12 apartments with a mixture of shared ownership (7 no. units), rent to buy (3 no. units) and market

rent (14 no. units). In order to address the Registered Provider's financial arrangements to deliver the site, the Heads of Terms submitted alongside the planning application state that the development would provide 35% affordable housing (9 no. units) in order to deliver a policy-compliant scheme although in practice, the applicant continues to indicate that the scheme would exceed the 35% requirement.

- 1.9. As a consequence of the proposed scheme the applicant has now indicated that the continued requirement to provide a financial offsite contribution of £119,575 towards the provision of offsite public open space cannot now be provided in accordance with policy requirements.
- 1.10. The applicant has provided a full financial viability assessment of the scheme which has been assessed by the Councils' independent financial consultants in detail. In short, the report outlines the land values and builds costs and building costs/incidentals and factors including the costs required for the open space contribution. In this instance the residual land value is severely impacted even with the Homes England grant. Even with this removed the residual value still results in an unviable scheme.
- 1.11. As is common with Registered Providers, it is not unusual to bring forward a scheme which on the face of it appears commercially unviable as schemes can be subject to cross subsidies however this should not mean the developer should subsidise a project to the detriment of its wider development activity and in this instance, the Councils' independent assessors have advised that the scheme as originally proposed cannot support the payment of the open space obligation as this would prejudice the delivery of all of the 24 units.
- 1.12. Officers consider that the revised proposal will continue to provide in excess of the required number of affordable units as previously approved however acknowledge that the open space contributions cannot be met. Given the site is surrounded by existing public open space in the form of the River Cole valley, which is approx. 80m to the northwest of the application site and currently provides opportunities for use by future residents. This will in effect will help offset this approach and given the results from the appraisal the scheme is considered acceptable without this contribution in this particular instance.
- 1.13. **Recommendation**
- 1.14. Approve subject to an amended Section 106 Legal Agreement to reflect the removal of the open space requirement and recommendations as previously approved.

That consideration of application number 2018/00808/PA is deferred pending the completion of a Section 106 Legal Agreement to secure the following:

- i) 35% affordable housing (9 units) for affordable rent;
- ii) Payment of a monitoring and administration fee associated with the legal agreement of £1500.00

In the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 12th April, 2019, planning permission be REFUSED for the following reason;

- i) The proposal represents an unacceptable form of development as it would not achieve Section 106 Planning Obligations in the form of appropriate affordable housing. This is contrary to Policies TP9 and TP47 of the Birmingham Development Plan 2031, Affordable Housing SPG, Public Open Space and New Residential Development SPD, and the National Planning Policy Framework (2018).

That the City Solicitor be authorised to prepare, complete and seal the appropriate planning obligation via an agreement under Section 106 of the Town and Country Planning Act.

Original Report

1.15. Proposal

- 1.16. This planning application seeks consent for the provision of 12 no. dwelling houses and 12 no. apartments (24 no. units total) along with associated infrastructure and access roads on land, formerly known as Manor House Public House at Station Road, Stechford.
- 1.17. The application site measures 0.388ha (density of 61 no. units per hectare) and would be accessed from either the Station Road frontage or via a new vehicular/pedestrian access point to be constructed through the phase 1 residential scheme (59 no. residential units) previously approved under 2017/07055/PA. The proposal comprises of a mix of two and three storey semi-detached houses and two no. detached blocks of three storey apartments fronting Station Road which are as follows;
- 6 no. 2 bed/4 person houses (two storey) (68sq.m) with kitchen, W.C. and open-plan living/dining room at ground floor level and two double bedrooms (11.25sqm average) and a bathroom at first floor level.
 - 4 no. 3 bed/5 person houses (two storey) (82sq.m) with kitchen, W.C. and open-plan living/dining room at ground floor level and three bedrooms (11.25sqm average) and a bathroom at first floor level.
 - 2 no. 3 bed/6 person houses (three storey) (107sq.m) with kitchen/diner, living room and W.C. at ground floor level, three bedrooms (12.8sq.m, 7.9sq.m and 6.2sq.m) and a bathroom at first floor level with 1 further bedroom (13.6sq.m), shower room and storage cupboard at second floor level.
 - 12 no. 2 bed/4 person flats within a 3 storey block (67.4sq.m) with open-plan kitchen/living/dining area, two double bedrooms (11.75sqm average), 2 x storage cupboards and a family bathroom.
- 1.18. The unit sizes of the proposed scheme meet HQI requirements and are acceptable to the future Housing Association and the HCA, who are providing Grant Funding for the development.
- 1.19. Private rear gardens for the houses are proposed ranging in size from 50sq.m for 2 bed units and from 60sq.m for 3 bed units along with 33 no. parking spaces, a combination of private driveways and communal parking provision, which equates to approximately 138% provision overall.
- 1.20. The applicant has indicated that the proposal would provide a policy-compliant level of affordable housing at 35% provision (9 no. units) along with a policy compliant

financial contribution of £119,575 towards the provision of offsite public open space and a play area.

2. Site & Surroundings

- 2.1. The application site consists of a vacant and overgrown site, located off Station Road in the Stechford area of Birmingham adjacent to the Iron Lane/Flaxley Parkway/Station Road gyratory and measures approximately 0.388ha. The site was formerly the Manor House Public House, which has since been demolished and which currently has a hand car wash operating onsite. There are a large number of trees on the site in addition to overgrown vegetation throughout the site. The site is generally flat in nature with a frontage onto Station Road and is surrounded by the previously approved Phase 1 residential scheme.
- 2.2. The surrounding area is varied in form and consists of two storey residential buildings, mostly developed in the latter half of the 20th century, a mix of commercial uses particularly along the Station Road frontage, including a petrol filling station on the opposite side of the road and Stechford Retail Park within approx. 50m along Station Road, which contains a variety of larger retail units and industrial uses, also along the Station Road frontage and in the nearby IMEX industrial estate.
- 2.3. Station Road is served by a number of bus routes which serve routes within Birmingham and Solihull whilst there is also a train station, Stechford Train Station, which is located 400m away and serves the wider Birmingham and West Midlands region. The nearest local centre is located approximately 400m away along Station Road, known as Stechford Neighbourhood Centre, which offers local services in addition to those offered by the nearby retail park.

[Site Location](#)

3. Planning History

- 3.1. 2017/07055/PA – Approved (23/03/2018) – Erection of 59 no. dwellings, a pumping station, landscaping and a new access taken from Station Road (Phase One).

4. Consultation/PP Responses

- 4.1. Transportation Development – Further visitor parking requested and clarification sought regarding pedestrian access/ refuse vehicle tracking. Amended plans/ additional information provided, including clarification that the access road would be designed to an adoptable standard. Recommended conditions;
 - Construction Management Plan,
 - Means of access – Construction,
 - No occupation until access road is constructed,
 - Residential Travel Plan,
 - Parking areas to be provided prior to occupation,
 - Vehicular visibility splays – 4.5m x 60m,
 - Pedestrian visibility splays – 3.3m x 3.3m x 3.3m,
 - Cycle storage provision for apartment block.
- 4.2. Regulatory Services – No objection, subject to conditions to secure contaminated land remediation and a verification report, provision of mitigation measures set out within the submitted noise survey and air quality assessment.

- 4.3. BCC Local Lead Flood Authority – Condition to secure submission of a Sustainable Drainage As-Built Drawings and Details and Operation & Maintenance Plan condition.
- 4.4. Environment Agency – No objection, subject to condition securing contamination remediation scheme should contaminants be found on site during construction.
- 4.5. Severn Trent Water – No objection, subject to foul and surface water drainage condition.
- 4.6. West Midlands Police – No objection. Applicant may wish to consider advice contained within Secure By Design New Homes.
- 4.7. University Hospitals Birmingham NHS Foundation Trust - A financial contribution of £20,096 is requested based on the number of potential residents. This would be used to provide additional services and capacity to meet patient demand.
- 4.8. Press notice published. Site notices posted. Ward Members and neighbours notified with no comments received.

5. Policy Context

- 5.1. National Planning Policy Framework (2018); Birmingham Development Plan (2017); Birmingham Unitary Development Plan (Saved Policies) (2005); Places for Living SPG (2001); Car Parking Standards SPD (2012); Technical Housing Standards – Nationally Described Space Standards (2015); Public Open Space and New Residential Development SPG (2006); Affordable Housing SPG (2001), TPO 884.

6. Planning Considerations

Principle of Development

- 6.1. The application site comprises of a largely unkempt site that is located in a sustainable location within surroundings which are predominantly residential, and the proposed development is broadly reflective of the residential character of the surrounding area. The site was previously occupied by a public house and its grounds which was subsequently demolished a number of years ago and then identified as being suitable for residential development within the cities Strategic Housing Land Availability Assessment (SHLAA) and allocated as such within the Birmingham Development Plan and would form part of an overall residential development scheme within the Station Road allotments site, and is referred to phase 2 of that previously approved scheme.
- 6.2. Policies TP27 and TP28 of the Birmingham Development Plan relate to sustainable neighbourhoods and the location of new residential development. Policy TP27 states that all new residential development will need to demonstrate that it is meeting the requirements of creating a sustainable neighbourhood, characterised by: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources; attractive, safe and multifunctional public spaces; and long-term management of buildings, public spaces, waste facilities and other infrastructure.

- 6.3. The application site forms part of the Eastern Triangle (Policy GA8) in east Birmingham, whereby Stechford has been earmarked to provide an additional 1,000 new homes within a suitable location well served by local facilities and public transport options. The application site, the former Bulls Head Allotments, is specifically referenced within Policy GA8 for its redevelopment to provide new residential development. It is considered that the proposal accords with the aims of this policy and contributes to the growth agenda associated with the Eastern Triangle.
- 6.4. Policy TP28 goes on to state that new residential development should: be located outside flood zones 2, 3a and 3b; be adequately serviced by existing or new infrastructure which should be in place before the new housing for which it is required; be accessible to jobs, shops and services by modes of transport other than the car; be capable of remediation in the event of any serious physical constraints, such as contamination or instability; and be sympathetic to historic, cultural or natural assets. The application site is located within a sustainable location with good access to public transport, and a number of public services accessible within a reasonable walking distance. The site is unconstrained in respect of flood risk and other designations. The proposal comprises of a mix of dwellings, which seek to meet a range of affordable housing needs.
- 6.5. Policy TP30 of the BDP indicates that new housing should be provided at a target density responding to its context. The density of the proposed development at 61 dwellings per hectare is considered appropriate on the grounds that the site is well served by public transport, with a number of bus and train services available within a short walking distance of the application site. Furthermore, the policy refers to the type and size of new housing, stating that new residential developments should seek to meet local housing needs and support the creation of sustainable neighbourhoods. The proposed housing mix is considered reasonable and appropriate in the context of the type and size of dwellings, and has been designed in such a way to address the established local needs demonstrated within the Strategic Housing Market Assessment. I consider that the application proposals are acceptable in principle, being compliant with relevant adopted planning policy.

Affordable Housing and Planning Obligations

- 6.6. The development site falls within a Low Value Area Residential Zone and will therefore be subject to a nil CIL charge. However, given the scale of the proposed development, seeking to deliver more than 15 no. dwellings, 35% affordable housing must be delivered as part of the scheme, in accordance with Policy TP31 of the Birmingham Development Plan. In accordance with Policy TP9 of the BDP, residential schemes of 20 or more dwellings should provide on-site public open space and / or children's play provision. Developer contributions could also be used to address the demand from new residents if not provided onsite.
- 6.7. The application proposals seek to provide 12 no. houses and 12 apartments with a mixture of shared ownership (7 no. units), rent to buy (3 no. units) and market rent (14 no. units). In order to address the Registered Provider's financial arrangements to deliver the site, the Heads of Terms submitted alongside the planning application state that the development would provide 35% affordable housing (9 no. units) in order to deliver a policy-compliant scheme although in practice, the applicant has indicated that the scheme would exceed the 35% requirement. Furthermore, the applicant has indicated that a financial contribution of £119,575 towards the provision of offsite public open space would be provided in accordance with policy

requirements for an offsite contribution. This has been discussed with the applicant and secured given that the site is surrounded by existing public open space in the form of the River Cole valley that is approx. 80m to the northwest of the application site and provides opportunities for use by future residents.

- 6.8. I consider it acceptable, on this basis, that the Section 106 Agreement is completed to secure a 35% affordable housing requirement (9 no. units) and full a financial contribution towards the maintenance and improvement of local public open space at Glebe Farm Recreation Ground within the Stechford and Yardley North Ward.
- 6.9. It is noted that there has been a request received from the NHS Trust for a sum of £20,096. The Council's position is that it does not consider the request would meet the tests for such Section 106 contributions, in particular the necessity test (Regulation 122.(2)(a) *necessary to make the development acceptable in planning terms*). The Council believe the interval from approval to occupation of the proposed development, along with published information (such as the BDP and SHLAA) gives sufficient information to plan for population growth. Discussions with the relevant Trust are continuing on this matter, in order to understand more fully their planned investments in the City and how it might best be able to support that.

Layout and Design and Impact on Visual Amenity

- 6.10. The layout of the proposed development seeks to provide an active street frontage to both Station Road, with the provision of 2 no. three storey flatted buildings and to the internal access road/cul-de-sac with the provision of the 2 storey dwellings. The access road would comprise a shared surface, car parking provision and landscaping so as create a safe, pleasant and secure environment, encouraging low vehicular speeds.
- 6.11. The design of the dwellings and apartment buildings across the whole site would be built from a honey coloured brick with pitched roofs finished in a slate roof tile with generously sized grey double glazed windows and is considered to be an appropriate and contemporary design solution. It is considered appropriate to ensure that sample materials along with refuse storage details for the flatted element of the scheme are secured by planning condition to ensure an appropriate standard of development throughout the site, a view supported by the City Design Officer.
- 6.12. It is noted that a number of garden sizes fall slightly below the required minimum standards for the properties proposed. For those plots where garden sizes fall below required minimum sizes for the dwelling provided it is considered appropriate to removed permitted development rights for extensions so as to maintain adequate garden sizes. Furthermore, advice provided at pre-application stage has resulted in the apartment blocks being set within the building line of existing dwellings along Station Road which is welcomed along with a landscape buffer between the buildings and the road. This is considered to result in a satisfactory residential scheme and is supported as the overall scheme and their layout achieves good urban design principles.
- 6.13. The applicant has submitted a boundary details plan which has outlined the boundary treatments to be used between the plots (front and rear boundaries) along with definition between communal and private space with 1.8m high timber fencing and brick walling utilised. Furthermore, it is considered appropriate to request that finished site levels are secured by planning condition so as to ensure that the finished scheme relates appropriately to existing surrounding land uses, a view supported by the landscape officer.

- 6.14. The proposals would have an overwhelmingly positive impact on the visual amenity of the site, which is currently in poor condition and that the introduction of residential development on this site as part of an overall redevelopment for residential purposes of the wider area, would help to further regenerate both the application site and surrounding area and its character.

Landscape, Trees and Ecology

- 6.15. The application proposals seek to incorporate areas of landscaping within the development, with areas of planting proposed to the frontage with Station Road in front of plots 11-24 so as to provide a buffer between the residential accommodation and public highway and to soften the development scheme overall. Further landscaping is proposed within the cul-de-sac parking area between parking spaces and around the cycle storage areas for the proposed apartment buildings.
- 6.16. The application site forms part of a wider area covered by a Tree Preservation Order (TPO) with the site layout (both phase 1 and 2) designed in consultation with the Tree Officer to ensure the retention of as many trees as possible. Due to the overgrown nature of the wider site (phases 1 and 2), a number of trees located centrally within the site have been removed with agreement from the tree officer on the proviso that they are replaced with mature Laburnum trees as close to the sites frontage as possible. Details of planting types and species throughout the site, including the frontage, have been provided within a soft landscaping scheme which is considered to adequately address these points.
- 6.17. The applicant has commissioned an ecological survey of the site which identified potential for nesting birds and small mammals (fox, hedgehog etc.) although none were observed during the survey. Furthermore, the site lies in close proximity to the River Cole and Kingfisher Country Park which is designated as a Wildlife Corridor and Site of Local Importance for Nature Conservation (SLINC) area. The Council's Ecologist has raised no objections to the proposal subject to a condition for the provision of a Construction Ecological Mitigation Plan prior to works commencing. I agree with this approach.
- 6.18. A previously approved pumping station (phase 1) would deal with surface and foul sewage associated with the whole development site and then depositing it into the main drainage network. A Drainage Strategy and Flood Risk Assessment has been submitted in support of the application which demonstrates how the additional infrastructure in the form of a new sewage pumping station and how it would connect to existing facilities and how surface water drainage would be dealt with. The Lead Local Flood and Drainage Officer (LLFA) has been consulted on the proposal and engaged in discussions with the applicant during the life of the application and has raised no objections to the scheme subject to the provision of a planning condition to secure a Sustainable Drainage Operation & Maintenance Plan and the prior submission of a Sustainable Drainage Plan. Both the Environment Agency and Severn Trent Water have been consulted on the proposal and have raised no objection.

Impact on Residential Amenity

- 6.19. The application site has been vacant since the early 2000's and is unkempt and overgrown having also been the subject of anti-social behaviour and a number of short-term uses (currently a hand car wash). It is therefore considered that bringing an active use to the site and improving the security of the site through

redevelopment for residential purposes would be beneficial to the immediate area. The proposed dwellings have been positioned in order to achieve adequate separation distances between the new scheme and those previously approved within the phase 1 scheme with consideration given to proposed window positions and roof lines in relation to neighbouring dwellings.

- 6.20. When assessed against the Technical Housing Standards – Nationally Described Space Standard, the house types exhibit a shortfall in the required minimum gross internal floor areas. However, the dimensions of the proposed units for this scheme are based on the Housing Quality Indicator (HQI) system, which evaluates housing schemes on the basis of design and quality, and which incorporates required design standards for affordable housing providers who receive funding through the 2008 to 2011 National Affordable Housing Programme (NAHP) and 2011 to 2015 Affordable Homes Programme (AHP). The unit sizes of the proposed scheme meet HQI requirements and are acceptable to the future Housing Association and the HCA, who are providing Grant Funding for the development.
- 6.21. It is clear from the submitted floor plans for each of the house types that, whilst there is a marginal shortfall of approx. 2.5sqm for the flats and approx. 10sqm for each of the houses which is regrettable, a functional, well designed layout is achieved within each of the unit types and I consider that these would result in an acceptable living environment and residential amenity for future occupiers.
- 6.22. In respect of the bedroom sizes, the majority of these meet the guidance set out within the Technical Housing Standards – Nationally Described Space Standard, and indicative furniture layouts are submitted to demonstrate an adequate and functional layout. However, it is noted that the single bedrooms in the three bed units are considerably undersized, achieving approximately 5.7sqm as opposed to the minimum 7.5sqm, providing room for only a single bed and item of furniture with restricted circulation space. Whilst this bedroom size does raise concerns in terms of its impact on residential amenity, the family living spaces of the living room and dining kitchen are considered to be adequate and would likely achieve an acceptable living environment. On balance, I consider that the proposed dwelling types would achieve an adequate living environment overall and prospective occupiers would have a reasonable level of residential amenity whilst contributing towards affordable housing needs in Birmingham.
- 6.23. The application has been submitted with a geo-technical report which recommends that an intrusive site investigation is undertaken to determine the ground conditions prior to commencing works on site. Given the sites dilapidated nature along with the close proximity of commercial uses (e.g. waste, vehicle washing, etc.) conditions are recommended by Regulatory Services for a contamination remediation scheme and a contaminated land verification report to secure adequate residential amenity for future residents of the application site which I consider to be reasonable and necessary.
- 6.24. The application has also been supported by an Air Quality Assessment (AQA) report which has been reviewed. It is noted that the assessment has identified that nitrogen dioxide concentrations are predicted to exceed the air quality objective at the façade of the proposed apartment buildings and three storey houses fronting Station Road. Discussions between the applicant and Regulatory Services have been undertaken, with Regulatory Services recommending that compliance with the suggested mitigation measures within the AQA are implemented and are thereafter maintained by the registered housing provider. I support the provision of such a condition.

- 6.25. The Noise Assessment report submitted with the application has been reviewed by Regulatory Services and it is noted that mitigation measures are required in the form of enhanced glazing and ventilation for the proposed dwellings. As such, I agree with the conclusions and mitigation measures of the report and recommend that the mitigation measures are secured by planning condition, a view supported by Regulatory Services.
- 6.26. Regulatory Services recommends a condition to secure vehicle charging points for electric vehicles within the site in order to address ongoing air quality concerns across Birmingham, but particularly in the locality. It is understood that electric vehicles can be charged via mains electric with the requisite power converter. Given that the majority of the proposed dwellings would have frontage parking spaces, I would expect that vehicles can be charged in this manner without the need for dedicated vehicle charging points. I therefore consider that such a condition could only be applicable to the apartment blocks, which would be likely to operate a more informal parking allocation. As such, I have attached a condition to secure electric vehicle charging points for the communal parking to the flatted development only.

Highway Safety

- 6.27. The application site is located in a sustainable location, with good access to public transport serving the local neighbourhood centre and the wider Birmingham area with a large range of facilities and services available within walking distance of the site, including schools and recreation spaces. The application proposals seek to provide access throughout the site from Station Road. The proposal seeks to deliver 136% parking provision with all three/four bed dwellings allocated 200% parking, plus 100% provision for each two bed houses and two bed apartment, together with 3 visitor spaces.
- 6.28. In respect of the likely traffic to be generated by the proposed development, the Transport Statement submitted in support of the planning application sets out that peak flows on Station Road between 8am and 9am and also 5pm and 6pm. The daily traffic volumes along this section of Station Road are in excess of 35,000 vehicles which the proposed highway improvement works (fall outside of the current planning application) seeks to accommodate. The development itself (which forms both phase 1 (already approved) and phase 2) is likely to generate an additional 50 no. vehicles during the peak hour flows and 350 no. daily. Based on the current situation at the application site, it is concluded that this would not have a severe impact on the traffic flows in the area, particularly when undertaken with the planned highway improvement works along Station Road/Iron Lane/Flaxley Parkway which will improve highway capacity in the area.
- 6.29. Transportation Development has been consulted on the proposals both at pre-application stage and during the life of the current planning application. Further visitor parking was requested and clarification was sought regarding pedestrian access/ refuse vehicle tracking. Amended plans/ additional information has been provided, including provision of 3 visitor parking spaces and clarification that the access road would be designed to enable refuse vehicles to adequately manoeuvre. It is considered appropriate to impose a number of planning conditions, to include the provision of a Construction Management Plan, no occupation of the dwellings until the access roads are constructed, a residential Travel Plan is undertaken and implemented, that the parking areas are provided prior to occupation, sufficient vehicular and pedestrian visibility splays are provided and maintained, appropriate cycle storage provision for apartment blocks are made, so as to ensure an

appropriate standard of development is secured and to ensure that highway safety is maintained.

7. Conclusion

- 7.1. The application proposals relate to the residential development of 24 no. units on land off Station Road, Stechford. The site is in a dilapidated and overgrown condition and would form part of an established residential and commercial area and the principle of residential development is acceptable on the site.
- 7.2. The proposals comprise of policy compliant affordable housing which would address an evident need in Birmingham and particularly in east Birmingham. For the purposes of the Section 106 Agreement, the development would deliver a 35% policy-compliant scheme alongside a policy compliant financial contribution towards off site public open space. This is considered to be an acceptable approach in the context of the proposals. For the reasons set out throughout this Committee Report, I recommend that the application should be approved subject to the completion of a Section 106 Agreement, and planning conditions.

8. Recommendation

- 8.1. Approve subject to an amended Section 106 Legal Agreement to reflect the removal of the open space requirement and recommendations as previously approved .

That consideration of application number 2018/00808/PA is deferred pending the completion of a Section 106 Legal Agreement to secure the following:

- iii) 35% affordable housing (9 units) for affordable rent;
 - iv) a payment of £119,575 (index linked to construction costs from 30th August 2018 to the date on which payment is made) towards the provision, improvement and/or biodiversity enhancement of public open space, children's play and the maintenance thereof at Glebe Farm Recreation Ground within the Stechford and Yardley North Ward; and
 - v) Payment of a monitoring and administration fee associated with the legal agreement of £7,615.13.
- 8.2. In the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 28th September 2018, planning permission be REFUSED for the following reason;
- ii) The proposal represents an unacceptable form of development as it would not achieve Section 106 Planning Obligations in the form of appropriate affordable housing and a financial contribution towards the maintenance and improvement of local public open space. This is contrary to Policies TP9 and TP47 of the Birmingham Development Plan 2031, Affordable Housing SPG, Public Open Space and New Residential Development SPD, and the National Planning Policy Framework (2018).
- 8.3. That the City Solicitor be authorised to prepare, complete and seal the appropriate planning obligation via an agreement under Section 106 of the Town and Country Planning Act.

- 8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 28th September 2018, favourable consideration be given to this application, subject to the conditions listed below.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the prior submission of a contamination remediation scheme |
| 4 | Requires the prior submission of a contaminated land verification report |
| 5 | Provision of noise mitigation measures |
| 6 | Provision of designated electric vehicle charging point(s) for apartment blocks |
| 7 | Further air quality assessment/mitigation for apartment block |
| 8 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 9 | Arboricultural Method Statement - Submission Required |
| 10 | Requires the prior submission of hard and/or soft landscape details |
| 11 | Requires the prior submission of boundary treatment details |
| 12 | Requires the prior submission of a landscape maintenance plan |
| 13 | Requires the prior submission of an external lighting scheme |
| 14 | Requires the prior submission of level details |
| 15 | Requires the prior submission of details of refuse storage |
| 16 | Removes PD rights for extensions |
| 17 | Requires the prior submission of Sustainable Drainage As-Built Drawings and Details and Operation & Maintenance Plan |
| 18 | Requires the prior submission of a construction method statement/management plan |
| 19 | Requires the prior installation of means of access |
| 20 | Prevents occupation until the access road has been constructed |
| 21 | Requires the prior submission of details of pavement boundary |
| 22 | Requires the prior submission of a residential travel plan |
| 23 | Requires the parking area to be laid out prior to use |
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- 24 Requires vehicular visibility splays to be provided
 - 25 Requires the prior submission of cycle storage details
 - 26 Requires pedestrian visibility splays to be provided
 - 27 Implement within 3 years (Full)
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Case Officer: Sarah Willetts

Photo(s)

Fig 1 – View of Site and Proposed Access from Station Road.



Fig 2 – Indicative Site Location – Application Site.



Location Plan



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Committee Date:	28/03/2019	Application Number:	2018/08782/PA
Accepted:	07/12/2018	Application Type:	Full Planning
Target Date:	08/03/2019		
Ward:	Alum Rock		

2-26 Anthony Road, Saltley, Birmingham, B8 3AA

Change of use of part of warehouse to a car repair/body workshop and MOT facility (Sui Generis) and alterations to front to include installation of roller shutter

Recommendation

Approve Temporary

1. Proposal

- 1.1. Consent is sought for part change of use of warehouse (Use Class B8) to vehicle repair/MOT station (Sui Generis) and external alterations to create new opening, installation of a roller shutter and new access door. The proposal would result in reduction of office space and store room associated with the existing warehouse use.
- 1.2. Internal layout for the proposed unit at ground floor would comprise office, one vehicle ramp with brake testing, disabled w/c and bin store. The only modification at first floor would be removal of store room with void space to accommodate the proposed MOT/car repair ramp on the ground floor.
- 1.3. The existing car park located on the west of the application building would be retained for 13 parking bays. There would be 4 car spaces would be dedicated to car repairs/MOT Service (Sui Generis) with the remainder 9 spaces continue to be allocated to the existing warehouse use (Use Class B8).

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of part of a warehouse building with a car parking area west of the application building enclosed with a brick wall with metal railings. The front elevation of the building consists of a roller shutter, rectangular shaped windows with metal grills on the lower half of the elevation and long vertical windows on the upper half of the building.
- 2.2. The application site is situated within part of the street that's comprises of mainly commercial/industrial premises. West of the application site is part of the warehouse building which the application building is part of and an industrial building operating as car repair centre. The site is not is active use presently.
- 2.3. North west of the application site is a public house currently in residential use. There is a railway line approx.35 metres south from the application site.

[Site Map](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Site notice displayed and Ward Members and neighbours notified – 7 representations (6 objections and 1 general comment) have been received in which the following comments have been raised:
- There are MOT services and garages already present within the area/Anthony Road and as such more garages will cause more traffic congestion and accidents
 - There have been a number of road collisions on Anthony Road
 - The proposal would result in an increase in traffic/congestion
 - The proposal would result in an increase of road accidents
 - The proposal would be dangerous for pedestrians and school children from the nearby schools and day nursery
 - Request for the council to monitor the traffic adjacent to the application site
- 4.2. Transportation Development – Recommend that a temporary consent (e.g. maximum 2 years) is granted to enable them to monitor the impact of the proposal.
- 4.3. Regulatory Services – No objection, subject to the following conditions: Noise Levels for Plant and Machinery and hours of use: 8am to 8pm Monday to Friday, 8am to 6pm Saturday and 9am to 4pm Sunday.
- 4.4. Network Rail- No comment

5. Policy Context

- 5.1. Relevant Local Planning Policy:
- Birmingham Development Plan (2017),
 - Birmingham Unitary Development Plan 2005 (saved policies)
 - Shopping and Local Centres SPD (2012)
 - Car Parking Guidelines SPD (2012)
 - Shopfront Design Guide (1995)
 - Places for All (2001)
 - Bordesley Park Area Action Plan – Submission Report (2018)
- Relevant National Planning Policy:
- National Planning Policy Framework (2019),

6. Planning Considerations

- 6.1. The key planning considerations relate to the principle of development, the impact of on visual amenity, residential amenity and highway safety.

Principle of Development

- 6.2. The application building is part of a larger warehouse building that is situated on Anthony Road. The application site is situated within part of the Anthony Road that comprises of mainly commercial/industrial premises. The application site is part of a

larger warehouse building where a car repair centre is currently operating. North east of the application site is a public house that has been converted to residential use. The proposal is for a part change of use of the warehouse to a repair/MOT station (Sui Generis) and other works that include installation of a roller shutter and new entrance door.

- 6.3. The application site is within an area of the emerging Bordesley Park Area Action Plan (Submission Document), where the Plan has been submitted to the Secretary of State prior to adoption. The BPAAP recognises that Anthony Road and Parkfield Road currently suffers from conflicting industrial, commercial and residential uses in close proximity to each other and there is opportunity to promote new residential development that would facilitate the resolution of these competing issues. The emerging Bordesley Park AAP and Policy GA7 of the BDP have designated this site and a number of other sites on Anthony Road and Parkfield Road for potential new housing. The core sites including the application site is part of site E45 within the Strategic Housing Land Availability Assessment (SHLAA) 2018, which has identified sites within Birmingham that have the potential to accommodate housing development. The proposed vehicle repair/ MOT use would fall outside this category, which the applicant has advised that the application site or adjoining commercial sites would not come forward for residential purposes individually or collectively to coincide with aspirations of the BDP and BPAAP allocations in foreseeable future. Consequently, I consider that the proposed MOT/ vehicle repair operation on a temporary 2 year period would be appropriate that would allow the formal adoption of Bordesley Park AAP and would also provide short-term economic benefits for the area through alternative uses.

Visual Amenity

- 6.4. Proposed changes to the appearance of the application site include creation of new opening and installation of a roller shutter and access door on Anthony Road frontage. The proposed roller shutter would provide access to the vehicles to the proposed MOT/car repair area and the new entrance door would provide access to a bin store room. Consequently, I consider the proposed roller shutter and entrance door would not undermine the character and appearance of the existing commercial building or overall area.

Residential Amenity

- 6.5. The nearest residential use to the application site is the public house adjoining the application site at the junction of Bridge Road and Parkfield Road. There are proposed MOT/ car repair area would be located on the south east elevation of the building and there are a number of other uses in close proximity to the converted public house to include dismantling yard, industrial and warehouse uses adjoining the site. Regulatory Services have raised no objection subject to condition for noise insulation and hours of use for: 8am to 8pm Monday to Friday, 8am to 6pm Saturday and 9am to 4pm Sunday. Taken into consideration the location of the MOT/ car repair area and conditions to include noise insulation, I consider the proposed development would not have an adverse impact to the residential amenity.

Highway Safety

- 6.6. I note objections have been raised from adjoining neighbours in regards to increase in traffic/congestion, pedestrian safety particularly children at the nearby day nursery, etc. There would be 4 car parking spaces allocated to the car repair/MOT use and the remainder 9 spaces allocated to the existing warehouse use.

Transportation Development have recommended conditions to include a temporary consent in order to monitor the impact of the use upon highway safety. I concur with this view and consider that a 2 year temporary recommendation would coincide with the formal adoption of Bordesley Park AAP and provide short-term economic benefits for the area through alternative uses which would give Transportation Development the ability to monitor the impact of the use on site upon highway safety within the immediate vicinity of the site.

7. Conclusion

- 7.1. The proposed development would bring the site back into beneficial use and a two year temporary consent is recommended pending the adoption of recommendation contained within the Bordesley Park Area Action Plan and to monitor the impact of the use upon highway safety. I am satisfied that the proposed development would not have a detrimental impact on residential amenity. A temporary approval is granted subject to condition.

8. Recommendation

8.1. Approve Temporary |

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| 1 | Requires the use to discontinue within a timescale (2 year temporary) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires that the materials used match the main building |
| 4 | Limits the noise levels for Plant and Machinery |
| 5 | Limits the hours of use (0800-2000 Monday to Friday, 0800-1800 Saturdays & 0900-1600 Sundays) |
| 6 | Requires that the roller shutters be powder coated prior to the use commencing |
| 7 | Requires pedestrian visibility splays to be provided |
| 8 | Requires the submission of a parking management strategy |
| 9 | Requires the submission of the siting/design of the access |
| 10 | Requires the prior submission of a drainage scheme |
| 11 | Restricts use to MOT or car repairs |
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Case Officer: Esther Mngola

Photo(s)

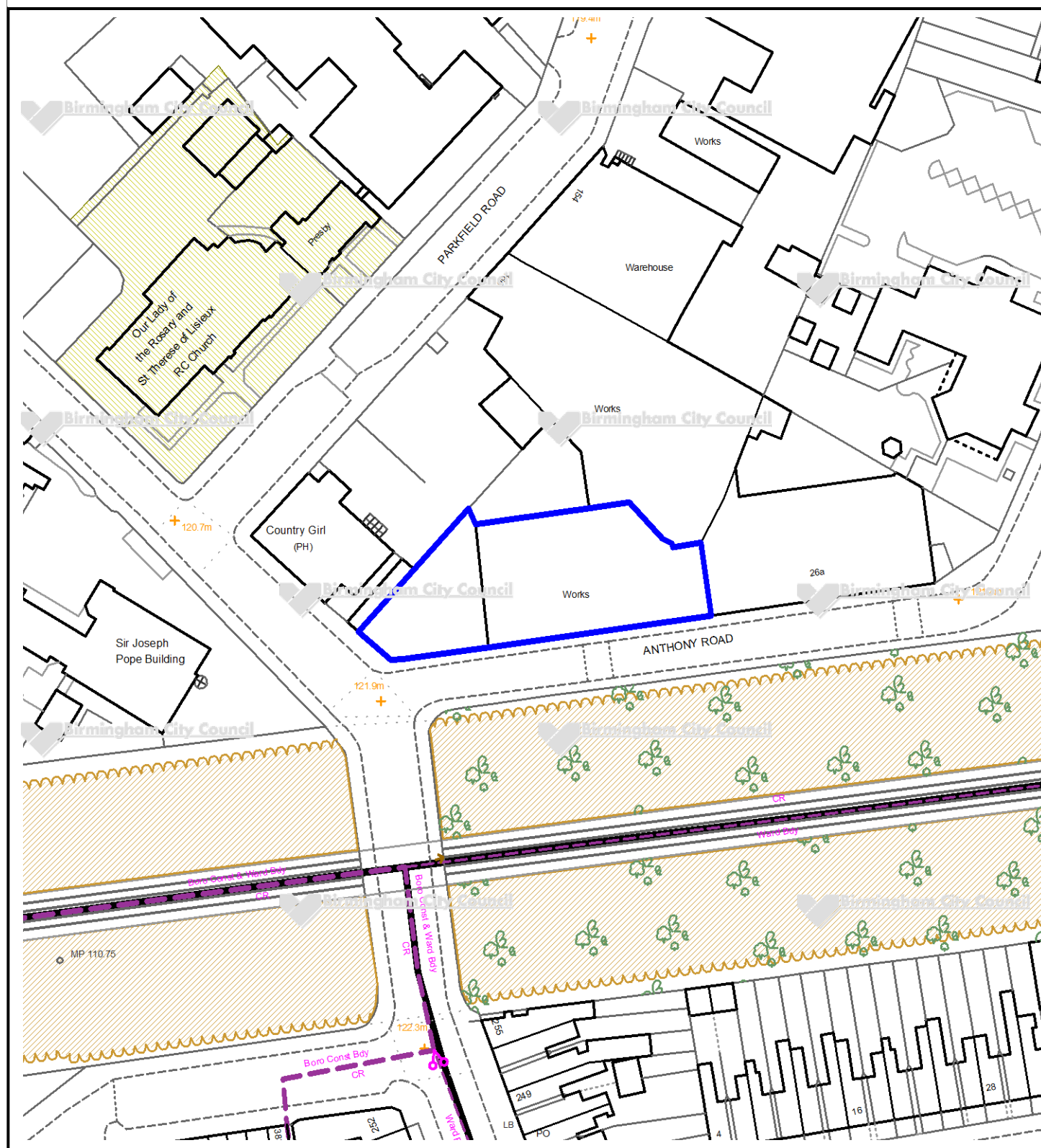


Figure 1: Application site



Figure 2: Application site

Location Plan



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Birmingham City Council

Planning Committee

28 March 2019

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	12	2018/08269/PA Land rear of 29-39 Reddicap Heath Road Sutton Coldfield Birmingham B75 7DU Demolition of 33-35 Reddicap Heath Road and erection of 10 dwellings with associated parking and landscaping.
Approve - Conditions	13	2018/10260/PA Braemar Road Land off Sutton Coldfield Birmingham B73 Demolition of existing sports pavilion and erection of new sports pavilion with associated parking
Approve - Conditions	14	2018/09962/PA Land to rear of 214-216 Albert Road and off Maple Close Handsworth Birmingham B21 9JT Erection of 2 no. dwelling houses and associated parking

Committee Date:	28/03/2019	Application Number:	2018/08269/PA
Accepted:	08/11/2018	Application Type:	Full Planning
Target Date:	29/03/2019		
Ward:	Sutton Reddicap		

Land rear of 29-39 Reddicap Heath Road, Sutton Coldfield, Birmingham, B75 7DU

Demolition of 33-35 Reddicap Heath Road and erection of 10 dwellings with associated parking and landscaping.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application seeks consent for the demolition of two dwellings fronting Reddicap Heath Road (33-35) and the erection of 10 no. new dwellings. It is proposed to erect one dwelling on the road frontage and the other nine on land behind numbers 29 to 39 Reddicap Heath Road on land which is currently garden areas to these 6 no. houses. The site takes approximately two thirds of the rear gardens of these properties.
- 1.2. The proposal comprises of 10 no. dwellings, 4 no. of which would be 2 ½ storey dwellings with the others being 2 storey each with private rear gardens and off road parking (26 no. spaces). The proposed dwellings would comprise of 4 no. 3 bed units and 6 no. 4 bed units.
- 1.3. The application has been submitted with a Design and Access Statement, Tree Survey, Ecology Survey, CIL form, streetscene elevations, house type elevations and floor plans and a site layout plan.

Background to Proposal

- 1.4. A previous planning application (2018/02839/PA), which comprised of a similar scheme to the current planning application was not determined within the statutory 13 week determination period and a subsequent appeal against non-determination was lodged appeal to the Planning Inspectorate. The application was reported to the planning committee on 20th December 2018 and it was agreed that if a decision could have been made on the application it would have been refused on the grounds of:
 - a) Inadequate separation distances to existing residential properties.
 - b) Not adequately demonstrated that protected species and their habitats would not be harmed.
 - c) Inadequate servicing facilities to the detriment of highway safety.

The appeal was subsequently allowed in February 2019. It is noted that the applicant did submit additional information on the scheme, and these were accepted

by the Planning Inspector, during the appeal process with a view to address the grounds for refusal.

- 1.5. The current application was submitted shortly after the appeal was lodged to the Planning Inspectorate (twin-tracking of applications). As such, both the current application and the appeal were running concurrently prior to the Inspector's decision. There are a few changes between the scheme approved at appeal and the current planning application, including the internal rearrangement of the 2.5-storey properties and the omission of integral garages.

- 1.6. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application site is approximately 0.32 hectares in area and, as noted above, is currently made up of one pair of semi-detached houses on Reddicap Heath Road and the rear garden areas of four other houses.
- 2.2. It is located on Reddicap Heath Road, close to the junction with Hollyfield Road. The wider area is predominately residential with a mix of Victorian terrace houses and post war rendered houses. To the east of the site are a row of two storey terrace houses, opposite the site are traditional semi-detached houses with more modern detached and semi-detached houses in Rectory Park Avenue. The gardens of the houses on Hollyfield Road, Hollyfield Crescent and Rectory Park Avenue back onto the application site. At the junction of Reddicap Heath Road and Hollyfield Road are a number of commercial premises including shops, hot food takeaways and a restaurant.

- 2.3. [Site Location](#)

3. [Planning History](#)

- 3.1. 27/2/19 - 2018/02839/PA – Demolition of 33-35 Reddicap Heath Road and erection of 10 no. dwellings with associated parking and landscaping – Non-determination appeal, Allowed.
- 3.2. 3/3/11 - 2010/06365/PA – Application for a new planning permission to replace an extant planning permission 2007/01377/PA in order to extend the time limit for implementation for Demolition of 33-39 Reddicap Heath Road & erection of 5 town houses, 2 pairs of semi-detached houses and one block of 6 apartments, access, parking, amenity space & associated works – approved.
- 3.3. 26/11/07 - 2007/01377/PA – Demolition of 33-39 Reddicap Heath Road & erection of 5 town houses, 2 pairs of semi-detached houses and one block of 6 apartments, access, parking, amenity space & associated works – approved.

4. [Consultation/PP Responses](#)

- 4.1. Local Ward Councillors, M.P, Residents Associations and adjoining occupiers were notified and Site Notice displayed outside site.
- 4.2. 6 no. letters of objection have been received from local residents and Sutton Coldfield Town Council on the following points;

- Layout, density and architectural appearance of proposed development do not fit with the current street scene.
 - Over development of the site.
 - No need for this development.
 - Overlooking of neighbouring properties – loss of privacy.
 - Loss of light to homes and gardens.
 - Disruption and disturbance during construction.
 - Increase in traffic from proposed houses.
 - Roads already congested and suffer from on street parking and three schools in close proximity.
 - Lack of parking on site.
 - Impact on pedestrian safety.
 - Loss of trees, ecological habitats and garden land.
- 4.3. Transportation Development – Request additional information relating to tracking analysis and visibility splays.
- 4.4. Severn Trent Water – No objection, subject to a drainage condition.
- 4.5. Regulatory Services – No objection, subject to noise insulation and electric vehicle charging point conditions.
- 4.6. West Midlands Police – No objection and recommends Secured by Design.

5. Policy Context

- 5.1. The following local planning policies are applicable:
- Birmingham Development Plan (2017);
 - Unitary Development Plan (2005) (saved policies 3.14-3.14D & Chapter 8);
 - Places For Living SPG (2001);
 - Car Parking Guidelines SPD (2012)
 - Mature Suburbs Residential Guidance (2008)
 - 45 Degree Code
- 5.2. The following national planning policies are applicable:
- National Planning Policy Framework (2019)

6. Planning Considerations

Principle of Development

- 6.1. The principle of the development of this backland site is established with previous consents and the most recent appeal decision. It is located within a residential area, close to local shops and services.

Residential Amenity

- 6.2. Places for Living SPG advise that careful design rather than a blanket application of numerical standards can often address concerns such as privacy and amenity. The previous scheme had bedrooms windows to the rear elevation of some of the proposed 2.5-storey houses at second floor level which did not meet the 5m per storey setback (15m). However, the Planning Inspector deemed these shortfalls (3.8m and 5m) to be satisfactory due to existing vegetation along the boundary and

the large rear gardens of the neighbouring properties and the resultant screening effect. The current scheme has been amended and all the 2.5-storey now only has a small secondary rooflight to the rear elevation of the bedroom at second floor level.

Scale, design and layout

- 6.3. The prevailing scale of development the proposed mixture of both 2 and 2 ½ storey was previously approved in 2007 and 2010 as well as deemed acceptable in 2018. There are no objections to the current scheme which closely follows the arrangement of the approved appeal.

Highways Impact and Parking

- 6.4. The applicant has submitted a tracking plan that shows that an appropriately sized refuse vehicle could manoeuvre and turn within the site whilst amendments have been provided regarding the proposed turning head which has removed two garages adjacent to the turning head so as to be used as surface level parking spaces to allow greater space for manoeuvring for larger vehicles if required. However, it is noted that tracking information has not been undertaken to / from the highway onto/from the proposed access and as such not adequately demonstrated that such a refuse vehicle could safely enter/exit the site. However, this point was noted by the Planning Inspector who considers that such matters could be adequately dealt with by planning condition within the allowed appeal. Such an approach is also taken here and I recommend that such a condition is attached in this case.
- 6.5. The adopted car parking standards and guidance suggests a maximum of 2 no. parking spaces per dwelling for this area. The proposals provide each plot with a minimum of 2 no. spaces with a combination of surface spaces and garages. In total the development would provide 26 no. spaces for 10 no. units which would equate to 260% provision.
- 6.6. Furthermore, 2 no. replacement parking spaces would be created adjacent to the site entrance for no. 31 Reddicap Heath Road in order to facilitate the proposed access road. As such, whilst the proposal exceeds the maximum parking standards as contained within the Car Parking Guidelines SPG, it is considered that the over provision of parking on site would enable limited visitor parking to take place given that there is limited availability to provide on street parking within the proposed cul-de-sac or upon Reddicap Heath Road. A view shared by the Planning Inspector when assessing the previous related allowed appeal which considered helped to reduce potential impacts upon the free flow of traffic within the site and surrounding road network.

Trees and Landscaping

- 6.7. A tree survey and arboriculture report has been submitted with the application. The report notes that there are 21 individual trees, 4 groups of trees and 1 hedge within and adjacent to the site. Vegetation adjacent to the site will be protected through an exclusion zone. Within the site there is 1 category A tree, 1 category B and 19 category C trees.
- 6.8. Seventeen of the category C trees as well as all four groups of trees and the hedge are to be removed, and the report advises that the removal is required to enable the development. This is a significant proportion of the trees within the existing site being removed and it is unfortunate that so many trees are to be removed. It is

accepted that the category A and B trees are to be retained, as are two of the category C trees and root protection areas will be formed prior to the development commencing so as to protect the retained trees.

- 6.9. Furthermore, new tree planting is also proposed within the application site within both front and rear gardens of a number of plots. TPO 1196 applies to two oak trees to the rear of 29 Reddicap Heath Road and the proposal would see their retention.
- 6.10. The Council Tree Officer has advised that the tree report submitted and the protection details are adequate and must be named on any consent in order to avoid the need for separate tree related conditions. As such, although a significant number of trees are proposed to be removed, I do not consider that there is sufficient justification against which to refuse the application on these grounds. The tree protection plan can be incorporated into any list of approved plans to deal with this matter along with securing an appropriate landscaping scheme.
- 6.11. The landscape officer has been consulted on the proposal and was of the view that the buildings and hard surfacing should be pulled away from the site boundaries to better accommodate boundary vegetation and additional planting. This has largely been addressed within an amended site layout. However, the officer is of the view that the planting, and space for it, is needed for the full length of both sides of the access drive and that the boundary treatment proposals are not clear on the submitted site layout plan. However, I consider that such details can be secured by an appropriately worded planning condition securing a suitable hard and soft landscape (planting) and boundary treatment scheme, a view shared by the Planning Inspector who imposed such a condition on the allowed appeal.

Ecological impact

- 6.12. An ecology survey has been submitted with the application which, in summary, suggests the site has low ecological value but does have a number of habitats which have the potential to support protected species. The report also notes the wider area and potential ecological habitats and previous records of protected species. Nesting birds were noted as present on the site and there is the potential for bats. The Planning Inspector recognised that further survey work is best placed to be undertaken in April 2019 at the earliest. The applicant has shown a willingness to carry out these surveys and adhere to any conditions regarding the implementation of mitigation measures resulting from the findings of that assessment. As such conditions covering an additional bat survey and ecological enhancements are attached.

Community Infrastructure Levy (CIL)

- 6.13. The applicant has submitted a CIL form confirming acknowledgement of CIL liability for the site which is located within a high value residential charging area.

7. Conclusion

- 7.1. The proposal amounts to the provision of residential development in a sustainable urban location and the proposal would accord with the provisions of the Birmingham Development Plan and the NPPF. The recommended planning conditions reflect those attached to the recently allowed planning appeal on the site for a similar residential scheme which the Inspector deemed to be appropriate. On this basis, it is considered appropriate to recommend that planning permission be granted.

8. Recommendation

8.1. Approve, subject to Conditions.

-
- | | |
|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a construction method statement/management plan |
| 3 | Requires the submission of sample materials |
| 4 | Requires the prior submission of level details |
| 5 | Requires the prior submission of a drainage scheme |
| 6 | Requires the prior submission of an additional bat survey |
| 7 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 8 | Requires the prior submission of a contamination remediation scheme |
| 9 | Requires the submission of a contaminated land verification report |
| 10 | Requires the submission of hard and/or soft landscape details |
| 11 | Requires the submission of boundary treatment details |
| 12 | Requires the submission a Noise Insulation Scheme to establish residential acoustic protection |
| 13 | Requires the submission and completion of works for the S278/TRO Agreement |
| 14 | Electric Vehicle Charging Points |
| 15 | Removes PD rights for extensions, roof alterations, garages and external alterations |
| 16 | Implement within 3 years (Full) |
-

Case Officer: Christopher Wentworth

Photo(s)

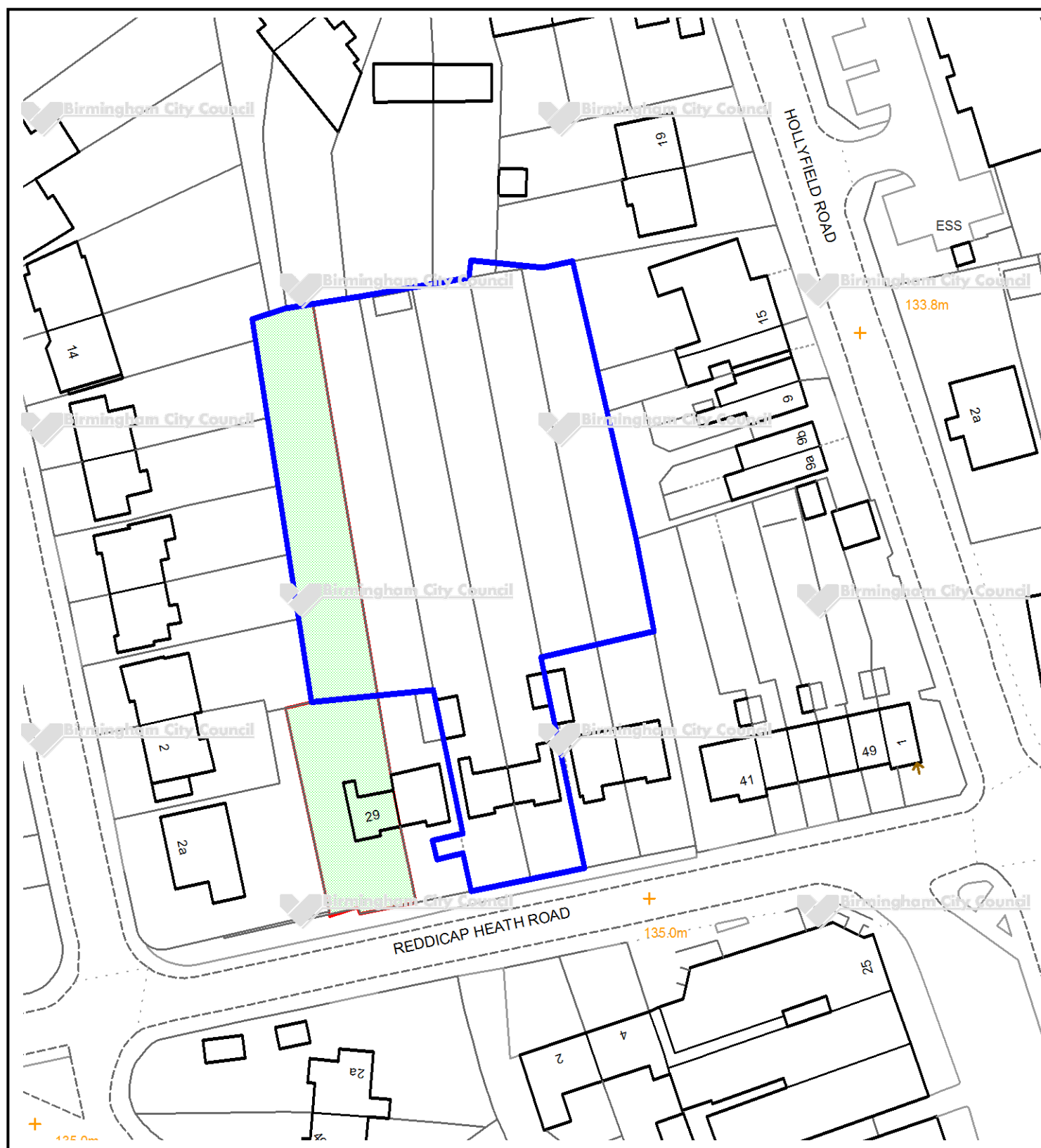


Photo 1: Aerial View of Site.



Photo 2: Streetscene along Reddip Heath Road (Location of Proposed Access).

Location Plan



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Committee Date:	28/03/2019	Application Number:	2018/10260/PA
Accepted:	18/01/2019	Application Type:	Full Planning
Target Date:	28/03/2019		
Ward:	Sutton Vesey		

Braemar Road, Land off, Sutton Coldfield, Birmingham, B73

Demolition of existing sports pavilion and erection of new sports pavilion with associated parking

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The current application is for demolition of the existing sports pavilion on the site and its replacement with a new sports pavilion and associated parking.
- 1.2. The existing sports pavilion is located adjacent to the northwest boundary of the site and is single-storey with a hipped roof. It is rectangular in shape and has an internal floor area of 140 sq.m. It is located 2.4 – 2.55 metres away from the boundary of the site.
- 1.3. The replacement pavilion is located in the same position as the existing one (albeit with a larger footprint) and is situated no closer to the northwest boundary of the site than the existing building. It is irregular in footprint with a number of shallow pitched roofs of varying heights. It has an internal floor area of 344 sq.m. and is 5.6 metres high at its highest point. Externally, it is finished in a mix of brick and fibre cement cladding to the walls, with insulated steel profile cladding to the roof and a mix of aluminium and uPVC windows.
- 1.4. The current proposal is to replace the existing pavilion which was built in the 1970s and is no longer considered fit for purpose. The new pavilion is to provide changing and social facilities to current standards to enable the school to hold fixtures against other schools and be a valuable facility for use by the local community and its current users.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site comprises a large playing field (total area 3.78 hectares) owned by Birmingham City Council which is leased-out to Highclare School. The site is used by the local community, for curricular and extra-curricular school activities and by Boldmere St. Michael's and Four Oaks & Sutton District Football Clubs at weekends. It is also occasionally used for car parking to assist significant events organised in Sutton Park.
- 2.2. The site is situated within a primarily residential area and is bounded on all sides by dwellings that front Braemar Road, Morven Road, Monmouth Drive and Stonehouse Road.

- 2.3. The site access is located on Braemar Road, just to the east of its junction with Stonehouse Road. The access road runs northwards from Braemar Road into the site and is bounded by the back gardens of dwellings fronting Braemar Road, Morven Road and Stonehouse Road.
- 2.4. Adjacent to the northwest boundary of the site and backing onto the rear garden of 85 Monmouth Drive is the existing single-storey sports pavilion. There are existing trees adjacent to the site within the rear garden of 85 Monmouth Drive.
- 2.5. [Site location](#)
3. [Planning History](#)
- 3.1. No recent planning history.
4. [Consultation/PP Responses](#)
- 4.1. Local MPs, Councillors, Residents' Associations and the occupiers of nearby properties were notified of the application; a site notice was also erected at the site access.
- 4.2. Transport Development – No objection subject to conditions.
- 4.3. Regulatory Services – No objection subject to conditions.
- 4.4. Sport England – No objection.
- 4.5. Access Birmingham – Request the provision of a larger disabled parking bay, cycle parking and minor internal alterations to provide disabled changing facilities.
- 4.6. Letters of representation have been received from the residents of ten neighbouring properties, one of which is in support of the proposals; the others raise the following concerns:
- Inadequate parking – the parking spaces are insufficient and won't prevent users and visitors parking on nearby roads and on the verges of the approach road to the site as they do now. Parking on nearby roads is often carried out partly on the pavement due to the narrow width of the roads, causing obstruction and danger to pedestrians and wheelchair and pushchair users, who are forced into the road. Such parking also has the potential to impede access by emergency vehicles attending residences in the vicinity.
 - The proposed parking area and existing access road needs to be properly surfaced as the access road is currently unsurfaced resulting in mud on nearby roads and on nearby pavements from pedestrians leaving the site by foot. The mud on the pavements can be slippery and dangerous to pedestrians.
 - Concern regarding noise and disturbance associated with the use of the site (football chanting, screaming, shouting) and use of the social club.
 - Concern that the site has evolved from a school playing facility that was used in school hours to a venue in constant use over the weekend causing a lot of noise and disruption in a quiet residential area.
 - Query as to whether the sports pavilion will be able to be used when the sports pitches are not, its proposed hours of use and whether or not it will be licenced.
 - Need for an hours of use restriction – a 6pm curfew is suggested.

- Query as to why the informal and unsurfaced access off Braemar Road is being used to access the playing fields as opposed to the original purpose-built full-width access off Morven Road.
- Query as to how the location, route and layout of the approach road and its verges within 50 metres of the car park will be changed.
- Query as to whether there will be any change to / removal / enhancement of boundary planting adjacent to the car park.
- Request that residents be informed of the build schedule; that the site be kept secure when in use and during the build process; and that it is locked when not in use.
- Query regarding the nature of the rectangular objects on the site plan to the right of the proposed car park (on the site plan submitted with the application – since revised).

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham UDP 2005 (saved policies); Places for Living SPG; Car Parking Standards SPD 2012; Access for People with Disabilities SPD 2006; and National Planning Policy Framework 2019.

6. Planning Considerations

- 6.1. The main issues in relation to the proposed development are considered to be impact on the residential amenities of property in the vicinity and impact on the public highway.

6.2. **Residential Amenities:**

- 6.3. The proposed building is single-storey and is located sufficiently away from nearby residences so as not to result in a loss of amenity by reason of overlooking, overshadowing, or by appearing overbearing.

- 6.4. The main issue with regard to residential amenity is potential noise and disturbance generated by use of the site, in particular, use of the new pavilion.

- 6.5. The existing use of the site as playing fields with ancillary pavilion is well established, as is the degree of existing noise and disturbance associated with its use. The proposed development does not include any increase in playing field provision but does include an increase in the scale of ancillary accommodation. In this respect, the proposed building has a floor area nearly two and a half times that of the existing one. However, having said that, it is not considered that the accommodation proposed, which comprises four team changing rooms, two officials' changing rooms, a club room (63 sq.m.) with kitchen (18 sq.m.), toilets, stores, circulation areas, a plant room and two externally accessed stores, is excessive or inappropriate to the scale of the site and is therefore considered acceptable. It is important however, that the new building is designed and used in a manner that adequately controls noise and disturbance associated with its use. In this respect, Regulatory Services have raised no objection to the proposals subject to conditions limiting noise levels generated by plant and machinery; precluding the use of external amplification equipment; requiring the submission of extraction and odour control details; and requiring the submission of noise insulation details. Such conditions are considered reasonable and necessary to protect the residential amenities of property in the vicinity. A further condition limiting the hours of operation of the building from 9am to 10pm daily is proposed. There are no

planning restrictions on the hours of use of the existing building and such a condition is also considered reasonable and necessary due to the increase in size of the pavilion.

- 6.6. Further to the conditions outlined above, it is considered that the amenities of surrounding residential properties will be adequately protected.

6.7. **Highway Issues:**

- 6.8. A revised site layout plan has been submitted which provides a substantial increase in parking to that originally submitted. The proposal now includes a parking area with 67 car parking spaces (including 2 disabled spaces) and space for the parking of two coaches, with bicycle parking located adjacent to the building.

- 6.9. Transport Development note that the access road serving the site is 105 metres long and 6 metres wide, which they consider wide enough to accommodate a large coach-sized vehicle and car passing in opposite directions. They also note that the site is located within easy walking distance of Boldmere Road which provides good public transport running at high frequency. Having assessed the revised proposals in full Transport Development have raised no objection, subject to conditions requiring the existing visibility at the site access to be maintained; the submission of a Construction Management Plan; the submission of a construction specification for the improvements to the access track including a drainage system to prevent mud / debris and surface water being carried onto the public highway; a car park / access track Management Plan to ensure obstructive parking does not occur (within the access track); confirmation of the manoeuvring area associated with the PSV parking; and further details of secure / sheltered cycle parking (incorporating Sheffield stands). Such conditions are considered reasonable and necessary and are therefore proposed.

- 6.10. At 67 spaces, the proposed level of car parking is considered an improvement on the existing situation and will, by formalising the layout of parking on the site, make best use of its capacity. A condition is proposed to ensure that the parking area is satisfactorily laid prior to use of the building.

- 6.11. With regard to surfacing, the agent has confirmed that it is the intention to hard-surface the new car park and to upgrade part of the access road. In this respect a condition is proposed, requiring full details of the materials and extent of the hard surfacing to be agreed and the works carried out prior to first use of the building.

- 6.12. The query regarding why the site is not being accessed via the original purpose-built access off Morven Road is noted. However, the application has been assessed on the basis of the scheme submitted and has found to be acceptable in terms of its impact on the local highway network.

6.13. **Other Issues:**

- 6.14. Sport England raise no objection on the basis that the proposal is for ancillary facilities supporting the principal use of the site as a playing field which does not affect the quantity or quality of playing pitches, or otherwise adversely affect their use.

- 6.15. The Council's Tree Officer has assessed the application and has no objection to the proposals.

- 6.16. No change to the landscaping of the site is proposed. Given the existing use and the low profile and appropriate design of the new building it is not considered necessary to supplement the site boundaries with additional planting.
- 6.17. The rectangular objects on the site plan submitted with the application are coaches – indicating the proposed location of coach parking. Coach parking has since been located away from the site boundary and is now situated to the west of the on-site parking area at its southern end.
- 6.18. With regard to the query as to whether the sports pavilion will be able to be used when the sports pitches are not, the answer is yes. In this respect, whilst the building is ancillary to the sports pitches, it is considered unreasonable to require that the pitches be used prior to the building being used on every occasion. In this respect sports clubs or other bodies associated with the grounds may wish to hold social events on days when the sports field is not in use. In terms of controlling the site and its potential to adversely affect the amenities of nearby residents, the conditions outlined above are considered adequate to control this, in particular, those relating to noise insulation and hours of opening.
- 6.19. The above comments also apply to the assertion that the site has evolved from a school facility, used during school opening hours, to a venue in constant use over the weekend. Whilst the playing fields themselves are an established use that cannot be controlled in terms of when they are used, the conditions outlined above will protect the amenities of nearby residents in relation to the use of the building, the subject of this application.
- 6.20. The request that residents be informed of the build schedule; that the site be kept secure when in use and during the build process; and that it be kept locked when not in use are noted, however, these are not planning issues.

7. Conclusion

- 7.1. Further to the conditions outlined above, the proposed development is considered acceptable and in accordance with the relevant policies of the Birmingham Development Plan 2017 and the policies of the NPPF.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Requires vehicular visibility splays to be provided |
| 4 | Requires the prior submission of a construction method statement/management plan |
| 5 | Requires the submission of access track & car park specification |
| 6 | Requires the parking area to be laid out prior to use |
| 7 | Requires the submission of a Parking Management Strategy |
-

-
- 8 Requires the submission of large vehicle turning details
 - 9 Requires the submission of cycle storage details
 - 10 Requires the submission of extraction and odour control details
 - 11 Limits the noise levels for Plant and Machinery
 - 12 Prevents the use of amplification equipment
 - 13 Limits the hours of operation (0900-2200)
 - 14 Requires the prior submission of noise insulation details
 - 15 Requires the prior submission of level details
 - 16 Implement within 3 years (Full)
-

Case Officer: Lydia Hall

Photo(s)



Photo 1: Existing pavilion



Photo 2: Existing car parking area (looking towards the site access road)

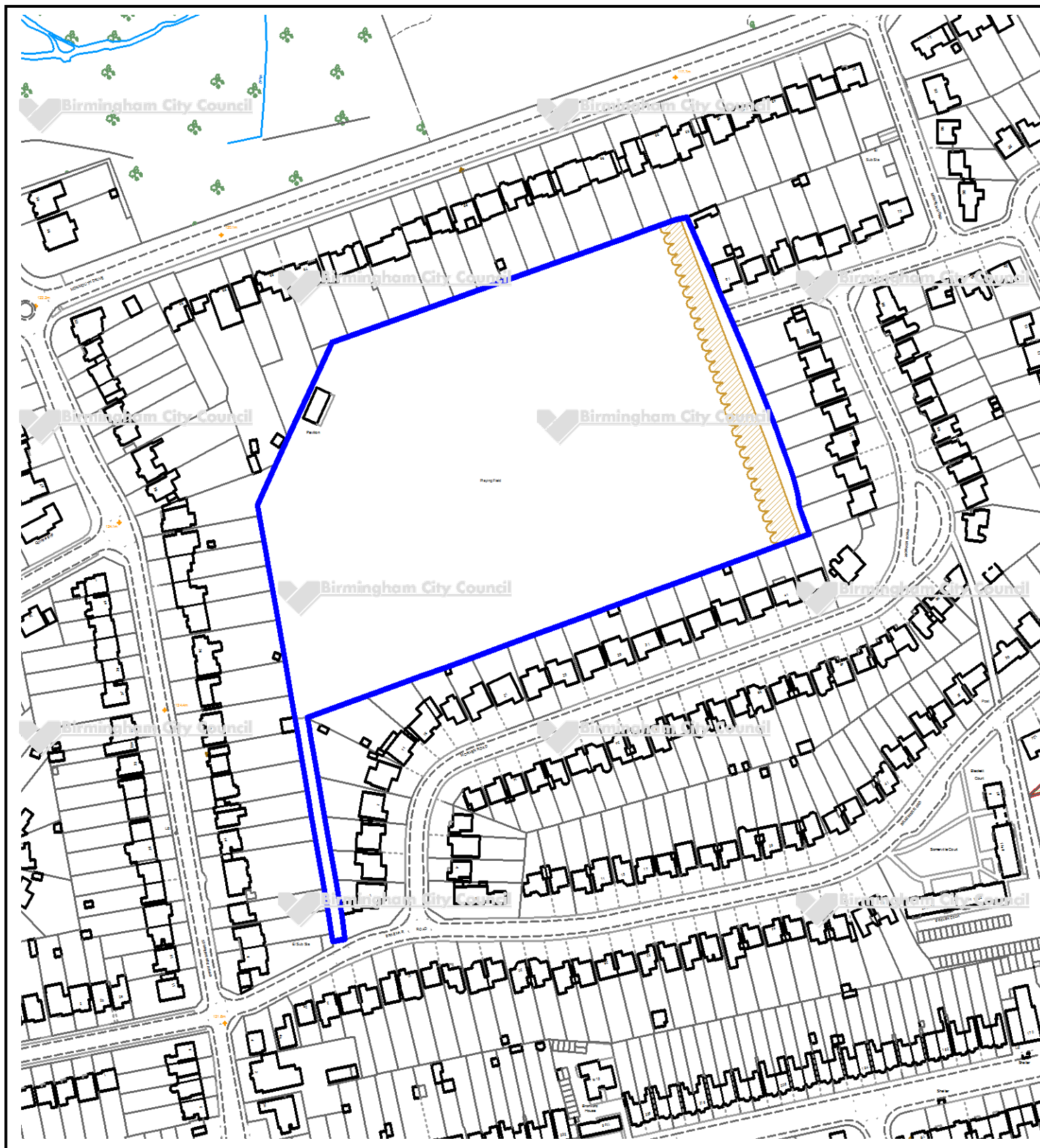


Photo 3: Site access road (looking towards Braemar Road)



Photo 4: Site access road (from Braemar Road)

Location Plan



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Committee Date:	28/03/2019	Application Number:	2018/09962/PA
Accepted:	11/12/2018	Application Type:	Full Planning
Target Date:	28/03/2019		
Ward:	Handsworth		

Land to rear of 214-216 Albert Road and off Maple Close, Handsworth, Birmingham, B21 9JT

Erection of 2 no. dwelling houses and associated parking

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of a pair of semi-detached two storey dwelling houses with accommodation in the roof space to the rears of 214-216 Albert Road. This pair of proposed dwellings would measure 10.4m in width (5.2m per dwelling, with a depth of 9.4m and a maximum height of 8.6m (5.1m to eaves height).
- 1.2. Both dwellings would comprise of a lounge, kitchen/diner and WC at ground floor. The first floor would comprise of two bedrooms, a study and a bathroom, with a further bedroom and shower room in the roof space with dormers to the rear.
- 1.3. The internal area of each dwelling would measure 109sqm with the bedrooms ranging between 11.4sqm and 14.11sqm. The rear amenity spaces would measure approximately 87.2sqm & 98.1sqm.
- 1.4. The proposal would provide 2 off street parking spaces per dwelling.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located in a residential area comprising of a mix of dwelling types and styles. The properties on Albert Road are 2.5-storey traditional winged terraced dwellings, whereas the properties on Maple close are modern 2-storey detached terraced and semi-detached dwellings. A 1.8m high fence encloses the rear of the site with palisade fencing and gates to the rear opening onto Maple Close. The boundary treatment within the site has been removed in part.
- 2.2. To the rear of the properties that back onto Maple Close are a mixture of detached out buildings and garages. These differ in scale and design.
- 2.3. [Site Location](#)

3. Planning History

- 3.1. There is no relevant planning history for this site.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objections subject to conditions requiring the provision and maintenance of pedestrian visibility splays at the access points & the use of permeable materials for the vehicle hard-standings.
- 4.2. Regulatory Services – No objections subject to conditions regarding the submission of, contamination remediation scheme, contaminated land verification report and the provision of a vehicle charging point.
- 4.3. West Midlands Police – No objection
- 4.4. Severn Trent Water – No objection.
- 4.5. West Midlands Fire Service – No objection.
- 4.6. Site notice posted, local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. No comments received.

5. Policy Context

- 5.1. The following local policies are applicable:
 - Birmingham Unitary Development Plan 2005 (Saved Policies)
 - Birmingham Development Plan (2017)
 - Places for Living (Adopted Supplementary Planning Guidance 2001)
 - The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
 - Car Parking Standards SPG
- 5.2. The following national policy is applicable:
 - NPPF – National Planning Policy Framework (2019)

6. Planning Considerations

- 6.1. The main issues to consider for this application are the principle of development, the effect of the proposal upon the appearance and character of the area, the internal and external layout (in terms of practicality and size), impact on residential amenities, highways and parking.
- 6.2. **Policy:** The NPPF defines the three dimensions of sustainable development as being economic, environmental and social. The NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

- 6.3. Policy TP28 of the BDP, requires new housing to be; outside flood zones 2 and 3 (unless effective mitigation measures can be demonstrated); served by new or existing infrastructure; accessible to jobs, shops and modes of transport other than the car; capable of remediation; sympathetic to historic, cultural or natural assets; and not in conflict with other specific policies of the plan. In summary the site is in a good location to deliver sustainable development.
- 6.4. **Principle:** I consider that the new dwellings would be appropriate within the existing residential context in a sustainable location.
- 6.5. Whilst the site is backland to the houses on Albert Road, it has a frontage to Maple Close and thereby giving it a presence to the public realm. The size and configuration of the proposed plots reflect established plots in the locality and the new dwellings fronting onto Maple Close would enhance overlooking of the public realm and improve natural surveillance and security. The current appearance of the site and that generally of the southern side of Maple Close is very poor and the proposal represents an opportunity to improve the character and quality of the streetscene. The proposal could also be a catalyst for similar proposals along this stretch of Maple Close that would further enhance the public realm as well as deliver additional family housing.
- 6.6. The proposed development would therefore comply with the aspirations as laid out within the above policies and would be acceptable in principle.
- 6.7. **Scale, mass and design:** The appearance of the proposed new dwellings when viewed from the Maple Close is of a similar character and scale to the properties on this road. The scale, mass and design are therefore considered to be acceptable and would not result in a detrimental impact on the character or appearance of the street scene. Whilst the proposal includes dormers, these are to the rear and are considered to have a limited impact on the streetscene. Furthermore, the inclusion of the dormers has increased the size of the houses from 2 to 3-bedroom which makes them more suitable for single family accommodation.
- 6.8. **Impact on Residential Amenity:** The proposed development complies with the 45 Degree Code.
- 6.9. An amended plan has been secured to ensure that the distance separation guidelines contained in 'Places for Living' have been met. The proposal would therefore not result in a detrimental impact on the amenities of the occupiers of the neighbouring properties by way of loss of light, outlook or overlooking.
- 6.10. DCLG Technical Housing Standards – Nationally Described Space Standards (NDSS 2015) sets out internal space standards and the requirements for gross internal floor areas. The proposed dwelling would meet the minimum requirements contained within the NDSS and therefore acceptable in terms of the proposed internal layout. The standards advocate that a 3 storey 3 bedroom dwelling for up to 6 people, a minimum internal floor space of 108sqm should be provided, as well as a double bedroom of at least 11.5sq.m and a single bedroom to provide a minimum floorspace of 7.5sq.m. The proposal comfortably complies with these requirements. Furthermore the rear amenity of in excess of 87sqm meets the minimum requirements contained in 'Places for Living'. I consider the occupants of the proposed dwelling will enjoy acceptable standards of living.

- 6.11. Regulatory Services raise no objections to the proposed development although advise to attach a condition requiring the submission of contaminated land verification report and contamination remediation scheme. I concur with the view.
- 6.12. **Highway Issues:** Transportation Development have raised no objections to the proposed development subject to conditions to maintain pedestrian visibility splays on site and use of permeable materials for the vehicle hard-standings. These conditions are considered appropriate.
- 6.13. **Other Issues:** The proposed plans do not demonstrate any areas of soft landscaping, patio areas and boundary treatment. Conditions will therefore be attached for further landscaping and boundary treatment details in this case.
- 6.14. West Midlands Police have assessed the proposal and raise no objections, subject to the proposal being laid out by the principles of 'Secure by Design' and security standards.
- 6.15. **Community Infrastructure Levy (CIL):** This application is exempt from CIL contribution as it is a self-build scheme.
7. Conclusion
- 7.1. The proposal represents the provision of appropriate new family housing in an established and sustainable residential location that would enhance its character and quality, with no adverse impact on neighbour amenity or highway safety.
8. Recommendation
- 8.1. Approve, subject to the following conditions.

-
- | | |
|---|--|
| 1 | Requires the submission of sample materials |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission of a contamination remediation scheme |
| 4 | Requires the submission of a contaminated land verification report |
| 5 | Requires the submission of hard and/or soft landscape details |
| 6 | Requires the submission of hard surfacing materials |
| 7 | Requires the submission of boundary treatment details |
| 8 | Requires pedestrian visibility splays to be provided |
| 9 | Implement within 3 years (Full) |
-

Case Officer: Philip Whittaker

Photo(s)



Photo 1: View of site from Maple Close



Photo 2: View of properties on the norther side of Maple Close

Location Plan



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Birmingham City Council

Planning Committee

28 March 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Temporary	15	2019/00199/PA R76 Curzon Circus Vauxhall Road Birmingham B4 7XX Display of 4 non illuminated freestanding post mounted signs

Committee Date:	28/03/2019	Application Number:	2019/00199/PA
Accepted:	11/01/2019	Application Type:	Advertisement
Target Date:	08/03/2019		
Ward:	Nechells		

R76 Curzon Circus, Vauxhall Road, Birmingham, B4 7XX

Display of 4 non illuminated freestanding post mounted signs

Recommendation

Approve Temporary

1. Proposal

- 1.1. Consent is sought for the display of 4 no. non-illuminated freestanding post mounted signs at R76 Curzon Circus.
- 1.2. The proposed signs would be sited near to the edge of the roundabout and would measure approximately 0.50m (h) x 1.00m (w) x 0.08m (d) set 0.15m from the ground. The signs would be made of di-bond with powder coated steel posts.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the eastern boarder of the city centre and partially falls within the wider generation area known as Eastside Locks that accommodates Birmingham City University (BCU) buildings and a range of offices.
- 2.2. The application also falls within the HS2 safeguarding zone.

2.3. [Location Plan](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management notified. No comments received.
- 4.2. BCC Transportation Development – No objection subject to the following:
 - Appropriate highway licensing
 - Temporary consent

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan 2005 Saved Policies (UDP); and revised National Planning Policy Framework (July 2019).

6. Planning Considerations

- 6.1. Policy PG3 of the Birmingham Development Plan states that new development should 'reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context'.
- 6.2. Paragraph 132 of the NPPF states that: 'The quality and character of places can suffer when advertisements are poorly sited and designed'. In addition the NPPF advises that 'advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'.

VISUAL AMENITY

- 6.3. The proposed adverts would be situated at appropriate locations clearly identifying the four existing exits. As there are no other adverts currently situated on the roundabout, it is considered that the current proposal would not over-burden the site with advertising.

PUBLIC SAFETY

- 6.4. BCC Transportation Development have raised no objection. The fairly low level of the central island and likely positions of circulating vehicles means that there are minimal concerns regarding the sign positions obscuring visibility for drivers seeking to enter the roundabout from approach arms.

7. Conclusion

- 7.1. The design, scale and location of the proposed signs are considered acceptable and would not adversely impact on visual amenity or highway safety. It is therefore considered that the proposed advertisement signs would comply with the relevant policies and guidance outlined in the BDP and the NPPF.

8. Recommendation

- 8.1. Approve Temporary

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Limits the approval to 5 years (advert)
 - 3 Requires the scheme to be in accordance with standard conditions within the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
-

Case Officer: Miriam Alvi

Photo(s)



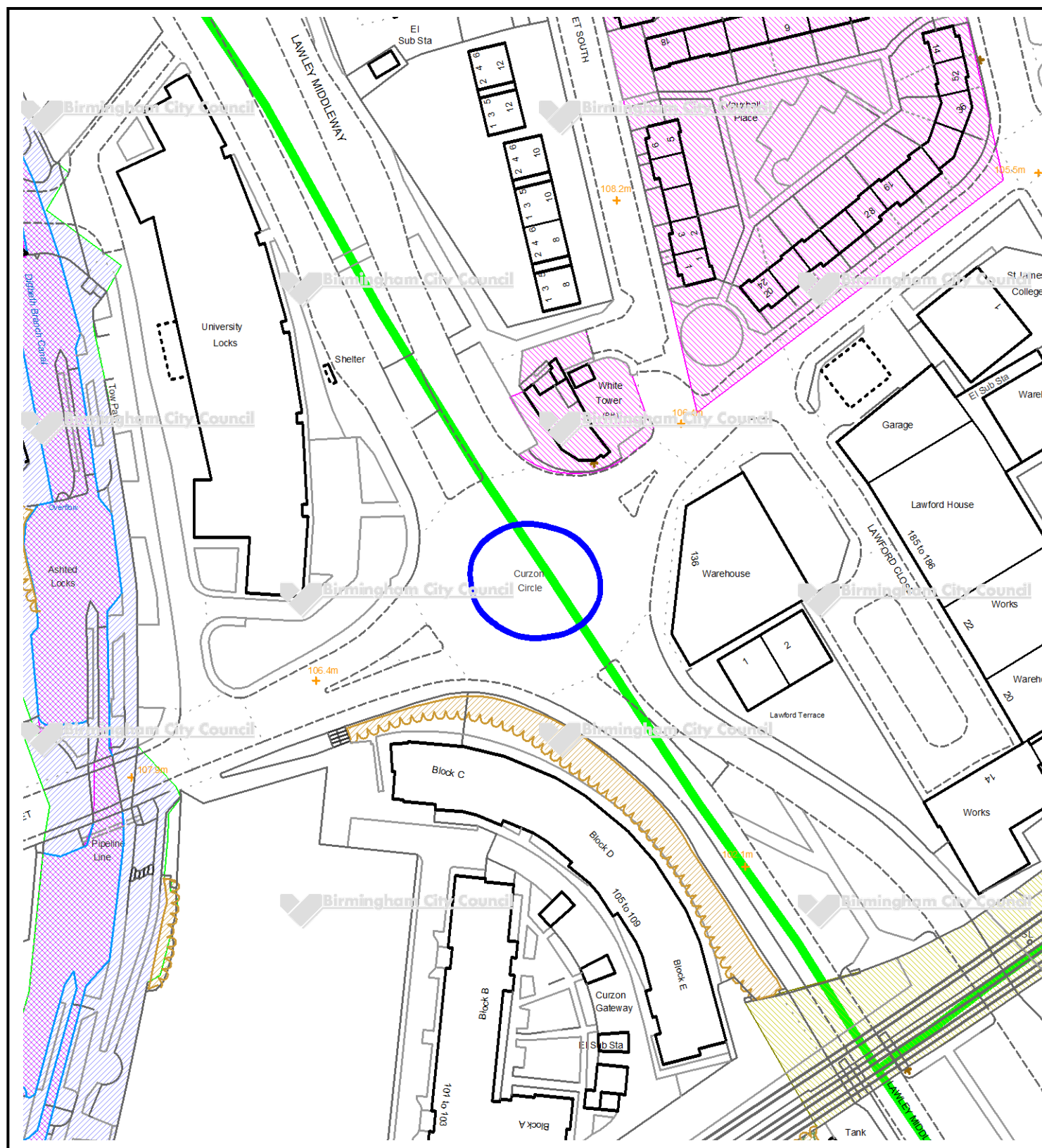
R76-Exit 3



R76-Exit 4



Location Plan



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BIRMINGHAM CITY COUNCIL

REPORT OF DIRECTOR, INCLUSIVE GROWTH

PLANNING COMMITTEE: 28 MARCH 2019

AREA: NORTH WEST

WARD: SUTTON WALMLEY & MINWORTH

ISSUES REPORT

SUMMARY

This report advises Members of a detailed hybrid application submitted by IM Properties Plc & Birmingham City Council (joint applicants) under reference 2019/00108/PA for the site known as Peddimore.

This report sets out likely issues to be considered when the proposal returns to the Committee for a decision, seeks views on these issues and on any other relevant planning matters that members may wish to raise.

PURPOSE

This report is intended to give Members an opportunity to comment on the application proposals and the key issues to enable the applicant to respond to any issues prior to the application being considered by Members at committee.

RECOMMENDATIONS

That this report be noted.

Comments of your Committee are requested.

CONTACT OFFICER

Karen Townend, City Centre Planning Management Team

Tel. No. 0121-675-0506

Email: karen.townend@birmingham.gov.uk

PLANNING COMMITTEE: 28 March 2019

APPLICATION: 2019/00108/PA

LOCATION: Peddimore, Land north of Minworth, east of A38 and west of Wiggins Hill Road, Sutton Coldfield, Birmingham, B76

PROPOSAL: Hybrid planning application comprising: Outline application with all matters reserved for an employment park comprising B1b, B1c, B2 and/or B8 uses, including ancillary offices (B1a), gatehouses and security facilities, service yards and HGV parking, plant, vehicular and cycle parking, landscaping, pedestrian and cycle infrastructure, green and blue infrastructure, ancillary business and community facilities (D1/D2/B1a/A3/Sui Generis) including a multi-purpose hub building and associated development. Full planning application for a new roundabout access from the A38, construction access and compound area, internal spine road, site gatehouse, primary substation and tower, engineering operations including foul pumping station, acoustic fencing, earthworks (including creation of development plot plateaus), pedestrian and cycle infrastructure and structural landscaping including drainage infrastructure and development platform within Peddimore Brook corridor for ancillary business and community facilities.

APPLICANT: IM Properties Plc & Birmingham City Council

AGENT: Turley, 9 Colmore Row, Birmingham, B3 2BJ

1.0 DETAILS OF PROPOSAL:

- 1.1 The application is for development as an employment site. The application has been submitted as a hybrid application with part of the proposal detailed in full and part as outline. The full part of the application includes the details of the access, spine road, foot/cycle bridge over the A38, landscaped buffer zone around the site with pedestrian, cycle and equestrian paths, the cut and fill of the development plots to create level plateaus, works to Peddimore Brook and acoustic fencing. In addition full details are provided of the main site gatehouse, the electricity substation and foul pumping station.
- 1.2 The outline elements are the four future development zones. The three plots for the future industrial buildings, zone 1A with a total area of 20.3ha, 1B at 7.9ha and zone 2 at 24.8ha and the “hub” plot at 1.1ha. The layout, scale, appearance and landscaping are reserved for later approval through Reserved Matters applications. However, maximum heights are set at this hybrid application stage and a Design Guide has been written which will be used to advise the future applications. In addition indicative layout plans have been provided which show two potential layouts for the future development of the site.
- 1.3 Prior to submitting this application the development was screened against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Schedule 2, 10a “industrial estate development projects” requires consideration of the need for an Environmental Statement (ES) for sites over 0.5 hectares. It was determined that due to the size of the site and the potential likely significant effects the planning application should be submitted with an Environmental Statement (ES). The submitted ES includes chapters assessing traffic and transport, air quality, noise and vibration, biodiversity, landscape and visual, built heritage, archaeology, lighting, flooding and hydrology, ground conditions and contamination, soils and agricultural land, climate change, socio-economics and human health and a cumulative effects assessment. Appendices provide further detail and a summary is included within the full ES and a separate non-technical summary has been provided.

- 1.4 In addition to the Environmental Statement and appendices the application has been submitted with the following documents: Planning Statement, Economic Impact Assessment, Social Value Study, Sustainability and Carbon Reduction Strategy, CIL Form, Design and Access Statement, Heritage Statement, Reserved Matters Design Guide, Transport Assessment, Framework Travel Plan, Site Access Strategy Report, Sustainable Transport Strategy, Foul Sewage and Utilities Statement, Sustainable Drainage Statement, Flood Risk Assessment, Water Framework Directive information, Geo-Environmental Assessment (phase 1 and 2), Geotechnical Assessment Report, Watercourse Survey, Landscape and Green Infrastructure Strategy, 20 Year Landscape Management Plan, Tree Survey, Arboricultural Impact Assessment, Minerals Assessment, Statement of Community Engagement, Framework Ecological Mitigation Strategy, Local Wildlife Site Assessment, External Lighting Assessment Report, Construction Environmental Management Plan.
- 1.5 A useful “contents page” has also been provided which lists the above documents and details which of the submitted plans are for approval as part of this hybrid application and which are submitted for information purposes only.
- 1.6 [Link to Documents](#)

2.0 NATURE OF SURROUNDINGS:

- 2.1 The application site has a total area of 110 hectares. It lies on the north east edge of Birmingham and is enclosed by the A38 on the west, housing at Minworth and the Birmingham and Fazeley Canal to the south, Wiggins Hill Road to the east and Peddimore Hall and Barns and agricultural fields to the north. On the opposite side of the A38 is the land allocated as Langley Sustainable Urban Extension.
- 2.2 Currently the land is arable fields which gently fall from north and east. Wishaw Lane, Peddimore Lane and a public right of way cross the site and there are existing hedges and Peddimore Brook within the site.
- 2.3 Also in the north west of Birmingham are the existing Minworth Trading Park, Midpoint Park and Minworth Severn Trent Treatment Works. Outside of Birmingham there are other employment parks and industrial estates nearby.
- 2.4 [Site Location](#)



Figure 1: Location

3.0 RELEVANT PLANNING HISTORY:

- 3.1 1996/02128/PA – called in by Secretary of State (application “A”)
- 3.2 1996/03388/PA – called in by Secretary of State (application “B”)
- 3.3 Both above applications were called in by the Secretary of State (SoS) for determination given the scale of the proposals and the sites designation as Green Belt. The Inspector recommended refusal of both applications, however the SoS accepted the recommendation of refusal for application B but granted planning permission for application A.
- 3.4 The SoS concluded that both applications would constitute inappropriate development in the Green Belt but that very special circumstances existed to outweigh the harm. The urgent need for major investment; the lack of readily available alternative sites outside the Green Belt and the economic benefits were noted as the very special circumstances.
- 3.5 Application A was approved over application B as it was within a single ownership (the Council) and for a specific occupier. The permission was granted in August 1997 and extended in November 2000. The consent was not implemented and has now lapsed.

4.0 CONSULTATIONS / PP RESPONSES:

- 4.1 Consultation has been carried out with Statutory consultees, local residents, residents associations and interest groups, Royal Sutton Coldfield Town Council, Warwickshire County Council, North Warwickshire Council and local ward councillors. Press and site notices have also been displayed. The Reserved Matters Design Guide has also been considered by the Birmingham Design and Conservation Review Panel (BDCRP).

5.0 POLICY CONTEXT:

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan (UDP) saved policies 2005, Peddimore Draft SPD, Langley Draft SPD, Nature Conservation SPD, Places for All SPG, Archaeology Strategy, Access for People with Disabilities, Lighting Places SPD, Car Parking Guidelines SPD and National Planning Policy Framework (NPPF) 2019.

6.0 ISSUES:

6.1 Issue 1 – Principle of development, uses and scale of development

- 6.1.1 The application site forms the majority of the land allocated within the BDP as Peddimore. The land was released from the Green Belt as part of the BDP process and as such is no longer Green Belt. The supporting text of GA6 advises of the significant shortfall of high quality employment land and the shortage of suitable brownfield sites which justified the release of this land from the Green Belt. The land is now an allocated employment site and the principle of employment development on this land has therefore been accepted by the adoption of the BDP. During the BDP examination the Inspector noted that Peddimore was required, as soon as possible, given the urgent shortage of high quality employment land.
- 6.1.2 The BDP allocates 71 hectares of the site as “developable land” and therefore where the built form should be within. The policy also requires 40ha of the site to be safeguarded for B1(c) or B2 uses. The remainder of the allocation is to be used for landscaped buffers. The following plan shows the application site area edged in red and the developable area edged in purple. The grey shading is the proposed employment plots within the current application and the green shading shows the landscaped buffers.

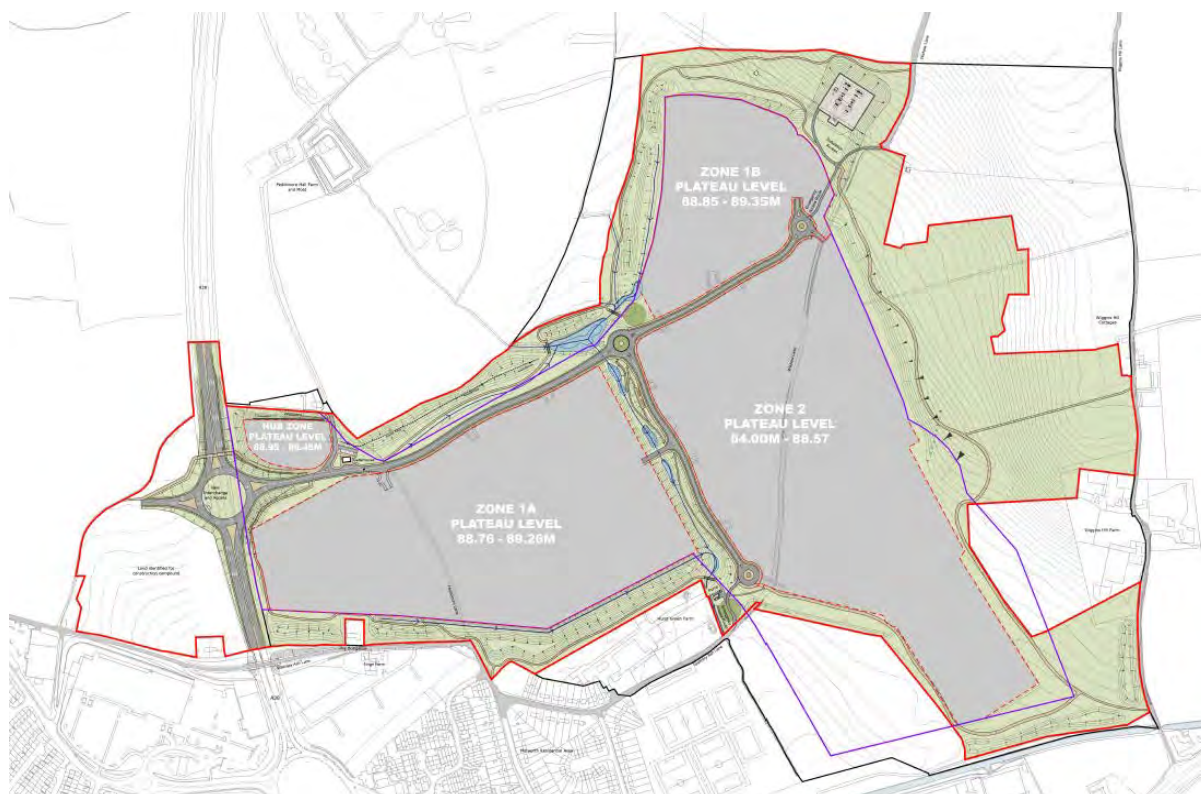


Figure 2: Site area

- 6.1.3 The current application site only includes the land which is within the ownership of Birmingham City Council. There are two parcels of land, one on the western side of the site and one in the south which are not within the current application red edge but are within the purple developable area edge. The development of the southern parcel, which is owned by Severn Trent Water, is likely to come forward at a later date. The western parcel may not be developable unless it becomes part of zone 2. This is a separate matter for Birmingham Council as a land owner rather than a Planning Authority.
- 6.1.4 Paragraph 3.13 of the BDP states that Peddimore will provide the City with the much needed employment land of the right size and type for major investors. PG1 notes the wider proposals for employment development and also specifically names Peddimore as an employment site. Policy GA6 of the BDP is the specific policy for Peddimore. This policy advises that Peddimore will provide 71 hectares of new employment land for B1b (research and development), B1 (light industrial), B2 (general industrial) and B8 (storage and distribution) uses; with B1a (office) and other ancillary uses.
- 6.1.5 GA6 contains a number of criteria and principles which the development of this site must comply. The main point is that 40ha of the site should be safeguarded for B1c and/ or B2 uses. In addition the development will need to ensure:
- High quality design in a landscaped setting including a landscaped buffer;
 - Development not to be outside the allocated developable area;
 - Building heights close to northern and eastern edges should be controlled to limit visual impact;
 - Access improvements including a new junction on the A38, new bus connections, a network of pedestrian and cycle routes and a travel plan and freight management plan;
 - Ecological enhancements including Peddimore Brook and reinstatement of hedgerows;
 - Protection of heritage assets including archaeological features and the character and setting of heritage assets in the area (listed buildings and the canal).
- 6.1.6 The draft Peddimore SPD was published last year and has since been through a public consultation process and revisions. The final version of the SPD is programmed to be presented to Cabinet on the 16 April with a recommendation that it is adopted as a material consideration to the determination of this application and future reserved matters (and/ or full planning applications) on this site.
- 6.1.7 As noted, the site is allocated within the BDP and a SPD is also being produced to support employment development. The principle of the development is acceptable. The uses proposed are, as detailed in the description of development, are B1b, B1c, B2 and/or B8 uses. The Town and Country Planning (Use Classes) Order 1987 (as amended) defines these uses as Research and Development (B1b), Light Industrial (B1c), General Industrial (B2) and Storage and Distribution (B8). The scheme also proposes ancillary offices, gatehouses, security facilities, service yards and HGV parking, plant, vehicular and cycle parking and landscaping to each plot and pedestrian and cycle infrastructure, green and blue infrastructure and a main site gatehouse for the whole of the development.
- 6.1.8 In addition to the above employment uses and landscaping the scheme proposes one plot for a multi-purpose hub building (to the north of the proposed access and estate road) and two small plots within the new Peddimore Brook corridor both of which are intended to provide ancillary business and community facilities such as gym, meeting rooms, community room, food and drink facilities. The final uses of these ancillary facilities, including the hub, will be reserved for later approval.

6.1.9 The following two plans show the detail of the full part of the application (landscaping, access and estate roads etc); and an indicative layout of the site showing one potential layout for the future development of employment units on this site. Figure 3 is only indicative and other forms of layout of employment units could come forward depending on occupier requirement.

6.1.10 **The committee may wish to comment on the proposed uses and the principle of the ancillary uses.**



Figure 3: Details submitted in full



Figure 4: Indicative layout

6.2 Issue 2 – Location of ancillary facilities

- 6.2.1 Two different parts of the development are proposed for ancillary facilities. The ‘hub’ zone to the north of the new spine road and the Peddimore Brook corridor.
- 6.2.2 As noted above the ‘hub’ is intended to provide a gateway facility of a multi-purpose business and community uses to include B1a (offices), D1 (non-residential institutions such as creche, community halls, training centres), D2 (leisure and assembly), A3 (restaurant/ café) and Sui Generis uses but the final end uses within this plot are not submitted for approval. The ‘hub’ will be ancillary to the main use of the site as industrial/ employment. It will be a lower height building and a smaller footprint than the employment units on the site. All details are reserved for later approval, however the current application seeks consent for the principle of siting this use in this position and the principle of the uses.
- 6.2.3 The Peddimore Brook corridor ancillary facilities are two small plots proposed for café/ retail or leisure uses. As with the ‘hub’ the details are reserved for later approval and the agent is proposing to put these units out for an architecture competition through the universities. These facilities will be within the new brook corridor as part of the open space for employees and visitors and are centrally located within the employment site.
- 6.2.4 **The Committee may wish to comment on the position of the ancillary facilities.**

6.3 Issue 3 – Visual impact

- 6.3.1 The work to create level plateaus for the plots (shaded grey in figure 1) and the bunds around the site is to be done through cut and fill of the existing ground levels. At present the

ground levels range from 106m AOD to 84m AOD. The plateau levels are to be from 84m AOD to 89.45m AOD. The finished floor levels will range from 84.5m AOD to 91.15m AOD. The changes in levels around the site range from 6m cut to 3m fill. No material is to be exported or imported into the site.

- 6.3.2 Peddimore Brook is to be realigned to a more natural route in an amenity area as part of the green and blue infrastructure across the site. Within the new brook corridor will be the watercourse with natural fall and varying widths, planting, footpaths, bridges, seating areas and two small ancillary buildings for cafes or similar uses. The detail of the two buildings is reserved for later approval. However, the detail of all other works to the brook are shown on the submitted plans.

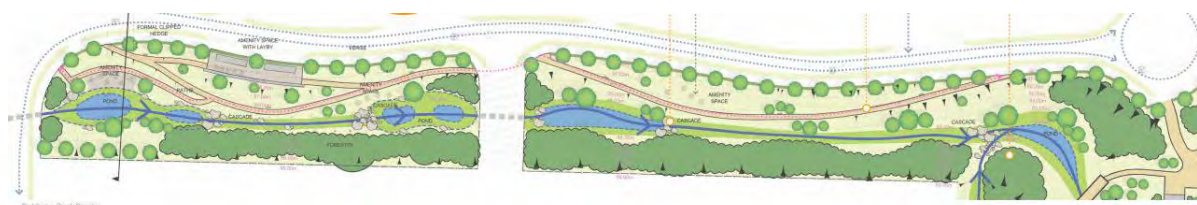


Figure 5: Peddimore Brook corridor as proposed

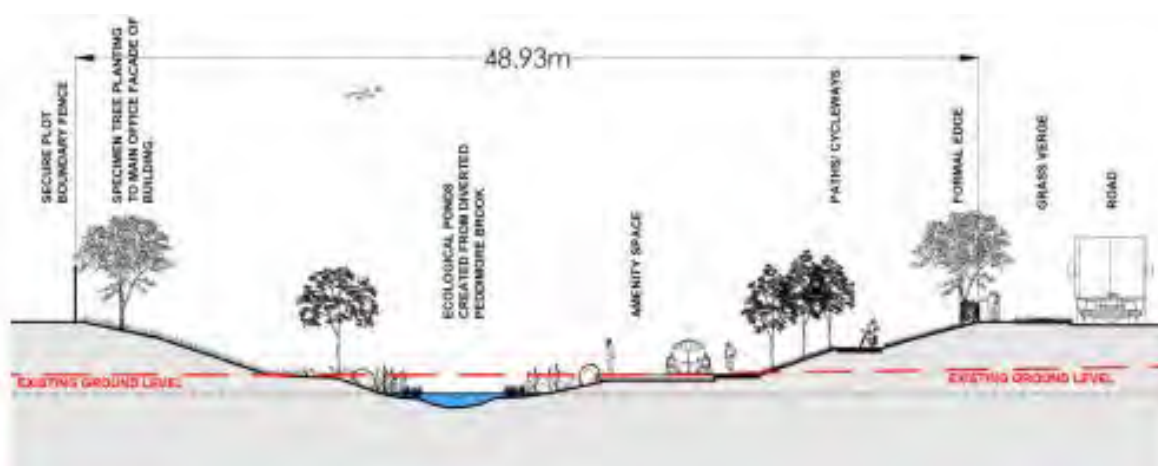


Figure 6: Peddimore Brook illustrative cross section

- 6.3.3 Around the employment plots an area of strategic landscaping with bunds, planting, public art and a walking/ cycling route will be created. The route will be in the main a permissive path with a section on the western edge becoming adopted bridleway as a diversion of the existing right of way.
- 6.3.4 Off-site planting is also proposed on the southern and western edges of Wishaw Lane playing fields. The applicant suggests that this can be done through a financial contribution paid to the Council to provide the planting. This is proposed to reduce the visual impact from the canal and the properties backing onto the playing fields. Planting adjacent to the gardens will give additional screening to the long distance planting within the site.
- 6.3.5 The scale, layout and appearance of the employment buildings within the plots is reserved for later approval. However, the submitted information and plans do indicate maximum roof heights for each of the plots and a Reserved Matters Design Guide (RMDG) has also been written and submitted with the current application. The maximum heights for the plots, as shown on figure 1 above, are 23.5m for zones 1A and 2, 19.5m for zone 1B and 18m for the hub zone. The purpose of the RMDG is to set a framework for the design of the future

development of the plots with the aim of ensuring high quality, cohesive, design across the site.

- 6.3.6 The guide sets objectives and guidance for design of buildings, infrastructure, plot access, security, parking (HGVs, cars and cycles) and on-plot landscaping. It is expected that a planning condition will require the future reserved matters applications to comply with the principles set out on the RMDG. The guidance also provides illustrative design options for the warehouse buildings and office elements of those buildings. The drawing below shows one of the illustrative designs which incorporates colour banding to reduce the visual impact of the building (landscaping at lower level backed by the dark grey and the upper levels referencing sky colours).

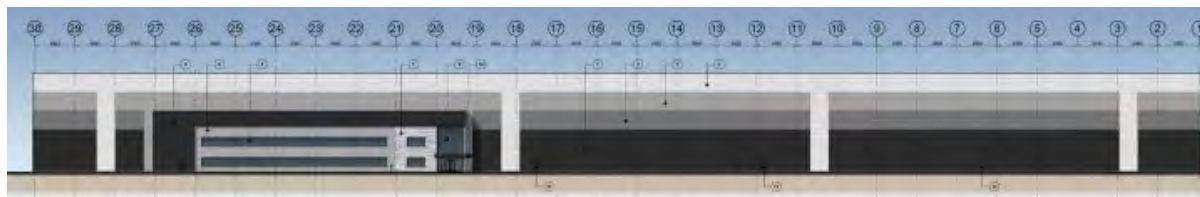


Figure 7: RMDG indicative elevations

- 6.3.7 The applicant has also carried out a full Landscape and Visual Impact Assessment (LVIA) which concludes that the proposed strategic landscaping work and the principles set out in the Reserved Matters Design Guide will ensure that the development will be of a high quality and within a landscaped setting as required by policy. The scheme has been designed to integrate with the surrounding landscape, provide significant green and blue infrastructure, significant new planting, landscaped buffers to screen the development and enhance Peddimore Brook to create an attractive working and recreational environment.
- 6.3.8 A number of visuals from the Reserved Matters Design Guide and LVIA are included at the end of this report for members information.
- 6.3.9 **The Committee may wish to comment on the plot levels, maximum plot heights and the proposed strategic landscaping, realigned brook and Reserved Matters Design Guide.**

6.4 Issue 4 – Access, traffic and highway impact

- 6.4.1 Phase 1 of the proposed development is the creation of a new signalised roundabout on the A38 to provide access into this site and Langley, the spine road and installation of services within the road. IM Properties as the developer will deliver the new roundabout junction.
- 6.4.2 Wishaw Lane, Peddimore Lane and one public right of way will need to be stopped up to allow the creation of the zones. A further right of way is also to be diverted. Separate consent, under section 247 and 257 of the Town and Country Planning Act 1990, will be required to enable this.
- 6.4.3 A new access will be provided to serve the two houses, Peddimore Hall and 7 properties within Peddimore Barns which are currently accessed off Peddimore Lane, north of the application site. The new access is shown to be via the entrance to the employment park and between the gatehouse and “hub” zone. The site will only be accessed from the new roundabout. Two emergency access points are shown on the above plan utilising the

existing Wishaw Lane where it will end at the edge of the application site. These access points are only for use by emergency vehicles.

- 6.4.4 The A38 connects to the local highway network and to the M42, M6 and M6 Toll. As such the development is likely to have an impact on the wider highway network. The impact of the development has been assessed within the Transport Assessment (TA) and the ES and the TA has also included potential traffic from Langley to ensure cumulative impact has been considered. Modelling has been carried out to show where the development may have an impact on the road network and determine what highway improvements would be needed.
- 6.4.5 The TA identifies highway improvements required to mitigate the cumulative impact of Peddimore and Langley. These improvements are to be delivered through a S106 payment to the Council. The monies can then be used by the Council to improve junctions affected by both the Peddimore and Langley developments (with a contribution to be paid by Langley at a later date). The intention is that the improvements are provided at an appropriate time to accommodate the predicted traffic of both developments and that works are not carried out to a junction to resolve the impact of Peddimore which would then need further improvements once Langley is underway.

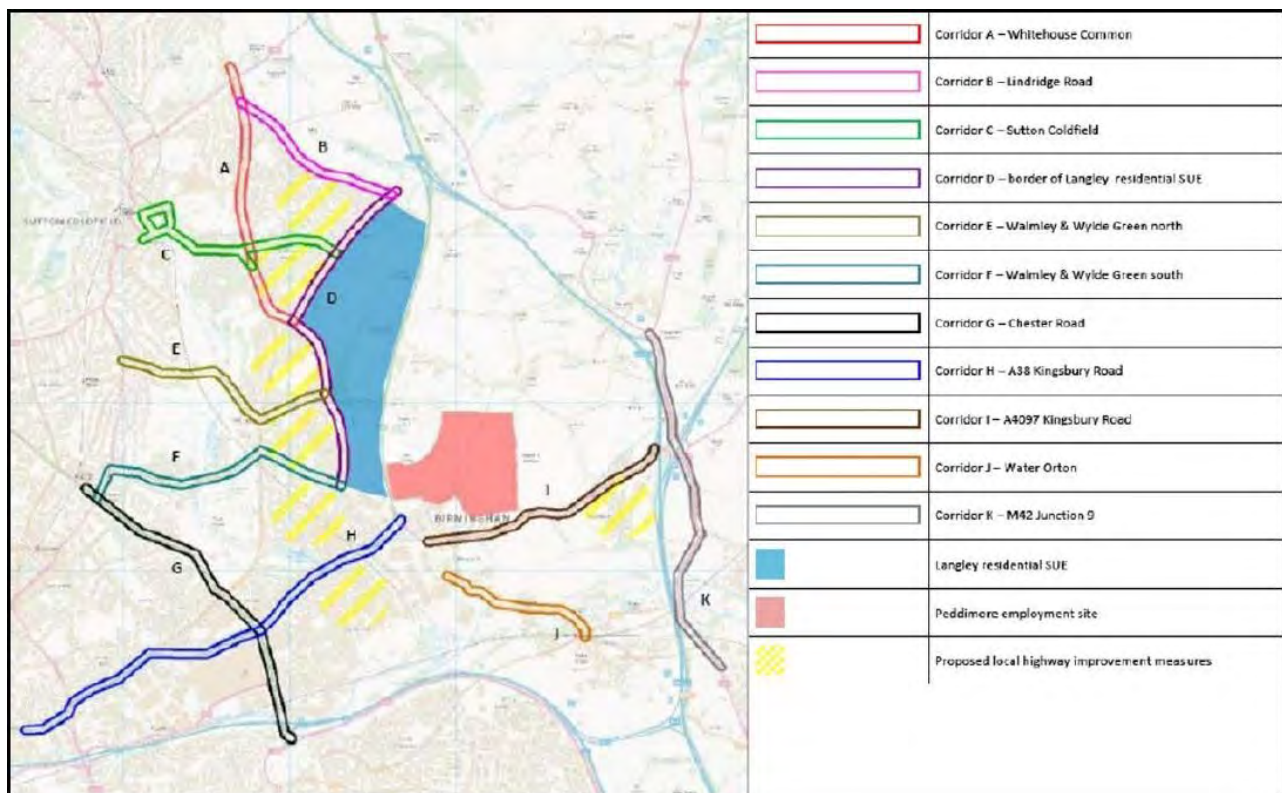


Figure 8: Highway corridors

- 6.4.7 **The Committee may wish to comment on traffic impacts and the proposed corridor approach to junction improvements.**

6.5 Issue 5 – Sustainability, pedestrian and cycle access

- 6.5.1 Pedestrian and cycle access to the site is proposed to be provided via a bridge over the A38. The bridge will be for cycle and pedestrian use (no vehicles) and will be level with the ground either side of the A38 as the road sits in a cutting. This will connect Peddimore to Walmley

Ash Road and beyond and will also, in the longer term, connect Peddimore and Langley. The bridge also links into a walking and cycling route proposed around the application site which in turn provides pedestrian and cycle connection to Wishaw Lane, Wiggins Hill Lane and the canal towpath. The development will provide off-site improvements to pedestrian and cycle connectivity on a number of the local roads.

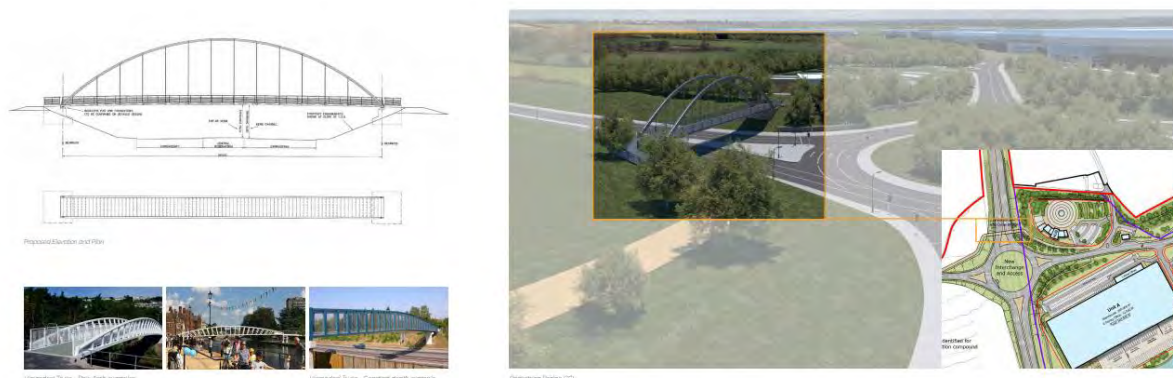


Figure 9: Proposed A38 pedestrian and cycle bridge

- 6.5.2 The applicant has also proposed a financial contribution towards public transport, the potential to connect to the future Sprint service and the establishment of a Green Travel District and co-ordinator which is intended to enable further off-site improvements and promotion of sustainable travel and reduce the reliance on the car.
- 6.5.3 As part of the aim of creating a 'best in class' employment park, in addition to the strategic landscaping and walking/cycling route, and in order to comply with sustainability policies of the BDP a carbon reduction strategy has been submitted. This strategy seeks to reduce carbon, water use and electricity use. The development is aiming for a 35% reduction in carbon emissions above the requirements of Building Regulations, 25% reduction in electricity use, thermally efficient buildings and the use of low carbon/ renewable technologies such as solar panels, smart grid systems, electric vehicle charging and rainwater harvesting. Rooflights to provide natural light, improving air tightness of office spaces, automatic LED lights, air source heat pumps and energy monitoring systems can also reduce carbon. The Strategy sets targets for the development which go beyond the requirement of policy and seeks to set new high standards for employment parks in the Midlands.
- 6.5.4 Consideration has been given to the use of District Heating and Combined Heat and Power (CHP) systems, including connecting to the existing CHP at Minworth Sewage Works. With the exception of the office spaces the buildings are not likely to be heated and as such the agent considers that there is insufficient heat demand to justify either district heating or CHP. Both systems are also cost prohibitive for phase one of the development and other alternative technologies may be available by phase two. National de-carbonisation targets and schemes will also reduce carbon from main electricity below that of CHP systems within the next 5 years. As such neither CHP nor district heating have been proposed.
- 6.5.5 The ES Sustainability chapter provides further information and confirms that the development will aim for BREEAM excellent standards. This is a significant financial and technical commitment. The agent notes that there are only 265 certified BREEAM excellent industrial buildings across the whole of the UK. The submitted information confirms that excellent can be achieved in the proposed development.

- 6.5.4 In addition to the sustainability aims of the development the applicant is also putting forward a number of social value commitments including supporting people back into work, funding student scholarships, apprenticeships and working with schools and delivering industry awareness days. These benefits are to be delivered by IM Properties as a requirement of the Development Agreement with Birmingham City Council, separate to the planning application.
- 6.5.5 **The Committee may wish to comment on the proposed pedestrian and cycle connections, the carbon strategy and BREEAM standard and the social commitments.**
- 6.6 Issue 6 – Noise, light and air quality/ impact on amenity of nearby residential properties
- 6.6.1 The site lies to the north of the residential area of Minworth. There are also individual residential properties on Wiggins Hill Road, Walmley Ash Road, Peddimore Lane and in Over Green to the north of the site which could be directly affected by the development. The increase in traffic movements may also have a wider impact on residential properties and other uses such as schools. The main impact of the development will be on the two properties off Peddimore Lane which sit adjacent to the northern boundary of the site.
- 6.6.2 Noise and vibration have been assessed by the applicant and significant adverse effects to the properties immediately to the north of the site are predicted during construction. Post construction traffic will continue to be a significant adverse effect. Mitigation is therefore proposed in the form of restricting construction hours and activities, landscaped bunds and acoustic fencing on the northern boundary of the site and designing the layout to reduce noise/ screen noisy operations.
- 6.6.3 An air quality assessment has been carried out as part of the ES which identifies sensitive receptors as nearby residential properties and schools on the routes where there will be changes in traffic flows. The assessment has identified three locations where there will be an exceedance of NO₂. Accordingly, as with the noise, mitigation is proposed. The mitigation for air quality issues proposed by the applicant are the public transport, pedestrian and cycle improvements proposed, the installation of electric vehicle charging points, the off-site highway improvements funded through S106, bike hire, the Green Travel District and Travel Plans for the site and individual operators.
- 6.6.4 **The Committee may wish to comment on the mitigation measures proposed for both noise and air quality.**
- 6.7 Issue 7 – Heritage impact
- 6.7.1 There are 8 grade II listed buildings, locally listed structures and a scheduled ancient monument (SAM) within 2km of the site, however none are within the site. Both a heritage assessment and archaeological assessment have been submitted with the application. As there are no heritage assets within the site the potential impact to be considered is on the setting and the significance of the setting. The submitted information advises that the site currently contributes to the setting of 4 listed buildings and the SAM. In conclusion the agent's view is that the development will cause less than substantial harm to heritage assets and that this is outweighed by the public, ecological, social and economic benefits.
- 6.7.2 The mitigation of the visual impact is also proposed to mitigate the heritage impact and, although the development will alter the landscape and therefore the setting of the heritage

assets, the statement advises that the effect on the significance of the setting will be less than substantial.

- 6.7.3 The Birmingham and Fazeley Canal has also been considered as a non-designated heritage asset and the supporting documents accept that the development will alter the character of this part of the canal. However, it is the agent's opinion that the canal is varied and that the development will not alter the ability of users to appreciate the historic and functional aspects of the canal. There is a potential increase in the impact on the basis that the land owned by Severn Trent Water, which sits between the proposed development and the canal, is not part of this application and as such there will be more views of the development until such time as this land is developed.
- 6.7.4 **The Committee may wish to comment on the level of impact on the significance of the setting of heritage assets around the site and the proposed mitigation measures.**

6.8 Issue 8 – Ecological impact and impact on trees

- 6.8.1 Ecological surveys and a tree survey have been carried out and submitted with the application. Habitats identified within and around the site are hedgerow, plantation woodland, running water, scattered trees and arable grassland. The hedges, ditches and scattered trees within and adjoining the site are valuable wildlife corridors. The surveys show evidence of the site being used by bats, otter, water vole, brown hare, hedgehog, common shrew and harvest mouse.
- 6.8.2 The existing habitats within the developable areas will be lost however the agent considers these to be low to moderate value. New habitats will be created in the landscaped buffer, realigned Peddimore Brook and the retained fields to the east of the site. The new habitats created will be suitable for all species currently using the site and, in the agent's opinion, result in net gain to biodiversity habitat. The realigned brook will be an enhanced habitat on its existing condition and the eastern fields are to be planted with appropriate species to encourage wildlife use which is also an ecological gain above their current arable field use.
- 6.8.3 The potential impact on bats is to be managed and mitigated through the provision of bat boxes and appropriate lighting. Impact on nesting birds, with the exception of farmland birds, can be mitigated through the provision of nest boxes in suitable locations around the site. The badger survey (which is sensitive information under ecology legislation) notes that there are no badger setts on site but that there is a sett nearby and therefore recommends safeguarding measures during construction work.
- 6.8.4 The agent considers that the ecological harm from the development is outweighed by benefits provided in creation of improved habitats Peddimore Brook and significant planting.
- 6.8.5 For the construction period the development will be carried out in accordance with a Construction Environmental Management Plan (CEMP) to minimise the impact of construction on ecology. The CEMP acknowledges the potential impact on farmland birds, nesting birds, hedgehogs, bat foraging, badger foraging, brown hares and the existing habitat created by the brook. During the construction works an Ecological Manager and Ecological Clerk of Works will be employed to ensure that the development is carried out appropriately. This will include site inductions for staff, method statements for work, ecological permits and certificates where required, recording and monitoring of work and impact. In addition appropriate fencing, storage of materials, pollution prevention, lighting and tree/ hedge protection will all be carried out where required. The work will be timed around bat activity and outside of bird nesting and newt migration times.

- 6.8.6 A Tree Survey and Arboricultural Impact Assessment have been carried out. The tree survey notes that the majority of the trees are on the perimeter of the fields. A number of Oaks on Wishaw Lane have suffered physical damage which the surveyor suggests is due to car collisions and arable cultivation. The trees on the A38 embankment are covered by a Tree Preservation Order.
- 6.8.7 In total 48 trees, 18 groups and 1 wood have been surveyed. Species include Lime, Sycamore, Leyland Cypress, Oak, Hornbeam, Blackthorn, Hawthorn, Ash, Maple, Blue Cedar, Rowan and Horse Chestnut. The most prevalent is Oak with 28 trees recorded. A condition survey of the individual and groups of trees has been provided showing 27 category B trees, 37 category C and 3 category U. The 3 category U trees are to be removed due to their current condition (dead or structurally dangerous).
- 6.8.8 The arboricultural impact assessment has superimposed the developable areas layout onto the tree survey and the site has been designed to retain as many trees as possible whilst also creating usable plots. The development of the site will require the removal of 30 individual trees and 13 groups of trees of which 12 are category B and 31 category C. Most are located on the embankments of the A38 and need to be removed to enable the new roundabout and realignment of the A38 to be carried out.
- 6.8.9 To mitigate the loss, and to mitigate the visual, ecological and amenity impacts, extensive tree planting is proposed. The new planting will be around the edges of the site and along the corridor of the realigned Peddimore brook. Root protection areas and fencing is proposed for all retained trees.
- 6.8.10 **The Committee may wish to comment on the ecological impact, impact on trees and the mitigation proposed.**

6.9 Issue 9 – Flood risk, utilities and drainage

- 6.9.1 The site lies within flood zone 1. The application is submitted with a Flood Risk Assessment (FRA), hydraulic modelling information, sustainable drainage statement and water framework directive assessment. The reports consider the impact of the diversion of Peddimore Brook and of developing the site. The FRA identifies that the site is at risk of fluvial (river) flooding.
- 6.9.2 Peddimore Brook flows into the River Thames approximately 1.2km downstream of the site. The proposal is to realign the brook to a more natural valley line with a 300mm wide, low flow, channel and 4m wide functional flood plain to accommodate the 1 in 100 year + climate change flood event. The work also proposes to remove approximately 178m of culverted sections to remove the current flooding, improve flow and increase capacity. Two new culverted sections will be constructed to provide for the spine road and an access over the brook into zone 1. The hydraulic modelling information shows minor changes in flood levels upstream but a significant improvement in flood levels downstream due to the realignment of the brook.
- 6.9.3 The area is served by existing electricity, gas, foul drainage, clean water and telecoms utilities. Electricity and gas operators have advised that there is sufficient capacity in the network but that the site will need a primary substation for electricity and the existing high voltage route will need to be diverted into the site. With regard to clean water Severn Trent Water have advised the applicant that there is insufficient supply but that this can be resolved through the upgrading of an existing mains pipe.

- 6.9.4 The existing sewer and high pressure oil pipeline can remain in-situ as they are sufficient distance from the indicative footprint of the build development. Both foul and surface water mains are available on the southern edge of the site. The development will connect to the mains with any improvement works required paid for by the developer. Severn Trent Water have confirmed there is capacity in the foul drainage system and 2 pumping stations are to be provided within the strategic landscaping areas to enable connection.
- 6.9.5 Surface water is proposed to be discharged to Peddimore Brook at a similar rate to the current rate. The development will substantially increase the impermeable areas changing agricultural fields to developed plots. However, the surface water can be managed, restricted and attenuated using surface water storage. Finished floor levels will be 600mm above the 1 in 100 year flood event and 150mm above adjacent ground levels to ensure that the buildings do not flood. The current application sets the principles and provides the realigned brook however each reserved matters application will also need to be submitted with surface water drainage details to ensure that each plot mitigates its own impact.
- 6.9.6 As detailed in the ES chapter on Ground Conditions and the full Geo-environmental and Geo-technical reports there was no evidence of contamination or ground gasses found during investigation work. There is the potential for unexpected contamination during construction and as such a condition is recommended.
- 6.9.7 **The Committee may wish to comment on the proposed flood mitigation measures.**
- 6.10 Issue 10 – Length of outline consent
- 6.10.1 The application has been submitted with a request that the outline consent permits a 10 year period for submission of reserved matters. The applicant has sought this timer period in order to provide sufficient time for reserved matters applications and subsequent discharge of condition applications to be submitted for the individual plots and for the applications to be determined and work commenced.
- 6.10.2 It may not take 10 years for all of the consents to be granted and implemented. However a 10 year period would allow for flexibility and reduce the need for a further outline consent or full permissions to reconsider the principle of the development.
- 6.10.3 Should the current hybrid application be granted consent this would be supported by a range of conditions requiring additional information to be submitted and could also require any updates to surveys and data that is at risk of being out of date within 10 years (such as ecology surveys if zones are undeveloped for over 2 years).
- 6.10.4 **The Committee may wish to comment on the length of the consent requested by the applicants.**

Appendix 1 – photomontages



Figure 10: Indicative aerial view of completed development

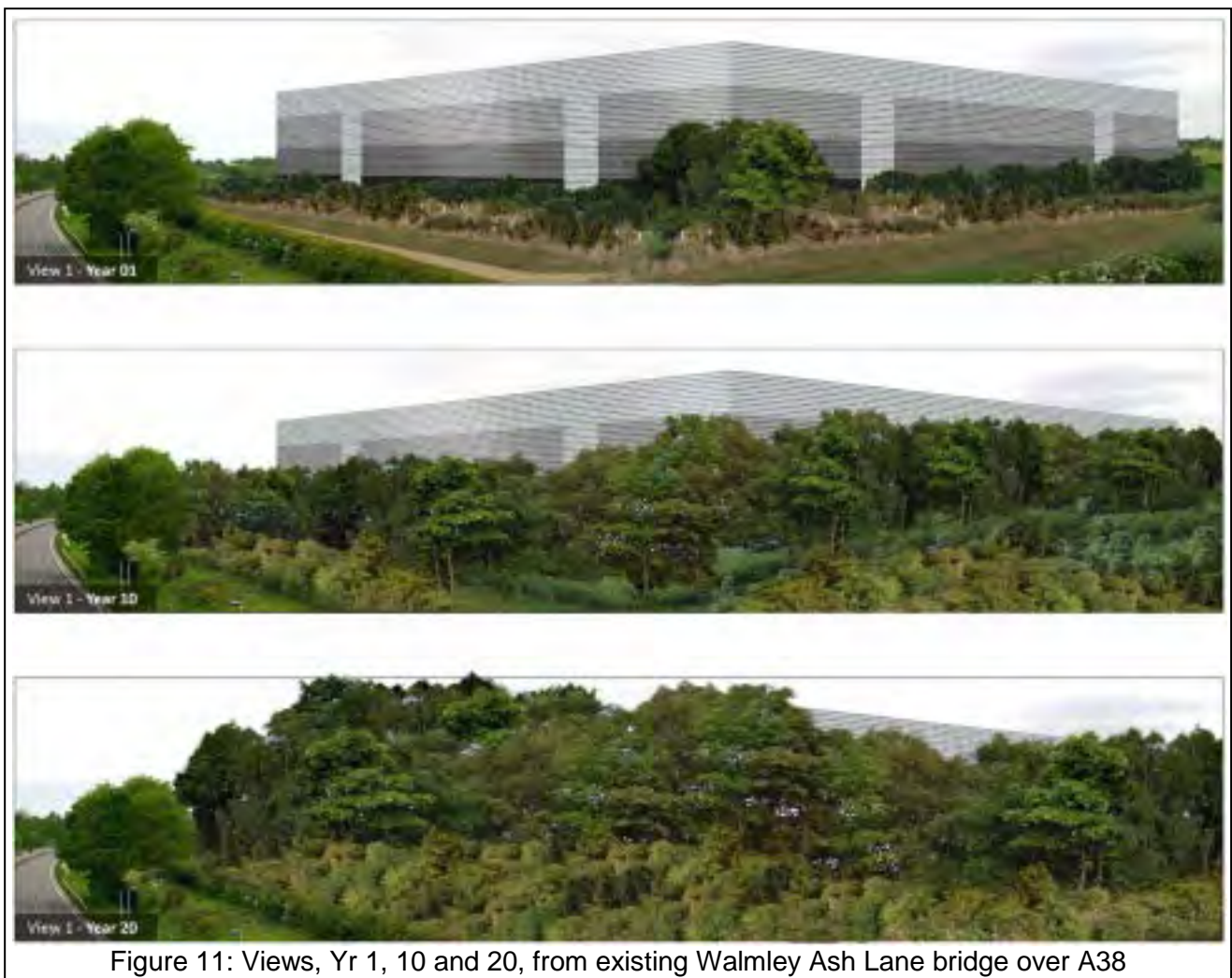


Figure 11: Views, Yr 1, 10 and 20, from existing Walmley Ash Lane bridge over A38



Figure 12: Views, Yr 1, 10 and 20, from Birmingham and Fazeley Canal



Figure 13: Views, Yr 1, 10 and 20 from canal bridge over Wiggins Hill Road

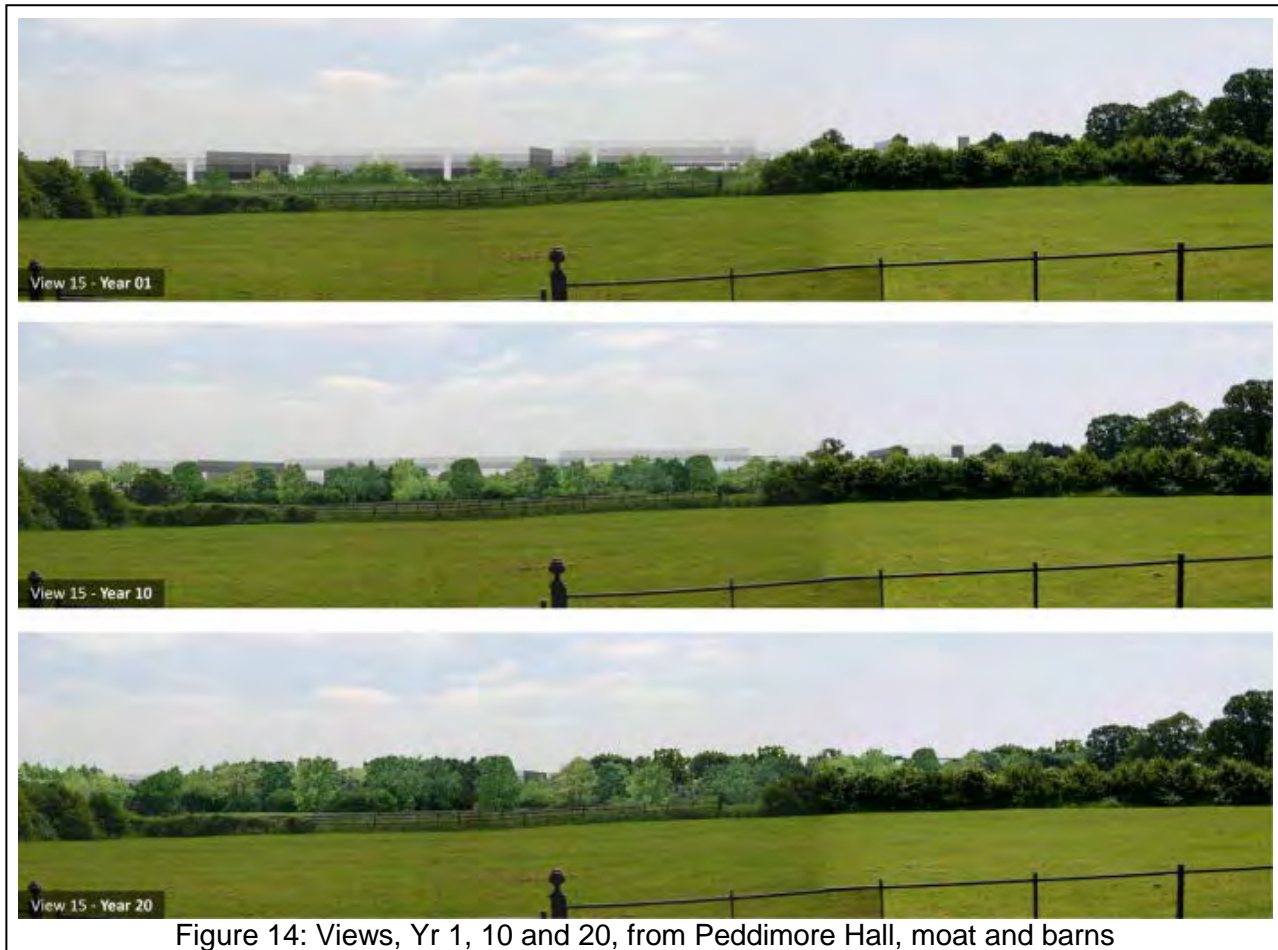


Figure 14: Views, Yr 1, 10 and 20, from Peddimore Hall, moat and barns

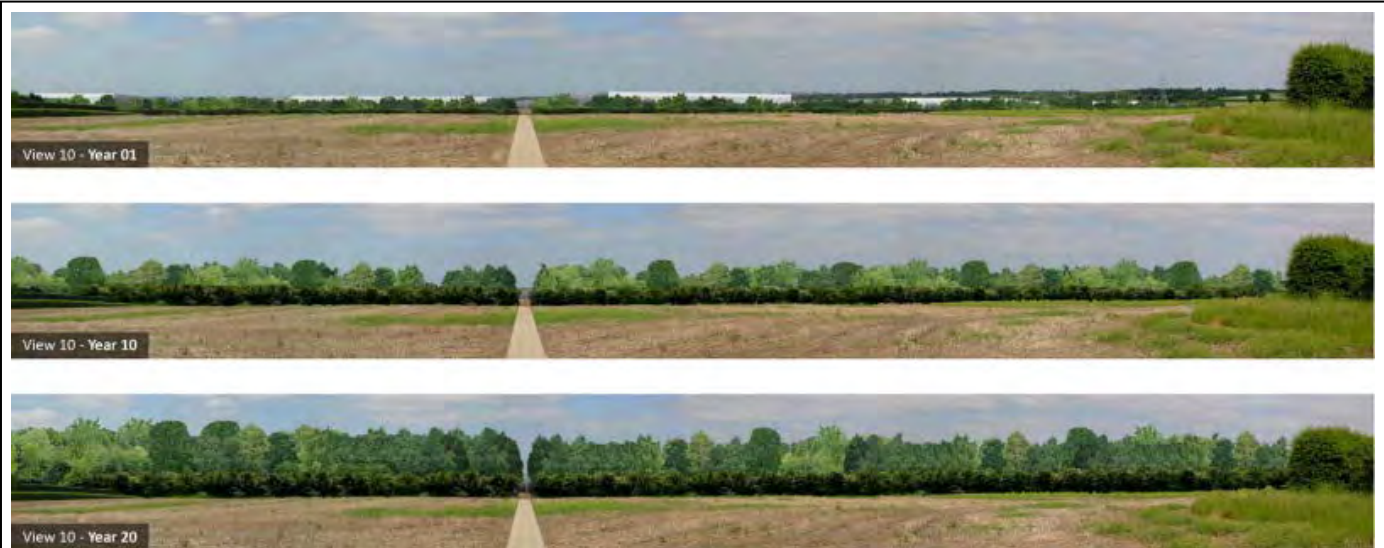


Figure 15: Views, Yr 1, 10 and 20, from footpath from Wiggins Hill Road

Birmingham City Council
Planning Committee 28 March 2019

Appeal Decisions Received from the Planning Inspectorate in February 2019

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	Land rear of 90,92,94,96,98,100, 102 Dads Lane & Adjacent 104 Dads Lane, Kings Heath	Without planning permission: (i) the unauthorised erection of fencing / hoarding boards on the land (ii) the material change of use of the land from open space to storage of products associated with a commercial use. 2017/1139/ENF	Dismissed	Enf	Written Representations
Enforcement	66 Teignmouth Road, Selly Oak	Unauthorised erection of ground floor side and rear extensions and first floor rear extension. 2014/0379/ENF	Allowed (see note 1 attached)	Enf	Written Representations
Householder	128 Westridge Road, Billesley	Erection of single storey rear extension and alterations to roof. 2018/06772/PA	Dismissed	Delegated	Written Representations
Householder	2 Barrack Close, Sutton Coldfield	Erection of single storey forward double garage extension. 2018/06748/PA	Dismissed	Delegated	Written Representations
Advertisement	Canal Basin, Moor Lane, Witton	Display of 1 internally illuminated high level free standing double sided digital advertisement panel. 2018/03618/PA	Dismissed	Delegated	Written Representations
Advertisement	Loveday Street / St Chads Queensway, Newtown	Display of 1 internally illuminated digital screen. 2018/04033/PA	Dismissed	Delegated	Written Representations
Advertisement	Beneficial Building, 28 Paradise Circus, Ladywood	Display of 1 externally illuminated advertisement hoarding. 2018/07117/PA	Allowed (see note 2 attached)	Delegated	Written Representations

**Birmingham City Council
Planning Committee 28 March 2019**

Appeal Decisions Received from the Planning Inspectorate in February 2019

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Residential	Land to the rear of 29-39 Reddicap Heath Road, Sutton Coldfield	Demolition of 33-35 Reddicap Heath Road and erection of 10 dwellings with associated parking and landscaping. 2018/02839/PA	Allowed (see note 3 attached)	Non-determined	Written Representations
Residential	16 Coleshill Road, Sutton Coldfield	Erection of detached building to rear to form annexe living accommodation with a mezzanine level above. 2018/06697/PA	Allowed (see note 4 attached)	Delegated	Written Representations
Residential	Land adjacent 50A Grasmere Road, Handsworth	Erection of two storey residential block to create 6 self-contained apartments. 2018/03150/PA	Dismissed	Delegated	Written Representations
Other	2 Hayes Grove, Erdington	Retention of use from 6 persons HMO (Use Class C4) to 8 persons HMO (Sui Generis). 2018/04340/PA	Dismissed	Delegated	Written Representations
Other	McDonald's Restaurant, College Road, Kingstanding	Variation of Condition C5 attached to approval N/06577/06/FUL to enable the restaurant to trade between the hours of 05:00 and 00:00 daily on a permanent basis. 2018/03808/PA	Dismissed	Delegated	Written Representations

Total - 12 Decisions: 8 Dismissed (67%), 4 Allowed

Cumulative total from 1 April 2018 - 107 Decisions: 81 Dismissed (76%), 26 Allowed

Notes relating to appeal decisions received in February 2019

Note 1: (66 Teignmouth Road)

Enforcement Notice issued because 1)The ground floor side and rear extensions do not comply with the 45 degree code and leads to a loss of light and outlook to No. 68 and 64 Teignmouth Road. 2)The first floor rear extension does not comply with the 45 degree code and leads to a loss of light and outlook to No. 68 Teignmouth Road. 3)The scale and appearance of the extensions is out of context with the surrounding properties and is unduly dominant.

Appeal allowed because the Inspector considered that although the extensions do not comply with the 45 degree code, the appellants' fall-back position in relation to building permitted development extensions would result in no real improvement for the living conditions of the occupiers of Nos. 64 or 68.

The extensions do not materially harm the character or appearance of No.66 or the adjoining properties in the terrace

Note 2: (Beneficial Building)

Application refused because the proposed advertisement in conjunction with the digital advertisement on the nearby car park, results in the overloading of the area with advertisements to the detriment of the visual amenity of the surrounding area.

Appeal allowed because the Inspector concluded that the advertisement would be visually acceptable in its commercial context for the temporary period sought (12 months) without harming the appearance, and thus the visual amenity, of the surrounding area.

Note 3: (29-39 Reddicap Heath Road)

Appeal against non-determination.

Appeal allowed because the Inspector considered that, subject to conditions, the proposals are acceptable in terms of living conditions of neighbouring and future occupiers, ecological impact, highway safety and the scale, design and layout of the development.

Note 4: (16 Coleshill Road)

Application refused because the scale and design of the proposed detached rear building would be out of keeping with the design, character and appearance of the existing house and would dominate its appearance and the street scene.

Appeal allowed because the Inspector concluded that the proposal would not detract from the character and appearance of the existing dwelling or the street scene.

BIRMINGHAM CITY COUNCIL

REPORT OF THE ACTING DIRECTOR OF DIGITAL & CUSTOMER SERVICES

PLANNING COMMITTEE

DATE : 28th March 2019

THE BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 2010 - ANNUAL SCHEME OF CHARGES.

1.0 SUMMARY

- 1.1 This report informs your Committee about proposed revisions in respect of Building Regulation charges and seeks approval to implement with effect from 1st April 2019.

2.0 RECOMMENDATIONS

That your Committee:

- 2.1 Approve the proposed adjustments to the existing fee scheme for domestic (homeowner) and small commercial projects with effect from 1st April 2019.
- 2.2 Approve the continued negotiation of charges within either volume or higher value commercial projects to the Head of Acivico (Building Consultancy) Ltd.
- 2.3 Approve the recommendation to maintain any other published charges at existing levels to mitigate against an increased threat from competition and a consequential impact on workload.

Contact Officers

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3.0 PURPOSE OF REPORT

- 3.1 This report informs your Committee about proposed revisions in respect of Building Regulation charges and seeks approval to implement with effect from 1st April 2019.

4.0 BACKGROUND

- 4.1 Charges were last reviewed by this Committee in March 2018 for the current year scheme with an inflationary increase (2.95% average across all charges). Prior to this there had been no more than a nominal uplift of £10 per application for the years 2016-2017 and 2017-2018.

- 4.2 Building Regulation charges are subject to continual review and take into account the following:

- Corporate charging policy.
- Forecast changes in the cost base alongside a statutory constraint for the service area to operate at cost neutral.
- Analysis of service inputs for applications in each charge category over the preceding twelve months.
- The external competitive environment within which Acivico (Building Consultancy) Ltd operates.

- 4.3 The Building Control Charge Regulations came into force in 1999 and require each Local Authority to establish a framework for Building Regulation applications. Prior to this charges were centrally 'prescribed' by government. The primary aims of the over-arching regulations have remained consistent in their objectives of ensuring that;

- a) core Building Control functions are delivered on a cost recovery basis, funded wholly through external charges.
- b) charges are transparent and able to demonstrate value for money and competitiveness. The charge system incorporates inspection frameworks which identify anticipated frequency of visits and stages of construction to which they apply. This information is issued to the homeowner on receipt of an application and is subsequently reinforced with their appointed contractor on site.
- c) charges support an appropriate level of quality to ensure that competitors (using price as the only comparator) do not drive standards down.
- d) charges are sufficiently flexible reflecting the multiple market sectors embraced by the scheme. As a consequence, charges incorporate a mix of standardised high volume categories combined with individually calculated fees (based on inputs). Be-spoke calculations are primarily used for technically complex developments or those that involve significant levels of repetition.
- e) factor in additional charges where inspection inputs exceed the original estimate for the 'reasonable provision' of service. This ensures clients take responsibility for ensuring that site visit requests by their appointed contractor are appropriate.

- 4.4 Since April 2012 the City Council's statutory Building Control functions have been discharged through its wholly owned company Acivico (Building Consultancy) Ltd which has an ongoing contractual responsibility to ensure that client demand is balanced with expenditure. Following sustained high performance the initial five year contract has been extended on three occasions and presently expires in 2023.
- 4.5 The following revisions form the basis of Acivico (Building Consultancy) Ltd's charges to its external clients for the forthcoming financial year 2019/2020.
- 4.6 Clients value the simplicity and ease of use of the application forms/charge tables. Feedback gathered over the proceeding twelve months has been used to inform the proposals along with minor textual adjustments in formats.

5.0 PROPOSED ADJUSTMENTS FOR DOMESTIC APPLICATION CHARGES

- 5.1 Charges are separated into two principle components and align with core processes (an initial 'application charge' followed by a site service charge, payable once work starts on site). In minor volume categories it has proved to be more cost effective and customer orientated to combine both elements into a single up-front payment.
- 5.2 With limited increases over the last five financial years it is considered prudent to apply an above inflationary uplift for the forthcoming year. In order to maintain user friendly charges appropriate rounding has been applied delivering an average increase across all domestic categories of 4.6%.

5.3 Schedule of proposed changes

	Existing	Proposed
Detached structure, garage/store etc.	£435	£455
Extension less than 10m2	£435	£455
Extension less than 40m2	£555	£580
Extension less than 60m2	£690	£725
Extension less than 100m2	£785	£825
Loft conversion	£435	£455
Garage conversion	£385	£400
Minor building works less than £5k (re-roof, chimney breast removal etc.)	£155	£160
Other work valued less than £15k	£330	£345
Other work valued less than £50k	£535	£560
Other work valued less than £100k	£785	£825

- 5.3 Having analysed inputs and the prevailing market conditions all other published charges in this sector have no adjustments proposed. This is wholly consistent with the principles of the enabling legislation outlined within Section 4.3 above.

6.0 PROPOSED ADJUSTMENTS FOR SMALL COMMERCIAL PROJECTS.

- 6.1 Charges for small commercial projects less than £100,000 (on site value) are structured into three tables capturing the primary volume build scenarios (extensions, refurbishments and other alterations).

For consistency with the domestic sector charges a two stage charge structure applies although there is a greater weighting to the initial application charge to reflect an increased technical input and mandatory liaison with West Midlands Fire Service.

6.2	Schedule of proposed changes	Existing	Proposed
	Commercial extension less than 40m2	£555	£580
	Commercial extension less than 100m2	£785	£825
	Internal refurbishment less than 75m2	£310	£325
	Internal refurbishment less than 200m2	£515	£540
	Internal refurbishment less than 500m2	£695	£725
	Other alterations valued less than £15k	£330	£345
	Other alterations valued less than £50k	£535	£560
	Other alterations valued less than £100k	£785	£825

7.0 REGULARISATION CHARGES

7.1 Where work is identified as having taken place without the formal involvement of Building Consultancy, clients have a facility to 'regularise' the matter through a retrospective application. This option is frequently used to resolve compliance problems identified or reported through enforcement processes.

7.2 As the option entails the assessment of a fully built structure there are additional complexities and inputs to ensure compliance. For example with an extension the majority of construction detail required for inspection is either underground or sealed within walls or roof voids.

7.3 To reflect this Regularisation charges are set at 10% above the standard rates identified above.

8.0 HIGH VALUE COMMERCIAL AND VOLUME APPLICATIONS

8.1 Charges for high value (greater than £100,000 on site construction cost) and high volume submissions (multi-storey or multi-unit) are calculated on an individual basis taking into account complexity, design, duration, value and estimated time inputs. The authority to agree charges in this more commercially mature manner was introduced as part of the 2010 Charge Regulations.

8.2 This sector is subject to a high degree of market sensitivity and threat from private sector Building Control providers (Approved Inspectors). Each project lost to a competitor represents an erosion of the Council's influence whilst perpetuating an alternative that is 'profit' rather than citizen centric. To respond positively to these pressures Acivico (Building Consultancy) Ltd aims to deliver a competitive, flexible, technically proficient service in keeping with the City Council's core values.

8.3 Acivico (Building Consultancy) Ltd has been extremely successful in securing projects in this sector where an opportunity to provide a quotation is provided. As a consequence and despite sustained competitor activity it continues to be widely regarded as a regional and national market leader.

9.0 SUPPLEMENTARY CHARGES

- 9.1 Acivico (Building Consultancy) Ltd provides a comprehensive research and supply service for statutory documents that have been mislaid and are required to support the conveyancing sector. The existing charge that supports this service was derived from an assessment of research, reproduction time and the fast track nature (documents are normally provided within 48 hours). The current charge for this service £35 is not proposed to be increased.

10.0 FINANCIAL IMPLICATIONS

- 10.1 The Building Regulation service is under a legislative requirement to operate within a self-contained externally financed 'trading account'. This statutory provision places responsibility upon the City Council to ensure that wherever practical that income derived from these charges is balanced with the cost of providing the service.
- 10.2 Throughout its history as a trading entity both inside and more recently outside the Council, Acivico (Building Consultancy) Ltd has been extremely successful in managing marginal annual variances to ensure that the required break even position is achieved.
- 10.3 The proposals identified above for the 2019/2020 charge scheme maintain the delivery of a balanced statutory trading account and continue to underline that the service operates in an efficient and cost effective manner.

11.0 IMPLICATIONS FOR PRIORITIES

- 11.1 **A Modern and Successful City** – it is widely recognised that an effective Building Regulation Service is a fundamental part of the development process whilst at the same time ensuring that buildings support the continued health, safety and welfare of persons who own or use them.
- 11.2 **Equalities** - the enabling legislation stipulates that a Local Authority is unable to charge a Building regulation fee where the work is directly linked to a person with a disability. As a consequence Acivico (Building Consultancy) Ltd process around one hundred and fifty applications in this category per annum the costs of which are borne from general funds.

Signed:

Jaswinder Gandham
Council Statutory Functions Officer

for

Paula Buckley
Acting Director of Digital & Customer Services