

Birmingham City Council

Planning Committee

30 August 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	9	2018/00808/PA Former Manor Public House Station Road Stechford Birmingham B33 9AX Erection of 24 dwellings, associated landscaping and access works (phase two)

Committee Date:	30/08/2018	Application Number:	2018/00808/PA
Accepted:	16/02/2018	Application Type:	Full Planning
Target Date:	04/10/2018		
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)

Applicant:	Westleigh Partnerships Ltd c/o Agent
Agent:	Pegasus Group 5 The Priory, Old London Road, Canwell, Sutton Coldfield, Birmingham, B75 5SH

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. 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.
- 1.2. 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.

- 1.3. 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.
- 1.4. 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.
- 1.5. 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.
- 1.6. [Link to Documents](#)

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.
- 2.4. [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 a Section 106 Legal Agreement.

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) 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
 - iii) 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;

- 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 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 |
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- 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
 - 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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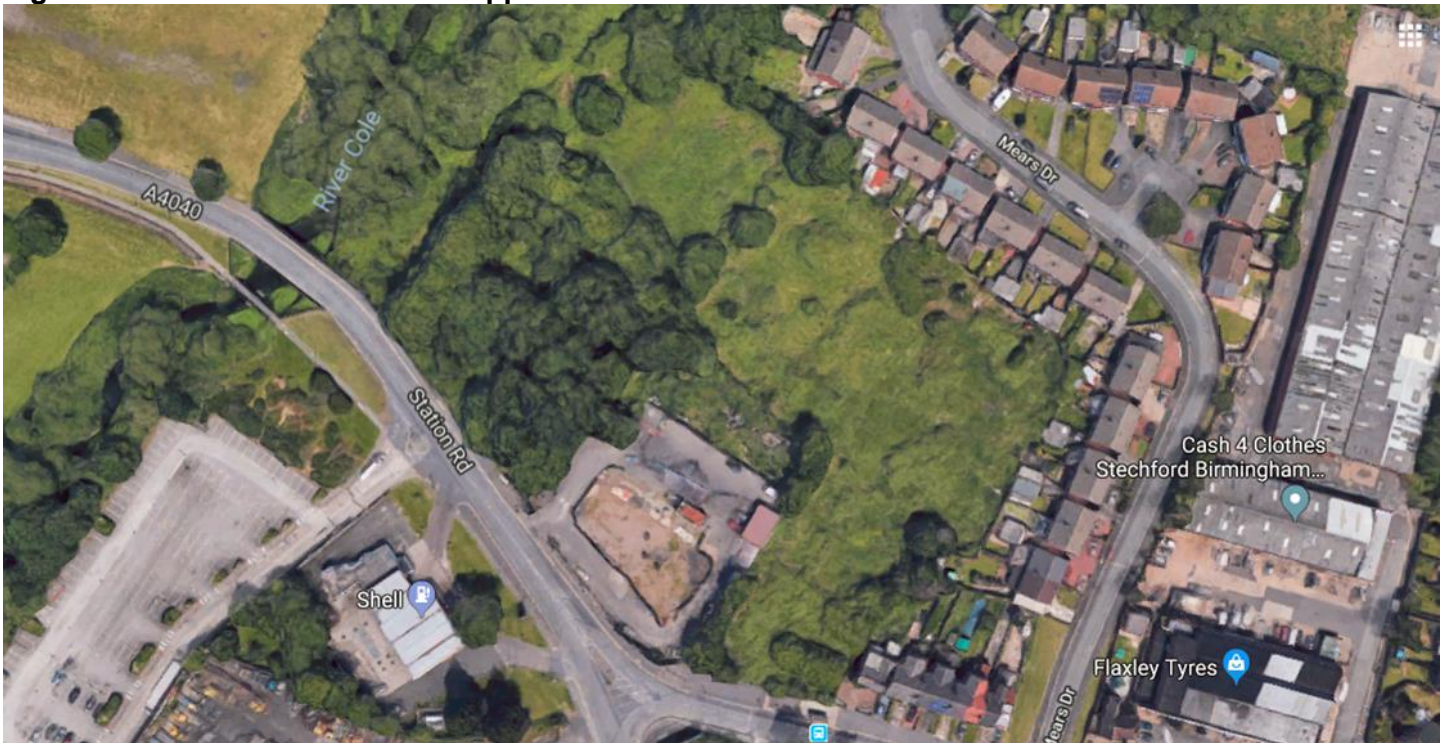
Case Officer: Mohammed Nasser

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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Birmingham City Council

Planning Committee

30 August 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	10	2018/04635/PA 918 Bristol Road Selly Oak Birmingham B29 6NB Change of use from dwelling house (Use Class C3) to 4-bed HMO (House in Multiple Occupation) (Use Class C4)
Approve - Conditions	11	2018/04631/PA 916 Bristol Road Selly Oak Birmingham B29 6NB Change of use from existing dwelling house (Use Class C3) to 4-bed HMO (Use Class C4)
Approve - Conditions	12	2018/04404/PA 88 Station Road Harborne Birmingham B17 9LX Erection of first floor rear and single storey side extensions and installation of gable to front

Committee Date:	30/08/2018	Application Number:	2018/04635/PA
Accepted:	07/06/2018	Application Type:	Full Planning
Target Date:	02/08/2018		
Ward:	Bournville & Cotteridge		

918 Bristol Road, Selly Oak, Birmingham, B29 6NB

Change of use from dwelling house (Use Class C3) to 4-bed HMO
(House in Multiple Occupation) (Use Class C4)

Applicant: Christian Life Church
2 Frederick Road, Selly Oak, Birmingham, B29 6PB
Agent: Gruhe Architects
85 Weymoor Road, Harborne, Birmingham, B17 0RS

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the change of use of 918 Bristol Road from a dwellinghouse (Use Class C3) to a small house in multiple occupation (Use Class C4).
- 1.2. The requirement for this application has arisen due to an Article 4(1) Direction, within a defined area within which the application site is situated, which states development consisting of a change of use of a building to a use falling within Class C4 (house in multiple occupation) from a use falling within Class C3 (dwellinghouse) would require planning permission.
- 1.3. No external alterations are proposed. Internally, the ground floor would provide a bedroom, a living room, shower room and kitchen. The first floor would provide three bedrooms and a bathroom.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site related to the property of 918 Bristol Road, Selly Oak. This is a two storey semi-detached property situated within a row of similar properties fronting onto Bristol Road.
- 2.2. The property is currently in use as a dwellinghouse (Use Class C3) and both neighbouring properties of 916 and 920 are in residential use.
- 2.3. The surrounding area has a predominately residential character, with residential properties opposite and to the east along Langleys Road and west further along Bristol Road. The site is close to the western end of the wider Selly Oak centre.
- 2.4. [Site Location Plan](#)

3. Planning History

- 3.1. 916 Bristol Road, 2018/04631/PA, Change of use from dwelling house (Use Class C3) to 4-bed HMO (House in Multiple Occupation) (Use Class C4) – elsewhere on this agenda.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection subject to condition requesting the provision of vehicle charging points
- 4.2. Transportation – No objections, requests the provision of secure cycle storage
- 4.3. West Midlands Police – No objection, recommend the communal front door and bedroom doors are installed to a specified security standard, CCTV, access control, and Secured by Design standards. The number of calls to the Police in the area are noted. There will be natural surveillance from street, and off-street parking: this is encouraging.
- 4.4. Letters of notification have been sent to surrounding occupiers, local residents associations and local Ward Councillors. A site notice has also been posted.
- 4.5. 10 letters of objection have been received from surrounding occupiers, objecting to the proposal on the following grounds.
- Properties in the area are predominately residential family homes and this change of use to a HMO would set an unwelcome precedent.
 - Site is within the Article 4 and assessment should be made in respect to the 10% threshold
 - Negative impact on character of neighbourhood
 - Noise and disturbance
 - Impact on flooding
 - Boundary fencing dispute
 - Increased vehicular traffic
 - Lack of community cohesion, Create an unbalanced community
 - Lack of parking provision

5. Policy Context

- 5.1. The following national policy is relevant

- The National Planning Policy Framework (2018)

- 5.2. The following local policy is relevant.

- Birmingham Development Plan (BDP) 2017.
- The Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
- Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards (2014).
- Specific Needs Residential Uses SPG

6. Planning Considerations

- 6.1. In normal circumstances, the conversion from a C3 use to a C4 use is permitted development and owners of properties would normally have no need to inform the Local Planning Authority that a dwellinghouse is changing to a small (C4) HMO. However, in November 2014, an Article 4 Direction was brought into effect that removes these permitted development rights within a designated area of Harborne, Selly Oak and Selly Park. The application site falls within this area.
- 6.2. The decision to introduce an Article 4 Direction in this area resulted from an analysis of city wide concentrations of HMOs revealing the particularly high levels found in Bournbrook and the spread to surrounding areas.
- 6.3. The policy accompanying the Article 4 direction 'Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards' which was adopted by the Local Planning Authority in September 2014 aims to manage the growth of HMOs by dispersing the locations of future HMOs and avoiding over-concentrations occurring, thus being able to maintain balanced communities. It notes that the neighbourhoods included in the confirmed Article 4 area have capacity to accommodate further HMOs in the right locations.
- 6.4. Policy HMO1 states the conversion of C3 family housing to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use). The city council will resist those schemes that breach this on the basis that it would lead to an overconcentration of such uses. Should the application not cause an over concentration, or the exacerbation of an existing over concentration, the city council will then apply the existing policies that apply to HMOs city wide in determining planning applications for C4 HMOs, as well as large HMOs in the Article 4 Direction area. The proposal would also need to satisfy these criteria in order to be granted planning consent.
- 6.5. Using the most robust data available to the Local Planning Authority, including Council Tax records, Planning Consents and HMO Licensing information it is revealed that within 100m of 918 Bristol Road there are 77 residential properties. Of these properties and including the application site as a proposed HMO, 7 are identified as being HMO's, equating to 9.09% of houses within the 100m of the application site. As such it is considered that there would not be an overconcentration of HMO's in this particular area.
- 6.6. Local residents have stated that there are further properties in the 100m radius that are currently HMO's. However, these cannot currently have HMO licences, or Planning Consent or Council Tax exemption, as they do not appear on the Council's data sources. It is accepted that although these sources provide the most robust approach to identifying the numbers of locations of HMO's in an area, it might not identify all such properties. Notwithstanding this, the policy accompanying the Article 4 is clear that the calculation to provide a percentage concentration in any area will only use the Council's data. Therefore, based on the data available to the Council at this time, it is considered that there would not be an overconcentration of HMO's in this particular area.

- 6.7. Saved policy 8.24 of the adopted UDP 2005 advises that when determining applications for houses in multiple paying occupation the effect of the proposal on the amenities of the surrounding area, and on adjoining premises; the size and character of the property; the floor space standards of the accommodation; and the facilities available for car parking should be assessed.
- 6.8. Specific Needs Residential Uses SPG recognises that dwellings intended for multiple paying occupations have a role to play in meeting the housing needs of certain groups in society.
- 6.9. The application site is located within a predominantly residential area. Whilst there appear to be other HMO type uses on Langleys Road to the east, the road primarily consists of family dwellings and has a typically residential character. The application premise is a semi-detached property that currently has three bedrooms and the changes are proposed internally with a ground floor lounge being converted to a fourth bedroom. I therefore consider that the proposal would have a minimal impact upon character.
- 6.10. The property would provide four bedrooms of 15.5sqm, 15.5sqm, 15.6sqm and 8.4sqm, all exceeding our standard minimum of 6.5 sqm for a single bedroom. The family-sized living room would be retained, as would the kitchen and downstairs shower room. As such, I consider suitable internal amenity would be provided. Furthermore, the internal layout as proposed would allow easy conversion back to a family dwelling, should the need arise in the future.
- 6.11. The proposed HMO would not have an adverse impact on the amenities of adjoining residents given that few internal alterations are taking place and the property would most likely be lived in, in a similar manner to a family.
- 6.12. The guidance in Specific Needs Residential Uses SPG advises that car parking provision for HMO applications should be treated on its own merits.
- 6.13. My Transportation Development Officer raises no objection to the proposal. It is not considered traffic and parking demand for this four bed HMO would increase notably to that generated currently by the four bedroom family dwelling. Whilst on street parking is not permitted along this stretch of Bristol Road, it is noted there are 2 off street spaces along with options within reasonable walking distance within side roads. The very good public transport links serving this location are also acknowledged. It is suggested secure and sheltered cycle storage is installed in order to encourage this alternative mode of travel. A condition to secure this is recommended.
- 6.14. The site is also noted to be in an accessible location, close to Selly Oak Centre. It is therefore considered that there would not be any detrimental impact to highway safety as a result of this change of use.
- 6.15. My Regulatory Services Officer has suggested vehicle charging points for electric vehicles are installed to encourage this use. A condition to secure this is recommended. The Police have requested security conditions be attached, I am not persuaded there is any evidence to justify such conditions, but I will forward the Police recommendations to the Applicant.

7. Conclusion

7.1. I consider that the proposed use of the property as a C4 small house in multiple occupation would be acceptable in principle and would help to meet a need for this type of housing in a sustainable location. There would not be an overconcentration of such uses in the area and the proposal would therefore accord with the Article 4 direction policy. In addition, the proposed scheme would not have a detrimental impact on the character of the area, or upon the amenities of adjoining residents and highway safety.

8. Recommendation

8.1. Approve subject to the following conditions

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of cycle storage details |
| 3 | Requires the provision of a vehicle charging point |
| 4 | Implement within 3 years (Full) |
-

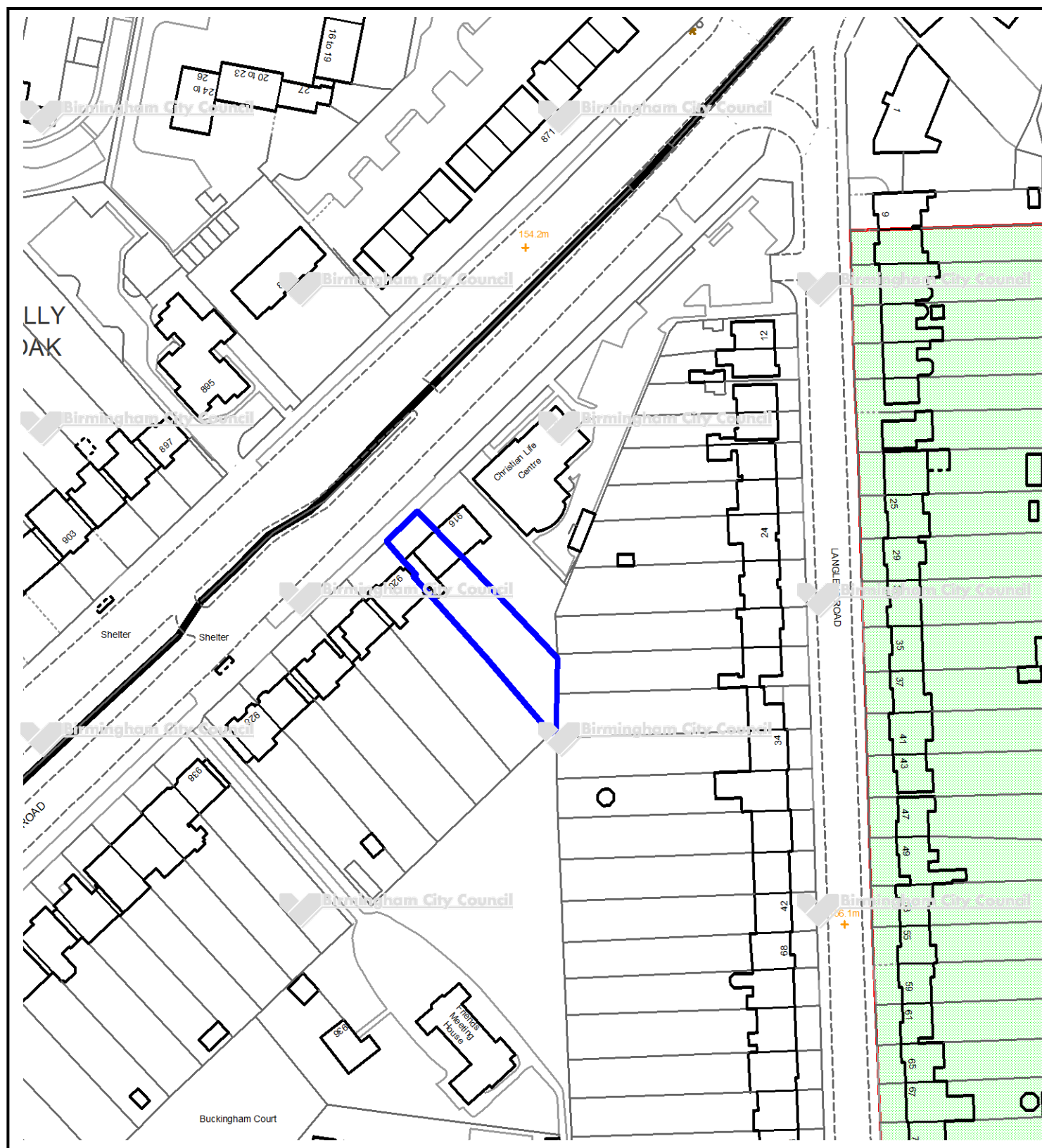
Case Officer: Leah Russell

Photo(s)



Photo 1: Front elevation of property

Location Plan



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Committee Date:	30/08/2018	Application Number:	2018/04631/PA
Accepted:	07/06/2018	Application Type:	Full Planning
Target Date:	02/08/2018		
Ward:	Bournville & Cotteridge		

916 Bristol Road, Selly Oak, Birmingham, B29 6NB

Change of use from existing dwelling house (Use Class C3) to 4-bed HMO (Use Class C4)

Applicant: Christian Life Church
2-6 Frederick Road, Selly Oak, Birmingham, B29 6PB
Agent: Gruhe Architects
85 Weymoor Road, Harborne, Birmingham, B17 0RS

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the change of use of 916 Bristol Road from a dwellinghouse (Use Class C3) to a small house in multiple occupation (Use Class C4).
- 1.2. The requirement for this application has arisen due to an Article 4(1) Direction, within a defined area within which the application site is situated, which states development consisting of a change of use of a building to a use falling within Class C4 (house in multiple occupation) from a use falling within Class C3 (dwellinghouse) would require planning permission.
- 1.3. No external alterations are proposed. Internally, the ground floor would provide a bedroom, a living room, kitchen and store room. The first floor would provide three bedrooms, a bathroom and a study.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site related to the property of 916 Bristol Road, Selly Oak. This is a two storey semi-detached property situated within a row of similar properties fronting onto Bristol Road.
- 2.2. The property is currently in use as a dwellinghouse (Use Class C3) and neighbouring property of 918 is in residential use.
- 2.3. The surrounding area has a predominately residential character, with residential properties opposite and to the east along Langleys Road and west further along Bristol Road. The site is close to the western end of the wider Selly Oak centre.
- 2.4. [Site Location Plan](#)

3. Planning History

- 3.1. 918 Bristol Road, 2018/04635/PA, Change of use from dwelling house (Use Class C3) to 4-bed HMO (House in Multiple Occupation) (Use Class C4) – elsewhere on this agenda.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection subject to condition requesting the provision of vehicle charging points
- 4.2. Transportation – No objections, requests the provision of secure cycle storage
- 4.3. West Midlands Police – No objection, recommend the communal front door and bedroom doors are installed to a specified security standard, CCTV, access control, and Secured by Design standards. The number of calls to the Police in the area are noted. There will be natural surveillance from street, and off-street parking: this is encouraging.
- 4.4. Letters of notification have been sent to surrounding occupiers, local residents associations and local Ward Councillors. A site notice has also been posted.
- 4.5. 10 letters of objection have been received from surrounding occupiers and the Selly Oak Branch Labour Party, objecting to the proposal on the following grounds.
- Properties in the area are predominately residential family homes and this change of use to a HMO would set an unwelcome precedent.
 - Site is within the Article 4 and assessment should be made in respect to the 10% threshold
 - Negative impact on character of neighbourhood
 - Noise and disturbance
 - Impact on flooding
 - Boundary fencing dispute
 - Increased vehicular traffic
 - Lack of community cohesion, Create an unbalanced community
 - Lack of parking provision

5. Policy Context

- 5.1. The following national policy is relevant
- The National Planning Policy Framework (2018)
- 5.2. The following local policy is relevant.
- Birmingham Development Plan (BDP) 2017.
 - The Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
 - Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards (2014).
 - Specific Needs Residential Uses SPG

6. Planning Considerations

- 6.1. In normal circumstances, the conversion from a C3 use to a C4 use is permitted development and owners of properties would normally have no need to inform the Local Planning Authority that a dwellinghouse is changing to a small (C4) HMO. However, in November 2014, an Article 4 Direction was brought into effect that removes these permitted development rights within a designated area of Harborne, Selly Oak and Selly Park. The application site falls within this area.
- 6.2. The decision to introduce an Article 4 Direction in this area resulted from an analysis of city wide concentrations of HMOs revealing the particularly high levels found in Bournbrook and the spread to surrounding areas.
- 6.3. The policy accompanying the Article 4 direction 'Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards' which was adopted by the Local Planning Authority in September 2014 aims to manage the growth of HMOs by dispersing the locations of future HMOs and avoiding over-concentrations occurring, thus being able to maintain balanced communities. It notes that the neighbourhoods included in the confirmed Article 4 area have capacity to accommodate further HMOs in the right locations.
- 6.4. Policy HMO1 states the conversion of C3 family housing to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use). The city council will resist those schemes that breach this on the basis that it would lead to an overconcentration of such uses. Should the application not cause an over concentration, or the exacerbation of an existing over concentration, the city council will then apply the existing policies that apply to HMOs city wide in determining planning applications for C4 HMOs, as well as large HMOs in the Article 4 Direction area. The proposal would also need to satisfy these criteria in order to be granted planning consent.
- 6.5. Using the most robust data available to the Local Planning Authority, including Council Tax records, Planning Consents and HMO Licensing information it is revealed that within 100m of 916 Bristol Road there are 91 residential properties. Of these properties and including the application site as a proposed HMO, 7 are identified as being HMO's, equating to 7.69% of houses within the 100m of the application site. Including also the recommended change of use next door at no. 918, elsewhere on this agenda, the figure would be 8.79%. As such it is considered that there would not be an overconcentration of HMO's in this particular area.
- 6.6. Local residents have stated that there are further properties in the 100m radius that are currently HMO's. However, these cannot currently have HMO licences, or Planning Consent or Council Tax exemption, as they do not appear on the Council's data sources. It is accepted that although these sources provide the most robust approach to identifying the numbers of locations of HMO's in an area, it might not identify all such properties. Notwithstanding this, the policy accompanying the Article 4 is clear that the calculation to provide a percentage concentration in any area will only use the Council's data. Therefore, based on the data available to the Council at this time, it is considered that there would not be an overconcentration of HMO's in this particular area.

- 6.7. Saved policy 8.24 of the adopted UDP 2005 advises that when determining applications for houses in multiple paying occupation the effect of the proposal on the amenities of the surrounding area, and on adjoining premises; the size and character of the property; the floor space standards of the accommodation; and the facilities available for car parking should be assessed.
- 6.8. Specific Needs Residential Uses SPG recognises that dwellings intended for multiple paying occupations have a role to play in meeting the housing needs of certain groups in society.
- 6.9. The application site is located within a predominantly residential area. Whilst there appear to be other HMO type uses on Langleys Road to the east, the road primarily consists of family dwellings and has a typically residential character. The application premise is a semi-detached property that currently has three bedrooms and the changes are proposed internally with a ground floor lounge being converted to a fourth bedroom. I therefore consider that the proposal would have a minimal impact upon character.
- 6.10. The property would provide four bedrooms of 15.6sqm, 15.6sqm, 17.4sqm and 10.3sqm, all exceeding our standard minimum of 6.5 sqm for a single bedroom. The family-sized living room would be retained, as would the kitchen and downstairs store rooms. As such, I consider suitable internal amenity would be provided. Furthermore, the internal layout as proposed would allow easy conversion back to a family dwelling, should the need arise in the future.
- 6.11. The proposed HMO would not have an adverse impact on the amenities of adjoining residents given that few internal alterations are taking place and the property would most likely be lived in, in a similar manner to a family.
- 6.12. The guidance in Specific Needs Residential Uses SPG advises that car parking provision for HMO applications should be treated on its own merits.
- 6.13. My Transportation Development Officer raises no objection to the proposal. It is not considered traffic and parking demand for this four bed HMO would increase notably to that generated currently by the four bedroom family dwelling. Whilst on street parking is not permitted along this stretch of Bristol Road, it is noted there are 2 off street spaces along with options within reasonable walking distance within side roads. The very good public transport links serving this location are also acknowledged. It is suggested secure and sheltered cycle storage is installed in order to encourage this alternative mode of travel. A condition to secure this is recommended.
- 6.14. The site is also noted to be in an accessible location, close to Selly Oak Centre. It is therefore considered that there would not be any detrimental impact to highway safety as a result of this change of use.
- 6.15. My Regulatory Services Officer has suggested vehicle charging points for electric vehicles are installed to encourage this use. A condition to secure this is recommended. The Police have requested security conditions be attached, I am not persuaded there is any evidence to justify such conditions, but I will forward the Police recommendations to the Applicant.

7. Conclusion

7.1. I consider that the proposed use of the property as a C4 small house in multiple occupation would be acceptable in principle and would help to meet a need for this type of housing in a sustainable location. There would not be an overconcentration of such uses in the area and the proposal would therefore accord with the Article 4 direction policy. In addition, the proposed scheme would not have a detrimental impact on the character of the area, or upon the amenities of adjoining residents and highway safety.

8. Recommendation

8.1. Approve subject to the following conditions

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of cycle storage details |
| 3 | Requires the provision of a vehicle charging point |
| 4 | Implement within 3 years (Full) |
-

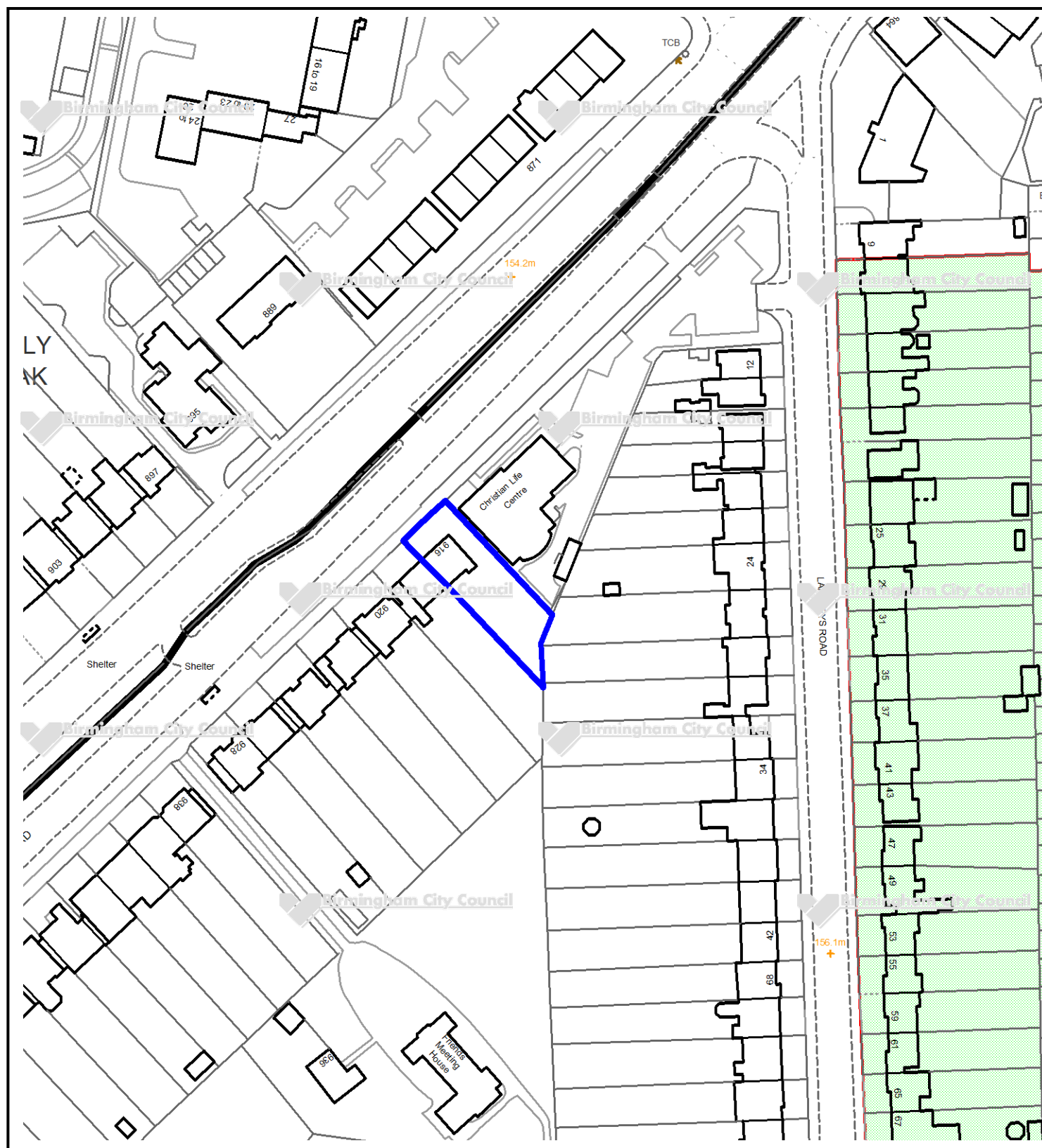
Case Officer: Leah Russell

Photo(s)



Photo 1: Front elevation of property

Location Plan



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Committee Date:	30/08/2018	Application Number:	2018/04404/PA
Accepted:	14/06/2018	Application Type:	Householder
Target Date:	09/08/2018		
Ward:	Harborne		

88 Station Road, Harborne, Birmingham, B17 9LX

Erection of first floor rear and single storey side extensions and installation of gable to front

Applicant:	Bullion Store Property 88 Station Road, Harborne, Birmingham, B17 9LX
Agent:	Mike Lapworth Burnhill, Lineholt Lane, Ombersley, Droitwich, WR9 0JU

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning consent is sought for the proposed erection of a first floor rear and single storey side extensions and the installation of a gable feature to the front of the property at second floor (roof) level.
- 1.2. The proposed development would provide an enlargement of the existing kitchen at ground floor level. There would be a minor reconfiguration of the first floor layout within the rear wing, with an enlarged bedroom provided along with a relocation of the existing bathroom. The proposed first floor rear extension would be built above the existing ground floor rear wing and would have a depth of 1.4m and a width of 3.4m. The proposed extension would continue the mono pitch roof design of the existing wing.
- 1.3. Within the existing loft space on the second floor an increased amount of head height would be provided for the existing bedroom with the rooflight to the front being replaced by the proposed new gable feature. This would span across the entire width of the frontage (4.7m) and be built up off the wall plate. It would have a maximum height of 2.1m and project from the ridge of the main roof with a maximum depth of 3.1m. An en-suite would be incorporated into the current bedroom.
- 1.4. The proposed single storey side extension would be built off the side wall of the existing kitchen, facing south-west towards Wentworth Road. It would have a depth of 7.9m and a width of 3.1m. It has been designed with a hipped roof with a ridge height of 3.4m and an eaves height of 2.5m. This element of the proposed scheme already benefits from planning consent having previously been granted planning permission in 2017 under application reference 2017/08506/PA.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of an end terrace dwelling with a gable end roof design and two storey rear wing. The property is set on a corner location within a largely residential area. The street scene comprises of other similar terrace dwellings. To the south west of the site is Harborne Primary School. To the rear of the site is a flat roofed garage. The rear/side amenity area of the site is modest in size. The first floor window in the two storey rear wing at No.86 relates to a bathroom.

2.2. Site Location

3. Planning History

- 3.1. 02/08/2017 – 2017/05687/PA – Permission refused for erection of two storey side, single storey side and rear extensions.
- 3.2. 27/11/2017 – 2017/08506/PA – Permission granted for erection of single storey side extension.

4. Consultation/PP Responses

- 4.1. Transportation Development – no objections.
- 4.2. Neighbours and local ward councillors were consulted for the statutory period of 21 days. Letters of objection were received from 5 local residents with the concerns relating to the following issues:
- Loss of light.
 - Loss of privacy.
 - The adverse impact of the proposed works upon the character of the local area.
 - The proposed gable feature would not be in keeping with the design and appearance of the other properties within the area.
 - The proposed alterations to the boundary treatment would be unsympathetic to the character of the street scene and would be visually dominant.
 - The proposed fencing and piers would be out of keeping with the appearance of the street and there are no other similar examples.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan 2005 (Saved Policies).
 - Places For Living 2001.
 - Extending Your Home 2007.
 - 45 Degree Code SPD.
- 5.2. The following national policies are applicable:
- National Planning Policy Framework.

6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies as set out above.
- 6.2. A previous application (reference 2017/08506/PA) was approved last year for the proposed erection of a single storey side extension. This scheme has not been implemented. A new application has been submitted which includes this approved development along with a proposed first floor rear extension and alterations to the roof within the front elevation with the installation of a gable feature.
- 6.3. The initial set of plans submitted included alterations to the boundary treatment to the front and side of the site for the erection of a new boundary wall, fencing and piers. Following discussions with the agent this element of the original scheme has been omitted. The assessment is therefore solely based upon the impact of the proposed extensions to the building.
- 6.4. The proposed rear extension complies with your Committee's 45 Degree Code policy. The proposed development would not have a harmful impact upon adjacent properties in terms of loss of light.
- 6.5. The proposed development meets with the numerical guidelines as contained within 'Places For Living' and 'Extending Your Home'. The proposed development would not result in any overlooking issues.
- 6.6. I consider the proposed extensions to the dwelling to be acceptable in terms of its scale, mass and design. The proposed single storey side extension already benefits from an existing planning consent. The proposed first floor rear extension is modest in size and would have a very limited impact upon the appearance of the rear elevation of the property. It would continue the design of the existing first floor rear wing and would be in keeping with the character of the building.
- 6.7. Concerns have been raised by local residents objecting to the proposed roof alteration to the front of the building with the installation of a new gable feature. Notwithstanding these concerns I do not consider that there are grounds upon which to resist such an alteration to the building. Station Road largely comprises of traditional terraced and semi detached dwellings with variations in the detail and appearance of these properties. A large majority of these properties have their front elevations characterised by a gable feature. The property almost directly opposite the site, No.79, has a similar feature. The fenestration and the detailing around the window has been designed to match the first floor detail of the property in order to integrate with the general design and appearance of the property. I do not consider that the proposed development would have a harmful impact upon the architectural appearance of the property or the visual amenity of the surrounding area. There are therefore no grounds upon which to recommend refusal of the application.
- 6.8. A CIL form has not been submitted, however, the proposed development does not attract a CIL contribution.
7. Conclusion
- 7.1. This application is recommended for approval. The proposed development complies with the relevant planning policies and therefore there are no sustainable grounds upon which to recommend refusal of the proposal.

8. Recommendation

8.1. Approval subject to the following conditions:

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- | | |
|---|--|
| 1 | Requires that the materials used match the main building |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Implement within 3 years (Full) |
-

Case Officer: George Baker

Photo(s)



Figure 1 – Front elevation of property.



Figure 2 – Side and rear elevations of property



Figure 3 – Station Road street scene..

Location Plan



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Birmingham City Council

Planning Committee

30 August 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refer to the MHCLG	13	2018/00660/PA Severn Trent Water Kingsbury Road Sutton Coldfield Birmingham B76 9DP Erection of new storage building, associated car parking and loading bay, boundary fencing and landscaping
No Prior Approval Required	14	2018/05728/PA 40 Berryfields Road Elizabeth House Sutton Coldfield Birmingham B76 2UY Application for Prior Notification for the installation of 6 no. antennas, 1 no. 0.3m dish on pole mounts and 3 no cabinets and associated works to roof top with a meter cabinet at ground level

Committee Date:	30/08/2018	Application Number:	2018/00660/PA
Accepted:	07/02/2018	Application Type:	Full Planning
Target Date:	22/06/2018		
Ward:	Sutton Walmley & Minworth		

Severn Trent Water, Kingsbury Road, Sutton Coldfield, Birmingham, B76 9DP

Erection of new storage building, associated car parking and loading bay, boundary fencing and landscaping

Applicant:	Severn Trent Water Ltd c/o Agent
Agent:	Fisher German LLP The Estates Office, Norman Court, Ashby-de-la-Zouch, Leicestershire, LE65 2UZ

Recommendation
Refer to the MHCLG

1. Proposal

- 1.1. The application is for the erection of a 1,210sqm, use class B8, storage and office building with associated loading bay to the west, car parking to the east and 3m high fencing. Plant and machinery will be located on the southern side of the building and is required because the storage needs to be temperature controlled. Additional landscaping is also proposed on the northern and western boundaries to add to the existing landscaping around the site. The building will be single storey internally with a curved roof. Due to the width of the building (approximately 24m) and the applicant's storage requirements the building will be approximately 5.8m to eaves and 7.6m to the top of the roof curve.
- 1.2. The application has been submitted with a Planning and Design Statement (D&A), Landscape and Visual Impact Assessment (LVIA), Flood Risk Assessment and Drainage Strategy (FRA), Ecological Appraisal, Tree Survey and Protection Plan, Topographical Survey and Ground Condition Surveys.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site amounts to 0.87 hectares, of which the building and hard standing areas will take 0.5 hectares. It lies within the existing sewage treatment works and the existing security fencing and controls. The sewerage works as a whole cover an area of approximately 220 hectares. The site itself is part hard standing and remains of former buildings and part grassland/ scrub and overgrown bramble. It sits to the west of the main entrance to the works, south of the Kingsbury Road with an existing building to the east and sewage plant to the south.

- 2.2. Although the site is within the established sewage works it also lies within the Green Belt. It is accessed off Kingsbury Road (A4097). In the immediate area around the sewage works are two groups of employment buildings at Prologis Park and Kingsbury Business Park and small estates of residential dwellings to the north and northwest. The Green Belt runs north and south, expanding east and west across the site.

[Site Location and Street View](#)

3. [Planning History](#)

- 3.1. There is extensive planning history across the whole of the Severn Trent site at Minworth. The following are the most recent applications. There is no recent planning history for the specific part of the site proposed in the current application.
- 3.2. 2017/05612/PA – alterations to the existing anaerobic digestion operations including erection of 14 kiosks, a gas to grid and gas to storage facility up to 18.2m in height, 4 no 17m high gas storage lighting protection masts and associated facilities, approved 28.09.17
- 3.3. 2016/04110/PA - Installation of a Thermal Hydrolysis Process (THP) Plant on existing operational land, approved subject to conditions 04.08.16
- 3.4. 2013/07287/PA - Construction of a Bio-methane Gas-to-Grid plant comprising Biogas Scrubbing Plant and MCC kiosk, approved 22.11.13
- 3.5. 2013/06555/PA – Installation of 3 CHP units and 2 kiosks, approved 06.11.13
- 3.6. 2012/03576/PA – erection of 3 kiosks, approved 26.07.12

4. [Consultation/PP Responses](#)

- 4.1. Site and press notices posted and the immediate neighbours notified in addition to Ward Councillors and local MP.
- 4.2. 1 letter has been received raising the following concerns:
- Increase in traffic in and out of already busy entrance
 - Further damage to Kingsbury Road carriageway
 - Noise from vehicle movements
 - Noise and dust from construction and after
- 4.3. Transportation Development – No objection subject to conditions relating to visibility splays and cycle parking. The proposal would unlikely to generate significant level of additional traffic.
- 4.4. Regulatory Services – No objections subject to conditions relating to contamination remediation and verification.
- 4.5. Severn Trent Water – No objection as the proposal has minimal impact on the public sewerage system.
- 4.6. Lead Local Flooding Authority – No objection subject to conditions.

5. [Policy Context](#)

- 5.1. The following policies are applicable:
- Development Plan (BDP) 2017;
 - Unitary Development Plan 2005 (saved policies 3.14-3.14D and Chapter 8);
 - Nature Conservation Strategy SPD (1997);
 - Car Parking Guidelines SPD (2012);
 - Places for All SPG (2001);
 - Sustainable Management of Urban Rivers and Floodplains SPD (2007); and
 - National Planning Policy Framework 2018.

6. Planning Considerations

- 6.1. The application needs to be assessed against the policies set out above. Firstly consideration needs to be given to assessing the scheme against the Green Belt policies within the recently updated NPPF and local policy and then assessing it against all other planning policies.
- 6.2. In addition to the general purpose of the NPPF to achieve sustainable development, it also provides advice on the consideration of development within identified Green Belt. This is additional guidance over and above the environmental role of sustainable development in protecting and enhancing the natural environment. The presumption in favour of sustainable development within paragraph 11 of the Framework is not applicable to Green Belt, as detailed in footnote 6.
- 6.3. Section 13, paragraph 133 of the NPPF states that the Government attaches great importance to Green Belt and sets the fundamental aim to prevent urban sprawl by keeping land permanently open. Paragraph 134 details 5 purposes of Green Belts: to check sprawl of large built-up areas; to prevent towns merging into on another; to safeguard the countryside from encroachment; to preserve the setting and character of historic towns; and to assist in urban regeneration by use of derelict or urban land.
- 6.4. Paragraph 143 advises that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” When considering applications paragraph 144 advises that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
- 6.5. The NPPF advises that new buildings are inappropriate and provides some exceptions at paragraph 145. The exceptions include “*g) limited infilling or the partial or complete redevelopment of previously developed land (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development*”.
- 6.6. The glossary to the NPPF defines previously developed land as: “*land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: ... land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*” (pg 70, NPPF).
- 6.7. Policy TP10 of the BDP continues the general presumption against inappropriate development within the Green Belt. Development will not be permitted unless very special circumstances exist. PG3 of the BDP is also relevant in that it expects

development to demonstrate high design quality. The key issues with this application are therefore firstly whether the proposal is inappropriate development and if it is whether there are very special circumstances to justify the development which is proposed.

Impact on Green Belt

- 6.8. Within the submitted statements the agent comments that the existing sewage treatment works do not perform the traditional role of the Green Belt in that the land is not open. Furthermore the agent considers that the development of the specific application site would also not conflict with paragraph 134 in that the development will not constitute urban sprawl, does not result in neighbouring towns merging, will not encroach into the countryside or impact on historic towns. The proposed site has been chosen in order to minimise any further impact by proposing the building close to existing buildings and structures.
- 6.9. Reference is also made to the employment buildings in the wider area. However the large employment buildings around the sewage works are all outside the Green Belt, within the built up areas of Birmingham, and as such cannot be used to justify development within the Green Belt.
- 6.10. Both the section 13 of the NPPF and policy TP10 resist new buildings, however there are exceptions to the presumption against development and the agent considers that the development of this site is both infilling and redevelopment of previously developed land (currently hard standing and photographic evidence of previous buildings have been provided by the applicant). The agent also considers that there are very special circumstances in support of this proposal. These include the need for the site to be secure; the use of the previously developed land; the opportunity to connect to the existing renewable energy sources (the building requires a substantial amount of power); and that this proposal increases and supports the business operation on site without significant increase in traffic.
- 6.11. Planning Strategy, have considered the proposal and note that the buildings on site were demolished between 1999 and 2000. The part of the site which remains hard-standing is previously developed land. However, the western part of the site, which is covered in trees and other vegetation would be excluded from the definition of previously developed land as it has 'blended into the landscape'. As such, in considering the development against the Green Belt policies in the NPPF and TP10, it is considered that the part of the proposed development on the existing hard standing is appropriate development and the test is whether this part of the development would have any greater impact on the openness of the Green Belt. The part in the wooded area is inappropriate and as such is required to demonstrate very special circumstances.

Impact on openness

- 6.12. In considering impact on openness, as noted above, the agent does not consider that the scheme has any greater impact. A Landscape and Visual Impact Assessment (LVIA) was submitted with the application to support this case which, based on the plans originally submitted, accepted that the proposed development will have a permanent effect on the landscape but considers that the visual impacts are short term and that with the additional planting proposed this will be screened within 5-10 years.
- 6.13. The LVIA follows standard guidance, identifies potential areas from where the building might be visible and also provides photomontages to show these views in winter (to show worse case scenarios). The viewpoints are from Kingsbury Road,

the properties on the opposite side of the road, five local rights of way and the higher ground to the north of the site. All viewpoints are screened to some extent by planting or set within the context of existing built form and two of the ROWs are distant from the site. The main impact will be from Kingsbury Road and the properties opposite the site.

- 6.14. The LVIA notes that the BDP Landscape Character Assessment for the area advises that the site has low sensitivity to change, low landscape sensitivity and low to medium visual sensitivity. The proposed development is considered, by the LIVA, to be similar to existing features of the site and therefore have negligible to low magnitude of impact on the area and overall a slight adverse impact on the character of the area.
- 6.15. Following an objection from Officers regarding the loss of the existing landscaping on Kingsbury Road and the access to the STW works site amended plans and an addendum to the LVIA were submitted. The amended plans retain more of the existing landscaping, reduce the amount of hard standing, add a new native species hedgerow and therefore also reduce the visual impact of the proposed building form Kingsbury Road and viewpoints north.
- 6.16. Photomontages were submitted in both the LVIA and addendum which show existing viewpoints and the proposed building in those viewpoints from 8 locations around the site. The main impact, even with more of the existing landscaping retained, will be from viewpoints 1 and 2 which are taken from the Kingsbury Road outside the site. The photomontages show the building post construction; 5 years post construction with the new planting and 10 years post construction when the new planting will have exceeded the height of the building.
- 6.17. It is officer's opinion that the LVIA has provided sufficient evidence to show that, although there will be a visual impact during and immediately following construction of the building, the long term impact is mitigated by new planting which will screen the development. Furthermore the amended plans have reduced the initial visual impact by retaining more of the existing landscaping and reduced the long term impact by providing space for more new landscaping.
- 6.18. Weight can also be given to how built up the area is now and how built up it would be if the development were to be approved. The site is part of an established and operational sewage treatment works site which includes extensive areas of plant and machinery, buildings and hardstanding. The application site, which is within the existing security fence, would be 0.4% of the wider site and the development would be read as part of the treatment works as a whole. The applicant has considered alternative sites within the wider sewage works and the application site is accepted by officers to have the least impact on openness of the Green Belt. As such it is officer's opinion that the part of the proposed development on the previously developed land will not have a greater impact on openness.

Very special circumstances

- 6.19. The part of the site which is not considered to be previously developed land is inappropriate development and as such should not be approved except in very special circumstances. Even when an individual circumstance is not considered to be 'very special', case law has established that a combination of factors, even those which individually are not 'very special', are capable of qualifying in this aspect and an objective assessment of all the circumstances should be made to see if they might outweigh the identified harm and justify inappropriate development in the Green Belt.

- 6.20. As noted at 6.10 of this report the applicant has put forward a number of points which they consider amount to very special circumstances and demonstrate that the development would not be harmful to the Green Belt. The applicant has advised that the building needs to be within a STW operational site and that there are no other sites with land available and the required security and power. Officers accept that this is a material consideration and should be given weight but does not amount to very special circumstances. The design of the building and the minimal other harm, such as vehicle movements, resulting in the use of the building by STW, are also not considered to amount to very special circumstances.
- 6.21. Given the importance of the utilities services that Severn Trent provide to Birmingham, which ensure a steady supply of water for both residents and businesses, substantial weight should be attached to ensuring the ongoing operation of the Minworth site, which will be sustained indirectly by the proposed development supporting the wider operations of STWL. Again this does not in itself constitute very special circumstances but substantial weight should be attached as part of the cumulative balancing exercise.
- 6.22. None of the reasons advanced individually constitute very special circumstances that individually would outweigh the harm to the Green Belt and other harm caused by the proposal. However, cumulatively the need to provide a secure site within STW land ownership; the ability to connect the new building to the on-site combined heat and power units to provide a source of renewable energy; and the support the proposed building will provide to the existing operation on site represent significant benefits which can collectively constitute very special circumstances.

Layout, design, scale and massing

- 6.23. As noted above the proposal is for the construction of a new building on a site which, in part, previously contained buildings/ structures. The site is mostly hard standing with areas of overgrown landscaping around. As submitted the proposal provided the new building backing onto Kingsbury Road with the service delivery yard and doors to the side closest to the main entrance into the treatment works and the office part of the development at the opposite end. A plant area would be on the long elevation facing in to the treatment works. Car parking is proposed in front of the office section.
- 6.24. During the consideration of the application the layout has been amended to retain more of the existing landscaping along Kingsbury Road and reduce the amount of hard standing around the building.
- 6.25. A new 3m metal palisade fence is proposed around the site to create a secure storage building within the security of the existing treatment works. Additional and replacement landscaping is also proposed between the building and Kingsbury Road and between the service yard and the main vehicular entrance into the treatment works.
- 6.26. The building is industrial in scale and design with a shallow curved roof. The eaves height is approximately 5.8m and the total height is 7.6m. The agent has confirmed that the height is required to accommodate the storage and the airflow and cooling systems required. The footprint is approximately 50m by 24m, therefore totalling 1,200sqm. Internally the building is subdivided into small storage rooms on the delivery yard end, a large storage area in the centre of the building and offices at the opposite end.

- 6.27. Externally the building is to be clad but the colour has not been detailed within the application. A condition can be imposed to require the details of the colour and profile to be submitted for approval. With the exception of the end section of the building, which will be office space, the building has limited openings due to the need to maintain a constant temperature inside. Personnel doors, a loading door and the extraction plant are the only features on the main part of the building. However the building will be wholly within the sewage works site, enclosed with fencing and with significant screening to the public realm.
- 6.28. Officers acknowledge that the building is different in design and scale to the existing building adjacent, which is a two storey brick and concrete building with a flat roof, and other buildings within the Severn Trent Works site. The proposed building has the design appearance of the majority of the modern industrial buildings in the area and the more recent buildings constructed further within the treatment plant. As such officers are of the opinion that the design of the proposed building is acceptable when considered against PG3 and the saved UDP policies. The layout and scale are also acceptable taking into account the proposed use and are considered to relate well to the existing treatment works whilst not having an unacceptable impact beyond the site. This has already been considered above in the comments discussing the LVIA.

Impact on amenity of existing properties and amenity for occupiers

- 6.29. The application site is within the treatment works with the majority of the existing structures and infrastructure to the south of the proposed site. To the north, on the opposite side of Kingsbury Road sits Cuttle Bridge Inn and its associated accommodation and The Greaves, a detached house and complex of converted and new buildings occupied as dwellings. Places for Living' SPG requires development to not have an adverse impact on the amenities of existing residential properties.
- 6.30. The proposal has the potential to impact on these nearby residents both during construction and post construction through increase in traffic and noise. The development will not cause any direct loss of light or overlooking due to the separation distance between the proposed building and the properties. The submitted information advises that post construction, due to the type of storage proposed, the number of vehicle movements will be minimal, however this is not quantified with a figure. Officers, have no reason to disagree with this suggestion and Transportation Development have not raised any objection.
- 6.31. With regard to noise the plant and machinery for the cooling systems and the delivery doors are all proposed on the elevation facing in towards the rest of the treatment works. Regulatory Services have confirmed that this will ensure that the building provides a buffer for the neighbouring properties and therefore the scheme is not likely to result in unacceptable noise impact.
- 6.32. Overall, the proposed development, for the storage use as indicated in the application, would not have a detrimental impact on the amenities of the properties on the opposite side of Kingstanding Road.

Ecological impact

- 6.33. Policy TP8 of the BDP seeks to ensure the maintenance, enhancement and restoration of sites of national and local importance for biodiversity and geology. These include Sites of Importance for Nature Conservation (SINCs). Development which directly or indirectly causes harm to these sites will only be permitted if it has been clearly demonstrated that the benefits outweigh the need to safeguard the site; damage is minimised and mitigated; or compensation is sought.

- 6.34. The site is within an area designated as a SINC, is close to the Birmingham and Fazeley Canal SLINC (Site of Local Importance for Nature Conservation) and also proposes development near trees and potential habitat. An ecological survey has been submitted following a desk top study and site walkover. The desk study notes that only Black Headed Gulls have been recorded within 100m of the site with the majority of other species being over 400m from the site. The survey concludes that the development of the site will not impact statutorily protected species or habitats, including the SINC. Cautionary measures for badgers and nesting birds are proposed along with construction management for ecology and tree protection. Post construction the retention and enhancement of the landscape corridor along Kingsbury Road, which may be a commuting corridor and provides the buffer to the canal SLINC, are proposed along with appropriate 'bat friendly' lighting.
- 6.35. The City Ecologist's advice is that the entirety of STW Minworth works is locally designated as a SINC primarily for its value for bird species that favour aquatic/muddy conditions. It is likely that the application site area is of value for nesting birds especially the migrant warbler species and the scrub removal has the potential to impact on nesting birds. Timing will need to be taken into account and mitigation planting and ecological enhancement measures installed post development. Overall the City Ecologist's advice is that, subject to conditions to require the provision of mitigation planting and ecological enhancement measures post development, the scheme would not have an adverse impact on statutorily protected species or the SINC and as such complies with TP8.

Access, traffic and parking

- 6.36. Policy TP44 requires development to not have a severe impact on the highway network and highway safety, taking into account cumulative impact. The test for impact in TP44 is the same test as within the NPPF, refusal on transport grounds has to be based on a severe impact.
- 6.37. The submitted D&A comments that the proposed storage building will not generate significant traffic movements and that for the majority of the time the building will run with 2-3 staff. Access to the site is via the existing main access to the sewage works off Kingsbury Road. No alterations are required to the main access. Internally two accesses will be provided, one to the loading bay and one to the car park. 11 parking spaces are proposed which will accommodate staff, visitors and occasional meetings.
- 6.38. Transportation Development has raised no objections based on the information submitted and the proposed end use of the building. The access to the loading bay area is on a bend close to the main access to the wider site off Kingsbury Rd. As such Transportation Development recommend that vehicular visibility (in accordance with the vehicular speed on internal road within this part) would need to be maintained at both new internal vehicular accesses.
- 6.39. The amended plans received also include tracking analysis to show manoeuvring for both HGV's to the delivery yard and doors and car movement for the car parking spaces. All of the turning movements will take place within the site without having an impact on either the existing roads within the Severn Trent Works or the adjacent highway. The one-way arrangement suggested by Transportation Development is already in place within the site.
- 6.40. The concern of the local resident about the impact on the condition of Kingstanding Road is not a matter for this application.

- 6.41. In conclusion, for the proposed use, the development will not have a severe impact on highway safety or significantly increase vehicle movements on the highway network. Accordingly the proposal would comply with TP44 and the NPPF.

Other matters

- 6.42. Historic impact – Policy TP12 sets the local policy for consideration of the impact of a proposal on the historic environment. This policy supports the NPPF and the legislative requirements in the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which requires local authorities to have special regard to the desirability of preserving listed buildings or their settings.
- 6.43. The site of the proposed development is bordered by Kingsbury Road and the access drive which sit opposite The Greaves, a Grade II Listed Building. The Conservation Officer has confirmed that the principle of the development is supported given that there are existing industrial and utility structures which are within the setting of the listed building. The finish colour of the building and the landscaping will be crucial to ensure that the setting of the Listed Building is protected.
- 6.44. Contamination – Ground condition surveys have been carried out and a report submitted with the application. The reports note the make-up of the ground and potential for contamination. Surveys were undertaken on site and low levels of contamination were recorded. The report recommends ground gas assessment and monitoring due to the site being made ground and close to the sewerage works and recommends construction works cease should any contamination be encountered.
- 6.45. Regulatory Services Officer note that the ground gas assessment has not been carried out in the Phase 2 survey but has not raised this as a concern. Conditions are recommended and would reasonably deal with the issue prior to development and during the construction works.
- 6.46. Drainage and flood risk – A FRA has been submitted which assesses all possible forms of flooding in accordance with the requirements of TP2 and TP6 of the BDP. The site is wholly within flood zone 1 and is not close to any watercourses though there are water infrastructure features within the Severn Trent Works and a combined foul and surface water sewer on the western boundary of the application site. The FRA concludes that the development will not be at risk of flooding or increase flood risk elsewhere. Although the site is previously developed land and the proposal will increase the amount of impermeable area, the ground conditions are not suitable for soakaways and as such the Drainage Strategy recommends on-site attenuation of surface water to a discharge rate of 5 litres per second.
- 6.47. The LLFA have commented raising no objections recommending conditions to require the submission of a sustainable drainage scheme and maintenance plan. The site is capable of dealing with both foul and surface water drainage without increasing flood risk and therefore complies with the relevant parts of the local development plan.
- 6.48. Renewable energy – There are a number of policies within the BDP that require new development to be sustainable, reduce carbon footprint and energy consumption. The details are within TP1, TP2 and TP4.
- 6.49. Within the D&A the agent has also noted that siting the building on the proposed site will allow the building to utilise the sustainable energy which is currently produced on

site. Due to the proposed use for ambient controlled storage the building will have an energy consumption requirement but the agent considers that there is sufficient capacity within the on-site energy production facility to accommodate this development. As such the building will not require any energy consumption from off-site. The low level of vehicle movements will ensure that the proposed development does not have a long term impact. Additional landscaping is proposed to increase carbon uptake.

- 6.50. CIL – The agent has completed and submitted the correct CIL form. However, industrial and employment development is zero charge in the adopted CIL Charging Schedule and as such the proposed development will not be liable for CIL.

7. Conclusion

- 7.1 The proposed development is, in part, on previously developed land and so is considered to be appropriate development in the Green Belt. However, part of the site is inappropriate development and so very special circumstances must be demonstrated that outweigh the harm to the Green Belt and any other harm arising from the proposal. As noted above the reasons presented in favour of this application do not individually constitute very special circumstances. However, the benefits of a proposal must also be considered in terms of their cumulative benefit which can collectively constitute very special circumstances.
- 7.2 The LVIA and amended plans confirm that, although there will be a visual impact during and immediately following construction of the building, the long term impact is mitigated by new planting which will screen the development. Furthermore the proposed site is part of a wider established site and as such the part of the proposed development on the previously developed land will not have a greater impact on openness.
- 7.3. Traffic and noise impacts are minimised by the proposed use; mitigation planting and ecological enhancements offset the potential harm to ecology; and conditions can be imposed to ensure no harm arises in regard to ground conditions and drainage. As such there are other harms resulting from the development but these harms are not significant and can be mitigated by condition or use.
- 7.4. Overall, on balance, the cumulative very special circumstances put forward by the applicant/ agent is considered to outweigh the harm to the Green Belt and the other harm arising from the proposal.

8. Recommendation

- 8.1. The proposal constitutes, in part, inappropriate development on land allocated as Green Belt, the floor space to be created by the development is more than 1,000sqm and the Council is minded to approve the proposal. The Town and Country Planning (Consultation) (England) Direction 2009 therefore requires the Council to refer the application to the Ministry of Housing, Community and Local Government (MHCLG) for consideration of call-in.
- 8.2. The recommendation is therefore that the application be referred to the MHCLG and, should it not be called-in, that planning permission should be approved subject to the following conditions.

-
- 1 Requires the prior submission of sample materials
 - 2 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 3 Requires the prior submission of a contamination remediation scheme
 - 4 Requires the prior submission of a contaminated land verification report
 - 5 Requires the prior submission of a sustainable drainage scheme
 - 6 Requires the submission of a Sustainable Drainage Operation & Maintenance Plan
 - 7 Requires the prior submission of hard and/or soft landscape details
 - 8 Requires vehicular visibility splays to be provided
 - 9 Requires the prior submission of cycle storage details
 - 10 Requires the scheme to be in accordance with the listed approved plans
 - 11 Implement within 3 years (Full)
-

Case Officer: Karen Townend

Photo(s)

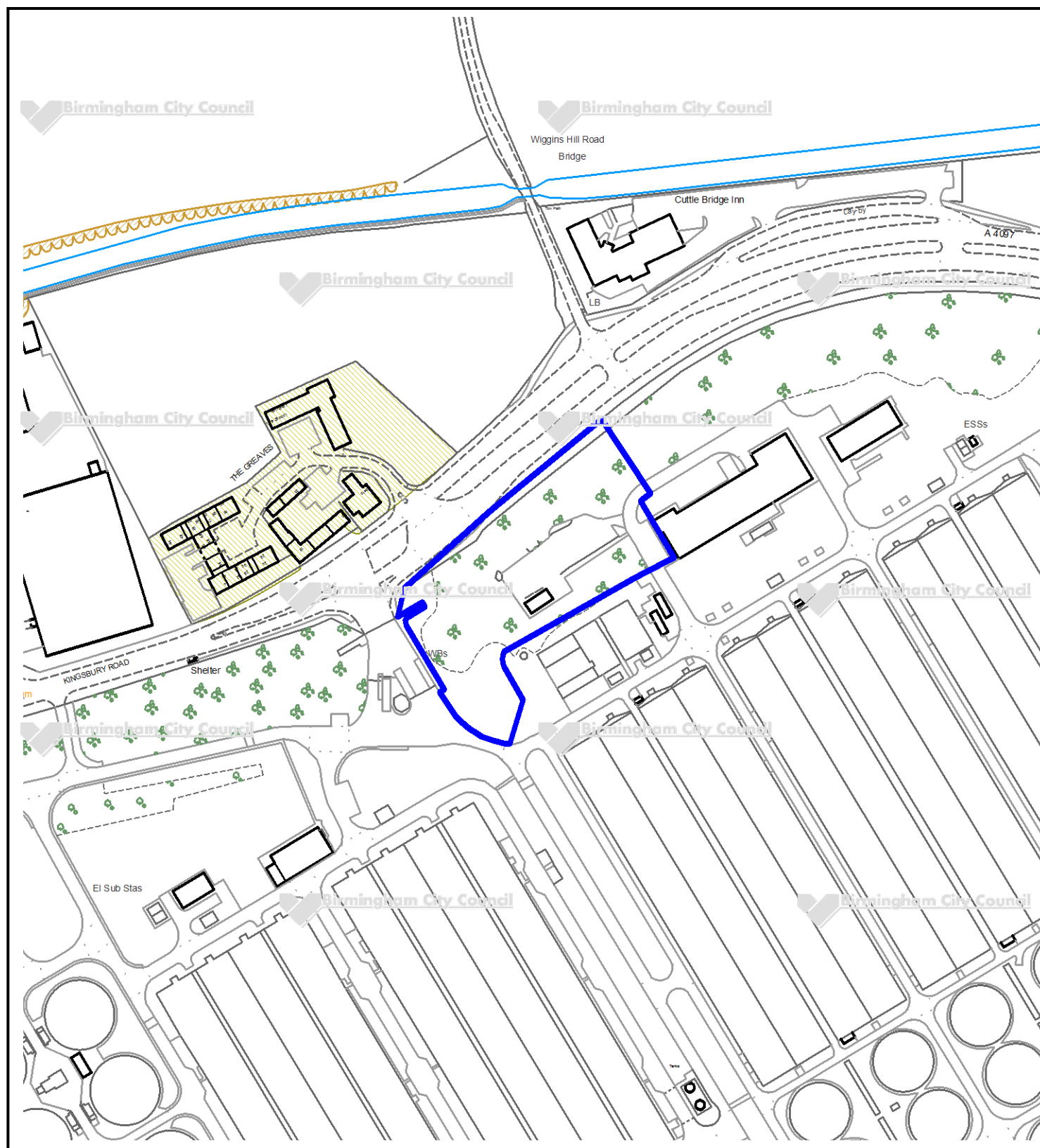


Site from Wiggins Hill Road



Site and existing adjacent building

Location Plan



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Committee Date:	30/08/2018	Application Number:	2018/05728/PA
Accepted:	10/07/2018	Application Type:	Telecommunications
Target Date:	03/09/2018		Determination
Ward:	Sutton Walmley & Minworth		

Berryfields Road, Elizabeth House, Sutton Coldfield, West Midlands, B76 2UY

Application for Prior Notification for the installation of 6 no. antennas, 1 no. 0.3m dish on pole mounts and 3 no cabinets and associated works to roof top with a meter cabinet at ground level

Applicant:	Vodafone Limited c/o agent
Agent:	Mono Consultants Ltd Culzean House, 38 Renfield Street, Glasgow, G1 1LU

Recommendation

No Prior Approval Required

1. Proposal

- 1.1. Prior notification has been given of the intention to install new communications equipment on the rooftop of this existing 9-storey residential tower block. This would comprise six 2.0m high microwave antennae and a small 0.3m diameter dish erected on a grey braced steel frame, rising to 3.7m above the highest part of the building's roof and 6.7m above the main roof parapet. The highest part of the installation would be 32.7m above ground level. The installation would also consist of three 1.7m high equipment cabinets at rooftop level painted RAL6009 Fir Green, and a small 1.0m high meter cabinet attached to the building at ground floor level also painted RAL6009 Fir Green.
- 1.2. The proposal is intended to provide improved 2G, 3G and 4G cellular coverage for both Vodafone and Telefonica UK (commonly known as O2); and is a new installation (i.e. it will not replace any existing equipment elsewhere locally). The applicant has stated that the proposal equipment would be ICNIRP-compliant (International Commission on Non-Ionizing Radiation Protection).

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. Elizabeth House is a 9-storey residential tower block on the northern side of Berryfields Road, close its junction with Froggatts Ride. It is the westernmost of two identical blocks (the other being Margaret House), served by car parking between the two and an area of open space to the north. To the east and west the site is adjoined by other smaller flatted blocks, whilst to the north and south it is adjoined by estates of primarily detached houses.

- 2.2. The block is of red brick-built construction, giving it a distinct appearance when compared to the primarily concrete residential tower blocks seen elsewhere in the city's suburbs. There are some long-distance views of both this block and the neighbouring Margaret House, but adjoining development and the local topography which slopes notably downhill to the east means that from the west these are mostly limited to glimpses. More open views exist from the east, but these are from open farmland around Thimble End Road and Fox Hollies Road (allocated for development as the Langley Sustainable Urban Extension).
- 2.3. The rooftop of Elizabeth House does not currently have any significant installations, with the only notable feature being the raised section accommodating rooftop access and lift machinery. However, a number of antennae have previously been installed on the building's rooftop, in a similar arrangement to that proposed in this application. Streetview images suggest that these were removed some time between 2012 and 2015. There are also a number of communication antennae already in place on the adjacent rooftop of Margaret House.

2.4. [Link to site location and street view.](#)

3. Planning History

- 3.1. A number of previous prior notification and licence advisory applications have been received and approved in relation to the erection of telecommunications equipment on the rooftop of this building: 1998/00334/PA, 2001/01816/PA, 2003/07811/PA, and 2007/04261/PA. As noted above, the relevant installations covered by these applications now appear to have been removed.
- 3.2. There is no other relevant planning history.

4. Consultation/PP Responses

- 4.1. Local ward councillors, local community organisations and occupiers of all properties within a 100 metre buffer of the site (339 properties in total) have been consulted. Ten responses have been received, all objections. These raise the following issues:
- Local property prices will be adversely affected
 - The antennae will be visually intrusive and an eyesore
 - Telecommunications antennae are known to cause physical health issues such as cancer, electrohypersensitivity, sleeping problems, muscle pain, headaches and high blood pressure in addition to a variety of mental health problems
 - Insufficient information on health risks has been provided to local residents in order to allow them to make an informed response
 - Health impacts will be worsened by the proximity of a school and children's playground to the site
 - Residential areas are not suitable locations for equipment of this nature
 - Approval of these antennae will establish the principle of erecting them on Elizabeth House, and more could follow in the future
 - The removal of previous antennae has greatly improved the appearance of the building, and they should not now be allowed to return

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan (saved policies) (2005)
- Telecommunication Development: Mobile Phone Infrastructure SPD (2008)

5.2. The following national policy is applicable:

- National Planning Policy Framework (NPPF) (2018)
- The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 16 (as amended 2016).

6. Planning Considerations

- 6.1. Paragraphs 112-116 of the National Planning Policy Framework relate to the installation of telecommunications equipment. Paragraph 112 advises that local planning authorities should support the expansion of electronic communications networks, although Paragraph 113 does indicate that the numbers of masts should be kept to a minimum consistent with the needs of customers and the efficient operation of the network. It explains that existing masts, buildings and other structures should be used and re-used wherever possible, and equipment should be sympathetically designed and camouflaged where appropriate.
- 6.2. Paragraph 116 advises that *“Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure”*. The applicant has declared that the proposal would comply with ICNIRP Public Exposure Guidelines, and there is therefore no basis on which to consider public health matters any further.
- 6.3. Policy TP46 (Connectivity) of the Birmingham Development Plan 2017 recognises that technology developments and access to digital services such as the internet are critical to Birmingham's economic, environmental and social development. Paragraphs 8.55-8.55C of the Birmingham UDP 2005 reaffirm the essential nature of a modern and comprehensive telecommunications system in the life of the local community and the economy of the city, and sets out that account will be taken of the impact on existing landscape features, buildings and the outlook from neighbouring properties when assessing proposals for new telecommunications development. The policy seeks to encourage telecommunications operators to locate new equipment away from sensitive areas such as conservation areas.
- 6.4. Policy 8.55B requires operators to share masts wherever possible, and the proposal fully accords with this policy as it proposes improved provision for both Vodafone and Telefonica (O2). Although it is acknowledged that Elizabeth House does not currently host any communications antennae and the proposal will therefore have an additional visual impact, the applicant has indicated that the proposal is necessary in order to provide improved cellular coverage. As outlined above this aim is supported by both national and local policy.
- 6.5. With the necessity of the proposal being established, analysis should turn to whether this is the most appropriate location for the new equipment. The applicant has

provided an assessment of eight alternative locations that were considered, with seven being discounted by virtue of them having an unacceptable visual impact on their locality or because the location would not provide sufficient cellular coverage. The eighth location was the adjacent Margaret House which does already host several antennae, but for this reason the assessment indicates that no additional space is available on the roof of that building.

6.6. The proposal to erect the antennae on Elizabeth House has therefore evidently been considered in the context of needing to minimise visual impact, and the use of an existing tall building rather than erecting a tall new mast achieves this. The adjacent Margaret House already hosts several antennae meaning that the proposed antennae will not appear out of place in that context, and crucially Elizabeth House did formerly host a number of antennae of a similar scale. Whilst those have subsequently been removed, this further highlights the extent to which the proposal will not appear out of place in that context.

6.7. By being located at the centre of the building rather than the edge of the roof it will not be possible to view the antennae from the ground immediately adjacent to Elizabeth House, and it is also proposed to paint the cabinets green in order to further reduce their visual impact in more distant views. On the basis of all of these factors, the proposal is considered to have an acceptable visual impact.

7. Conclusion

7.1. It is considered that the siting and appearance of the proposed installation would not have an undue effect on the visual amenity of the area. By virtue of its rooftop location, the proposal would not have any impact upon residential amenity or highway safety, and because the applicant has declared that the proposal would comply with ICNIRP Public Exposure Guidelines there is therefore no basis on which to consider public health matters any further.

8. Recommendation

8.1. That prior approval is not required.

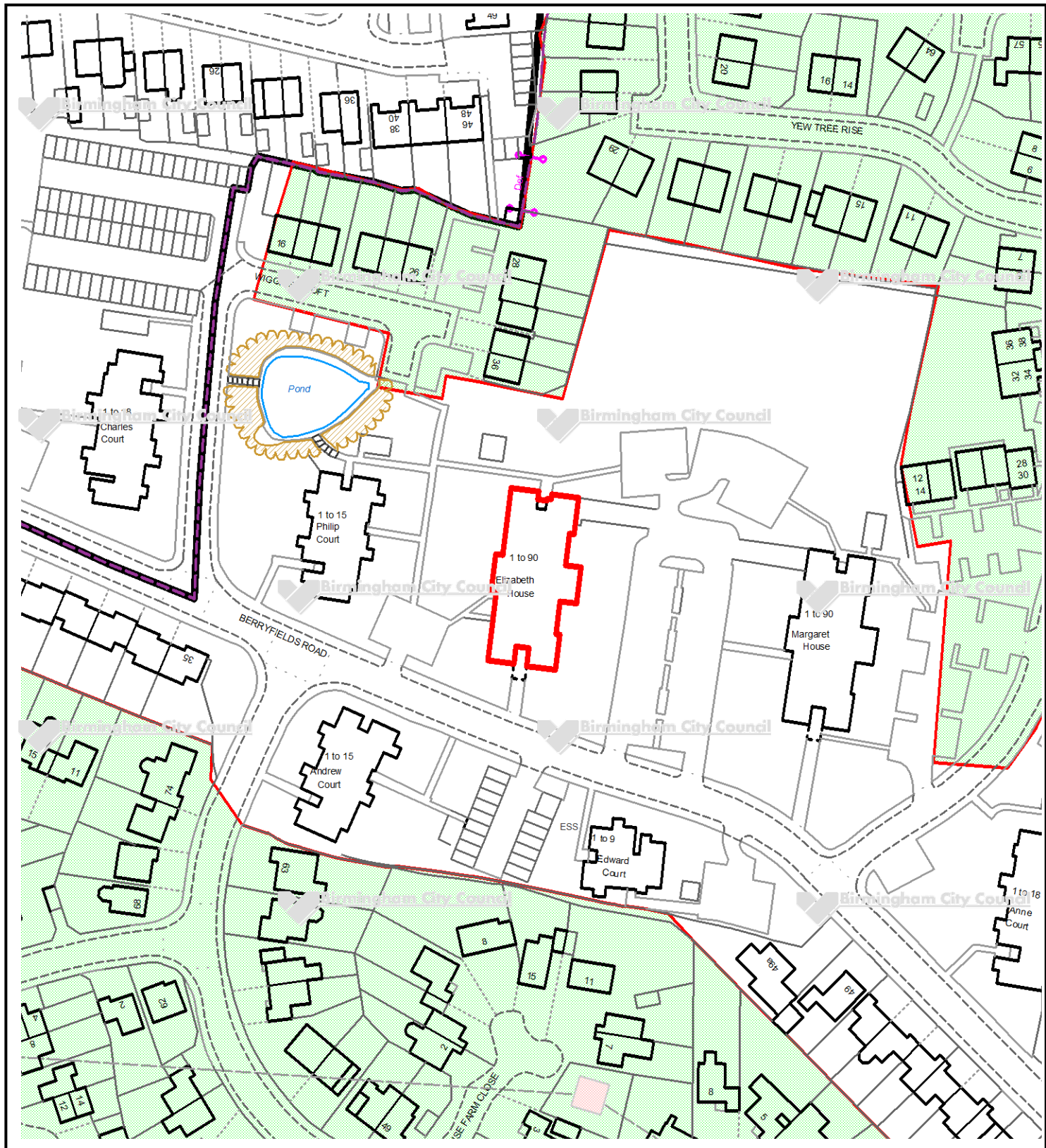
Case Officer: Robert Webster

Photo(s)



Figure 1 – Margaret House (left) and Elizabeth House (right) viewed from open space to the north

Location Plan



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