

Birmingham City Council

Planning Committee

02 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>
Refuse	9	2018/00937/PA Walmley Golf Club Brooks Road Sutton Coldfield Birmingham B72 1HR Redevelopment of existing golf club comprising demolition of an existing structure, extensions and improvements to clubhouse, new academy building, relocation of green keepers building plus extension, part alterations to existing golf course layout including starting new at golf course, new access road and track off Beech Hill Road and 57 market dwellings comprising 14 houses and 43 retirement living apartments.
Refuse	10	2018/00938/PA Walmley Golf Club Brooks Road Sutton Coldfield Birmingham B72 1HR New access road and access track off Beech Hill Road, car parking area, retaining walls, substation and drainage
Approve - Conditions	11	2018/04304/PA 188 Albert Road Handsworth Birmingham B21 9JT Change of use of dwelling house (Use Class C3) to 8 bed HMO (Sui Generis)

Approve - Temporary

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2018/04370/PA

Belwell Lane
R67 - Mere Green Roundabout
Mere Green
Sutton Coldfield
Birmingham
B75 5BA

Display of 3 no. non illuminated freestanding
advertising signs

Committee Date:	02/08/2018	Application Number:	2018/00937/PA
Accepted:	16/03/2018	Application Type:	Full Planning
Target Date:	15/06/2018		
Ward:	Sutton Wylde Green		

Walmley Golf Club, Brooks Road, Sutton Coldfield, Birmingham, B72 1HR

Redevelopment of existing golf club comprising demolition of an existing structure, extensions and improvements to clubhouse, new academy building, relocation of green keepers building plus extension, part alterations to existing golf course layout including starting new at golf course, new access road and track off Beech Hill Road and 57 market dwellings comprising 14 houses and 43 retirement living apartments.

Applicant:	Walmley Golf Club, McCarthy and Stone Retirement Lifestyles Ltd and Cameron Homes Ltd, c/o Agent
Agent:	RPS Planning and Development Highfield House, 5 Ridgeway, Quinton, Birmingham, B32 1AF

Recommendation

Refuse

1. Proposal

1.1. This is a full application for planning permission for the redevelopment of Walmley Golf Club, which consists of three elements. These are:

- 1) Extension and improvement to the clubhouse;
- 2) Improved and additional playing facilities; and
- 3) Enabling residential development

1.2. **Clubhouse:** These works seek to extend, refurbish and modernise the existing clubhouse. An existing bungalow to the immediate south of the clubhouse would be demolished as well as part of a single storey section of the clubhouse, which would be replaced with a new 2 storey extension block. It would include a new internal lift within a new entrance/reception area that leads to a new bar/cafe and terrace with views out across the course and the wider New Hall Valley. In addition, the ground floor of the extension would accommodate the relocated 'golf pro shop'. The first floor of the extension block in conjunction with the refurbishment of the first floor of the existing clubhouse would house the private function room, members' restaurant and members' bar/terrace, all to be served from the existing central kitchen.

1.3. The existing 'drive through' entrance would be in-filled to create a new snooker room on the ground floor and the remaining ground floor would house the extended and refurbished changing areas. Adjacent to the new extension block at a lower ground level would be a buggy/trolley store, which would have a grass roof.

- 1.4. The new extension block would extend as far as the existing footprint with a lower ridge than the existing clubhouse to give a subservient appearance. The existing buildings to be demolished including the bungalow have a Gross Internal Floor Area (GIFA) of approximately 1094sqm and the proposed extension would have a GIFA of approximately 1479sqm resulting in an increase of some 385sqm.
- 1.5. The clubhouse extension and the refurbishment of the existing clubhouse would consist of a limited palette of materials consisting of plain roof tiles, brick, render, timber and colour coated aluminium. This would result in a development of a contemporary appearance.
- 1.6. **Playing Facilities/Course Works:** These works include the creation of a new golf teaching academy including the following facilities:
- x5 purposed built green complexes for the practice of short games shots and bunker play (fully irrigated).
 - x1 practice putting green.
 - A SNAG (Start New at Golf) Golf Course Layout (junior beginners course).
 - A teaching building featuring indoor putting swing analysis and classroom.
 - A floodlit netting practice 'POD' featuring 9 practice bays
 - All the above would be accessible by people with disabilities
 - Associated access road, pathways and car parking.
 - A new course maintenance building.
 - Native tree and shrub mitigation and screen planting.
 - Attenuation basins for the new housing development & practice facility.
- 1.7. These facilities would be located to the southern section of the golf course, south of the club house and a new 18th fairway, where it shares a boundary with properties located on Hawfield Grove and Netherdale Close.
- 1.8. The new Academy Training building would be single storey timber clad with a footprint in the region of 321sqm and would include 4 outside open air bays, 3 covered bays, 2 indoor bays containing swing analysis equipment, indoor putting and swing studio/class room as well as fully accessible WC shower and changing facilities suitable for disabled users and a lobby/refreshment area. It would be located on what is currently part of the existing 17th hole fairway, between a cluster of existing trees. Attached to this new building would be a 'golf pod'. This is in essence an enclosed artificial grass netting space (approx. 30m in length) that allows golfers to use the longer distance clubs and includes floodlighting to enable longer use, including during winter months.
- 1.9. The existing greenkeepers building would be dismantled and re-erected on a new concrete slab to the eastern side of the area in question, south of the new 18th hole fairway, again between a cluster of trees. It would also include a new small extension (44sqm) in matching metal cladding for machinery storage. This facility would require vehicular access to its compound in the form of a new track from the new access road serving the enabling residential development.
- 1.10. **Enabling Residential Development:** The applicants have advised that they are looking to widen its reach and attraction to include groups currently excluded or uninterested in golf, wishing to bring in new members from groups currently not making use of the facilities by removing any physical or cultural barriers preventing easy access for the whole community, specifically through increasing the offering of disability golf. The works, detailed above, would bring facilities up to current

standards and seek to provide facilities for the less able, children, improved female facilities and facilities to enable wider access to the club and sport by the wider community. The applicants add that the disabled facilities include becoming a teaching facility for disabled and special needs children in North Birmingham.

- 1.11. The applicants also highlight that the planned works would generate additional income in order to sustain itself in the future including maintain stewardship of the 50ha course within the Newhall Valley. The applicant state that the Golf Club's Articles of Association do not allow for any profits to be distributed to the members and the club cannot raise or borrow sufficient funds to support this project without selling a land asset. They continue that all income generated from the development and future activities would be retained by the golf club and spent only on the club. The applicants advise that only the amount of enabling development to enable this investment to be achieved is being sought.
- 1.12. The applicants recognise that the area subject to the enabling development is within the Green Belt and the proposed enabling residential development is inappropriate development in the Green Belt. They consider that the planned works detailed above would bring benefits that outweigh the harm to the Green Belt and the gain from contravening policy provides a benefit that could not otherwise be achieved. The applicant adds that the delivery of the facilities identified as benefits representing very special circumstances would be secured through a S106 Legal Agreement.
- 1.13. The area which would accommodate the enabling development measures approximately 2ha (230m by 82m) which the applicants describe as a 'discrete finger of land' surrounded on three sides by residential development and the forth side by the clubhouse. The enabling development would consist of 14 detached family houses and a separate block of 43, 2 bed retirement living apartments. A new access off Beech Hill Road would provide a single spine road running north-south. The 14 detached houses would be to the southern section of this parcel of land with the retirement apartment block to the north.
- 1.14. Each of the 14 new detached houses would be 2 storey, 5 bed homes set within large plots with off-street parking to their frontages, a garage and spacious private rear gardens. Their architectural design would be traditional with projecting gables and bay windows, constructed from red brick, with render and timber detailing.
- 1.15. The retirement apartment scheme would be set within a single 3 and 4 storey block, with a split in level of one storey height from one end to the other, to reflect changes in ground levels. There would also be a 2.9m step in levels in the scheme's surrounding landscaping, achieved with retaining walls and some embankments. The building would also sit into a bank at its northern end adjacent to the golf club, requiring a 3m high retaining wall to support the service road running east-west. The design would seek to give the appearance of two conjoined buildings with different approaches to each. It would be constructed in either red brickwork, buff brickwork/render with the roofs being in two types and colours. It is claimed that the scheme is designed to an Arts and Crafts aesthetic. There would a total of 45 car parking spaces representing be 100% parking for residents and 2 spaces for visitors.
- 1.16. The proposal includes no S106 contributions in relation to affordable housing or public open space contributions. The scheme would be CIL liable with a contribution of £652,742.

1.17. In support of the proposal, the application has been accompanied by the following:

- Drainage Strategy
- Wider Landscape Master Plan
- Planning Statement
- Design and Access Statement
- Ecological Appraisal
- Landscape and Visual Appraisal
- Archaeological Desk-Based Assessment
- Ground Investigation
- Viability Assessment
- Tree Survey and Arboricultural Impact Assessment
- Transport Statement and Travel Plan
- Construction Traffic Management Plan
- Flood Risk Assessment
- Statement of Community Involvement
- Noise Impact Assessment

1.18. There is a concurrent application (2018/00938/PA) for a new access road and access track off Beech Hill Road, car parking area, retaining walls, substation and drainage, which can be found elsewhere on this agenda.

1.19. [Link to Documents](#)

2. Site & Surroundings

2.1. With the exception of the area for the proposed access off Beech Hill Road and a small area immediately off this, the application site falls within the Green Belt. The golf course forms part of a wider area of Green Belt including the Newhall Valley Country Park to the north and Pype Hayes Golf club and Pype Hayes Park to the south. Walmley Golf Course is located between Wylde Green to the west and Walmley to the east and is predominantly surrounded by residential areas. Access to the clubhouse is off Brooks Road and the Sutton Freight line runs along the course's northeast boundary.

2.2. In relation to the site proposed for the enabling residential development, Hawfield Grove and Hallcroft Close run along its eastern boundary, with The Cobbles to the southern boundary, and Beech Hill Close, New Hall Grange Close and Beech Hill Road to the western boundary.

2.3. [Site location](#)

3. Planning History

3.1. Current application – 2018/00938/PA. New access road and access track off Beech Hill Road, car parking area, retaining walls, substation and drainage.

3.2. Various applications dating back to the 1950s in relation to the clubhouse, the provision of an external lift, the green keepers store, and an extension to the golf course.

4. Consultation/PP Responses

- 4.1. Transportation Development – Further information has been requested and based on the submitted details and if minded to approve recommend conditions relating to a Road Safety Audit, funding a temporary TRO to prohibit waiting within Beech Hill Road during construction, construction management plan, and temporary directional signage.
- 4.2. Regulatory Services – Final comments to be reported at the meeting.
- 4.3. Lead Local Flooding Authority – No objection subject to conditions relating to sustainable drainage, a Sustainable Drainage Operation and Maintenance Plan and an assessment of the condition, connectivity and capacity assessment of the existing ditch network off site.
- 4.4. Severn Trent Water – No objection subject to a condition relating to drainage plans for the disposal of foul and surface water flows
- 4.5. Environment Agency – no objection and makes comments in relation to groundwater and contaminated land, the EA's approach to groundwater protection, waste on site, and waste to be taken off site.
- 4.6. Education (School Places) – No comments.
- 4.7. Leisure Services – Objects to the loss of part of Walmley Golf Course land to development as effectively the loss of the open space within the golf course, would compound the lack of public and private playing fields in the ward which is currently standing at 0.46 Ha per 1,000 population, well below the target of 1.2 ha. Whilst noting that it would improve current access to open space within the Golf course and also provide additional sports facilities for the community this would in no way compensate for the actual loss of land to development. If the application is seen by others to justify this loss then a contribution would be payable at a rate of £25 per sqm (£471,500). In addition, the residential development would be subject to off-site public open space provision of £54,600 to be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at Newhall Country Park.
- 4.8. Sport England – Application falls outside their statutory remit but advise the following 1) any loss of a sport facility should consider whether the proposal meets Par. 74 of National Planning Policy Framework (NPPF) is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy, 2) the provision of a new sports facility should consider the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy, and 3) the provision of additional housing generating additional demand for sport consideration should be given to the capacity of existing sports facilities, the need for new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy.
- 4.9. Natural England – No comments.
- 4.10. West Midlands Fire Service – No objection.
- 4.11. West Midlands Police – No objection and recommend Secure By Design.
- 4.12. Local residents, resident groups, Councillors, and MP consulted with site and press notices posted.

4.13. 82 objections, including representations from Royal Sutton Coldfield Town Council, Wylde Green Neighbourhood Forum and Sutton Coldfield Civic Society, have been received raising matters that are summarised as follows:

- Principle of Green Belt loss.
- Principle of loss of leisure land.
- There is no need for the promised community benefits and/or they are only a front.
- Protection of the Green Belt is more important to the community than golf facilities.
- Viability evidence does not justify the amount of development proposed.
- Other nearby golf courses provide the same or better facilities than those proposed.
- Lack of very special circumstances.
- Loss of existing views for residents out over the site.
- The proposed new homes will overlook existing property.
- The proposed new homes will result in a loss of light to existing property.
- The proposals are out of scale and character with local area.
- Local roads will be unable to cope with additional traffic, and are already a rat run.
- The proposed new access will be unsafe - it is too close to other accesses, and steep.
- The traffic survey is unfit for purpose - done before Beech Hill Road care home expanded.
- It would be unacceptable for contractors to park on local roads during construction.
- The bus service passing the site referred to in Transport Statement no longer exists.
- Insufficient parking is proposed for the retirement housing.
- No provision is being made for community infrastructure, which is already stretched.
- The proposals will result in general noise disturbance including from building work.
- The proposals will result in light pollution.
- No affordable housing is proposed, and/or the housing is not the right type of housing.
- There is no need for retirement homes, with plentiful provision in the surrounding area.
- The site is a habitat for specific animals (bats, kestrels, foxes) which will be affected.
- General wildlife impacts will occur.
- The proposal will have an unacceptable impact on protected trees.
- Insufficient engagement has been undertaken by the Golf Club.
- Too much recent development has already happened locally (e.g. Beech Hill Road).
- There is a high water table and existing flooding issues in the local area, which will worsen.
- Alternative means of funding for improving the Golf Club have not been explored.
- There is no evidence that the proposal forms the minimum enabling development.

- The proposals increase the Club's costs when it already struggles - this is unsustainable.
- This development will set a precedent elsewhere locally.
- The proposals are environmentally unsustainable.
- Local housing needs are already being met elsewhere, there is no need for this.
- The site is still used for golf practice - there is no evidence that it is unsafe as claimed.
- Cynical timing of application - over Easter and during purdah, not enough time to object.
- New Hall Grange Close is not shown on the submitted plans.
- Query whether the site boundary is correct alongside the consultee's property.
- Scheme as submitted only results from BCC comments - proposals could have been less.
- Omission of dementia café from the proposals.
- Lack of transparency during the pre-application discussions.
- Walmley Golf Club is an exclusive Sports Club.
- Not taken the opportunity to provide a public footpath to link to New Hall Valley.
- Errors within submitted documentation and misleading statements.
- No need to demolish the clubhouse.

4.14. 330 representations in support of the scheme received, including the following:

- Andrew Mitchell MP
- Councillor David Barrie
- Woodlands School
- Walmley Golf Foundation
- Wilson Stuart School
- Golf Roots
- Norman Laud Association
- Limb Power Charity
- Warwickshire Union of Golf Clubs
- England Golf
- NHS West Midlands Rehabilitation Centre
- Highclare School
- Bishop Walsh Catholic School
- Birmingham Vision
- Sport Birmingham
- Birmingham Children's Trust
- Penns Primary School
- Queensbury School
- Bishop Vesey's Grammar School
- Golf Foundation

raising matters that are summarised as follows:

- The site is not high performing Green Belt and / or Green Belt harm will be limited.
- There is a need to invest in the future of the Golf Club and improved facilities.
- This scheme helps to stop control being lost (i.e. to other developers) of the golf course.

- The proposals include much needed housing.
- The proposals include much needed homes for older people.
- The proposals have been well designed, and are high quality.
- This is a sustainable location for development, close to facilities and services.
- Development will be in-keeping with the character of the surrounding area.
- The site is no longer useful for golf because of surrounding housing development.
- The proposals have been well communicated by the Golf Club.
- The Golf Club is a community organisation and will provide sport and community benefits.
- The proposal will provide specific benefits for people with disabilities.
- There is no comparable Centre of Excellence for disability golf in the surrounding area.
- The development and access road will not result in highway issues.
- Development will enable existing drainage issues to be addressed.
- Development provides opportunities for wildlife and environmental improvement.
- The proposals are aligned with BCC's Vision - Children, Housing, Jobs and Health.
- The new entrance reduces disruption and is safer than the existing entrance.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Birmingham UDP (saved policies), Places for All SPG, Places for Living SPG, Car Parking Guidelines SPD, Affordable Housing SPG, Floodlights of Sports Facilities, Car Parks and Secure Areas SPG, Nature Conservation Strategy for Birmingham, Public Open Space in New Residential Development SPD, TPOs 119, 1303, 1223 and 304, Sutton Coldfield Green Belt and the NPPF.

6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises of the Birmingham Development Plan 2017 and the saved policies of the Birmingham Unitary Development Plan 2005.

- 6.2. The NPPF is clear that “the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role – contributing to protecting and enhancing our natural, built and historic environment...”.
- 6.3. The NPPF is also a material consideration and the proposal raises a variety of planning-related matters which are discussed below.
- 6.4. Green Belt Policy:
- 6.5. The vast majority of the application site is located within the Green Belt and the Government attaches great importance to Green Belts. Section 9 (paragraphs 79-92) of the NPPF discusses the Green Belt and highlights that *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence”*. It continues that the *“Green Belt serves five purposes;*
- *To check the unrestricted sprawl of large built-up areas;*
 - *To prevent neighbouring towns merging into one another;*
 - *To assist in safeguarding the countryside from encroachment;*
 - *To preserve the setting and special character of historic towns; and*
 - *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*
- 6.6. Furthermore, *“Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”*
- 6.7. The NPPF is very clear that *“...inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”*. Local Planning Authorities are required to give substantial weight to harm to the Green Belt. It adds that *“‘Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations”*. The NPPF continues that the construction of new buildings is inappropriate in the Green Belt but also identifies exceptions, these being:
- *“Buildings for agriculture and forestry;*
 - *Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
 - *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
 - *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.”*

- 6.8. Policy TP10 of the Birmingham Development Plan 2017 reflects the NPPF and also highlights that the Green Belt in Birmingham includes a number of areas of countryside which extends into the City, and many of these provide valuable links to the open countryside, their visual quality and their accessibility. This includes New Hall Valley which the vast majority of the application site is located within. The BDP adds that outdoor sport and recreational facilities will be supported provided that their provision preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 6.9. Inappropriate development / very special circumstances
- 6.10. As already identified there are three key elements to this proposal and each will be assessed against relevant Green Belt Policy.
- 6.11. **Clubhouse:** It is recognised that the existing clubhouse is outdated and is in need of extensive refurbishment to update it and make it fit-for-purpose. The applicants' approach to this element of the application appears sound and would enable the facility to remain available during construction works. It would also utilise the area currently occupied by a bungalow and single storey element to accommodate the extension, and would be an approximately 35% increase in the GIFA. It is considered that the extension would constitute an extension which would not result in a disproportionate addition over and above the size of the original building. As such it is considered that the proposed works to the clubhouse does not represent inappropriate development in the Green Belt.
- 6.12. **Playing Facilities/Course Works:** Much of this relates to works on the existing golf course including the new 18th hole fairway and green, reduced putting green, new SNAG course, attenuation drainage/basin, practice greens, and new planting. More significant is the new greenkeeper's building and compound with relocated course water tanks, new Academy / Driving Range building including netted outfield, car park/overflow car park and new access road/track. Whilst the existing greenkeeper's building, with a modest extension, would be relocated to a new location, the new Academy building would be a substantial addition with a new footprint of some 320sqm. However these proposed works would expand/increase appropriate facilities for outdoor sport at this existing golf course and would preserve the openness of the Green Belt (see design/visual amenity section below) and considered would not conflict with the purposes of including land within it. As such it is considered that the proposed play facilities / course works do not represent inappropriate development in the Green Belt.
- 6.13. **Enabling Residential Development:** The area within the application site subject to the proposed houses and retirement apartments is located within the Green Belt and is, within the context of Green Belt policy, inappropriate development. This is fully acknowledged by the applicants who seek to make a case that the proposed package subject to this application represents 'very special circumstances'. The applicants also refer to this element of the proposal as 'enabling development' as it is recognised that it is contrary to established planning policy but look to demonstrate that it should be permitted on the grounds that it would bring benefits that would outweigh the harm that would be caused. They add that the benefits would be paid for by the value added to the land in question as a result of the granting of planning permission for its development, and a means of funding highly desirable development projects for which no other source of funding is available and consequently would not otherwise be delivered. The applicants also seek to demonstrate that the amount of land being put forward for residential development is required to deliver these facilities.

- 6.14. The applicants have presented what they consider are very special circumstances which are summarised as follows:
- 6.15. **Sports / Social Benefits:** The proposals particularly focus on improvements that would increase community access to the club and its facilities for school children, women, the disabled and the elderly. The existing clubhouse was built in the 1960's and has very poor facilities for women, children and the disabled. The proposed redevelopment is intended to address this issue and includes proposals for the club to become a teaching facility for disabled and special needs children in North Birmingham. This Centre of Excellence would include:
- Elite Short Game Course
 - Putting Studio
 - Swing Studio
 - Netted Driving Range
 - Short Course
 - SNAG Course
- 6.16. The works also include improvements to the existing golf course. The applicants highlight the health and well-being benefits of participation in sport and the links to improved educational attainment. The applicants have offered to secure these improvements (referred to as phase 1 works) through a Section 106 agreement and that they would be provided prior to the occupation of the fourth residential unit. They also propose to undertake further improvements to the golf course itself after this (phase 2 works) and to commit to a community access agreement that will be linked to the S106 agreement. Access to all the club's facilities is via membership of the club and subject to booking and availability. Non-members would have access to the Centre of Excellence/SNAG and the main course and conference room and function room subject to booking and availability. The applicants propose to reduce some membership fees including making under-14 membership free and providing discounted entry fees to local residents (postcodes B72 & B76). It is also proposing a programme of activities, including increase and improve the quality of sporting, physical and social activity opportunities for Priority Groups (ranging from 17 years and under, 18 years and over, 55 years and over, girls and women, and people with disabilities). All prices for membership and the Academy would be subject to annual review and the agreement would remain in force for a period of 15 years.
- 6.17. **Environmental Benefits:** The proposed works would also seek to enhance the ecological value of the site. The applicants advise that the course has a reputation for being wet, and the works provide an opportunity to solve the drainage issues at the course entirely but at the same time incorporate a sustainable and more economically viable design approach. This would involve the introduction of a water harvesting scheme to control flooding as well as create water features, landscape streams swales, wetland zones that secure irrigation supply and flood abatement. The applicants add that enhancing ecological and biodiversity of the course can contribute to environmental protection (e.g. native planting, protection and management of habitats) but also the visual quality of the course. The applicants also emphasise that the continued stewardship of around 50ha, more than a quarter of the Newhall Valley, would be maintained by the investment.
- 6.18. The applicants are also making the case that the area of land that they wish to develop for residential purposes makes a limited contribution to the role and function of the Green Belt and that the harm caused by the development is therefore

minimal. With regards to openness the applicants contend that as the area proposed for the residential development is surrounded on three sides by the rear gardens of existing dwellings that the development of the site would not affect the openness of the remaining area of the Green Belt. They also note that views of this area are restricted to the private properties surrounding the site as longer views are screened by tree belts and the golf club buildings. On permanence the applicants suggest that the development would establish a strong boundary to the rest of the Green Belt.

6.19. **NPPF Five Purposes:** In response to the five purposes of the Green Belt (paragraph 80 NPPF), the applicants have also made the following observations (shown in italics):

- To check the unrestricted sprawl of large built-up areas; *Development of the site would not conflict with this aim, as it is proposed that development is restricted to a small discrete area of land with a natural defensible boundary through the retention of trees along the eastern boundary*
- To prevent neighbouring towns merging into one another; *This is not relevant for this site, as the site is not located between neighbouring towns*
- To assist in safeguarding the countryside from encroachment; *Firstly, the site is not 'countryside' being part of the golf course. The site's location, surrounded on three sides by existing residential development and on the fourth side by the Golf Course, means that development will not lead to encroachment. Development of this small site will protect the wider Golf Course's future, and thus help protect the wider area of Green Belt*
- To preserve the setting and special character of historic towns; and *This is not relevant for this site, as it's designation as Green Belt does not preserve the setting and special character of historic towns*
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land. *Birmingham is unable to meet its need for housing within its boundaries and therefore it is considered that the designation as Green Belt does not assist in urban regeneration. As the City has a shortfall of housing sites which are suitable for development within Birmingham should be seen as an opportunity to assist in delivering the shortfall"*

6.20. **Other considerations:** The applicants also consider that:

- The proposal can deliver new homes where there is a shortfall of housing sites within the City and thereby meet the BDP's wider strategic objectives in relation to housing supply, addressing local housing need, including housing for older people.
- Meet with policy objectives in the NPPF and the BDP in terms of sports recreation by providing a well-designed and integrated uses by enhancing existing facilities and providing areas of public open space. The site has good access to neighbouring areas and would conform to existing and future community needs and improve the quality of the area, facilitate social cohesion and promotes healthy living for all ages.

- The site is accessible by public transport, would generate fewer than 500 person-trips per day and comply with relevant transport policies.
- The open space subject to the enabling development used as a practice area is surplus and there is an excess of local provision. The lost open space would be replaced by a far more accessible area of open space and of far greater quality. The open space is underused, of limited use due to the residential encroachment (long shots can no longer be played safely) and whilst the proposal is not for alternative sport provision it would facilitate improved sports provision on an adjacent area of land.

6.21. Very Special Circumstances Test

6.22. The 'very special circumstances' test is embodied in Paragraph 88 of the NPPF. This advises that very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other consideration. The test is very strict and there is no prescribed list of what is 'very special circumstances'. Any circumstances must be considered within the context of the particular application and it is for the decision taker to attribute the weight to be given to any particular consideration and whether it, or a combination of circumstances, amounts to 'very special circumstances'. If there are a number of circumstances, it is not necessary to show that each one in itself amounts to a very special circumstance, but that the combination of circumstances, viewed objectively, is capable of being described as 'very special'. With regard to the phrase 'any other harm', this does not only relate to harm to the Green Belt when apply the planning balance.

6.23. The following paragraphs will now discuss the proposed beneficial considerations.

6.24. **Clubhouse:** It is recognised that the existing clubhouse was last redeveloped in the 1960s and the proposed works would bring it up to current standards, including in relation to energy saving and sustainability, and would offer a far superior experience to all that would use it. Many of the works would reflect what you would expect from a sports club facility, including appropriate access for disabled users. Much of the works would enhance the reception and bar/café to the ground floor and the private function room, members' restaurant and members' bar terrace. Whilst these social facilities would be available for the local community, which is welcomed, it is considered with the evidence provided that there is a good chance the main beneficiaries would be the members of the golf club. As such, limited weight is given to this element of the proposal.

6.25. **Playing Facilities/Course Works:** These works including the Centre of Excellence and, would increase inclusivity and diversification at the gold club and again this is welcomed. This would be supported by specific programmes to attract particular groups to take advantage of these new facilities. It is recognised that the applicants already have a Walmley Golf Academy Development Plan, which includes golf coaching sessions in local primary schools, inclusion at the Sutton Coldfield Community Games, Golf's Got Talent (a carnival-like day), Junior Open aimed at under 12s, the Junior Academy which includes classes, Adult Golf to increase adult participation in sport to gain long-term health benefits, and Disability Golf to make golf more inclusive for young people with learning and physical disabilities. This community-based work is acknowledged and reflected in the support being offer to the proposal by the likes of local schools and community / charity groups. This element of the proposal clearly has the potential to bring the greatest level of benefit as well as enhance the experience of existing members of the Golf Club. The proposed Community Access Agreement seeks to clarify access to the facilities, a

programme of activities and targets, including those for Priority Groups, and a policy of pricing. Areas of reservation with this Agreement relate to it remaining in force for a period of 15 years and no safeguards in relation to the annual review of all prices for membership and the Academy. Whilst significant weight is given to this element of the proposal and national and local planning policy encourages the provision of facilities for sport and recreation, it is considered that, this does not alone constitute 'very special circumstances'.

- 6.26. **Environmental Benefits:** The applicants acknowledge that the course has a reputation for being wet and claim the proposals represent a significant dual benefit of introducing sustainable design elements to the golf course design as it not only contributes to creating a high quality golf course both in playing characteristics and condition, but also ensures environmental focus.
- 6.27. A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application, which concludes that there is no risk of flooding to the development from any nearby fluvial sources and whilst there is a theoretical potential risk of flooding from surface water, the actual risk is considered minimal. The proposed new surface water drainage system would be designed in accordance with national agreed standards and provide protection from surface flooding under the critical 100 year rainfall event including the recognised allowance for the effects of climate change. This includes two new attenuation basins within the golf club area and would provide the necessary storm water storage for the proposals. These proposals have been assessed by the Lead Local Planning Authority the Environment Agency and Severn Trent Water, who raise no objections subject to conditions.
- 6.28. Furthermore, an Ecological Appraisal accompanies the application. This highlights that there is one statutory designated site, Sutton Park Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR), located approximately 2km to the north-west, as well as a non-statutory Site of Importance for Nature Conservation (SINC) and Site of Local Importance for Nature Conservation (SLINC) within 1km, whilst the site itself is a Potential Site of Importance (PSI). The boundaries of the site comprise semi-natural broadleaved woodland within areas of scrub and tall ruderal vegetation as well as two areas of plantation woodland. There are also scattered broadleaved trees present throughout, seven of which have potential to support roosting bats, in addition to two buildings within the site which have the potential to support roosting bats. The Appraisal also identifies three off-site ponds within 500m of the site boundary with no presence of great crested newts which indicates an absence of this species within the site.
- 6.29. The Appraisal considers that the proposal is not expected to significantly impact upon the interest features of the Sutton Park SSSI/NNR. However, given the site is a PSI there is potential for impacts particularly from the residential element of the scheme. The Appraisal considers that it is not expected to affect the integrity of connectivity of the retained areas of PSI and a slightly altered management practice of other areas of the wider golf course are recommended to offset the small loss of species-poor semi-improved grassland area to residential development.
- 6.30. The Appraisal also recommends the retention of semi-natural broadleaved woodland, as well as mature trees, and where this is not possible sufficient replacement planting of appropriate species should be implemented and wildlife connectivity around the site maintained. Precautionary measures to avoid adverse impacts to rabbits and breeding birds during construction are also recommended in the appraisal as well as maximising the ecological value of the site post-

development involving planting choices layout for landscaping and inclusion of specific habitat features. The proposals have been assessed by Natural England who make comments and the City Ecologist who raises no objection subject to conditions.

- 6.31. The applicants also emphasise that there would be continued stewardship of around 50ha, more than a quarter of the Newhall Valley Green Belt, as a result of this investment.
- 6.32. In response to these benefits, limited weight is given to these for a number of reasons. It is necessary for all development to deliver the principles of sustainable development and be designed and constructed in ways which maximise energy efficiency and use low carbon energy conserve water and reduce flood risk minimise waste, be flexible and adaptable to future occupier needs and incorporate measures to enhance biodiversity value. Whilst the sustainable drainage system proposed would ultimately benefit the course it is noted that evidence indicates that there is no risk of flooding from any nearby fluvial sources and the actual risk from flooding from surface water is considered minimal. In terms of ecological benefits, these would be akin to what would be expected on the back of a proposal of this nature and the most affected part of the site earmarked for the residential development is considered to be species-poor semi-improved grassland. With regard to the stewardship of the course, it is recognised that it plays an important part of the Newhall Valley and reference is made to the club being on the edge of a downward spiral that could see the viability of the course and clubhouse brought into question. However there is little evidence how this situation would undermine the role and function on the Green Belt.
- 6.33. **Other considerations:**
- 6.34. Housing Supply: A key objective of the NPPF (paragraph 47) is to boost significantly the supply of housing. The Birmingham Development Plan 2017 reflects this and it is predicted that by 2031 the City's population will rise by 150,000 resulting in an objectively assessed need of 89,000 additional homes for the period 2011-2031. Policy PG1 seeks to deliver 51,100 homes over the plan period and identifies a shortfall of 37,900 homes to be provided elsewhere with the Greater Birmingham Housing Market Area.
- 6.35. The BDP Inspector considered a range of representation in relation to site allocations and other sites put forward by landowners/ developers as part of his assessment and judged the plan to be sound and in accordance with the NPPF and NPPG. In arriving at the scale of the housing shortfall to be met outside of Birmingham, the BDP Inspector stated in Paragraph 61 of his Final Report that the allocation of additional sites within the city boundaries would not be justified.
- 6.36. Policy PG1 makes provision for the development of 51,100 additional homes and makes it clear that the Council will work with neighbouring authorities through the Duty to Co-operate to secure additional provision to meet the overall need.
- 6.37. It is expected that a minimum of 80% of all new homes provided will be built on previously developed land. In assessing the land supply for the new housing it is recognised that the provision will include unidentified windfall sites. In terms of assisting the housing supply, the issue facing the City is set clearly out within the BDP, and whilst 'windfall sites' make an important contribution, in view of the overall provision for the City and the relatively small number of residential units being proposed here, very limited weight is given to this matter. The Council is able to

demonstrate a 5 Year Housing Land Supply in accordance with Para. 47 of the NPPF.

- 6.38. Promoting Healthy Communities: The NPPF encourages developments to facilitate social interaction and the creation of healthy inclusive communities. Paragraph 70 highlights the importance of delivering social, recreational and cultural facilities, including meeting places and sports venues to enhance the sustainability of communities and residential environments. Paragraph 73 adds that importance of creating healthy communities by having good access to high quality spaces. This is also reflected in the Birmingham Development Plan 2017, where Policies TP9 and TP11 recognise the importance of accessible playing fields for recreation provision and the role sport and physical activity facilities play in promoting community cohesion. Policy TP37 identifies the need of sports provision being accessible to all to help tackle obesity whilst encouraging physical activity.
- 6.39. With regard to policy objectives in terms of sports recreation, the site having good access to neighbouring areas, would conform to existing and future community needs, improve the quality of the area, facilitate social cohesion and promote healthy living for all ages, this shares characteristics with the beneficial consideration relating to the playing facilities/course works considered above and as such attach very limited additional weight to this matter.
- 6.40. Highways: National and local policies emphasise the need for sustainable developments that are accessible to all and reduce reliance on private motor vehicles. Issues relating to accessibility and traffic generation have been considered, in conjunction with the submitted Transport Statement and Travel Plan. Transportation Development has requested additional information in relation to particular issues raised by local residents and also assessed the information submitted. They advise that if minded to approve conditions relating to a Road Safety Audit, a temporary TRO, construction traffic management plan and temporary directional signage should be attached.
- 6.41. Open Space: Policy TP9 of the Birmingham Development Plan 2017 advises that consent will not normally be granted for the development on open space except where:
- *“It can be shown by an up to date assessment of need that the open space is surplus taking into account of a minimum standard of 2ha per 1,000 population and the accessibility and the accessibility and quality criteria listed below.*
 - *The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size.*
 - *Where an area of open space is underused as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a small part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.*
 - *The development is for alternative sport or recreational provision, the benefits of which clearly outweigh the loss.”*
- 6.42. The applicants argue that the open space subject to the enabling development used as a practice area is surplus and there is an excess of local provision. Furthermore, the lost open space would be replaced by a far more accessible area of open space

and of far greater quality. They add that the open space is underused, of limited use due to the residential encroachment (long shots can no longer be played safely) and whilst the proposal is not for alternative sport provision it would facilitate improved sports provision on an adjacent area of land. Putting all other matters aside, it is considered that the planned playing facilities/course works (academy building, SNAG course, green complexes etc.) would result in significant improvements to the quality and recreational value of the remaining area, and as such the proposal accords with Policy TP9.

- 6.43. Leisure Services have made reference to the loss of open space within the golf course and that this would compound the lack of public and private playing fields in the ward. The BDP is clear that golf courses do not constitute playing fields.
- 6.44. Five purposes: The applicants has made observations on the NPPF's five purposes of the Green Belt and argue that the site makes a limited contribution to the role and function of the Green Belt and any harm would be minimal. In response, it is recognised that the location of the enabling residential development is a relatively slender parcel of land (approximately 230m by 82m) surrounded on three side by residential development. However, a Green Belt Assessment was undertaken in 2013 for the preparation of the BDP, and the parcel (Area H New Hall Valley) within which the application is located, was assessed as contributing to the purposes of the Green Belt in 'preventing neighbouring areas from merging'. In response to openness, whilst the works to the clubhouse are relatively minor the new Academy building relocated greenkeepers building, as well as the enabling residential development would have an impact on the overall openness of the site in a way that would be visually evident from views within the site. Therefore, it is considered that this cannot be considered as a 'very special circumstance' to justify the development.
- 6.45. It is considered that the purposes relating to preventing neighbouring towns merging and to preserve the setting and special character of historic towns are not relevant to this particular case. The issue of assisting urban regeneration and contributing to the City's housing supply is addressed above.
- 6.46. Design/visual amenity
- 6.47. The NPPF highlights that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. 'Places for Living' require proposals to respond to the context and reinforce and evolve local characteristics that are considered positive. The application includes a Landscape and Visual Appraisal.
- 6.48. The design and appearance of the clubhouse's refurbishment and its extension would give it a modern appearance and is appropriate to its golf course setting. The design of the playing facilities/course works, including the new Academy building and the enlarged and relocated greenkeeper's building, are also considered acceptable.
- 6.49. The layout of the proposed 14 houses would share many characteristic with the recently developed backland developments off Beech Hill Road adjoining the site to the west as well as the late 20th century housing developments to the east and south. Their design and appearance is also akin to the architectural style of the adjoining executive housing. Putting all other matters to aside, such as its location within the Green Belt, the design of the houses is acceptable.

- 6.50. Likewise the location scale and massing of the proposed retirement block is considered acceptable. Its visual impact would be relatively limited from the public realm off Beech Hill Road due to its backland location to the houses located on this street, mature vegetation and changes in ground levels. Some concerns over design aspects of the retirement apartment block have been raised by the City Design Team and the applicants have submitted amendments to address these. They are ultimately cosmetic and relatively easy to resolve. As such and again putting all other matters aside, it is not considered appropriate for this to represent a reason for refusal.
- 6.51. The Council's Tree Officer raised initial concern over the submission as it was considered that BS5837 has not been used to inform the design but is subservient to a pre-conceived layout which requires the removal of potentially 55 legally protected trees, some of which are within the Green Belt. There was also concern for the future of retained protected trees.
- 6.52. Some clarity has subsequently been provided that goes some way to address concerns relating to the protection of the protected trees. There is still some clarification required in relation to the beech trees adjacent to the new access and whether this should be restored back to a hedge or attempt to identify individual trees that may be kept to grow on to larger trees. The Tree Officer raises no objection subject to conditions relating to a site meeting, tree protection drawings and a method statement for the construction of the access road. In view of the above it is considered that a reason for refusal on the grounds of loss of trees could not be sustained.
- 6.53. The Tree Officer notes that trees on the golf course do have a measure of public amenity given the topography of the site and its surrounds. It is considered that these are well maintained and the landscape amenity of them is valued by the applicants.
- 6.54. Neighbour amenity
- 6.55. A noise assessment has been submitted in support of the application in relation to the extension at the clubhouse. The assessment concludes that the change in noise level at the existing properties would be no greater than 1.2dB and is not expected to have an adverse impact on existing residential development from event noise during the day-time or night-time. It adds that entertainment noise from the clubhouse is expected to be below the existing background noise level from the proposed residential development and thereby inaudible from within these units. It also notes that the proposed dwellings would be surrounded by existing residential dwellings and these would not restrict the golf club's proposals. Regulatory Services' final comments shall be reported at the meeting.
- 6.56. In terms of impact on existing residential amenity, the proposed retirement apartment block is of a sufficient distance of at least 40m from the closest existing residential boundary. The proposed houses are significantly closer, with the closest having a side gable within some 3m from the boundary with New Hall Grange Close. Whilst the adjoining residential properties are accustomed to an open aspect in relation to the course's current practice area the spatial composition of the proposed houses are similar to that in relation to the existing residential developments. The houses exceed the minimum setback and separation standards given in 'Places for Living'. As such the proposal would not adversely impact upon neighbour amenity in terms of loss of privacy and light that could sustain a reason for refusal.

- 6.57. The floorspace of the proposed residential accommodation is generous in size and set within a spacious open setting/layout and as such the living conditions for future residential occupiers of the residential development would be acceptable.
- 6.58. Viability/S106
- 6.59. The applicants have been clear that only the amount of Green Belt land needed to enable the beneficial works has been included for development. The application has been accompanied by a viability statement that sets out the financial balance between land values generated and the costs of the beneficial development. The NPPF (paragraph 173) places significant emphasis on ensuring viability and deliverability, adding that the costs of any requirements likely to be applied to development when taking account of the normal cost of development and mitigation provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 6.60. The application exceeds thresholds in relation to affordable housing (15 units) as well as public open space and play facilities (20 units). Policy contained within TP31 of the BDP and 'Affordable Housing' SPG seeks 35% provision. Policy TP9 of the BDP and 'Public open space in new residential development' SPD seeks, where practical to do so, that new public open space is provided on site. In addition, there are circumstances where it may be preferable for the public open space to be provided as an off-site monetary contribution. Such circumstances include new development being in close proximity to existing public open space or it may not be practicable to provide on-site. The application does not include an affordable housing provision or on-site public open space or a financial contribution towards off-site public open space.
- 6.61. The applicant adds that the provision of any affordable housing as well as other S106 costs would reduce the value generated from the land sales and additional value would need to be generated from either a greater Green Belt take or high densities to produce the same net return. The applicant also recognises the government's position in that unmet need for conventional housing is unlikely to outweigh harm to the green belt and other harm to constitute 'very special circumstances' justifying inappropriate development in the Green Belt.
- 6.62. The viability assessment has been independently evaluated and the final findings will be reported at the meeting.
- 6.63. The applicants' agent has requested that due to the unique nature of the proposal, the S106 is a fundamental consideration in the decision making process and as such the S106 needed to be developed with the Local Planning Authority prior to consideration of the application by Planning Committee to ensure that it is robust and technically sound. However, in light of the assessment given above in relation to the community benefits, and that it does not alone constitute 'very special circumstances', it was considered inappropriate to engage with the applicants on this matter.
- 6.64. Other Matters
- 6.65. The application site contains no designated heritage assets and there are none in close proximity. An Archaeological Desk Based Assessment has been undertaken that identifies that there is unknown potential for prehistoric, Roman, Anglo-Saxon and medieval archaeology on the site (although this is at best likely to be moderately preserved). 12 trial trenches are recommended and the submission also includes a

method statement for the undertaking of archaeological field evaluation. The City Archaeologist raises no objection.

- 6.66. It is noted that there has been significant representation, both for and against the scheme, and these have been considered as part of this assessment.
- 6.67. A number of residents to the south of the application site have raised detailed concerns about flood risk associated with the existing site and the proposal, particularly in relation to the discharge of surface water to the existing off site ditch network. The applicants have submitted a separate statement on this issue recognising their statutory responsibilities to 'let water flow naturally' along the watercourse within their land ownership. They advise that the Golf Club already has a maintenance regime in place for the watercourse within their land including clearing the existing trash screen at the point it leaves their site. They add that they understand the major concern is the area where the existing watercourse leaves the Golf Club's land and enters an existing culvert, which is the critical, and potential restricting, length. Some local residents have raised issue with this on the grounds that the only maintenance has been carried out periodically at the personal expense of a local resident. Residents emphasise that the important issue is that the Golf Club does not direct any further storm water run-off into what is an already overloaded system. The Lead Local Flooding Authority accepts the principles of the proposed drainage strategy. However, provision of confirmation of the condition, connectivity and capacity of the existing ditch network would be required prior to the final acceptable of the proposed drainage strategy.
- 6.68. Concern has been raised by some residents over the transparency of the pre-application process. Whilst such enquiries are commercial sensitive and some residents have expressed concern that it puts them at a disadvantage, such discussions are good practice and actively encouraged by National Policy and Guidance and can prove highly beneficial to identify planning-related issues prior to a formal application submission. It is stressed that such discussions are informal and any views given by officers are without prejudice to any final decision made by the Local Planning Authority.
- 6.69. Planning Balance Exercise:**
- 6.70. The proposed enabling residential works is inappropriate development and as such is by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Local Planning Authorities are required to give substantial weight to harm to the Green Belt. Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations".
- 6.71. As detailed above, the different elements of the proposal have been assessed. Whilst there are clear benefits to be had with the highlighted community benefits (playing facilities and course work) and is accordingly afforded significant weight and is an element in favour of granting planning permission, it is considered that it does not alone represent 'very special circumstances'. The works to the club house and the environmental benefits are afforded limited weight, as are the arguments relating to the five purposes of the Green Belt and housing supply.
- 6.72. Considering all the matters both individually and cumulatively it is considered that the proposal does not represent 'very special circumstances' to outweigh the harm to the Green Belt and other harm, caused by the development.

7. Conclusion

- 7.1. There are 3 key elements to this proposal, the majority of which is located within the Green Belt. The extension/enhancement to the existing clubhouse and the alterations/improvements to the play facilities/course, including the academy building, represent appropriate development within the Green Belt. However, the enabling residential development, which is required to finance these works/improvements, represents inappropriate development and as such, to be acceptable, must demonstrate 'very special circumstances' to outweigh the harm to the Green Belt and, any other harm. The applicants have sought to do this by demonstrating social and environmental benefits as well as claiming that the site of the enabling development makes a limited contribution to the role and function of the Green Belt and any harm would be minimal. Whilst it is recognised the proposed social benefits, with measures to increase community access to the club and its facilities for school children, women, the disabled and the elderly, meet many policies, including access to sports and recreational facilities, it is considered that the future investment in and of itself is not a 'very special circumstance'. The other benefits highlighted and arguments relating to the site's role and function of the Green Belt are afforded limited weight. As such, considering all the matters both individually and cumulatively it is considered that the proposal does not represent 'very special circumstances' to outweigh the harm to the Green Belt and other harm, caused by the development.

8. Recommendation

- 8.1. Refuse.

Reason for Refusal

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- | | |
|---|--|
| 1 | The proposed enabling residential development represents inappropriate development in the Green Belt. Very special circumstances have not been demonstrated to outweigh the harm to the Green Belt and any other harm, caused by the development. As such the application is contrary to Policy TP10 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
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Case Officer: Peter Barton

Photo(s)



Photo 1 – View of the practice green (location of proposed enabling residential development) looking south



Photo 2 – Proposed new access of Beech Hill Road

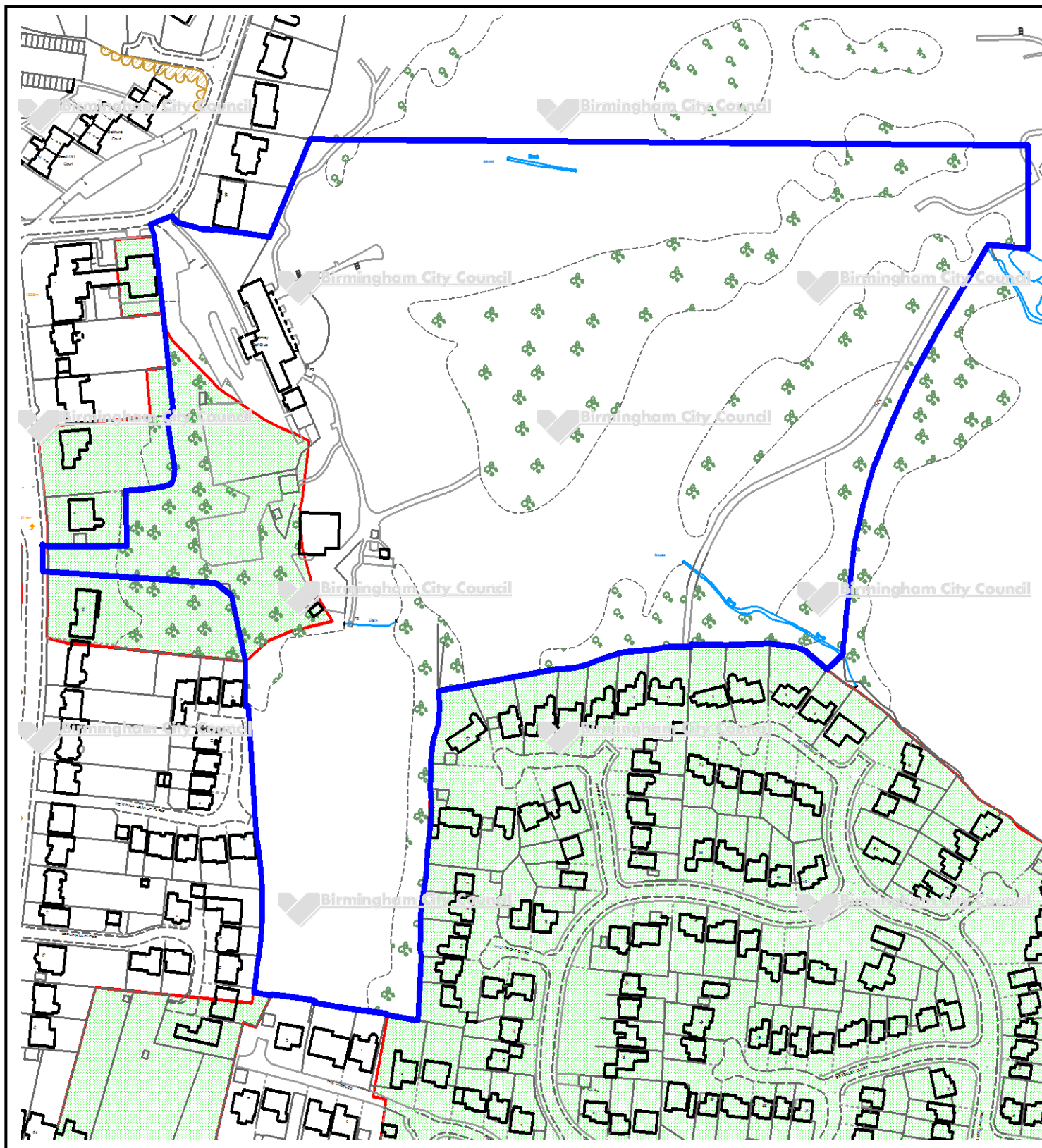


Photo 3 – Location of the main attenuation basin



Photo 4 – View of the existing club house from the golf course

Location Plan



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Committee Date:	02/08/2018	Application Number:	2018/00938/PA
Accepted:	16/03/2018	Application Type:	Full Planning
Target Date:	11/05/2018		
Ward:	Sutton Wylde Green		

Walmley Golf Club, Brooks Road, Sutton Coldfield, Birmingham, B72 1HR

New access road and access track off Beech Hill Road, car parking area, retaining walls, substation and drainage

Applicant:	Walmley Golf Club, McCarthy and Stone Retirement Lifestyles Ltd and Cameron Homes Ltd, c/o Agent
Agent:	RPS Planning and Development Highfield House, 5 Ridgeway, Quinton, Birmingham, B32 1AF

Recommendation
Refuse

1. Proposal

- 1.1. This is a full planning application for the creation of a new access road off Beech Hill, access track, car parking area, retaining walls, sub-station and drainage. This application should be read in conjunction with a concurrent application for the *"Redevelopment of existing golf club comprising demolition of an existing structure, extensions and improvements to clubhouse, new academy building, relocation of green keepers building plus extension, part alterations to existing golf course layout including starting new at golf course, new access road and track off Beech Hill Road and 57 market dwellings comprising 14 houses and 43 retirement living apartments"* (Ref: 2018/00937/PA), which can be found elsewhere on this agenda.
- 1.2. The applicants have advised that the access road would only come forward as part of the parallel golf course and enabling development. They further advise that this is an enabling works application that would allow a certain amount of infrastructure to be delivered on the site without triggering the CIL payment as part of the wider development. The Council's CIL Instalment Policy requires a certain percentage to be payable within 60 days of commencement of development, however, the infrastructure works as part of the application would not be completed within this timeframe. As the works subject to this application are not liable for CIL, it would afford the applicant more time to implement the infrastructure and once the wider site commenced development the CIL payments would be made in-line with the instalments policy. The CIL contribution associated with the development proposed under 2018/00937 would be £652,742.
- 1.3. In support of the proposal, the application has been accompanied by the following:
 - Drainage Strategy
 - Wider Landscape Master Plan
 - Planning Statement

- Design and Access Statement
- Ecological Appraisal
- Landscape and Visual Appraisal
- Archaeological Desk-Based Assessment
- Ground Investigation
- Tree Survey and Arboricultural Impact Assessment
- Transport Statement and Travel Plan
- Construction Traffic Management Plan
- Flood Risk Assessment
- Statement of Community Involvement

1.4. [Link to Documents](#)

2. [Site & Surroundings](#)

2.1. With the exception of the area for the proposed access off Beech Hill Road and a small area immediately off this, the application site falls within the Green Belt. The golf course forms part of a wider area of Green Belt including the Newhall Valley Country Park to the north and Pype Hayes Golf club and Pype Hayes Park to the south. Walmley Golf Course is located between Wylde Green to the west and Walmley to the east and is predominantly surrounded by residential areas. Access to the clubhouse is off Brooks Road and the Sutton Freight line runs along the course's northeast boundary.

2.2. In relation to the site proposed for the enabling residential development, Hawfield Grove and Hallcroft Close run along its eastern boundary, with The Cobbles to the southern boundary, and Beech Hill Close, New Hall Grange Close and Beech Hill Road to the western boundary.

2.3. [Site location](#)

3. [Planning History](#)

3.1. Current application – 2018/00937/PA. Redevelopment of existing golf club comprising demolition of an existing structure, extensions and improvements to clubhouse, new academy building, relocation of green keepers building plus extension, part alterations to existing golf course layout including starting new at golf course, new access road and track off Beech Hill Road and 57 market dwellings comprising 14 houses and 43 retirement living apartments.

3.2. Various applications dating back to the 1950s in relation to the clubhouse, the provision of an external lift, the green keepers store, and an extension to the golf course.

4. [Consultation/PP Responses](#)

4.1. Transportation Development – Further information has been requested and based on the submitted details and if minded approve recommend conditions relating to a Road Safety Audit, fund a temporary TRO to prohibit waiting within Beech Hill Road during construction, construction management plan, and temporary directional signage.

4.2. West Midlands Fire Service – No objections.

4.3. Local residents, resident groups, Councillors, and MP consulted with site and press notices posted.

4.4. 41 objections, including representations from Royal Sutton Coldfield Town Council and Sutton Coldfield Civic Society, have been received raising matters that are summarised as follows:

- Principle of Green Belt loss.
- Principle of loss of leisure land.
- There is no need for the promised community benefits and/or they are only a front.
- Protection of the Green Belt is more important to the community than golf facilities.
- Viability evidence does not justify the amount of development proposed.
- Other nearby golf courses provide the same or better facilities than those proposed.
- Lack of very special circumstances.
- Loss of existing views for residents out over the site.
- The proposed new homes will overlook existing property.
- The proposed new homes will result in a loss of light to existing property.
- The proposals are out of scale and character with local area.
- Local roads will be unable to cope with additional traffic, and are already a rat run.
- The proposed new access will be unsafe - it is too close to other accesses, and steep.
- The traffic survey is unfit for purpose - done before Beech Hill Road care home expanded.
- It would be unacceptable for contractors to park on local roads during construction.
- The bus service passing the site referred to in Transport Statement no longer exists.
- Insufficient parking is proposed for the retirement housing.
- No provision is being made for community infrastructure, which is already stretched.
- The proposals will result in general noise disturbance including from building work.
- The proposals will result in light pollution.
- No affordable housing is proposed, and/or the housing is not the right type of housing.
- There is no need for retirement homes, with plentiful provision in the surrounding area.
- The site is a habitat for specific animals (bats, kestrels, foxes) which will be affected.
- General wildlife impacts will occur.
- The proposal will have an unacceptable impact on protected trees.
- Insufficient engagement has been undertaken by the Golf Club.
- Too much recent development has already happened locally (e.g. Beech Hill Road).
- There is a high water table and existing flooding issues in the local area, which will worsen.
- Alternative means of funding for improving the Golf Club have not been explored.

- There is no evidence that the proposal forms the minimum enabling development.
- The proposals increase the Club's costs when it already struggles - this is unsustainable.
- This development will set a precedent elsewhere locally.
- The proposals are environmentally unsustainable.
- Local housing needs are already being met elsewhere, there is no need for this.
- The site is still used for golf practice - there is no evidence that it is unsafe as claimed.
- Cynical timing of application - over Easter and during purdah, not enough time to object.
- New Hall Grange Close is not shown on the submitted plans.
- Query whether the site boundary is correct alongside the consultee's property.
- Scheme as submitted only results from BCC comments - proposals could have been less.
- Omission of dementia café from the proposals.
- Lack of transparency during the pre-application discussions.
- Walmley Golf Club is an exclusive Sports Club.
- Not taken the opportunity to provide a public footpath to link to New Hall Valley.
- Errors within submitted documentation and misleading statements.
- No need to demolish the clubhouse.

4.5. 266 representations in support of the scheme received, including the following:

- Andrew Mitchell MP
- Councillor David Barrie
- Walmley Golf Foundation
- Wilson Stuart School
- Golf Roots
- Limb Power Charity
- Warwickshire Union of Golf Clubs
- England Golf
- Birmingham Vision
- Penns Primary School
- Queensbury School

raising matters that are summarised as follows:

- The site is not high performing Green Belt and / or Green Belt harm will be limited.
- There is a need to invest in the future of the Golf Club and improved facilities.
- This scheme helps to stop control being lost (i.e. to other developers) of the golf course.
- The proposals include much needed housing.
- The proposals include much needed homes for older people.
- The proposals have been well designed, and are high quality.
- This is a sustainable location for development, close to facilities and services.
- Development will be in-keeping with the character of the surrounding area.
- The site is no longer useful for golf because of surrounding housing development.
- The proposals have been well communicated by the Golf Club.

- The Golf Club is a community organisation and will provide sport and community benefits.
- The proposal will provide specific benefits for people with disabilities.
- There is no comparable Centre of Excellence for disability golf in the surrounding area.
- The development and access road will not result in highway issues.
- Development will enable existing drainage issues to be addressed.
- Development provides opportunities for wildlife and environmental improvement.
- The proposals are aligned with BCC's Vision - Children, Housing, Jobs and Health.
- The new entrance reduces disruption and is safer than existing entrance.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Birmingham UDP (saved policies), Places for All SPG, Car Parking Guidelines SPD, Car Parks and Secure Areas SPG, Nature Conservation Strategy for Birmingham, TPOs 119, 1303, 1223 and 304, Sutton Coldfield Green Belt and the NPPF.

6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises of the Birmingham Development Plan 2017 and the saved policies of the Birmingham Unitary Development Plan 2005.

- 6.2. The NPPF is clear that “the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment...”.

- 6.3. The NPPF is also a material consideration and the proposal raises a variety of planning-related matters which are discussed below.

6.4. Green Belt Policy:

- 6.5. The vast majority of the application site is located within the Green Belt and the Government attaches great importance to Green Belts. Section 9 (paragraphs 79-92) of the NPPF discusses the Green Belt and highlights that *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence”*. It continues that the *“Green Belt serves five purposes;*
- *To check the unrestricted sprawl of large built-up areas;*
 - *To prevent neighbouring towns merging into one another;*
 - *To assist in safeguarding the countryside from encroachment;*
 - *To preserve the setting and special character of historic towns; and*
 - *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*
- 6.6. Furthermore, *“Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”*
- 6.7. The NPPF is very clear that *“...inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”*. Local Planning Authorities are required to give substantial weight to harm to the Green Belt. It adds that *“‘Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations”*. The NPPF continues that the construction of new buildings is inappropriate in the Green Belt but also identifies exceptions, these being:
- *“Buildings for agriculture and forestry;*
 - *Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
 - *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
 - *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.”*
- 6.8. The NPPF is also clear that there are other forms of development that are no inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include engineering works.
- 6.9. Policy TP10 of the Birmingham Development Plan 2017 reflects the NPPF and also highlights that the Green Belt in Birmingham includes a number of areas of countryside which extends into the City, and many of these provide valuable links to the open countryside, their visual quality and their accessibility. This includes New

Hall Valley which the vast majority of the application site is located within. The BDP adds that outdoor sport and recreational facilities will be supported provided that their provision preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

- 6.10. Inappropriate development / very special circumstances
- 6.11. It is evident and clearly acknowledged by the applicants that this infrastructure application is intrinsically linked to the concurrent application for the wider redevelopment works at the golf course. This application simply replicates some elements of the much bigger scheme to enable some infrastructure works to be undertaken prior to the payment of the CIL contribution.
- 6.12. A significant proportion of the site falls within the Green Belt and needs to be assessed against relevant Green Belt Policy. The part of the site that falls outside the Green Belt consists of the new access off Beech Hill Road and the first 80-90m of the new access road, including the proposed substation.
- 6.13. The applicant refers to the proposal subject to this application as an engineering operation and is not inappropriate development. They add that there would be no material impact on the openness or permanence of the Green Belt, because the works are 'flat' with no buildings being erected and would not conflict with the five purposes the Green Belt serves. These being:
- To check the unrestricted sprawl of large built-up areas; No sprawl of built-up areas would result because no buildings are to be erected as part of these infrastructure works.
 - To prevent neighbouring towns merging into one another; The proposed works will not cause the merging of towns.
 - To assist in safeguarding the countryside from encroachment; The site does not form part of the countryside, as it is a golf club, thus no encroachment would be caused particularly as no buildings are to be erected.
 - To preserve the setting and special character of historic towns; and This is not relevant for the site.
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The proposed works would not jeopardise urban regeneration.
- 6.14. Whilst engineering works are not considered inappropriate development, Paragraph 90 of the NPPF is clear that this is provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The works are clearly not isolated and are fundamental to the delivery of the wider scheme covered under 2018/00937/PA, which the enabling residential development is considered to be inappropriate development.
- 6.15. It is considered that the proposed works subject to this application would not maintain the openness of the area. The carriageway would be a sufficient width to enable vehicles to pass and it also includes a footpath, as well as car parking areas

(associated with the planned retirement apartment complex) and retaining walls. Whilst the site is not open countryside, the golf course, in particular the practice green, is open and contributes to the purposes of the Green Belt in preventing neighbouring areas from merging. The impact of these works would be to introduce an intrusion of urban development into Green Belt. As such the proposed works are inappropriate and there are no very special circumstance to outweigh the harm to the green belt and other harm, caused by the development.

6.16. Loss of open space.

6.17. Policy TP9 of the Birmingham Development Plan 2017 advises that consent will not normally be granted for the development on open space except where:

- *“It can be shown by an up to date assessment of need that the open space is surplus taking into account of a minimum standard of 2ha per 1,000 population and the accessibility and the accessibility and quality criteria listed below.*
- *The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size.*
- *Where an area of open space is underused as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a small part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.*
- *The development is for alternative sport or recreational provision, the benefits of which clearly outweigh the loss.”*

6.18. The applicants argue (as part of 2018/00937/PA) that the open space subject to the enabling development used as a practice area is surplus and there is an excess of local provision. Furthermore, the lost open space would be replaced by a far more accessible area of open space and of far greater quality. They add that the open space is underused, of limited use due to the residential encroachment (long shots can no longer be played safely) and whilst the proposal is not for alternative sport provision it would facilitate improved sports provision on an adjacent area of land. Putting all other matters aside, it is considered that the planned playing facilities/course works (academy building, SNAG course, green complexes etc.) would result in significant improvements to the quality and recreational value of the remaining area, and as such the proposal accords with Policy TP9.

6.19. The works subject to this application are clearly linked to the wider redevelopment proposals and if approved would be restricted, by an appropriate mechanism, so that it could only be implemented in association with 2018/00937/PA. However, a refusal would stand in isolation and subsequently with the justification associated with the wider proposals. As such there is no justification for the loss of open space associated with these infrastructure works and as such represents a reason for refusal.

6.20. Highways

6.21. National and local policies emphasise the need for sustainable developments that are accessible to all and reduce reliance on private motor vehicles. Issues relating to accessibility and traffic generation have been considered, in conjunction with the submitted Transport Statement and Travel Plan. Transportation Development has

requested additional information in relation to particular issues raised by local residents and also assessed the information submitted. They advise that if minded to approve conditions relating to a Road Safety Audit, a temporary TRO, construction traffic management plan and temporary directional signage should be attached.

6.22. Other Matters

6.23. The Council's Tree Officer raised initial concern over the submission as it was considered that BS5837 has not been used to inform the design but is subservient to a pre-conceived layout which requires the removal of potentially 55 legally protected trees, some of which are within the Green Belt. There was also concern for the future of retained protected trees.

6.24. Some clarity has subsequently been provided that goes some way to address concerns relating to the protection of the protected trees. There is still some clarification required in relation to the beech trees adjacent to the new access and whether this should be restored back to a hedge or attempt to identify individual trees that may be kept to grow on to larger trees. The Tree Officer raises no objection subject to conditions relating to a site meeting, tree protection drawings and a method statement for the construction of the access road. In view of the above it is considered that a reason for refusal on the grounds of loss of trees could be sustained.

6.25. The application site contains no designated heritage assets and there are none in close proximity. An Archaeological Desk Based Assessment has been undertaken that identifies that there is unknown potential for prehistoric, Roman, Anglo-Saxon and medieval archaeology on the site (although this is at best likely to be moderately preserved). 12 trial trenches are recommended and the submission also includes a method statement for the undertaking of archaeological field evaluation. The City Archaeologist raises no objection.

6.26. As with the concurrent main application (2018/00937/PA), there has been significant representation, both for and against the scheme. Many of the representations received covered both applications in a single submission and these have been considered as part of the assessment of both of these applications.

7. Conclusion

7.1. This application has been submitted to enable, if approved, that certain infrastructure works could be developed prior to the commencement of the wider scheme (2018/00937/PA) and the associated CIL payments. It is considered that the proposal represents inappropriate development as the works would introduce an intrusion of urban development into Green Belt and there are no very special circumstances to outweigh the harm to the green belt and other harm, caused by the development. Furthermore, the proposed infrastructure works, in isolation, has not justified the loss of open space.

8. Recommendation

8.1. Refuse.

Reasons for Refusal

-
- 1 The proposal represents inappropriate development in the Green Belt. Very special circumstances have not been demonstrated to outweigh the harm to the Green Belt and any other harm, caused by the development. As such the application is contrary to Policy TP10 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
 - 2 The loss of open space has not been adequately justified and is therefore contrary to Policy TP9 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-

Case Officer: Peter Barton

Photo(s)



Photo 1 – View of the practice green looking north



Photo 2 – View of the existing overflow car park looking east

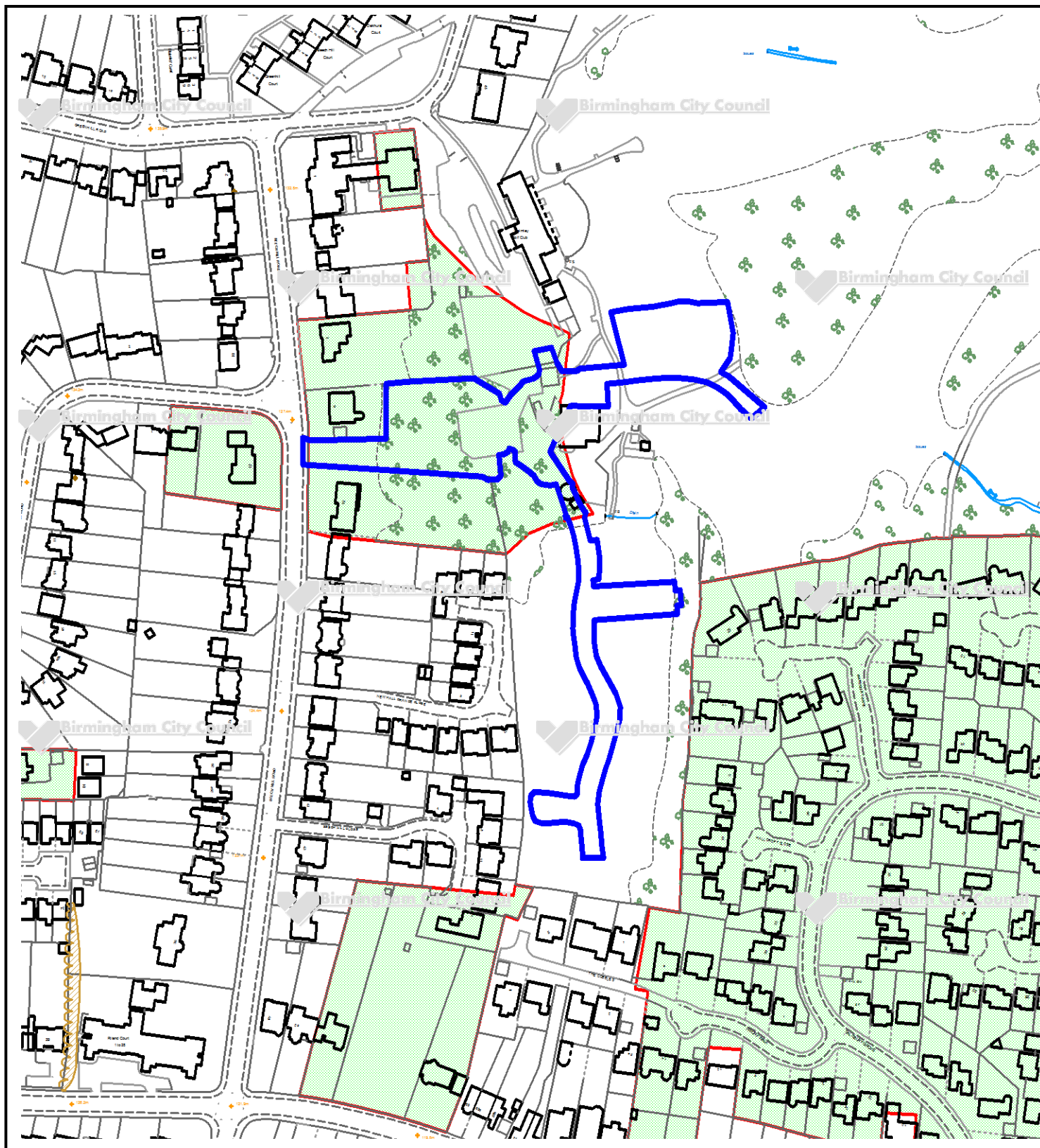


Photo 3 – View of proposed access road looking towards Beech Hill Road



Photo 4 – Proposed new access off Beech Hill Road

Location Plan



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Committee Date:	02/08/2018	Application Number:	2018/04304/PA
Accepted:	29/05/2018	Application Type:	Full Planning
Target Date:	24/07/2018		
Ward:	Handsworth		

188 Albert Road, Handsworth, Birmingham, B21 9JT

Change of use of dwelling house (Use Class C3) to 8 bed HMO (Sui Generis)

Applicant:	Mr Ali 188 Albert Road, Handsworth, Birmingham, B21 9JT
Agent:	Planning, Design & Build Ltd 864 Washwood Heath Road, Ward End, Birmingham, B8 2NG

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Consent is sought for change of use of a dwelling house (Use Class C3) to 8-bed HMO (Sui Generis) at 188 Albert Road, Handsworth.

1.2. The internal layout would be as follows:

- Ground floor: 3 x bedrooms (ranging between 8sqm and 13.3sqm), one bedroom would have an en-suite. kitchen/living/dining room (40.1sqm) and bathroom;
- First floor: 3 x bedrooms (ranging between 9.4sqm and 10.3sqm), two bedrooms with a en-suite and separate shower room;
- Second floor: 2 x bedrooms (ranging between 9.4sqm and 19.2sqm), each with en-suite.

1.3. The outdoor rear amenity space would equate to approximately 218sqm.

1.4. No parking provision is proposed.

1.5. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises of a two/three storey mid-terraced property with accommodation within the roof space, in a row of similar residential dwellings. There is a two storey rear wing and recently constructed single storey rear extensions and a rear facing dormer window above the existing two storey rear wing. The application site is vacant and undergoing refurbishment works and new windows and doors have recently been installed. There is a shared gated alley between the application premise and No. 186 Albert Road.

- 2.2. The surrounding area is characterised by similar residential dwelling houses, a number of which have been extended to the rear.
- 2.3. The neighbouring property No. 186 Albert Road is in occupied as flats with a long two storey rear wing element and single storey rear extension. There is a side infill covered way adjacent to the boundary with the application site. The boundary treatment consists of a 1.8m high fence.
- 2.4. No. 190 Albert Road comprises two residential flats.
- 2.5. [Site Location](#)
3. [Planning History](#)
- 3.1. 28/09/2017 - 2017/07685/PA - Erection of 6.0 metre deep single storey rear extension. Maximum height 3.7 metres, eaves height 2.8 metres – No prior approval required.
- 3.2. 18/12/2017 - 2017/09337/PA - Erection of single storey rear extension – Approved with conditions.
- 3.3. 06/04/2018 - 2018/01514/PA - Change of use of dwelling house (Use Class C3) to 11 bed HMO (Sui Generis) – Withdrawn.
4. [Consultation/PP Responses](#)
- 4.1. Adjoining residents and Ward Councillors have been consulted. Site Notice displayed – 15 letters of objections have been received, including representation from Councillor Quinnen on behalf of local residents and The Grove Resident Association. The objections raised are summarise below:
- Impact on residential character of the area
 - Intended users of the site, some with no local connections to the area
 - Environmental issues – litter, fly tipping, rubbish and anti-social behaviour
 - Fear of crime
 - Increase in number of HMOs / 'rooms to let' / flats in the area
 - Traffic congestion and parking issues
 - Standard of living accommodation provided
 - Maintenance of property
 - Increased pressure on local services - schools and surgeries
 - Noise issues
- 4.2. Transportation Development – No objections.
- 4.3. Regulatory Services – No objections.
- 4.4. West Midlands Police – Raise comments regarding the intended clientele for the site, how people are referred to the accommodation and managed and whether residents could pose a threat to the local community. Further comments raised regarding parking issues and postal delivery proposals. If approved, they recommend that suitable CCTV systems are installed, lighting scheme and a suitable access control system is installed.
5. [Policy Context](#)

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (2017).
 - Birmingham UDP (saved policies) (2005).
 - Places For Living (Adopted Supplementary Planning Guidance 2001).
 - Specific Needs Residential Uses SPG.
- 5.2. The following national policy is applicable:
- NPPF – National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The development has been assessed against the objectives of the policies as set out above.

Policy

- 6.2. The NPPF has the golden thread of the presumption of sustainable development. It has a clear need to significantly boost housing supply and offer a wide choice of quality homes.
- 6.3. The BDP builds upon the NPPF requirements and is clear that Birmingham is a growth point and will need new employment and housing opportunities to support these aspirations. Whilst the BDP contains no policies directly relating to HMO uses, policy TP27 relates to sustainable neighbourhoods. It requires development to have a wide choice of housing sizes, types and tenures to ensure a balanced community for all ages and incomes.
- 6.4. The UDP has guidance relating specifically to HMOs in 'saved' policies 8.23 to 8.25. These set out the criteria to assess proposals including the effect on amenities, size and character of the property, floorspace standards, car parking facilities and the amount of provision locally. Account will be taken of the cumulative effect of such uses on the residential character and appearance of an area. It also highlights that generally the use of small terraced or semi-detached houses will be resisted on the grounds of disturbance but the impact will depend, however, on the existing use of adjoining properties and on the ambient noise level in the immediate area.
- 6.5. The specific needs residential uses SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration, and that HMO accommodation has a role to play in providing housing for certain groups in society. The SPG guidelines for internal standards for people having a bedroom and shared living rooms and kitchen are:
- Single bedroom 6.5 sq.m,
 - Double bedroom 12.5 sq.m

Principle:

- 6.6. The property is a traditional two/three storey residential dwelling house and it is proposed to convert the existing property into an 8-bed HMO. I note the objections raised from local occupiers regarding the number of HMOs / 'rooms to let' / flats in the immediate area. However, based upon the information presently available through a search of the address points and approved HMO licenses, there are

approximately 240 properties within Albert Road, between Rookery Road and Grove Lane and the following conversions/uses exist:

- 26 properties converted to self-contained flats
- 11 commercial properties
- 4 HMOs

- 6.7. Albert Road extends for a considerable distance along both sides of the road and I do not consider that the proposal would have a cumulative impact upon the residential character and appearance of the area or result in a high concentration of non-family dwelling uses within the immediate locality that could sustain a reason for refusal. The application site is located within a predominantly residential area within a sustainable location with the majority of properties in residential use. The properties either side of the application premises are in use as flats. It is therefore considered that the principle of the proposal is acceptable.

Layout & Size:

- 6.8. In terms of internal layout, the property would provide shared facilities including kitchen/living/dining room on the ground floor, equating to 40.1sqm. There would be 8 bedrooms in total with 5 bedrooms provided with an en-suite and there would be a separate shower room on the ground and first floor. All of the bedrooms would exceed the standards set out in the Specific Needs Residential Uses SPG guidance. The proposal as submitted includes indicative layouts of the proposed internal arrangement of the property showing furniture layouts that would be functional and conducive to the creation of a satisfactory residential living environment. It is therefore considered that the internal residential environment for future occupiers would be acceptable.
- 6.9. The outdoor rear amenity space would equate to approximately 217.8sqm, and is considered adequate for the proposal.

Noise impacts:

- 6.10. Regulatory Services have raised no objections. I concur with this view and consider that the proposal would not have a significant adverse impact on the amenities of existing or future occupiers in terms of noise and disturbance over and above what could be generated by occupation of the property by a large family.

Highway Safety:

- 6.11. Transportation Development have raised no objections and consider that the additional traffic and parking demand generated by the proposal would be similar to an average residential dwelling house. I concur with this view. The application site is located within sustainable location that has good access to public transport networks, and a number of public services accessible within a reasonable walking distance and there would be minimal impact on public/highway safety.

Other Matters:

- 6.12. West Midlands Police raise comments regarding the intended clientele for the site and how people are referred to the accommodation and managed and whether residents could pose a threat to the local community. Further comments raised regarding the proposed internal layout of rooms and postal delivery proposals. They

recommend that suitable CCTV systems are installed, lighting scheme and a suitable access control system is installed. I also acknowledge the objections raised from a local occupier in terms of fear of crime and safety issues. The Planning Statement submitted states that the intended clientele for the site would be local workers and students. I do not consider that the proposal would result in a significant adverse impact on crime and disorder within the immediate vicinity of the site and WMP have not provided any details of crime figures linked to the site and surrounding area within the last 12 months. There is no conclusive evidence that that the proposal would result in an increase in criminal and anti-social behaviour.

- 6.13. With regards to the impact on local services; I do not consider that the proposal would have a significantly adverse impact upon the local service provision within the area.

7. Conclusion

- 7.1. The proposed living environment for future occupiers is considered acceptable. I am satisfied that the proposed development would not have a detrimental impact on residential character, residential amenity or highway safety. Approval is therefore recommended.

8. Recommendation

- 8.1. Approve with conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the maximum number of residents to 8 |
| 3 | Implement within 3 years (Full) |
-

Case Officer: Chantel Blair

Photo(s)



Figure 1: Front View



Figure 2: Rear View

Location Plan



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Committee Date:	02/08/2018	Application Number:	2018/04370/PA
Accepted:	30/05/2018	Application Type:	Advertisement
Target Date:	25/07/2018		
Ward:	Sutton Mere Green		

Belwell Lane, R67 - Mere Green Roundabout, Mere Green, Sutton Coldfield, Birmingham, B75 5BA

Display of 3no. non illuminated freestanding advertising signs

Applicant: Birmingham City Council
Procurement, 10 Woodcock Street, Aston, Birmingham, B7 4GB
Agent: Immediate Solutions
D221, D Mill, Dean Clough, Halifax, HX3 5AX

Recommendation

Approve Temporary

1. Proposal

- 1.1. Advertisement consent is sought to display 3 non-illuminated freestanding advertising signs on Mere Green Roundabout, Bellwell Lane, Sutton Coldfield.
- 1.2. The proposed signs will be a minimum of 2m from the edge of the roundabout. Each will measure 1m wide by 0.5m high and positioned 50mm above ground level.
- 1.3. The details of the content of the advertisements are not submitted for approval. Parameters are proposed within the application to control maximum font size to 50cm and to ensure that the finish material is non-reflective. However, the final advert will depend on the client's requirements. The application is submitted by Birmingham City Council. Photomontages have been provided to assist in the consideration of the proposal.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a landscaped roundabout on the junction of Lichfield Road, Bellwell Lane, Hill Village Road and Mere Green Road. The roundabout is located within Mere Green District Centre. The surrounding area is predominantly commercial.

2.2. [Site Location](#)

3. Planning History

- 3.1. No planning history.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objections.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, UDP 2005 (Saved Policies) and National Planning Policy Framework 2012.

6. Planning Considerations

- 6.1. The proposal should be assessed against the objectives of the policy context set out above.
- 6.2. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.
- 6.3. Paragraph 67 of the NPPF states that: 'poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment'.
- 6.4. In addition the NPPF advises that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 6.5. Amenity –The signage would not result in an obtrusive feature nor would it create visual clutter. The proposal would not have any adverse implications on the visual amenity of the surrounding area. In summary, no adverse visual impact has been identified.
- 6.6. Public Safety – All signage is located within the application site and will not overhang onto the public or vehicular highway. Information has been provided to show that the height of the signs would not exceed 1.05 metres above the carriageway level and they are not sited within 2 metres of the carriageway to ensure there is no conflict with vehicle visibility. I am satisfied that the signs would not have a detrimental impact on highway or public safety.

7. Conclusion

- 7.1. I consider that the design, scale and location of the proposed signs are acceptable and that they would not adversely impact on amenity or public safety. I therefore consider that the proposed advertisement signs would comply with the relevant policies and guidance outlined in the adopted Birmingham Development Plan and the NPPF.

8. Recommendation

- 8.1. Approve Temporary

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

2 Limits the approval to 5 years (advert)

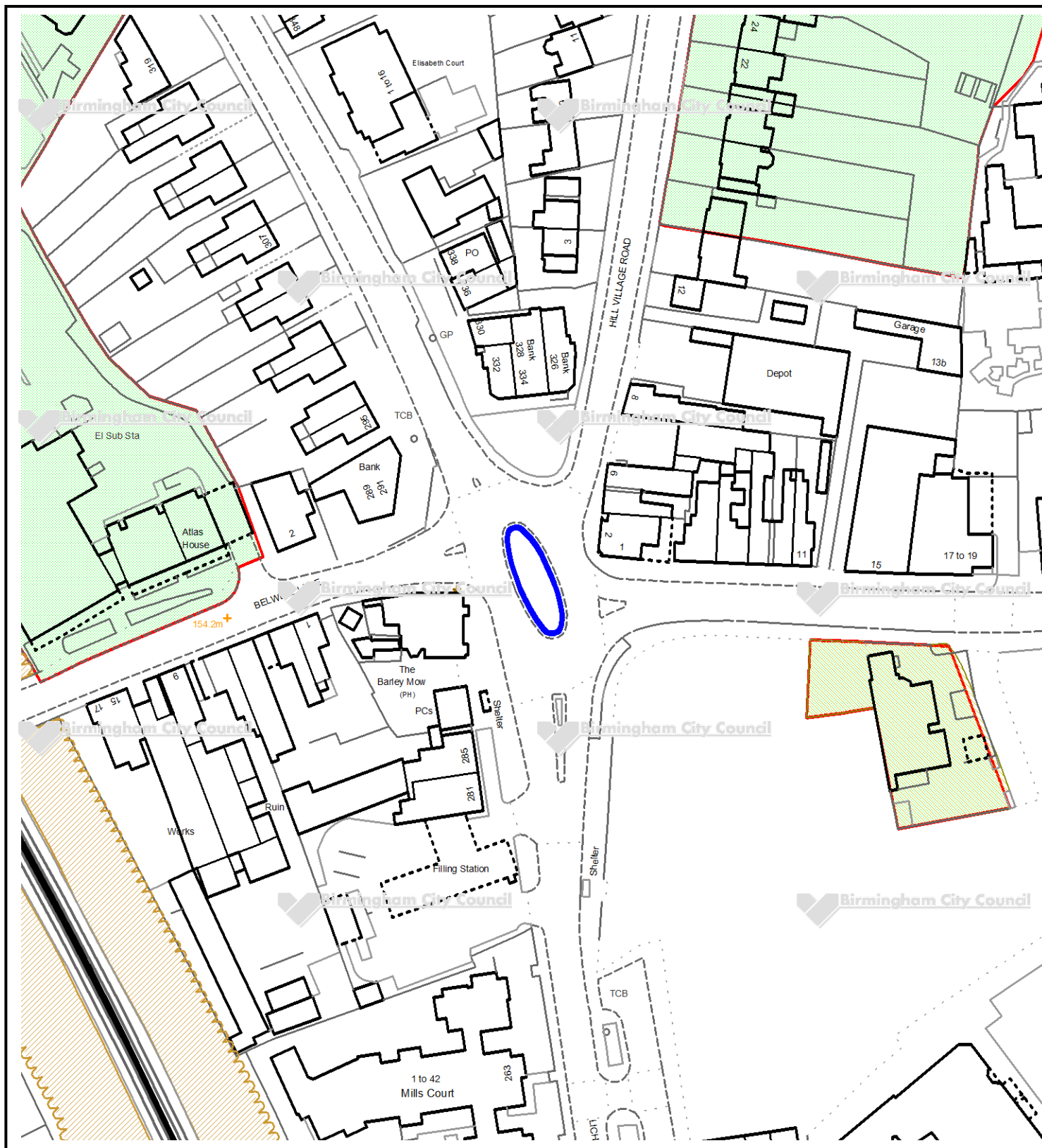
Case Officer: Hiteshree Kundalia

Photo(s)



Photo 1 – View of roundabout from Mere Green Road looking West

Location Plan



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Birmingham City Council

Planning Committee

02 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>
Refuse	13	2017/03370/PA 1631-1649 Bristol Road South Longbridge Birmingham B45 9UA Erection of Use Class A1 food retail store with associated parking and landscaping
Approve - Conditions	14	2018/03462/PA 50 School Road Moseley Birmingham B13 9SN Erection of apartment building between 2 and 3 storeys in height comprising of 14no. 2-bed apartments with associated 14no. car parking spaces.
Approve - Conditions	15	2018/04767/PA 26 Fugelmere Close Birmingham B17 8SE Erection of single and two storey side and forward extension and single storey, first floor and two storey rear extension.
Approve - Conditions	16	2018/03182/PA 71 Norman Avenue Quinton Birmingham B32 2EY Erection of two storey rear, first floor side and single storey rear and forward extensions

Committee Date:	02/08/2018	Application Number:	2017/03370/PA
Accepted:	12/07/2017	Application Type:	Full Planning
Target Date:	02/08/2018		
Ward:	Rubery & Rednal		

1631-1649 Bristol Road South, Longbridge, Birmingham, B45 9UA

Erection of Use Class A1 food retail store with associated parking and landscaping

Applicant:	Aldi Stores Limited Holly Lane, Atherstone, Warwickshire, CV9 2SQ
Agent:	STOAS Architects 216 Fort Dunlop, Fort Parkway, Erdington, Birmingham, B24 9FD

Recommendation

Refuse

1. Proposal

- 1.1. Planning permission is sought for the erection of a Use Class A1 food retail store with associated parking and landscaping. The development would comprise of site remediation and enabling ground works; formation of a new vehicular access from Bristol Road South; laying out of a car park, footpaths and soft landscaping and the erection of a steel framed store with warehousing and delivery facilities.
- 1.2. The proposed store would have a gross external area of 1,812sq.m and a retail floor of 1254sq.m. The building would be 70m in length and 31m in width with a maximum 8m height from ground level at the entrance and 9m at the loading bay. The building would be set back from the front boundary to the established building line along Bristol Road South and the proposed eaves height at the west elevation would be similar to the neighbouring buildings at 1651-1653 Bristol Road South. The building would be clad in insulated Kingspan panels for both the walls and roof. A glazed entrance and shopfront glazing would run along the frontage of the Bristol Road South elevation. A powder coated metal entrance canopy would be provided above the entrance door.
- 1.3. The Applicant's 3D image of the proposed store is overleaf.



- 1.4. 81 car parking spaces are proposed including 6 parent and child spaces and 6 spaces for people with mobility issues. 5 motorcycle spaces and 8 bicycle spaces would also be provided under the store entrance canopy.
- 1.5. Proposed opening hours are 0800-2200 hours Monday to Saturday and 1000-1600 hours on Sundays.
- 1.6. 26 construction jobs and 40 local retail jobs (22 full-time equivalent) are proposed.
- 1.7. The application is supported by a Design and Access Statement; Planning and Retail Statement (amended to include an updated and revised sequential test); Employment Land Statement; Statement of Community Involvement; Land Contamination Phase 1 Environmental Site Assessment; Preliminary Ecological Appraisal; Arboricultural Survey; Plant and Delivery Noise Assessment; Transport Assessment and Travel Plan and Phase 1 Flood Risk Assessment, Surface Water Drainage Strategy and a Site Drainage Management Plan for Operation and Maintenance.
- 1.8. Site area: 0.56Ha.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The site is located on the north side of Bristol Road South and is a relatively square plot of 0.56 hectares. The site is bounded to the south by the A38 Bristol Road South and the River Rea to the north. The site is located in close proximity of Junction 4 of the M5 and is located on Bristol Road South linking the M5 to the City Centre. The site drops in level by approximately 2m from south to north. The Bristol Road South in this location is a dual carriageway with a wide grassed central reservation. Vehicle access is from the west with egress to the east. The site is located within Flood Zone 1 with a small area on the northern boundary and beyond the site boundary falling within Flood Zones 2 and 3.

- 2.2. On both sides of Bristol Road South in the vicinity of the application site are commercial, employment and retail uses. Immediately adjoining the site to the west are two vacant retail units with residential flats above, abutted by a drive-thru MacDonalds restaurant with a car wash beyond. The site is adjoined to the east by a sign writing business, beyond which are two use class A5 take-away units with residential above. On the opposite side of Bristol Road South is a small parade of retail units, a church and a former carpet sales warehouse. To the south, the area is characterised by residential development.
- 2.3. To the north of the site is the former Longbridge West Works site, formerly car manufacturing and now a cleared site, which is allocated as a Regional Investment Site (RIS) and housing. The application site and the adjacent uses fronting Bristol Road South are also part of the designated RIS. To the east, (and within walking distance of the application site), is the former Longbridge North Works; which now forms the Longbridge District Centre and includes Bournville College, Austin Park, Premier Inn, Sainsbury's and Marks and Spencer. The Royal College of Defence Medicine Personnel Accommodation is also located to the east of the application site and is located on the RIS plan allocation.

2.4. [Site Location Map](#)

3. Planning History

- 3.1. 10 August 2007. 2007/02780/PA. Planning permission refused for the Construction of food retail store (Class A1) with associated car parking. Planning permission was refused on design and layout, flood risk assessment and *"The proposal is premature to and likely to prejudice the outcome of the Longbridge Area Action Plan, particularly the proposals for a new centre at Longbridge Lane, a regional employment investment site, new housing development and the enhancement of the River Rea corridor as set out in the Preferred Options Document. The proposal is contrary to the Preferred Options Document and Policies 3.14B, 7.27, 7.28 and 19.19A of the Birmingham Unitary Development Plan (2005) and the aims and objectives of PPS6: Planning for Town Centres."*
- 3.2. 9 March 2007. 2006/07889/PA. Planning permission refused for the Construction of food retail store with associated car parking. Planning Permission was refused for the following primary reason (alongside design and layout): *"The proposal is premature to and likely to prejudice the outcome of the Longbridge Area Action Plan, particularly the proposals for a new centre at Longbridge Lane, a regional employment investment site, new housing development and the enhancement of the River Rea corridor as set out in the Preferred Options Document which has been approved for consultation. The proposal is contrary to the Preferred Options Document and Policies 3.14B, 7.28 and 19.19A of the Birmingham Unitary Development Plan (2005) and the aims and objectives of PPS6: Planning for Town Centres."*

This refusal of planning permission was appealed by the applicants (APP/P4605/A/07/2047819) with the appeal being dismissed (21 February 2008) by the Planning Inspectorate as the application site was out of centre; the appellants had not satisfactorily proved that the proposal would not fit into a town centre; the proposal would be contrary to national and local planning policy which seeks to promote the growth and development of existing town and local centres and the application site is shown within the confines of a planned new RIS in the emerging Longbridge AAP where new retail provision would not be appropriate.

Other relevant applications

- 3.3. Awaiting determination. 2018/02549/PA. Erection of 4 employment units (Use Classes B1 (excluding offices) and/or B2), parking, access, drainage and other associated infrastructure and landscaping at Longbridge West, Bristol Road South – Regional Investment site.
- 3.4. Awaiting determination. 2017/10775/PA. Reprofiting of levels, river (including new floodplain) works, vehicular bridge, highways, pedestrian/cycle and associated infrastructure – Longbridge West – Regional Investment Site.
- 3.5. 25 May 2018. 2018/01697/PA. Outline planning permission granted, with all matters reserved for future consideration, for site preparation and construction of premises for a Use Class A1 supermarket; car parking, landscaping, access roads and associated works within Longbridge District Centre.
- 3.6. 24 May 2018. 2018/01680/PA. Planning permission granted for the construction of a building for office (Use Class B1a) and/or research and development (Use Class B1b) uses together with access, car parking, landscaping and associated works at Plot 3, Longbridge Technology Park.
- 3.7. 31 August 2017. 2017/05633/PA. Planning permission granted for site preparation and construction of premises for cinema (Use Class D2), gym (Use Class D2), and food and beverage activities (Use Classes A3/A4/A5), landscaping, access and associated works within Longbridge District Centre.
- 3.8. 18 November 2016. 2016/08020/PA. Planning permission granted for sub-division of Unit 27 of Longbridge Town centre Phase 2 with external alterations to shop front and rear elevation.
- 3.9. 10 June 2016. 2016/03513/PA. Planning permission granted for the reconfiguration of the retail units within Phase 2 of Longbridge Town Centre to include alterations to elevations, sub-division/amalgamation and provision of mezzanine and provision of external trolley bay.
- 3.10. 24 September 2015. 2015/06722/PA. Planning permission granted for reconfiguration of the nine retail units within Phase 2 of the Longbridge Town Centre, to include subdivision/amalgamation and provision of mezzanines totalling 764sq.m.
- 3.11. 7 August 2014. 2013/09229/PA. Planning permission granted for retail and service development (A1, A3 and A5) comprising 14,832sq.m (GEA) anchor store, retail units of 4,383sq.m (GEA), restaurant/takeaway pavilion building of 589sq.m (GEA), erection of multi storey car park of 1216 spaces and surface level car park of 500 spaces, access, landscaping and associated works. (Phase 2 Town Centre) Subject to a Section 106 Agreement to secure:
 - a) An index linked financial contribution from the date of this planning committee of £1,857,846 towards the spend priorities of the Longbridge Infrastructure Tariff identified in Table 2 of the Longbridge Area Action Plan 2009 payable as 25% on commencement of development, 25% on first occupation, 25% on 50% occupation and 25% on 95% occupation.
 - b) The first occupation of the 14,832sq.m retail unit shall be Marks and Spencer Plc.

- c) A continued commitment to remain in a Local Training and Employment Scheme with the City Council and other agencies and employ local people during construction and operation of the development.
- d) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.

3.12. 9 September 2011. 2011/00773/PA. Planning permission granted for mixed use development comprising new superstore, shops (A1), Financial and Professional (A2), Restaurants/Cafes (A3), Public Houses (A4) and Hot Food Takeaways (A5), Offices (B1a), 40 residential apartments, hotel, new public park, associated parking and service infrastructure and new highway access from Longbridge Lane and Lickey Road. (Phase 1 Town Centre).

4. Consultation/PP Responses

4.1. Local residents; Ward Councillors for the former Longbridge Ward; MP and Local Resident Associations notified. Two Site Notices posted at the site frontage on Bristol Road South and Press Notice posted. The application has been advertised as a Departure from the Development Plan.

4.2. 165 letters of support have been received from local residents:

- consider that the scheme would bring much needed employment;
- good for regeneration of the area;
- the scale would not detract or undermine the existing centre;
- would be in a good location;
- would improve customer choice;
- would be a great addition; and
- would improve this part of the Bristol Road South which is ugly.

4.3. 19 letters of objection have been received from local residents on the grounds of:

- the food store is not required,
- not many jobs are created;
- highway safety particularly given the speed of the road;
- increase in traffic;
- will kill off local businesses through competition – particularly those opposite the application site;

4.4. Councillor Adrian Delaney has commented (prior to becoming Ward Councillor) that the development would make crossing Bristol Road South more dangerous for parents and children going to Colmers School – requests a new pedestrian crossing. Further comments received from Councillor Delaney state that he is in support of the application.

- The site is an eyesore, has been used by travellers and attracts anti-social behaviour.
- It has been vacant for many years and we desperately need it to be developed.
- This would be an excellent location for an Aldi as it is very accessible to local residents from Rubery, Rednal and the wider Longbridge area.
- It would really improve this run down and neglected location, reduce anti-social behaviour, provide 45 good quality and well paid retail jobs for local people.
- It would benefit local residents as it provides good quality goods at more affordable prices when compared to other local supermarkets. This will benefit many of my constituents who are on a tight budget.

- We have large amounts of land on the former Longbridge west works site that is still undeveloped where we wish to see office and business use. We are still waiting for this to happen 13 years after the collapse of MG Rover.
 - The Aldi site in my view would be of great benefit to the area and I strongly urge you to grant permission to this application.
- 4.5. Former Councillor Ian Cruise has identified that he is broadly supportive of the proposal but raises concerns regarding traffic and highway safety.
- 4.6. Planning Prospects on behalf of St Modwen (primary and adjacent Longbridge landowner) have objected to the proposal. Their letter states “We write on behalf of St Modwen who have been working with the City Council over many years in the regeneration of the Longbridge site. We write to object to this planning application on the basis that the site forms part of the Regional Investment Site (RIS) identified within the Longbridge Area Action Plan and Birmingham Development Plan. St Modwen are making major steps forward in the delivery of the RIS with new infrastructure being delivered and the first phases of development submitted for planning permission. The nature of the proposed development in this application is not compatible with the RIS allocation and whilst supporting uses could form part of the later development of the RIS to sustain its function, they need to be genuinely complementary of its role and integrated appropriately. The site in question should be incorporated into the RIS masterplanning and put to a use compatible with the RIS.”
- 4.7. Transportation – No objection subject to conditions relating to construction management, s278 Agreement relating to the required bellmouth access, car park management particularly during store deliveries and servicing and cycle parking provision.
- 4.8. Severn Trent Water – No objection subject to a drainage condition.
- 4.9. Highways England – No objection.
- 4.10. West Midlands Police – No objection subject to conditions relating to CCTV and an alarm system linked to an alarm receiving centre is installed at the proposed site. West Midlands Police have recorded 24 instances of shop theft from a neighbouring supermarket in the past 12 months (July 2016-July 2017) and 4 theft of pedal cycles and 10 theft from motor-vehicles from within their car park.
- 4.11. Lead Local Flood Authority – No objection, overall, the LLFA are in acceptance of the principles within the FRA and Surface Water Drainage Strategy, subject to conditions relating to sustainable drainage.
- 4.12. Environment Agency – No objection subject to a condition securing the development be undertaken in accordance with the submitted flood risk assessment and a condition requiring a remediation strategy. However, they advise that without the remediation strategy condition they would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.
- 4.13. West Midlands Fire Service – No objection.
- 4.14. Regulatory Services – No objection subject to conditions relating to plant and machinery noise, hours of opening and vehicle charging points.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP); NPPF, NPPG, Longbridge Area Action Plan (AAP) (2009), Saved Policies of the Birmingham UDP (2005), Shopping and Local Centres SPD, Places for All SPD, Car Parking Guidelines SPD.

6. Planning Considerations

- 6.1. I consider the principal issues raised by this application include Retail matters, Regional Investment Site issues, Design, Transportation, and Other Matters such as Drainage and Land Contamination.

THE APPLICANT'S CASE

- 6.2. The applicant identifies that the site is located within the RIS allocated boundary and that only a small part of the RIS has been developed to date including the Longbridge Technology Park and a non-policy compliant secure serviced accommodation scheme and that the main body of the RIS has remained undeveloped in the 8 years since the AAP was adopted.

- 6.3. The proposed store operator's (ALDI) philosophy is to provide high quality products at discounted prices within a pleasant shopping environment. The applicant considers that the supermarket's function is both as a 'weekly' food shop destination and/or as a 'top-up' convenience store. The store stocks a limited 1,500 product lines including:

- Pre-packed seasonal fruit and vegetable lines;
- General tinned, bottled and pre-packed groceries;
- Frozen and chilled goods;
- Beers, wines and spirits;
- Pre-packed bread, 'morning goods' and cakes; and
- A limited everyday range of non-food household items.

The applicant considers it important to note that they do not sell cigarettes or lottery tickets and the stores do not include specialist butchers, fishmongers, bakery, delicatessen or a chemist/pharmacy. On this basis, they consider it important that they do not offer a 'one stop shop' and that they complement rather than compete with other traders and would help to address Government objectives of reducing social exclusion.

- 6.4. Crucial to the ALDI business model is the tried and tested store format that enables goods to be unloaded directly into the store via a dock leveller and transferred directly to the shop floor. All stores have a consistent proportion and layout. A requirement for an ALDI store is an adjacent car park as their customers "*must have the opportunity to take their goods home by car irrespective of the accessibility of the store location via sustainable modes of transport.*" (Para 2.29 Turley Planning and Retail Statement, April 2017).
- 6.5. Given the policy requirement for flexibility (see Paragraphs 6.25 – 6.28 particularly), ALDI recognises the requirement and would assist where possible however, they identify a number of key areas where it is not possible to exhibit flexibility as it would undermine the operational efficiency of the business and its viability. These include:
- A minimum of 1,125sq.m net trading floor space is required (in a rectangular store design).

- A store must be capable of being serviced by a HGV delivery vehicle and the site layout must allow the delivery vehicle to be able to enter and leave the site in a forward gear and for the vehicle to be able to dock correctly in the purpose built delivery area of the store.
- Parking provision in line with local parking standards.

POLICY

NPPF - General

- 6.6. The National Planning Policy Framework (NPPF) was published on 27th March 2012. Paragraphs 2, 11, 12, 13 and 196 emphasise that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. They confirm, also, that the NPPF is a material consideration in planning decisions.
- 6.7. Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development – economic, social and environmental – and that these are mutually dependant, so that gains in each should be sought jointly and simultaneously. Under the heading of *‘the presumption in favour of sustainable development’*, Paragraph 12 confirms that the NPPF *‘...does not change the statutory status of the development plan as the starting point for decision making’*. Thus, Paragraph 12 states that: *‘...development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise’*.
- 6.8. Paragraph 14 of the NPPF then sets out the presumption in favour of sustainable development in more detail and says that it *‘...should be seen as a golden thread running through both plan-making and decision-taking’*. For decision-taking this means: *‘approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.’*
- 6.9. Thus, if the application accords with the development plan, the provisions of Paragraph 14 of the NPPF suggest that it should be permitted without delay, unless material considerations indicate otherwise. Conversely, it is clear that applications which do not accord with an up to date development plan should be refused, unless material considerations indicate otherwise. The second decision-taking bullet point in Paragraph 14 of the NPPF only comes into force if the development plan is *‘...absent, silent or relevant policies are out-of-date’*.

NPPF - Retail

- 6.10. Paragraphs 23 to 27 of the NPPF deal with the need to promote the vitality of town centres and are particularly relevant to this proposal. Paragraph 23 states that planning policies should promote competitive town centre environments. Paragraph 24 then sets out the sequential test that applies to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. Paragraph 24 states that *‘...applications for main town centres uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered.’* In considering edge and out-of-centre proposals, Paragraph 24 states that *‘...preference should be given to accessible sites that are well-connected to the town centre’*.

- 6.11. In applying the sequential approach, Paragraph 24 requires that applicants and Local Authorities should demonstrate flexibility on issues such as format and scale. However, in assessing the suitability of sites, there is no specific reference in Paragraph 24 to the issue of viability. Nevertheless, viability is an important aspect of the suitability component of the sequential test and I note that Paragraph 23 of the NPPF, which deals with local plan preparation, does include a viability requirement in stating that local planning authorities should *'allocate appropriate edge of centre sites...where suitable and viable town centre sites are not available'*.
- 6.12. Paragraph 26 of the NPPF then sets out the impact tests for applications for retail, leisure and office development that is located outside town centres and which is not in accordance with an up-to-date Local Plan. Paragraph 26 requires applications for such development, which are over 2,500sq.m (or a locally set threshold), to include an assessment of:
- *'the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
 - *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'*
- 6.13. Paragraph 27 of the NPPF states that *"where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused."*

Birmingham Development Plan

- 6.14. The development plan for Birmingham comprises the BDP, the saved policies of the Birmingham Unitary Development Plan (UDP) and the Longbridge Area Action Plan (the AAP), adopted in April 2009. All elements of the development plan contain policies relevant to this application, so that the development plan is not 'absent' or 'silent'. The remaining issue, therefore, is whether the development plan is 'up to date'. As the BDP was only adopted in January 2017 and this included a number of saved policies from the Birmingham UDP, and the AAP was adopted in April 2009 and is in the process of being reviewed following the transference of a number of key policies from the AAP to the BDP, I consider that all relevant policies are 'up-to-date'.
- 6.15. Policy GA10 of the BDP relates to Longbridge and identifies that an AAP is in place to secure comprehensive redevelopment over a 15-20 year period. The policy identifies the level of development that the AAP sought including 13,500sq.m gross of retail floor space. The policy goes on to state *"A total of 28,626sq.m of retail floor space has been committed to date, reflecting changing circumstances since the AAP was adopted. Proposals for further retail development will only be permitted where it can be demonstrated through a full retail impact assessment that there will be no significant adverse impact on investment in, and on the viability of centres in the catchment area."*
- 6.16. Paragraph 5.115 identifies that the AAP *"seeks to respond to the closure of the former MG Rover plant by proposing an employment led approach to regeneration."* Paragraph 5.116 goes on to state that *"all the proposals in the AAP emerged from extensive consultation with the local community, stakeholders and other key partners. For example, the new local centre responds to the need to provide a new*

heart for the community and improve the quantity and quality of retail provision in the area."

- 6.17. As part of the BDP adoption, the Longbridge centre was upgraded from a neighbourhood centre to a District Centre and the boundary extended from that identified within the AAP and SPD.
- 6.18. Policy TP21 covers local centres policy and identifies that centres are the preferred location for retail, office and leisure developments along with community facilities and proposals which *"will make a positive contribution to the diversity and vitality of centres will be encouraged."* The Policy goes on to identify that proposals for main town centre uses outside of the identified centre boundaries will not be permitted unless they satisfy the requirements of national planning policy. Policy TP22 supports the principle of convenience retail in centres, subject to it being at an appropriate scale for the individual centre and identifies that *"proposals that are not within a centre will be considered against the tests identified in national planning policy and other relevant planning policies set at local level, in particular the policies for the protection of employment land."*

Longbridge Area Action Plan

- 6.19. The application site sits within the Longbridge Area Action Plan (AAP) framework, which forms part of the Development Plan for the purposes of determining planning applications. The AAP contains a shared vision for Longbridge:

"Longbridge will undergo major transformational change redeveloping the former car plant and surrounding area into an exemplar sustainable, employment led mixed use development for the benefit of the local community, Birmingham, Bromsgrove, the region and beyond. It will deliver new jobs, houses, community, leisure and educational facilities as well as providing an identifiable and accessible new heart for the area. All development will embody the principles of sustainability, sustainable communities and inclusiveness. At the heart of the vision is a commitment to high quality design that can create a real sense of place with a strong identity and distinctive character. All of this will make it a place where people will want to live, work, visit and invest and which provides a secure and positive future for local people."

- 6.20. The application site is located on land allocated as a Regional Investment Site within the AAP and is outside of both the AAP Centre Boundary and the extended centre Boundary within the BDP. The RIS policy both within the BDP and the AAP identifies that appropriate uses for the site are within the B1b (research and development), B1c (light industrial) and B2 (general industrial) Use Classes with a small proportion of the site (up to 25,000sq.m for B1a offices). In regards to supporting uses, Proposal RIS1 identifies that a *"maximum total of 10,000sq.m of floorspace for services and amenities primarily for use of staff and businesses and integrated into the development e.g. meeting and conference facilities, cafes, sandwich shops and newsagents, crèche, gym and hotel"*. The issue of RIS uses and the development proposal is addressed later in this report.

RETAIL CONSIDERATIONS

- 6.21. As previously identified, the application site lies wholly outside the Local Centre boundary, as defined by Proposal LC1 and subsequently amended by the BDP. As a consequence and following the requirements of Policy GA10 of the BDP, the application proposal faces the sequential and impact tests set out in Paragraphs 23 to 27 of the NPPF.

- 6.22. The Applicant's basic position with respect to retail policy is that their proposals, at 1,812sq.m gross floor area, fall below the 2,500sq.m threshold for requiring a retail impact assessment outlined in the NPPF and the BDP. However, in order to respond to the requirements of Policy GA10 of the BDP and demonstrate that the trading effects of the proposal are insubstantial, a proportional impact assessment was carried out. However, the Local Planning Authority (LPA) is clear that the site is out of centre, and in accordance with the Policy GA10, requires full testing on Sequential and Impact grounds. The Applicants therefore agreed to undertake the necessary retail work to address the Sequential and Impact issues.
- 6.23. Subsequently, the applicants have produced further retail work including a detailed sequential site search assessment and a retail impact assessment. To assist in the assessment of the retail submission, the LPA has appointed independent retail consultants Holliss Vincent. Holliss Vincent has worked closely with BCC and the applicant's retail consultants, has reviewed all supporting material along with representations made by all parties and agreed with the applicant's retail consultants, the methodology and basic data inputs for the assessment of cumulative trade impact and the sequential site selection.

The Sequential Test

- 6.24. Paragraph 24 of the NPPF sets out the sequential test that applies to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. Paragraph 24 states that *'...applications for main town centres uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered.'* In considering edge and out-of-centre proposals, Paragraph 24 states that *'...preference should be given to accessible sites that are well-connected to the town centre'.*
- 6.25. In applying the sequential approach, Paragraph 24 requires that applicants and Local Authorities should demonstrate flexibility on issues such as format and scale. However, in contrast to the provisions of the former PPS4, Paragraph 24 makes no specific mention of the words 'car parking' and 'disaggregation' in applying the flexibility component of the test. Nevertheless, in setting out its provisions in relation to flexibility, Paragraph 24 uses the words *'...such as format and scale'* so that disaggregation and amount of car parking may still be considered to be relevant. Paragraph 24 also makes no specific reference to the issue of viability in assessing the suitability of sites however; Paragraph 23 does include a viability requirement for the allocation of sites. This requirement is further clarified in the Rushden Lakes Call In Inquiry (11 June 2014) whereby the Inspector concluded that *"the task is to identify sequentially preferable sites that are suitable and available which necessarily includes consideration of deliverability/viability"* (paragraph 8.54). The Inspector, in Paragraph 8.55 of the decision clarifies that the NPPF requires that sequential sites are 'currently available.'
- 6.26. The recently-published NPPG provides further advice on the sequential test and confirms that there is a requirement to demonstrate flexibility, with respect to format and scale, in assessing the suitability of more central sites. Paragraph 2b-011 states that *'...use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.'* However, there must be a robust justification if a location-specific requirement is being advanced, and that land ownership does not provide such a justification.

- 6.27. There are also a number of High and Supreme Court decisions that provide policy in relation to the assessment of the sequential test. The first case relates to a Supreme Court Judgment in respect of *Tesco Stores Limited (the appellant) v Dundee City Council (the respondent)* (21 March 2012). In this case, the Court had to decide whether the word 'suitable' (NPPF test) means 'suitable for the development proposed by the applicant', or 'suitable for meeting identified deficiencies in retail provision in the area'. Subject to the requirement for the applicant to demonstrate flexibility, the Court endorsed the former and rejected the latter. In Paragraph 28 of the Judgment, 'suitable' was confirmed as meaning *'suitable for the development proposed by the applicant'*, but the judge added the qualification that there is a need for *'...flexibility and realism from developers and retailers as well as planning authorities'*. Paragraph 29 concluded that provided the applicant has shown flexibility and had regard to the circumstances of the particular town centre, the question that remains is *'...whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site'*. Paragraph 38 of the Judgment confirms that *'...the whole [sequential] exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer'*. It goes on to state that *'...developments of this kind are generated by the developer's assessment of the market that he seeks to serve...'* and that the sequential criteria *'...are designed for use in the real world, in which developers wish to operate, not some artificial world in which they have no interest doing so'*.
- 6.28. The second case relates to the High Court Judgement in respect of *Aldergate Properties v Mansfield DC* (8 July 2016) which provides further clarification in relation to how the sequential test should be applied and establishes a number of important principles.
- *"Suitable and available generally mean suitable and available for the broad type of development which is proposed in the application by approximate size, type and range of goods. This incorporates the requirement for flexibility and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. Nothing in Tesco v Dundee City Council, properly understood, holds that the application of the sequential test depends on the individual corporate personality of the applicant or intended operator.*
 - *Paragraph 24 of the NPPF positively requires retail investment in the first place to locate in town centres rather than elsewhere...its thrust is rather more emphatic....suitability and availability cannot simply be judged from the retailers or developers perspective, with a degree of flexibility from the retailer and responsiveness from the authority.*
 - *Paragraph 24 of the NPPF cannot be interpreted as envisaging that the requirement or preferences of an individual retailer's trading style, commercial attitudes, site preferences, competitive preferences whether against itself or greater competition should dictate what sites are suitable or available subject only to a degree of flexibility. Paragraphs 23 and 24 are simply not couched in terms of an individual retailer's corporate requirements or limitations.*
 - *Any alternative approach would reduce the sequential test to one of the individual operator's preference, with the suitability of centres, sites and their availability varying from applicant to applicant each proposing the same broad type or even identical form of development. This case illustrates just why on the proper interpretation of Paragraph 24 of the NPPF, the identity of the applicant or proposed occupier is generally irrelevant.*

- *Available cannot mean available to a particular retailer but must mean available for the type of retail use for which permission is sought (Paragraph 42)".*

6.29. In undertaking an impact and sequential test assessment, the applicants originally reviewed the availability, suitability and viability of sites within a five-minute drive-time catchment for the proposed store, incorporating the residential areas of Longbridge, Frankley, Rubery and the edge of Bromsgrove district. The sequential search focussed, in particular, on Rubery District Centre in Bromsgrove and Longbridge District Centre but did not include Northfield District centre or Frankley Neighbourhood Centre. This deficiency was rectified in a supplementary report. In applying the sequential test, a number of parameters were used including:

- A minimum site size of 0.5ha, capable of accommodating floor space of around 1,800sq.m GIA and, ideally, at least 100 car parking spaces;
- The need for a single storey open and unrestricted sales floor area that benefits from a level topography;
- Direct and/or easy vehicular access to the main road network; and
- The need for the store to be directly visible from the main road network.

6.30. The sites assessed as part of the original and supplementary sequential test assessment are:

- 1) New Rose and Crown pub and car park and Kingdom Hall – Rubery;
- 2) Rubery Social Club and adjoining properties – Rubery;
- 3) Rubery and Rednal Royal British Legion Club and car park – Rubery;
- 4) Site adjacent to existing retail units at Longbridge District Centre (phase 3);
- 5) Land at One Park Square, Longbridge; and
- 6) Additional site adjacent to Austin Park and Bournville College.

No sites in Northfield and Frankley centres were considered as being suitable to meet the basic occupier site requirements.

6.31. Sites 1, 2 and 3 have been assessed as unsuitable and unavailable as the applicant considers the sites to be too small to accommodate the store and the required number of parking spaces and the sites are in active use and in multiple ownerships, and as such are considered unavailable. As such, these three sites have been discounted and the LPA (in consultation with Holliss Vincent) agree with the applicant's assessment.

6.32. Site 5 has been assessed as being of sufficient size to accommodate the ALDI and required car parking and in fact, is too large and as such would require the plot to be split into two, leaving a strip of surplus land. The applicant has discounted the site on the basis that the owner is marketing the site for a major office development and the plot subdivision would not allow this to occur and the site is not available for acquisition. Holliss Vincent has reviewed site 5 and considers the argument compelling in this instance. The store would need to be developed as part of a wider mixed use development on the site and neither St Modwen (who own the site) nor ALDI would be prepared to develop a scheme of the size required speculatively. On this basis, the site is considered as not suitable or available, even having applied the appropriate degree of flexibility in relation to format and scale. Holliss Vincent considers the discounting of this site on both suitable and available as appropriate and I concur with their view.

6.33. Site 6 (adjacent to Bournville College) has been assessed and a layout produced that indicatively shows that a store and car parking can be accommodated on the site and that the site could be made available by St Modwen for the proposed

development. However, the store would need to turn its back to Bristol Road South; would provide less than the required 100 car parking spaces and would not be viable. The applicant considers that the viability in relation to site 6 is key in the sequential test assessment. They consider that the site is detached from the town centre as it is more associated with the park and college; direct access from Bristol Road South is unachievable and the access route would have to pass existing food retailers in the centre of Sainsbury's and M&S and as such, the site has insufficient commercial presence to support the proposed development. Holliss Vincent has reviewed this and agrees that the site, whilst available and suitable would not provide sufficient commercial presence for the site to be viable. As such, the site can be discounted through the sequential test. I concur with this view.

- 6.34. This leaves one remaining site reviewed through the sequential test assessment, that of Site 4, at Phase 3, Longbridge Town centre. This site was reviewed as part of the original sequential test and further evaluated following discussions with Holliss Vincent. Originally the site was discounted by the Applicant as not being suitable or available as the site is the 'wrong' shape, would have to have a relationship with the existing retail units, would only provide around 70 car parking spaces, would have to share car parking and the delivery area would not work. Following discussion with Holliss Vincent, in consultation with the LPA, further analysis was undertaken by the applicant in relation to the development of this site for an Aldi store. A revised layout for the site was prepared that utilised the existing site levels and would provide a delivery area accessed via the existing retail stores delivery yards off Cooper Way to the rear of the site and located at a higher level than the store and providing 62 dedicated car parking spaces for ALDI. This would require the discount food store to be non-standard with abnormal build and operation costs relating to the construction of a concrete delivery platform, first floor storage area and lift operations within the store. The Applicant's assessment concludes that this alongside the limitations on dedicated car parking provision would render the site non-viable and unsuitable for the proposed ALDI store.
- 6.35. Holliss Vincent identify that discussions have occurred between ALDI and St Modwen regarding the development of this site for the current proposal and that there was mutual recognition that ALDI customers would be likely to make substantial use of the shared car parking to the east of the site. Holliss Vincent and I remain unconvinced that this is a valid argument or reason for discounting the site on viability and suitability grounds, given that the shared car parking is designed to serve the whole of the District Centre and provides sufficient provision for the centre as a whole (including a discount food retailer) in terms of a 500 space surface level car park and a 1216 space multi-storey car park.
- 6.36. The second issue raised in regards to the discounting of the site relates to delivery arrangements and that the Phase 3 site levels would make it impossible to design a delivery arrangement for an ALDI store that does not rely on the use of scissor lifts to move the stock from the delivery vehicle into the storage area. ALDI reviewed this arrangement and prepared an alternative delivery scheme and store that utilised the upper level delivery yard (as per all of the other retail units in the adjacent Phase 2 development). However, this was discounted again by the applicant on the basis that it would only provide 62 dedicated customer parking spaces against their requirement of 100 dedicated spaces. Holliss Vincent and I consider this argument to have extremely limited weight given the availability of shared parking within the centre. The applicant has advised that whilst this issue would not be insurmountable, the development would incur substantial abnormal build and operation costs. Holliss Vincent consider that the applicant is not showing the necessary degree of flexibility in relation to format and scale required by policy to

satisfactorily discount the site as sequentially preferable nor do the arguments put forward in relation to build and operating costs provide a compelling case for discounting this sequentially preferable site on viability grounds.

- 6.37. Indeed, as time has progressed following submission, this sequentially preferable site became the subject of a planning application (2018/01697/PA) for a store with a gross internal area of up to 3,100sq.m and sales area of 1,400sq.m and up to 110 car parking spaces. The application was approved in May. St Modwen (Phase 3 site owner) was the applicant and have identified that the permission is specifically to meet the needs of a limited range food discount store such as those operated by ALDI and LIDL.

Conclusions on Sequential Test

- 6.38. Taking all the evidence into account, Holliss Vincent has reached a conclusion that the application site at 1631-1649 Bristol Road South is not a sequentially preferable site as an available, suitable and viable site exists at Phase 3 of Longbridge District centre. The sequentially preferable site has an extant planning permission for a discount food store with a sales area greater than currently sought through this application and has potential car parking provision for up to 110 spaces alongside the Centre's 1,716 car parking spaces as a whole – more than sufficient to meet the ALDI requirements. I concur with the assessment that Holliss Vincent has undertaken and conclude that the proposed development fails the sequential requirements of Paragraph 24 of the NPPF and Policy TP21 of the BDP.

Retail Impact

- 6.39. Paragraph 26 of the NPPF identifies that where applications for retail, leisure and office development outside of town centres are made, they should be accompanied by an impact assessment if the floor space exceeds 2,500sq.m. The assessment should include:

- a) *"The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) *The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made."*

Paragraph 27 of the NPPF then confirms that *'Where an application fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the above factors, it should be refused'*.

- 6.40. As previously discussed, the applicant identifies that the proposed development falls below the 2,500sq.m threshold for which an impact assessment is required but notes that Policy GA10 of the BDP requires a full retail impact assessment for all proposals for further retail development within the Longbridge AAP area, reflecting the fact that retail commitments to date in Longbridge are more than double the floor space originally envisaged. The applicant has only undertaken a 'proportionate' impact assessment rather than the full assessment required by Policy GA10.
- 6.41. Paragraph 2b-016 of the NPPG sets out the key considerations in assessing the likely impact on proposed investment; these are:
- the policy status of the investment;
 - the progress made towards securing the investment; and

- the extent to which an application is likely to undermine planned investments based on the effect on forecast turnover, operator demand, and investor confidence.

Paragraph 2b-017 then sets out the key considerations in assessing the likely impact on trading levels and on town centre vitality and viability. The advice states that *‘...a judgment as to whether the likely adverse impacts are significant can only be reached in light of local circumstances’* and that *‘...in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact’*. In instances where the evidence suggests that there would be no significant impact on the town centre, the Local Planning Authority *‘...must then consider all material considerations in determining the application, as it would for any other development’*.

Impact on Investment

- 6.42. As the applicant has only undertaken a proportionate retail impact assessment rather than the full assessment required by policy and, given other convenience floor space proposed to be located at edge-of-centre in Stirchley and this proposal would have an ability to divert trade from Northfield District Centre; Holliss Vincent have constructed a cumulative impact model that covers the overlapping catchment areas of Longbridge, Northfield, Selly Oak and Stirchley and provides a full impact assessment. The starting point for the impact modelling is the Birmingham Retail Needs Assessment Update (February 2013) which provides an assessment of shopping patterns across Birmingham and focussing the assessment of spending patterns to the relevant resident zones associated with the relevant catchment areas outline above. The second step is to adjust the patterns to reflect any major retail development which have opened in the period up to 2017; which are
- New District Centre at Longbridge incorporating a Sainsbury’s superstore, a large Marks and Spencer and various other non-food and town centre uses; and
 - Morrisons superstore and non-food units at Hagley Road, Edgbaston.
- 6.43. The third step is to incorporate any commitments as at September 2017, which are:
- Redevelopment of the Battery site at Selly Oak, for both food and non-food;
 - M&S food store at St Mary’s Row, Moseley; and
 - Replacement and enlarged LIDL store at Silver Street, Kings Heath.
- The fourth step is to add into the model the emerging retail proposals for Hazelwell Lane in Stirchley and finally, the two live retail applications at Stirchley and this proposed development at Bristol Road South.
- 6.44. The primary concern of Holliss Vincent lies in the potential cumulative impact on Northfield District Centre, which is located within the 7.5 minute drive time isochrones of Stirchley and this current proposal. Retail completions in the period 2012 to September 2017 are estimated to have reduced the **convenience** goods turnover in Northfield from £71.9m to £63.3m, which represents an impact on the convenience (food) goods sector of around 12 per cent. However, by 2022, with no further development, the convenience goods sector in Northfield is projected to rise marginally to £64.9m. Further commitments as outlined in the paragraph above; would have an incremental impact on the convenience goods turnover in Northfield of 1.1 per cent. Taking into account the current retail applications in Stirchley, the cumulative negative impact on Northfield’s convenience turnover would be 5.7 per cent. Holliss Vincent’s assessment further shows an incremental impact on the **comparison** (non-food) goods turnover of Northfield of just 0.6 per cent. As a whole, the incremental impact of current application proposals on Northfield’s retail turnover is estimated to be less than 3 per cent. As such, Holliss Vincent conclude that their

trade diversion findings suggest that the proposed ALDI development is unlikely to have a '*significant adverse*' impact on existing, committed and proposed investment in Northfield District Centre. They do however identify that their only concern in relation to the investment impact test is a likely impact on the overall investment decision to implement the extant consent for a discount food store in Longbridge District centre but they conclude that they have no firm evidence to suggest that this would be impacted upon by the ALDI development.

- 6.45. The applicant's assessment of impact consider that the assessment undertaken by Holliss Vincent is excessive, not required and includes stores located outside of what the store's proposed primary catchment area would be. However, they do agree that the centre of concern regarding cumulative impact is that of Northfield. The applicant's assessment considers that the proposed store would derive a quarter of its turnover from Longbridge District Centre with an impact estimated to be -4.7% at 2022. In relation to the other centres assessed, the estimated impact at 2022 would be -4.7% on Rubery and -2.8% on Northfield. In terms of the existing ALDI store in Northfield, this impact is expected to be -12.6% at 2022 and on Morrisons at Rubery, an impact of -6.7% at 2022.
- 6.46. The applicant considers that whilst some trade would be diverted by the proposed development from other centres, this impact could not be considered to be '*significantly adverse*'. In relation to the investment impacts, at the time of submission, they considered that there were no committed or planned investment in nearby centres on which the proposal could potentially impact.

Conclusions on Retail Impact Considerations

- 6.47. Based on the assessment undertaken by Holliss Vincent on behalf of the LPA, I conclude that:
- there is insufficient evidence currently before the Council to demonstrate a '*significant adverse*' impact on the overall investment proposed at Longbridge.
 - The harm to Northfield District Centre's overall vitality and viability will not reach the '*significant adverse*' level for the purposes of the second of the tests set out in Paragraph 26 of the NPPF. This is especially so since about half the cumulative diversion would fall on the Northfield Sainsbury's store, which currently over-trades substantially.

Conclusions on all Retail Matters

- 6.48. In light of the retail assessment undertaken and presented and discussed above, I conclude that:
- the scale of the retail floor space proposed is in excess of the need identified for Longbridge in the AAP and in Policy GA10 of the Birmingham Development Plan;
 - the application proposal fails to comply with the sequential test set out in Paragraphs 23 and 24 of the NPPF;
 - there is unlikely to be an adverse impact on planned investment in Longbridge District Centre; and
 - there is likely to be a cumulative impact on the level of trading in Northfield District Centre, but this would fall below the '*significant adverse*' threshold for the purposes of the tests set out in Paragraph 26 of the NPPF.
- 6.49. On the basis of the above conclusions, I consider that the issues of impact, on both investment and vitality and viability have been assessed and concluded to be within acceptable parameters. With regards to the sequential test, I conclude that the

proposal fails the relevant sequential test as an available, suitable and viable site exists at Phase 3 of Longbridge District Centre. The sequentially preferable site has an extant planning permission for a discount food store with a sales area greater than currently sought through this application and has potential car parking provision for up to 110 spaces alongside the Centre's 1,716 car parking spaces as a whole – more than sufficient to meet the ALDI requirements. On this basis, I conclude that the proposed development fails the sequential requirements of Paragraph 24 of the NPPF and Policy TP21 of the BDP and should be refused planning permission for this reason.

- 6.50. Lastly, I note some fairly significant local support (as well as objection) on retail grounds, but these do not outweigh the matters and conclusions I have set out above.

LOSS OF ALLOCATED REGIONAL INVESTMENT SITE LAND

Policy

- 6.51. The application site is located within the Regional investment Site (RIS), allocated within the Longbridge Area Action Plan and the BDP. The AAP states that the RIS will comprise the following:

- *“An area of 25ha gross.*
- *A floor space and use class breakdown for new development of:*
 - *A technology park of at least 15ha to provide a minimum of 100,000sq.m of B1b (research and development)/B1c (light industry) and B2 (general industrial) and high quality high technology uses which support the objectives of the RIS.*
- *A maximum of 25,000sq.m of B1a (office) for firms that support and complement the high technology sector and the objectives of the RIS.*
- *A maximum total of 10,000sq.m of floor space for services and amenities primarily for use of staff and businesses and integrated into the development e.g. meeting and conference facilities, cafes, sandwich shops and newsagents, crèche, gym and hotel.”*

- 6.52. Policy TP18 of the BDP covers regional investment sites and states that they are *“large high quality sites attractive to national and international investors in the order of 25 to 50 hectares that are:*

- *Served or capable of being served by multi-modal facilities and broadband IT infrastructure.*
- *Possess good quality public transport links.*
- *Located within or close to the areas of greatest need and*
- *Accessible to effective education and training opportunities to ensure that the employment benefits are available to the local workforce.*

Development on these sites will be restricted to uses falling within Use Classes B1 and B2. Warehousing will only be permitted where it is ancillary to the main B1 or B2 use. Complementary facilities to the RIS such as leisure facilities, small-scale retail and conferencing facilities may be permitted but only at an appropriate scale and ancillary to the main B1/B2 use of the site. The potential for supporting facilities to be provided off site, through either new or existing facilities; will also be taken into account.”

The Applicant's Case

- 6.53. The applicant's supporting planning statement identifies that paragraph 22 of the NPPF states that *“planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being*

used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

- 6.54. The supporting statement goes on to identify the relevant BDP policies including Policy TP17 regarding a hierarchy of readily available employment sites with a 5 year minimum reservoir of 96ha. Policy TP17 clarifies that land designated as RIS is in addition to the minimum land requirements. However, the applicant argues that as the site was last in use as a sui generis use, it cannot be classed as employment land. The applicant also argues that the RIS policy allows small-scale retail. Policy TP20 is then referred to in relation to the loss of employment land and under what circumstances they can be released. The applicant identifies that the application site forms part of the readily available sites to accommodate B use classes but reiterates that the site is not an existing employment site and therefore is no loss.
- 6.55. The applicant then turns to the AAP and focuses on what the Applicant considers to be a requirement for an urgent review of the AAP to ensure that the policies within it are sound in relation to current government policy set out in the NPPF. They consider that fundamentally, the allocations for employment land, including the RIS, must be reviewed to ensure that the RIS remains consistent with the NPPF Paragraph 22 to avoid the long term protection of sites allocated for employment uses where there is no reasonable prospect of the site being brought forward.
- 6.56. The applicant identifies that the application site can be separately accessed from the RIS as it has a direct frontage onto Bristol Road South; is not in the ownership of the main landowner and developer of the RIS (St Modwen); the site's character is more akin to its current surroundings than the large, open vacant site to the north which is intended to have a separate access at a location to the east of the application site; and in their words *“in physical and economic terms the independent development of the ALDI site to accommodate a food store will have no bearing on the potential to achieve development on the remainder of the west works site.”*
- 6.57. The supporting statement identifies that the only development to date on the RIS is that of secure serviced residential accommodation for the Royal College of Defence Medicine personnel. The applicant identifies that the application was approved despite it being a departure from the Plan and that the approval refers to the actual loss of RIS land only being 0.31ha and that the development would not have an adverse effect on the development of the wider RIS in the future. The statement goes on to argue that 25 hectares of RIS would not remain (contrary to the officer report) and that the site was more likely to have had a considerably greater prospect of attracting a RIS policy compliant end user than the ALDI application site. The applicant argues that the ALDI proposal is small scale and therefore complies with Policy TP18 of the BDP that supports small-scale retail on the RIS and the application site represents just 2.24% of the 25 hectare RIS.
- 6.58. Further arguments for supporting the proposed development identify that in the applicant's view, there is currently no imminent prospect of any development being delivered on that part of the RIS; the 25ha size of the RIS was created under the requirements of the now rescinded West Midlands Regional Spatial Strategy and as such, the AAP should be reviewed, including the employment land allocations under Policy RIS1. The applicant goes on to argue that a further key issue is whether the ALDI application site has a realistic prospect of being delivered as RIS within a reasonable timescale and as a detailed assessment of the viability of the proposed

allocation was not undertaken as part of the AAP (as it pre-dates the NPPF), the site is not considered viable within a reasonable timeframe. As such, in their view, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

6.59. The application is further supported; regarding the loss of RIS land, by an Employment Land Statement produced for the Applicant by Lambert Smith Hampton and has reviewed the potential for B1 and B2 uses on the site. This statement concludes that:

- The application site has been marketed for development for in excess of 5 years with no sign of it coming forward for policy compliant development – all enquiries have been for non-policy compliant use.
- There is a significant supply of available office premises in the vicinity of the site and a very substantial pipeline of office development.
- Local take up of offices is modest and the pipeline supply provides sufficient floor space to meet 7 years demand based on recent take up.
- The locational characteristics of the site detract from take up by high quality office providers.
- A speculative office development on the ALDI site would not be commercially viable, nor would a speculative industrial (B2) development.
- Based on a review of supply and demand and the viability analysis, for employment (B1 and B2) land, carried out in the Longbridge area, the site is unlikely to be brought forward in the short or medium term.

6.60. The applicant's case on employment land issues can be concluded as the following:

- There is no loss of employment land as it was previously used for sui generis uses.
- The site has been marketed for five years with no interest in policy compliant uses.
- The site is non commercially viable in the short or medium term for policy compliant uses. The site has already been allocated for 8 years with no sign of development occurring.
- There are more and better located sites for B1 and B2 development in Longbridge.
- The AAP is out-of-date, is non-compliant with the NPPF (particularly in viability terms) and the AAP has not been reviewed as required by the BDP Inspector.
- The LPA have been flexible in granting permission for uses on the RIS that are not policy compliant. The proposed loss of RIS would have no material bearing on the rest of the RIS.
- The proposal would bring substantial employment benefits locally.
- The RIS BDP policy allows for small scale retail developments – to which, at less than 2,500sq.m, the current proposal is.

Regional Investment Site/Employment Land Assessment

6.61. The applicants have made a number of arguments regarding the principle of the development which can be summarised as:

- Evidence regarding marketing and viability of development for uses supported by BDP policies GA10 'Longbridge' and TP18 'Regional Investment Site' and the related policies in the Longbridge Area Action Plan.
- Questioning the rationale and validity of the aforementioned BDP and AAP policies.

- The acceptability of the proposal as small-scale retail as allowed by Policy TP18 'Regional Investment Site'.

Each of the above are addressed in turn below.

Evidence regarding marketing and viability of development for uses supported by BDP policies GA10 'Longbridge' and TP18 'Regional Investment Site' and the related policies in the Longbridge Area Action Plan.

- 6.62. The applicants have sought to demonstrate that there is no demand for use of the site for 'B' Use Classes, which would be acceptable in terms of the aforementioned policies. I note that since the employment land assessment submitted with the application was undertaken, St Modwen has secured planning permission for an additional 2,436sq.m of office floorspace on the nearby Longbridge Technology Park (part of the RIS) which they have publically stated they intend to start building in the Autumn of this year and expect to be ready for occupation by summer 2019. This calls into question the findings of the Employment Land Statement submitted with this application which appears to incorrectly state that '*Clearly demand for offices at Longbridge far exceeds available supply*' (para7.4). I do accept however, that the current immediate surroundings mean that the prospects of the individual application site being attractive for office development, is low in the near future. However, this ignores the purpose of the RIS policy, which seeks to assemble larger plots than the current fragmented ownership of land on this part of the RIS allow, and the City Council are actively exploring options to facilitate land assembly for this particular area of the RIS to address this issue. This will create a site that is far more commercially attractive for either offices or other 'B' Use Classes. I do however accept the point that the applicants make with regards to the changing dynamics of the office market and the preference of many occupiers for more central locations than the RIS and suggest that in current market conditions it is more likely that this site would be developed for other 'B' Use Classes once the issue of the fragmented ownership has been addressed. The viability evidence presented only considers the viability of the application site and not the viability of the larger site facing onto Bristol Road South as proposed by the RIS policies in both the BDP and Longbridge AAP.
- 6.63. I acknowledge that the site has been available and marketed for development for a number of years and that to date no policy compliant occupier has expressed an interest in the site. However, as noted above, the larger site proposed through the BDP and AAP policies is expected to be of interest to the market. This is particularly the case due to the very limited supply of larger sites for B1 (b and c) and B2 development in Birmingham. As previously identified, the City Council are actively exploring options for land assembly to facilitate a larger site being made available to the market. Furthermore, while policy TP20 of the BDP recognises that there may be occasions when employment land has become obsolete and can no longer make a contribution to the portfolio of employment land and alternative uses will be supported where this can demonstrated through active marketing and viability evidence; this policy explicitly excludes RIS sites and land within Core Employment Areas. In the case of RIS sites, this is because it is acknowledged that it can take a number of years to develop the wider site environment necessary to create the right site conditions to attract national and international investors.
- Questioning the rationale and validity of the aforementioned BDP and AAP policies.
- 6.64. There are three main issues related to the rationale and validity of the BDP and AAP policies raised by Aldi's proposal for a new food retail store on the allocated Regional Investment Site (RIS) at Longbridge which are summarised below and explored in more detail in the following sections:

- The weight that can be attached to the RIS policies given their original conception through the Longbridge AAP which was adopted in April 2009 pre-NPPF. Although this was addressed to a point through the BDP examination.
- The lack of delivery of the RIS since adoption of the AAP.
- The approval of the Royal College of Defence Medicine (2015/03604/PA)

Weight of RIS policies

- 6.65. The argument presented by the applicant relies on the issue that the RIS allocation for Longbridge was initially put in place by the Longbridge AAP, which pre-dates the NPPF and the BDP Inspector's comments regarding review of the AAP. It should be noted that the Inspector did not explicitly require an early review of the AAP by requiring modification of the BDP to reference a review. Instead in his report he noted: *"The AAP was examined and adopted before the publication of the NPPF and it may be that some of its proposals, to a greater or lesser extent, no longer reflect government policy. But the AAP itself is not before me for examination and so it would not be appropriate for me to reach any conclusions on its soundness. It is for the Council to bring forward a review of the AAP in order to take into account changes in national policy and other relevant circumstances. In the meantime the weight to be given to it in planning decisions will be determined in accordance with NPPF paragraph 215."*
- 6.66. The BDP Inspector went on to state, in Paragraph 229: *"These modifications are sufficient to make policy GA10, in its own terms, effective and compliant with national policy. There are inconsistencies between some of its requirements and those of the AAP, but NPPF paragraph 215 provides the means for resolving these in development management decisions. Nonetheless, it would be desirable for a review of the AAP to take place in the near future, in order to provide a more focussed, thorough and up-to-date planning framework for the regeneration of these important sites."*
- 6.67. It should be noted that ALDI made written representations to the BDP examination seeking a revised wording to allow greater flexibility of uses. This was not supported by the Inspector. Furthermore they chose not to comment on the proposed modifications to the BDP when they were consulted upon. It should also be noted that the Inspector did not explicitly critique the RIS concept when considering policies TP17 and TP18 of the BDP (Paragraphs 107 to 112 of his report). Furthermore while noting that the specific use classes and technology park concept which underpin the RIS proposals should be reviewed during a future review of the AAP; he did not question the need for RIS sites within Birmingham.
- 6.68. The applicant's supporting planning statement (undertaken by Turley) makes limited reference to the 2012 Warwick Economics and Development (WECD) study in their statement. They did not consider it to be part of the evidence base, nor do they reference the 2013 WECD study. Both of these documents form part of the BDP evidence base as they underpin the employment land policies in the BDP and in particular the 2013 study specifically considered the demand for employment land within the city over the plan period informed by, among other aspects, a detailed review of the Birmingham property market. The BDP Inspector agreed that *"the evidence made it clear that a continuing supply of large, high quality sites (whether designated as RIS or Best Urban) is essential if Birmingham is to meet location requirements for future business investment and expansion"* (Paragraph 109 of the BDP Inspectors Report). It should also be noted in this context that the Inspector supported the release of a developable area of 71ha of land from the Green Belt to

provide a suitable supply of Best Quality land to meet the demand evidenced by the 2013 WECD study.

- 6.69. Given the above, even if a review of the Longbridge AAP found that the RIS concept was no longer relevant (addressed further in the next section on delivery) there is a compelling case that has been supported at BDP examination post NPPF for the RIS sites to make an important contribution to the supply of large, high quality sites to support the economic health of Birmingham. As such, I disagree with the conclusions drawn by the applicants that the RIS policies are not consistent with the NPPF, particularly with regards to the BDP policies which take precedence to the AAP as the most recently adopted policies for the site and were prepared, examined by and supported by the BDP Inspector after the NPPF had been introduced and have been subsequently adopted by the City Council.

Delivery of the RIS

- 6.70. I acknowledge that the RIS at Longbridge has yet to be delivered, some nine years into a fifteen year plan, however the critique provided within the application critically ignores a number of factors.
- Firstly, the impact of the recession at the time that the AAP was adopted has meant that development rates fell generally at this time and a case can be made that the recession delayed development commencing, albeit that since the recession there has been a return of sizeable industrial development and market appetite across the city.
 - Secondly, the slow delivery of the RIS, in many aspects, is a result of St Modwen's understandable reluctance to fetter any future development proposals of the RIS until the initial site infrastructure was put in. In particular, the LPA are aware of a number of realistic development interests who were unable to progress a potential purchase of land owned by St Modwen (the majority of the RIS) as in the absence of the infrastructure required they were only prepared to sell the entire site outright rather than individual parcels. This is evidenced by the recent planning applications for both the main road running through the wider site and for the first phase of the RIS.
 - Thirdly, it should be noted that the RIS concept is proving to be very successful at the other RIS within the city, which is the site now known as the Advanced Manufacturing Hub (AMH) in Aston. The LPA have evidence of significant investment having taken place, including both occupier led and speculative developments for high end manufacturing. The main differences between this site and Longbridge is that the majority of land at the AMH is in the ownership of either the Council or Homes England who have both been proactive in securing funding for remediation and infrastructure to enable the site to be brought forward for development. Furthermore, the Council have successfully made two Compulsory Purchase Order's (CPO's) to assemble further land within the AMH boundary to facilitate delivery. At both CPO public local inquiries, the Inspectors supported the overall vision for the AMH. As previously identified; the LPA are working closely with St Modwen to provide the same level of support to assist in the delivery of the Longbridge RIS.

The approval of the Royal College of Defence Medicine (2015/03064/PA)

- 6.71. The applicants contend that the above application was granted on land that was allocated as part of the RIS. The application was advertised as a departure from the plan in recognition that the site, in accordance with the AAP Proposals Map was part of the RIS. However, the majority of the site in question would have been lost for RIS development under an enhanced road scheme that had been previously approved by the LPA. No specific site is allocated within the AAP for the proposed

RCDM development as development of this nature was not envisaged at the time of AAP preparation.

6.72. At the time of determination, it was noted that whilst the proposed development would result in a development that would not be in accordance with the AAP land allocation for the RIS, there would actually be a relatively minimal loss of allocated employment land resulting from this development. This was because not all of the RCDM site formed part of the RIS allocation as part of the site was to be affected by the then proposed realignment of the A38 and new K gate roundabout. The area of the RCDM site within the RIS amounts to 0.88 ha. Furthermore, on the north bank of the River Rea, an area was proposed for the re-alignment of the River when it was originally proposed to re-direct it further north and remove the old railway bridge. These proposals are also not progressing in line with the AAP proposals map and the revised river works application was approved by Planning Committee on 9th July 2015. These revised River works provide a gain of 0.57 ha to the RIS. The effect of the above means that the overall loss to the RIS as a result of both the RCDM and the River Works, was only 0.31 ha (0.88 ha RCDM overlap minus the 0.57 ha gained north of the River).

6.73. Based on the above, relatively limited area, it was determined that whilst the RCDM development was not in accordance with the AAP land allocation relating to the RIS and its required uses, the development would not have an adverse effect on the development of the wider RIS site in the future. Crucially also, the RCDM plays a vital role for the Armed Forces. As such, the development was considered to provide justification for a departure from the Plan.

The acceptability of the proposal as small-scale retail as allowed by Policy TP18 'Regional Investment Site'.

6.74. The applicants have sought to justify their proposal by arguing that the development is small-scale retail and so therefore acceptable due to part of Policy TP18. In the absence of any formal definition of 'small-scale retail', the applicant argues that as Policy TP21 *'The network and hierarchy of Centres'* of the BDP requires an impact assessment for proposals greater than 2,500sq.m (gross) located outside of a centre boundary; any development below this size must be 'small-scale' in nature and therefore their proposal is 'small-scale'. I consider this argument to be flawed as putting aside the question of what is or is not 'small-scale' Policy TP18 states:

"Complementary facilities to the RIS such as leisure facilities, small-scale retail and conferencing facilities may be permitted but only at an appropriate scale and ancillary to the main B1/B2 use of the site. The potential for supporting facilities to be provided off site, through either new or existing facilities will also be taken into account."

6.75. This is supported by Policy RIS1 of the AAP which states that the RIS will comprise... *"A maximum total of 10,000sq.m of floor space for services and amenities primarily for use of staff and businesses and integrated into the development e.g. meeting and conference facilities, cafes, sandwich shops and newsagents, crèche, gym and hotel"*.

6.76. The applicants have provided evidence that the proposal is expected to draw customers from a distance that can be travelled in a 7.5 minute off-peak drive time. As such it is clear that the proposal is not intended to only serve the RIS, but instead a much wider catchment area. I also consider that the AAP policy clarifies the issue of small-scale retail in its identification of cafes, sandwich shops and newsagents as suitable retail uses that can be easily integrated into the wider RIS development. While it is acknowledged that employees of businesses on the RIS would have

access to the proposed development, the proposal is clearly not intended to be a supporting facility for the RIS, but act as a destination in its own right. It also cannot be considered to be integrated within the RIS. Furthermore the nature and scale of the proposed development means that it cannot be considered to be ancillary to the main B1/B2 use of the RIS.

- 6.77. Indeed, were the proposed development to be delivered it would severely restrict the delivery of the area of RIS land between the watercourse to the north of the site and the site itself and would entrench the current fragmentation of this part of the RIS beyond the period that the RIS is expected to be delivered to support the City's wider economic growth. It would further reduce the ability of the City Council to undertake land assembly on the adjacent plots currently in fragmented ownership within the RIS allocation along this section of Bristol Road South, undermining the ability to bring forward the larger plot sizes currently required by the market. It should also be noted that due to the proximity to Longbridge District Centre that the services provided by this development are available within a short walking distance of the RIS.

Conclusions on the Regional Investment Site

- 6.78. I consider that the proposed retail food store represents inappropriate development on the RIS and as such is contrary to the adopted local plan. The RIS policies of the BDP are consistent with the NPPF and have been supported by the Inspector who examined the BDP. While the LPA accepts that a review of the Longbridge AAP is required (and is in the process of being undertaken), this does not undermine the validity of the BDP and AAP or their respective policies. The marketing and viability evidence submitted is not considered applicable as it only considers the specific area of land included within this application and not the prospects of the wider allocation. The LPA are actively exploring ways to address the current fragmentation of the ownership of this part of the RIS, which would allow a far more commercially attractive and viable development opportunity to be brought forward in due course. Also, planning applications are currently with the LPA for the required infrastructure and first phase of RIS development, underlining St Modwen's commitment to progress the RIS. Finally, the scheme proposed does not constitute an ancillary or complementary use to the wider RIS designation.

DESIGN, LANDSCAPING AND TREES

- 6.79. Policy PG3 of the BDP states that *"All new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should:*
- *Reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.*
 - *Create safe environments that design out crime and make provision for people with disabilities through carefully considered layouts, designing buildings and open spaces that promote positive social interaction and natural surveillance.*
 - *Provide attractive environments that encourage people to move around by cycling and walking.*
 - *Ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term.*
 - *Take opportunities to make sustainable design integral to development, such as green infrastructure, sustainable drainage and energy generating features.*

- *Support the creation of sustainable neighbourhoods.*
- *Make the best use of existing buildings and efficient use of land in support of the overall development strategy.”*

- 6.80. Paragraph 31.4D of the Birmingham UDP (saved policies) refers to the same principle design guidelines as that of Policy PG3 of the BDP.
- 6.81. The proposed store would have a gross external area of 1,812sq.m and a retail floor of 1254sq.m. The building would be 70m in length and 31m in width with a maximum 8m height from ground level at the entrance and 9m at the loading bay. The building would be set back from the front boundary to the established building line along Bristol Road South and the proposed eaves height at the west elevation would be similar to the neighbouring buildings at 1651-1653 Bristol Road South. The building would be clad in insulated Kingspan panels for both the walls and roof. A glazed entrance and shop front glazing would run along the frontage of the Bristol Road South elevation. A powder coated metal entrance canopy would be provided above the entrance door.
- 6.82. My City Design Advisor considers that the proposed development is acceptable in design as the building is positioned to respect the building line, the height is not out of character with the street scene, and the elevation facing Bristol Road South is an active frontage with significant clear glazing. The entrance is in a convenient location, clearly defined and visible from the street. The service area is out of sight to the rear and the car park has a reasonable depth of planting to the frontage and to the site boundary to the east. I concur with this view and consider that the proposal is acceptable in design and in accordance with the spirit of policy PG3 relating to place making.
- 6.83. In relation to landscaping, the submitted site plan indicates paving in parking bays (except the accessible and parent/child spaces which would be tarmac). Permeable paving should be used if ground conditions allow. My landscape officer has raised concerns relating to the proposed 2m close board fence located forward of the building line because as a tall structure it is intrusive and it reduces clear views along the frontage. Concern is also raised in relation to the proposed wooden trip rail as a low quality boundary treatment on the frontage, and I consider that this would provide a better solution as a low wall or at the very least a powder coated metal trip rail.
- 6.84. The general approach to the soft landscape scheme seems acceptable, although I am sceptical that trees will survive long term within the car park. Permeable paving would assist with drainage here. 12 specimen trees are proposed within the car park and landscaped areas comprising 6 *Betula utilis jacquemontii* (Himalayan Birch) and 6 *Carpinus Betulus* (Hornbeam). However, my landscape officer considers that the Himalayan Birch would be vulnerable in the busy car park and suggests a species much more robust and larger growing (for example, they could consider *Pyrus chanticleer* (Callery Pear) or a cultivar of *Acer platanoides* (Norway Maple).
- 6.85. My landscape officer also considers that taller growing shrubs or a hedge should be planted along the site boundaries, rather than low growing shrubs. In area C (the eastern boundary with 1629 Bristol Road South) species that are easy to trim to shape would be advisable and they could use native hawthorn, blackthorn, or snowberry here as well as a wide range of ornamental shrubs such as *Viburnum tinus*, *Elaeagnus* (Silverberry), *Escallonia* (Redclaws), *Philadelphus* (Mock Oranges), *Ribes sanguineum*, *Cornus* (Dogwood) or *Hypericum* (St John's Wort) used in area B (to the front and rear – south and north boundaries).

- 6.86. I consider that amendments to the proposed landscaping and boundary treatments could be sought or conditions recommended, that would overcome the concerns raised by my landscape officer, if planning permission were recommended to be approved. However, given the significant policy objections that the proposed scheme raises, I do not consider it appropriate to seek amendments at this time.
- 6.87. The submitted Arboricultural Assessment has identified groups of trees across the site, namely Ash, Silver Birch and Goat Willow that fall within Category C and would be removed as part of the proposed development. The Assessment further surveyed a category B group comprising Ash and Sycamore on the northern boundary of the site that would be retained. My Arboricultural Officer has reviewed the submitted assessment and has commented that it appears that one tree from the B category G1 at the rear of the site is retained. G1 is a belt/hedge of trees that are the only significant arboricultural features within the site, all other trees being regeneration from when the site was cleared in 2009. Public amenity at the rear of the site is very low (at present) and the proposal mitigates for the removals by bringing new trees in landscaping forward to the Bristol Road South frontage. There is some new surfacing in the proposal near the retained tree that extends beyond the previous building footprint which will need to be implemented carefully near the tree and for this reason the BS5837 procedure needs to be completed if planning permission were to be granted. I concur with the Arboricultural Officer's view and recommendation.

HIGHWAYS AND PARKING

- 6.88. The application is accompanied by a transport assessment and draft travel plan. The assessment identifies that the site would be accessed by a new left in, left out priority junction with the A38 Bristol Road South with existing site accesses closed and servicing vehicles utilising the same access as customers. The assessment includes plans showing the customer 800m walk catchment and the staff, 2km walk catchment along with the 5km cycle catchment. Bus stops are located on the A38 Bristol Road South approximately 280m eastbound and 260m westbound from the site with a minimum of 7 bus routes serving the site with a frequency of at least 1 per hour. These services run not only into Birmingham but also to Worcester and Droitwich Spa.
- 6.89. The proposed development would be served by a new left in, left out priority T junction with the A38 Bristol Road South. 81 car parking spaces are proposed of which 6 would be for blue badge holders. 4 cycle stands are proposed for the parking of 8 cycles. Servicing would be undertaken by three 16.5m articulated delivery vehicles per day and 1 to 2 local delivery vehicles for products such as milk. Delivery vehicles would service the store via the proposed access, utilising the car park as a manoeuvring area. The layout has been assessed for these delivery vehicle manoeuvres and details of the swept path analysis submitted.
- 6.90. Existing traffic flows, trip generation figures, linked trip analysis and junction capacity has been reviewed as part of the assessment. This included 11 junctions with the A38 Bristol Road South starting at the Longbridge Roundabout with Lickey Road and going up to Park Way adjacent to Morrisons. The assessment concludes that the development traffic effects would be acceptable, the existing junctions would operate within capacity and there are no highway safety issues that would have a negative impact on the proposed development.

- 6.91. Transportation has reviewed the proposal and the supporting transport assessment. They conclude that the proposals would not impact on the Longbridge Connectivity Project, currently underway. Visibility is acceptable as shown, noting that the speed limit will be reduced to 30mph in the near future. They note that the proposed parking provision is lower than the recommended maximum for Area 3 but considers that the location of the store is located just outside area 2 and parking provision falls readily into those maximums. Bus stops front the site, which are a short hop to Longbridge centre and the railway station.
- 6.92. Transportation agrees with the conclusions of the capacity assessments and trip generation rates and agrees that the proposal is unlikely to impact significantly on the highway network. As such, they raise no objection subject to conditions relating to construction management, s278 Agreement relating to the required bellmouth access, car park management particularly during store deliveries and servicing and cycle parking provision. I concur with their view that the proposal is acceptable in relation to highway impact and parking.
- 6.93. I note a number of objections raised related to highway safety and extra traffic, particularly in relation to the speed of the road. Work currently being undertaken as part of the Longbridge Connectivity proposals will reduce the speed limit on this part of the A38 Bristol Road South and the proposed new access into the RIS located to the east of the application site would also create a safer environment along this stretch of road. The assessment work undertaken has indicated that there would be no impact on the function and operation of the road network as a result of the application proposals.

FLOOD RISK AND DRAINAGE

- 6.94. The submitted Flood Risk Assessment identifies that the site is affected by Flood Zones, is at risk of fluvial flooding from the River Rea to the north but as a proposed A1 retail store would be within the less vulnerable development category. The historic records have indicated that no historical river flooding has occurred at the site and even in the 1 in 100 year event; an area of only 20sq.m on the northern boundary would flood. The built footprint would be located outside of the 1 in 100 year flood event.
- 6.95. The Environment Agency has raised no objection to the proposed development and I concur with their view. The proposed development would raise no objection in relation to flood risk.
- 6.96. The application is also supported by a surface water drainage strategy. This strategy identifies that the proposed store and car park would give a total hard surface area of 5,000sq.m. A 150mm surface water drain currently exits the site on the northern boundary which the applicant intends to re-use as its storm water drain. The strategy considers that infiltration techniques are unlikely to be viable to drain all surface water run off at the site and as such, attenuation storage would be required to temporarily store water during periods when the run off rates from the development site exceed the allowable discharge rates from the site. The proposal would see a 400mm crate and permeable subgrade being utilised.
- 6.97. A combination of oil interception devices, 'smartsponge', permachannel sediment removal, catchpits and permeable paving are proposed to provide a treatment chain for contamination removal.

- 6.98. The drainage proposals would provide the required drainage to limit run off for all drainage events up to the 1 in 100 year; plus climate change to greenfield rates.
- 6.99. The LLFA has raised no objection as overall they are in acceptance of the principles within the FRA and Surface Water Drainage Strategy. The Environment Agency has also raised no objection. Conditions are sought by both consultees if approval was recommended. I concur with their views and consider that the proposed development is acceptable in terms of flood risk and surface water drainage.

ECOLOGY

- 6.100. A Preliminary Ecology Appraisal is submitted in support of the application. This identifies that the site currently contains patches of Birds-foot trefoil, oxeye daisy, white clover and rosebay willowherb and a number of common spotted orchids were also present on site. Nine bird species were recorded during the survey which included a Song Thrush along with House Martin and Dunnock all of which are on the Birds of Conservation Concern Red/Amber List. The existing trees on site were assessed for the suitability for roosting bats and were considered not suitable but the presence of the trees and scrub does offer a foraging habitat for bats, particularly due to the close proximity of the River Rea. No reptile species or badgers were recorded on site but it is noted that the site does offer potential habitat for common reptile species.
- 6.101. The City Ecologist raises no objections but acknowledges that the development of this site would at present result in a total loss of all habitats. A landscape proposal has been put forward that includes some limited planting and permeable surfacing. The herbaceous/ shrub plant species suggested would mitigate to some extent for the loss of the semi improved grassland and these soft landscape areas and permeable surfaces would continue to allow some percolation of rain fall. The tree species chosen are rather monotonous as these are seen as suggested species for a large number of landscape designs, while there is some value to wildlife in the chosen species (Birch and Hornbeam) there are an array of other species that could have been utilised that would provide greater biodiversity benefit.
- 6.102. The City Ecologist considers that it would be possible to mitigate further for the loss of habitat and make a biodiversity gain should the site utilise biodiversity/ green roofing on the building. It could be possible to retain the soils from the best areas if semi improved grassland for re use on a biodiversity roof as there should be a good seed bank within this. Failing this a sedum based roof with additional wildflower plug plants of native species would be a great addition. A condition to secure a green/brown roof is recommended if planning approval were recommended. I concur with this view.

OTHER ISSUES

- 6.103. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. I consider that whilst design, highway impact, car parking, drainage and ecology are satisfactorily addressed, the proposal is not considered to be sustainable development as it would undermine economic growth to both the RIS and the District Centre. As such, the presumption in favour of sustainable development under paragraph 14 of the NPPF is not applicable. The proposed development fails to meet the requirements of the sequential test as an available, suitable and viable

site exists at Phase 3 Longbridge District Centre, which is subject of an extant food store planning permission. The proposed development is also located on the BDP/AAP allocated Regional Investment Site for which there is no supporting policy for an A1, discount food retail store. As such, the proposal is contrary to both national and local policy.

8. Recommendation

8.1. That planning permission is refused for the reasons set out below.

Reasons for Refusal

-
- 1 The application site is located on an allocated Regional Investment Site and is a Departure from the adopted Birmingham Development Plan. The proposed Use Class A1 Food Retail Store is not a use supported by the Development Plan for the site nor is it considered to be a supporting use to the overall RIS allocation. The proposed development is therefore considered to undermine the proposed economic growth associated with the RIS. As such, the proposed development is contrary to Policies GA10 and TP18 of the Birmingham Development Plan; Proposal RIS1 of the Longbridge Area Action Plan and Paragraphs 14, 20, 21 and 22 of the National Planning Policy Framework.
 - 2 The application site is located out of centre. An in-centre site that could meet the requirements for convenience floor space is available, suitable and viable and located nearby at Phase 3 of the Longbridge District Centre. As such, the proposed development would fail to satisfy the requirements of the Sequential Test and is therefore contrary to Policies GA10, TP21 and TP22 of the Birmingham Development Plan and Paragraphs 14, 24 and 27 of the National Planning Policy Framework.
-

Case Officer: Pam Brennan

Photo(s)

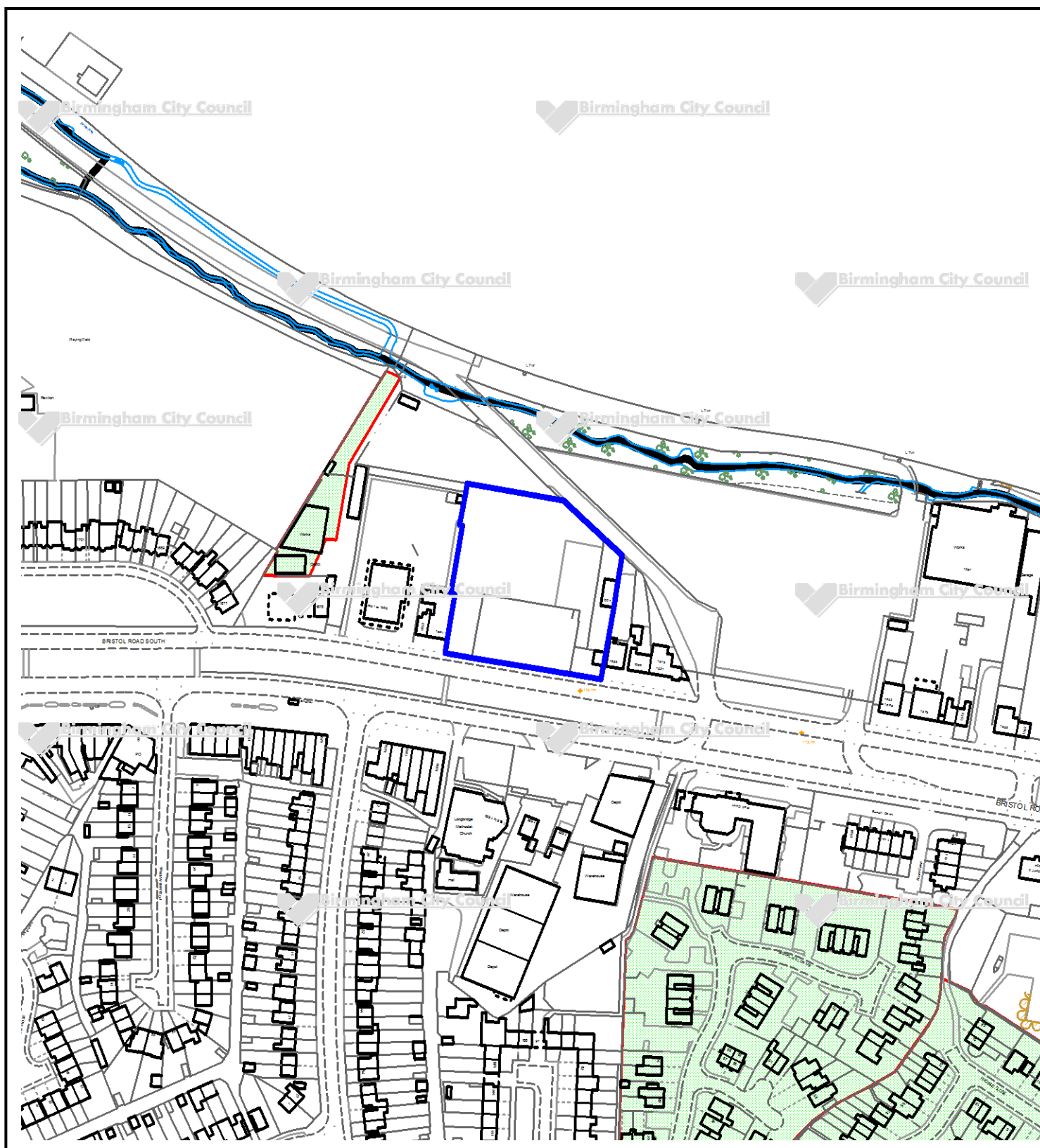


Photograph 1: Aerial View of Application Site Looking North



Photograph 2: Application site looking east along Bristol Road South

Location Plan



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Committee Date:	02/08/2018	Application Number:	2018/03462/PA
Accepted:	11/05/2018	Application Type:	Full Planning
Target Date:	10/08/2018		
Ward:	Moseley		

50 School Road, Moseley, Birmingham, B13 9SN

Erection of apartment building between 2 and 3 storeys in height comprising of 14no. 2-bed apartments with associated 14no. car parking spaces.

Applicant:	School Road (Moseley) Ltd C/o The Agent
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, DY8 1TS

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Permission is sought to erect a 14 unit 'L-shaped' apartment scheme on the corner of School Road and Paton Grove. The scheme is a mix of 2 and 3 storeys in height, but mostly an effective three storey externally. It would be set back 14.9m from the School Road pavement at the nearest point, and 1.9m from the Paton Grove pavement at the nearest point. The building is of a traditional red brick construction with a tiled pitch roof. There are 3 projecting gables on the School Road frontage which are 3 storeys high, 2 of which include bay windows whilst the other provides the main entrance to the building. Two of the projecting gables include elements of cream coloured render and wooden panelling.
- 1.2. The Paton Grove frontage reduces from 3 storeys on the corner of School Road to 2 storeys adjacent to the garage blocks and No.23 Paton Grove. This elevation contains 3 No. three storey projecting gables, 2 of which have bay windows which are 2 storeys in height. A two storey gable is also included on the Paton Grove elevation which is on the western edge of the development and this also includes a bay window which is 2 storeys high. The scheme consists of 14 x 2bed apartments. The scheme includes 14 parking spaces which results in a 100% provision. Four of the parking spaces are provided on the Paton Grove frontage with the remaining spaces provided in a 10 space car park accessed via School Road.
- 1.3. The proposal has been amended since submission, with design and layout changes which reduces the impact on trees and improves the appearance of the development.
- 1.4. 8 mature trees are located around the periphery of the site and fall within categories B and C. Three trees (category C) are proposed for removal which are a holly, horse chestnut and a sycamore. None of these are part of the Tree Preservation Order (TPO) affecting a larger area at and next to the application site. The trees are being

removed due to their poor condition and are located in the southern, western and northern corners of the site. Aside from landscaped areas to the site frontages, a rear amenity space of 374sqm would be provided. An enclosed refuse and cycle store is shown at the northern end of the proposed development.

- 1.5. A Tree Report, Design and Access Statement, Transport Statement, Ground Investigation Report, Preliminary Ecological Appraisal and Drainage Statement have been submitted in support of this application.

- 1.6. Site Area: 0.147 ha, 95 dwellings per hectare.

- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site sits within a residential area in Moseley on the corner of School Road and Paton Grove. A chapel building used to be located on the site however this was demolished approximately 10 years ago and recently the site has been enclosed by protective fencing to prevent trespass or tipping. There are existing vehicular accesses off both School Road and Paton Grove with good tree coverage across the School Road frontage. To the north east and south east of the application site there are 3 storey dwellings. To the south-west of the application site, on the opposite side of Paton Grove, is a 2 storey dwelling and to the north-west there is a block of garages. The application site is 900m north of Kings Heath Local Neighbourhood Centre and 1km south of Moseley Local Neighbourhood Centre.

- 2.2. [Site Location Map](#)

3. Planning History

- 3.1. 29/06/2004 - 2004/02262/PA – Planning application for 20 apartments – withdrawn
- 3.2. 28/07/2005 - 2004/08294/PA – Planning application for 16 apartments with car parking and associated works – Approved with conditions
- 3.3. 17/08/2005 - 2005/05150/PA – Demolition – Permitted development

4. Consultation/PP Responses

- 4.1. Transportation – no objection subject to conditions.
- 4.2. Regulatory Services - no objection subject to conditions.
- 4.3. Severn Trent – No objection subject to a condition regarding the submission of drainage details.
- 4.4. Lead Local Flood Authority – Content with proposed drainage strategy but would prefer to see SUDS features incorporated into the scheme.
- 4.5. Police – No objection
- 4.6. NHS – Request for £1,123 to improve health care provision.

- 4.7. Local occupiers, Ward Councillors, MP and resident associations were notified. Two site notices and a press notice have been displayed, with 47 letters of objection received. The following concerns have been raised:
- Harmful to the character of the area, Over-intensive development, The height of the building is excessive;
 - Increased congestion on local roads;
 - Insufficient parking provision, Car ownership is much higher than indicated in Transport Statement;
 - Greater mix of house types required, Affordable housing needs are not addressed;
 - Disruption for neighbours and wildlife;
 - Increased noise;
 - Loss of trees, Too close to protected trees;
 - Loss of natural light;
 - Loss of privacy;
 - Development is too close to pavement;
 - Limited light and outlook for proposed occupiers of flats;
 - Insufficient private amenity space for proposed occupiers;
 - Car park layout is dangerous and requires complex turning manoeuvres;
 - Unsafe access onto School Road; and
 - Flats aren't needed
 - Insufficient public consultation;
- 4.6 A petition with 140 signatures has been submitted against the proposal raising the following concerns:
- Proposal is out of character and scale with surrounding area;
 - There would be an adverse impact on residential amenity;
 - There is insufficient parking provision; and
 - The proposal impacts on protected trees
- 4.7 A letter has been received from The Moseley Society making the following comments:
- Development is over-intensive;
 - Building would appear over-dominant in the street scene; and
 - Insufficient parking
- 4.8 An objection has been received by Councillor Kerry Jenkins. She has raised the following concerns:
- Proposal bears no relation to the original dwelling;
 - Proposal is over-bearing and dominates street scene;
 - Insufficient parking which will have dangerous effects on the local roads; and
 - On-road parking will be lost on Paton Grove

5. Policy Context

- 5.1 The following local policies are applicable:
- Birmingham Development Plan (BDP) 2031
 - Birmingham Unitary Development Plan (UDP) Saved Policies 2005
 - Places for Living SPG
 - Car Parking Guidelines SPD

- 45 Degree Code

5.2 The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

- 6.1. I consider the key planning issues to be considered are: the principle of the proposed development; the design and scale of the proposed development; the impact on residential amenity, the impacts on traffic and highway safety; the impact on trees; the impact on ecology and Planning contributions.
- 6.2. The principle of the proposed development
- 6.3. The National Planning Policy Framework seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.4. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places..."All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods". Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.
- 6.5. The site has been vacant for over a decade but it is understood that a chapel building formerly occupied the site and it is therefore considered to be a brownfield site. The principle of redeveloping this site for residential purposes has already been established through the approval of application 2004/08294/PA and would be a positive step in line with national and local policy. The applicant is of the view that this 2004 permission is still extant due to the demolition of the building, the discharge of some pre-commencement conditions and the conditional approval of a building control application. As some pre-commencement conditions are still outstanding, Officers consider that the permission expired without having been lawfully implemented.
- 6.6. The site is within an established residential area, close to public transport links and within walking distance of Moseley and Kings Heath Centres. The proposed development would deliver 14 apartments boosting housing supply in the locality. Concerns have been raised over the lack of housing mix however when considering the high proportion of family accommodation within Moseley it is considered that a scheme consisting of just 2 bedroom properties cannot be resisted.
- 6.7. The proposal has a density of 95 dwellings per hectare. Whilst this is considered to be high in comparison to some of the large 2 and 3 storey dwellings in the locality it is considered that the scheme has been designed to address this corner plot. The

site makes excellent use of an unused brownfield site to boost housing supply. The impact upon the character of the area is considered below.

6.8. Design and scale

6.9. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.” It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.

6.10. School Road comprises a range of quite substantial 2 and 3 storey properties many of which are traditional 3 storey houses. The 3 storey development proposed on School Lane is not entirely dissimilar to nearby properties. The projecting gables on the School Road elevation are evenly spaced creating a good rhythm to the development. The building broadly follows the building line prevalent on School Road but does project forward to help make a positive statement on this prominent corner plot.

6.11. The corner plot has to be utilised to also provide an attractive frontage to Paton Grove. The scale of the building on Paton Grove reduces down from 3 storeys in height in stages, down to 2 storeys adjacent to the block of garages. This reflects the reduced scale of the properties on this street. The proposed development does not follow the building line within Paton Grove, being closer to the public highway, however the building carefully addresses both Paton Grove and School Road on the corner with attractive gable features and is then set back further from Paton Grove adjacent to the north western boundary. On balance, the scale, massing and siting of the scheme is therefore considered to be appropriate for its context.

6.12. The building is of a traditional red brick construction with a tiled pitch roof. Cream coloured render and wooden panelling are also used within the projecting gables on the School Road frontage. Both road fronting elevations contain windows which have head and cill details. The inclusion of such features alongside a number of bay windows clearly reflects the traditional early 20th century architecture which is evident on a number of properties within the locality. The City Design Officer is supportive of the scheme in its current form, following a number of amendments to the design. It is considered that the overall design of the proposed scheme would be acceptable and in keeping with the character of the local area.

6.13. Residential Amenity

6.14. The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are provided for the occupiers of new dwellings and retained for the occupiers of adjacent properties.

6.15. The closest property to the proposed dwelling is No. 48 School Road to the north-east of the site. The proposal does breach the 45 degree line when measured from the nearest habitable window of No.48 however the proposal is 10m from the shared boundary at the location of the breach. Where the level of separation is substantial the 45 Degree Guide SPG acknowledges that there would not be a substantial loss

of light. There are 3 ground and 3 first floor windows on the side elevation of the proposed development facing the rear garden of No. 48. However these windows are located 12m from the shared boundary meaning that in accordance with Places for Living there would no loss of privacy to the private garden of No.48 when considering the guidance of 5m distance separation per storey. Roof lights are also provided on this elevation however they are set 1.8m above the finished floor level to ensure that a loss of privacy cannot occur.

- 6.16. The majority of windows on No. 48 are located on the front and rear of the property providing an outlook onto either front or rear gardens of the property. However, the 2 storey rear wing of No.48 contains windows in the side elevation that face the application site. The ground floor windows serve an open plan kitchen and dining room. Importantly, this room is also served by a window on the rear elevation and the side facing windows look directly onto their own single storey outbuildings which are within 2m of these windows. On this basis the development would not significantly alter the outlook from these windows or significantly alter light to this ground floor habitable room.
- 6.17. There are also 3 windows at first floor level in the side elevation of No. 48 and a dormer window within the roof. One window on the first floor serves a habitable room which is a single bedroom. The room within the loft is modest in size and is currently used as sewing room. A separation distance of 12m is retained between these windows and the blank side elevation of the proposed development. Places for Living recommends a separation of 12.5m to single and two-storey flank walls, and 15.5m to two-storey flank walls. Whilst considered the neighbour's first and second floor windows, the guideline would be a 12.5m separation, so the separation proposed is only 0.5m short. I do not consider that the impact on these upper floor rooms would be sufficient to warrant refusal in this instance. From the upper floor rooms the proposals would appear less intimidating with views more readily available above the proposed development. Also, in the context of this large family home these modest rooms are likely to be utilised much less than the larger rooms elsewhere across the ground and first floor thereby reducing the impact on the property overall. On balance, the proposal will not have a significant effect on the occupiers of No. 48.
- 6.18. The Paton Grove elevation looks diagonally across the road to the side elevation No. 56 School Road, and directly across the road to no. 56's garden, and the front of No's 10, 12, 14 and 16 Paton Grove. No. 56 has a garage located on its side meaning there are no windows on this property looking towards the proposal. A minimum distance of 22m is retained between the proposal and the front of the nearest facing dwelling, No. 10 Paton Grove. This falls short of the 27.5m suggested by Places for Living for window-to-window distances, but that document does note that the guideline distance can be more readily relaxed at the fronts of development. For the windows' overlooking the garden to no. 56, the 5m per storey recommendation applies, and approximately 17.5m distance would be provided. On this basis the proposal would not cause a loss of privacy to the occupiers of properties on the southern side of Paton Grove.
- 6.19. No. 23 Paton Grove contains no windows on its side elevation and is separated from the application site by 2 blocks of garages. The level of separation created by the garages ensures that the proposal does not unduly impact upon No. 23 in terms of either a loss of privacy or loss of light.
- 6.20. Concerns have been raised over general noise and disturbance. It is acknowledged that there would be some noise and disturbance during the construction phase

however this would only be temporary. There is no evidence to suggest that once occupied that there would be undue levels of noise arising from the individual apartments. No objections have been raised by Regulatory Services in this regard.

- 6.21. An area of shared amenity space is provided for the occupiers of the 14 units which totals approximately 374sqm. This is slightly below the Places for Living guideline of 420sqm if the full 30sqm per unit were provided. However, taking into account the highly sustainable location enabling good access to public open spaces, the nearby Moseley and Highbury Parks, and the lack of children likely to be present in this scheme for 2 bed flats the reduced level of shared amenity space is on balance considered to be acceptable.
- 6.22. The Nationally Described Space Standards are not yet adopted in Birmingham but they do provide a good yardstick against which to judge proposals, to ensure that the accommodation is of sufficient space to provide a comfortable living environment for the intended occupiers. For 2 bedroom, 3 person apartments a minimum gross internal floor area of 61sqm is required and in the case of 2 bedroom, 4 person apartments 70sqm is required. Each double bedroom should be 11.5sqm in size. In terms of the 2 bed, 3 person flats proposed, the internal floor areas vary between 72 and 74sqm. In the case of the 2 bedroom, 4 person flats proposed, the floor areas vary between 75sqm and 76sqm. Across the various apartment types the double bedrooms meet or exceed 11.5sqm. Therefore, the scheme meets the National Standards in terms of bedroom sizes and overall accommodation space.
- 6.23. All habitable rooms across the development are generally provided with a reasonable outlook and access to natural light. However, 2 bedrooms are served by just high level roof lights. Whilst it is acknowledged that this limits the outlook for the occupiers this is limited to just the second bedroom in two of the units. When considering the scheme as a whole it is considered that a quality living environment will be provided for the proposed occupiers.
- 6.24. In summary, the proposal does not have an undue amenity impact on the occupiers of adjacent properties and creates an acceptable living environment for the proposed occupiers.
- 6.25. Traffic and Highway Safety
- 6.26. Policy TP38 of the BDP states that “The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.” One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.27. A number of residents especially have raised concerns over the level of parking provision. The site is in a sustainable location within walking distance of both Kings Heath and Moseley Centres and is in close proximity to bus routes that provide direct access to the City Centre. Provision has been made for 14 parking spaces on this 14 unit scheme. Transportation have confirmed that 100% parking provision is sufficient in this location to help prevent significant overspill parking onto surrounding streets. The scheme utilises the existing access off School Road and introduces additional accesses off Paton Grove to serve 4 individual spaces. It is also noted that there is unrestricted on-street parking in the vicinity and good public

transport links. Transportation have raised no objection to the scheme subject to conditions and consequently it is considered that the proposal will not have an adverse impact on the highway network.

6.28. Landscape and Trees

6.29. 8 trees are located around the periphery of the site of which fall within categories B and C. Three trees are proposed for removal which are holly, horse chestnut and sycamore trees that are category C. These are being removed due to their poor condition. No trees on the application site are part of the Tree Preservation Order (No. 40) that covers wider area across Paton Grove. Following changes to the layout the Tree Officer has confirmed that the scheme would not unduly impact on the remaining site trees. The Tree Officer raises no objection to the scheme and consequently with the implementation of an appropriate landscaping scheme the proposal will not unduly impact on the natural environment.

6.30. Ecology

6.31. The Council has a duty to consider the impact of any proposal on protected species. A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application. There is evidence of protected species utilising the site (bats and birds). The Ecologist considers that the proposal can be implemented without an undue impact on the protected species subject to a number of conditions (bat and bird boxes and lighting). I attach other conditions to address tree and landscape matters, as requested by our Landscape and Tree Officers.

6.32. Planning Contributions

6.33. This scheme falls below the threshold of 15 dwellings for the provision of affordable housing, and 25 dwellings for the provision of public open space. I note the request received from the NHS Trust, for a sum of £1,123. Members are reminded of the verbal update provided to Planning Committee on 24th May, on this matter. Our position is that we do 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*). We 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 for us to understand more fully their planned investments in the City and how we might best be able to support that.

6.34. The site is not located in a CIL-chargeable area.

6.35. Other Considerations

6.36. Concerns have been raised about the level of consultation undertaken. However, all adjoining properties were consulted, site notices have been posted on both Paton Grove and School Road, and a Press Notice made. The level of consultation undertaken therefore meets statutory requirements.

7. Conclusion

7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. After minor amendment and improvement secured by officers, the scheme would now be acceptable in

terms of its design, amenity, highways, landscape and ecology considerations. It would contribute towards the city's housing requirements. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

8. Recommendation

8.1. Approval with conditions.

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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 hard and/or soft landscape details |
| 4 | Requires the prior submission of hard surfacing materials |
| 5 | Requires the prior submission of boundary treatment details |
| 6 | Requires the prior submission of a landscape management plan |
| 7 | Requires the prior submission of level details |
| 8 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 9 | Requires the prior submission of details of bird/bat boxes |
| 10 | Requires the prior submission of a contamination remediation scheme |
| 11 | Requires the prior submission of a contaminated land verification report |
| 12 | Requires the prior submission of a lighting scheme |
| 13 | Requires the prior submission a noise study to establish residential acoustic protection |
| 14 | Provision of vehicle charging points |
| 15 | Arboricultural Method Statement - Submission Required |
| 16 | Requires the prior submission of a sustainable drainage scheme |
| 17 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 18 | Requires tree pruning protection |
| 19 | Requires pedestrian visibility splays to be provided |
| 20 | Redundant crossings reinstated with full height kerbs |
| 21 | Footway crossings to be constructed/widened to City Specification |
-

22	Implement within 3 years (Full)
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Case Officer: Andrew Fulford

Photo(s)

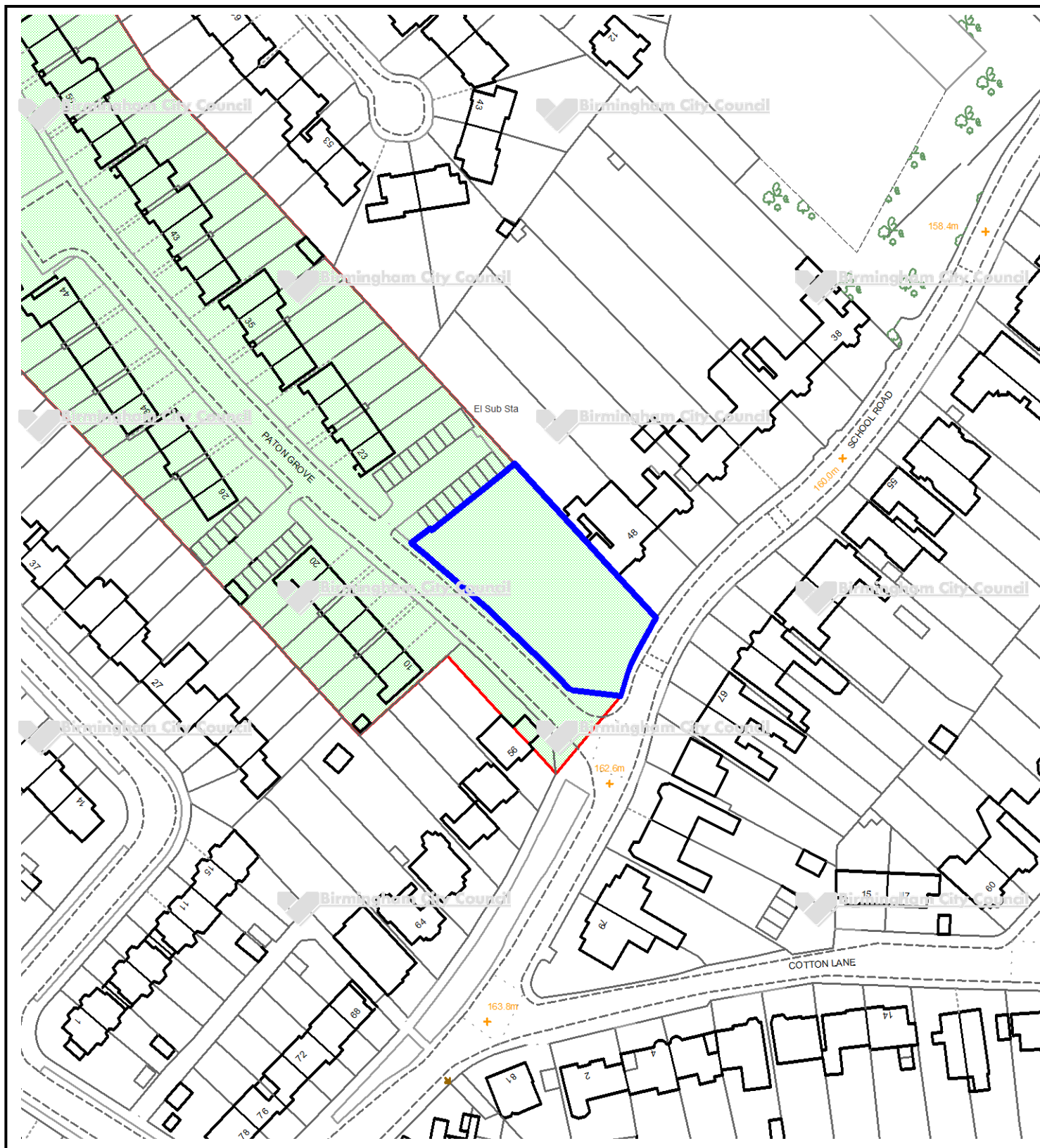


Photo 1: View from School Road looking north towards the application site at the corner of School Road and Paton Grove



Photo 2: View from Paton Grove looking north-east across the application site towards the side elevation of No. 48 School Road

Location Plan



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Committee Date:	02/08/2018	Application Number:	2018/04767/PA
Accepted:	12/06/2018	Application Type:	Householder
Target Date:	07/08/2018		
Ward:	Quinton		

26 Fugelmere Close, Birmingham, B17 8SE

Erection of single and two storey side and forward extension and single storey, first floor and two storey rear extension.

Applicant:	Mrs Sarvan Singh 26 Fugelmere Close, Birmingham, B17 8SE
Agent:	Purvis Dawes and Partners Limited 178A Lower High Street, Stourbridge, DY8 2PB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning consent is sought for the proposed erection of a single and two storey side and forward extension and single storey, first floor and two storey rear extensions.
- 1.2. The proposed development would involve a reconfiguration of the ground floor accommodation at the property. The proposed development would provide an enlarged kitchen, living room and hall along with a new porch. The existing garage and utility room would be re-located within the house. At first floor level a new master bedroom with en-suite would be provided along with extensions to two of the existing bedrooms.
- 1.3. The proposed two storey rear extension would project across the entire rear elevation of the main existing two storey section of the building. Part of the proposed first floor extension would be constructed above the existing sun room extension. The proposed development would have a depth of 2.8m and a width of 9.4m. The proposed two storey rear extension would have a dual gable roof design.
- 1.4. The other proposed single storey rear extension would be built off the back wall of the existing garage by 0.4m and would be in line with the proposed two storey rear extension. This element of the proposal would have a flat roof design and a height of 2.7m.
- 1.5. The proposed two storey side extension would have a stepped design with a maximum width of 4.2m and a minimum width of 2.4m. It would be set forward of the existing main back wall of the dwelling by 2.2m.
- 1.6. The proposed two storey forward extension would project from the main frontage of the dwelling with a depth of 3.5m. It would have a width of 5.5m and be built up adjacent to the boundary with No.24 Fugelmere Close. The proposal would have a gable roof design.

- 1.7. To the right hand side of the two storey extension would be the proposed porch extension. This would have a width of 2.8m and a depth of 2.9m. It would have a hipped roof design with a ridge height of 3.5m and an eaves height of 2.4m.

1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a detached dwelling with a gable end roof design. The property has a flat roof porch and garage to the front and side. The property is located within a residential area with the street comprising of a mixture of similar dwellings and flat roofed one and two storey properties. The building line is staggered with No.24 being set forward of the application property. The property has an existing single storey rear extension.

2.2. [Site Location](#)

3. Planning History

- 3.1. 16/12/1971 – 14113048 – Permission granted for extension to existing garage.
- 3.2. 10/04/1975 – 14113081 – Permission granted for lounge extension.
- 3.3. 2018/00010/PA – Erection of single and two storey side and forward extension and single storey, first floor and two storey rear extension – Withdrawn

4. Consultation/PP Responses

- 4.1. Neighbours and local ward councillors were consulted for the statutory period of 21 days. Letters of objection were received from 7 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 forward extension would be out of keeping with the appearance of neighbouring properties and would impact upon the building line.
 - The development would represent an over-development of the site.
 - A precedent would be set for similar developments.
 - Possible parking issues.
 - The proposal would result in the loss of green space to the front of the site.

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. The proposed scheme is a resubmission of application reference 2018/00010/PA which was withdrawn earlier this year. Following discussions with the agent a new application has been submitted with a reduction being made to the depth of the proposed two storey forward extension.
- 6.3. A set of amended plans have been submitted altering the eaves detail of the proposed side/forward extension so that it would not overhang the boundary with No.24 Fugelmere Close.
- 6.4. The proposed two storey rear extension would breach the 45 Degree line drawn from the nearest first floor window at No.24 Fugelmere Close. However, the wider 45 Degree Code policy document allows for a breach of the line if there is some reasonable distance separation. In this instance, there would be a distance of 11m between the mid-point of the neighbouring window and the nearest section of the proposed extension. I consider that with this distance taken into account that the proposed rear extension is set far enough away from the neighbouring window whereby it could not be considered to have an adverse impact upon the neighbouring dwelling in terms of loss of light.
- 6.5. With regard to the proposed single storey extension to the rear of the garage, it is noted that the existing garage already breaches the 45 Degree Code to the nearest ground floor window at No.24. The proposed single storey extension would only project back further from the existing structure by 0.4m. Both the existing and proposed extensions are flat-roofed, with the former shown as 2.65m tall, and the latter 2.79m tall. I therefore do not consider that this new element would result in any further material harm to the adjacent property in terms of loss of light or outlook than the present circumstances on site.
- 6.6. The proposal complies with the numerical guidelines as contained within 'Places For Living' and 'Extending Your Home'. The proposed scheme would not have a harmful impact upon neighbouring properties in terms of loss of privacy.
- 6.7. The scale, mass and design of the proposal is acceptable. It is recognised that the proposed scheme represents a relatively generously sized increase in the footprint and massing of the existing building. However, there are a number of examples of dwellings in this area of Harborne which have been extended on a similar scale and occupy similar sized plots. Due to the staggered nature of the building line the applicants are limited in terms of being able to extend the existing property at first floor level to the side without adversely impacting upon the amenity of the neighbouring dwelling. The scheme therefore involves a two storey extension projecting forward of the existing building. I consider this to be an acceptable design solution. The property as existing is of a relatively simple design and not of any significant architectural merit. The proposed forward extension complements the design of the main building with the gable roof being reflective of the gable end design of the building. Fugelmere Close comprises of buildings of varying designs

with a mixture of dwellings like the application property and flat roofed dwellings opposite the site. There is therefore no strict uniformity in the terms of the appearance of these properties. I do not consider that the proposal would have a harmful impact upon the visual quality of the building or the wider street scene and therefore do not consider that there are grounds upon which a refusal of the application could be sustained on appeal.

- 6.8. Concerns have been raised by objectors in relation to possible parking issues. However, the proposed development incorporates a double garage and there is an existing driveway with a generous depth to allow further off street parking. I therefore do not consider that the proposal would have a harmful impact in relation to this matter.
- 6.9. Concerns have also been raised in relation to the loss of green space to the front of the building. However, the proposed works would still allow for the retention of the majority of the front lawn area and would not have an adverse impact in this respect.
- 6.10. 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)

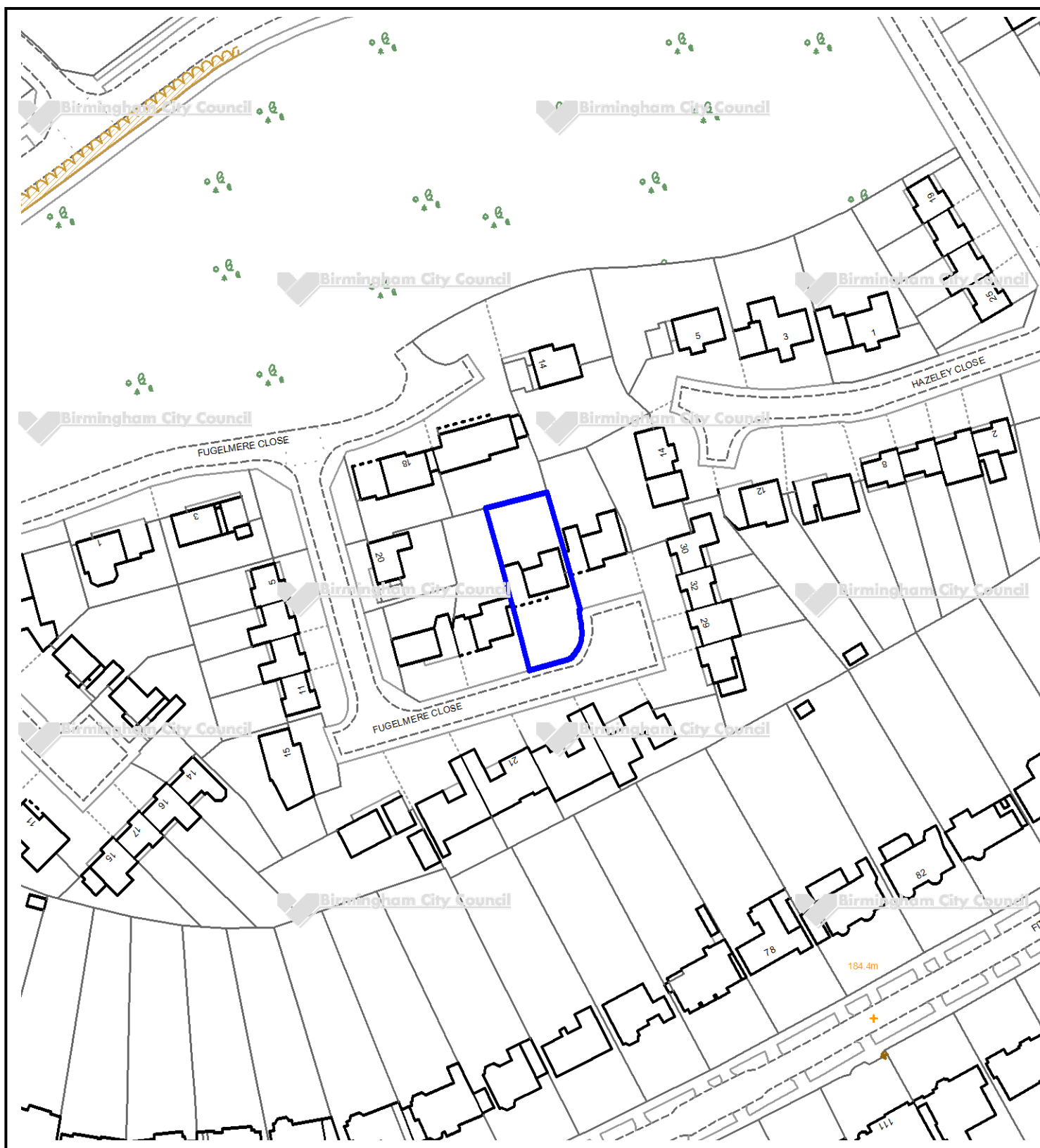


Figure 1 – Front elevation of 26 Fugelmere Close



Figure 2 – Rear elevation of 26 Fugelmere Close

Location Plan



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Committee Date:	02/08/2018	Application Number:	2018/03182/PA
Accepted:	20/04/2018	Application Type:	Householder
Target Date:	15/06/2018		
Ward:	Quinton		

71 Norman Avenue, Quinton, Birmingham, B32 2EY

Erection of two storey rear, first floor side and single storey rear and forward extensions

Applicant: Mr Jatinder Tank
7 Farquhar Road, Edgbaston, Birmingham, B15 3NA
Agent: Mr Antony Tranter
18 St. Christophers, Handsworth Wood, Birmingham, B20 1BP

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning consent is sought for the proposed erection of a two storey rear, first floor side and single storey rear and forward extensions.
- 1.2. The proposed development would provide an extended kitchen and a new study, dining room and porch at ground floor level. At first floor level the new accommodation would provide a master bedroom with dressing room and en-suite and an additional bedroom.
- 1.3. The proposed first floor side extension would be located above the existing garage to the western side of the building. It would have a width of 2.75m and would be set back from the front wall of the property by 0.6m. It would have a hipped roof design which would be set down from the ridge of the main roof.
- 1.4. The proposed two storey rear extension would project off the original rear wall of the building with a depth of 3.4m and a width of 6.8m. This would also have a hipped roof. A single storey extension with a depth of 2.5m and a width of 6.1m would also be built to the rear. It would have a ridge height of 3.3m and an eaves height of 2.5m with a mono pitch roof.
- 1.5. To the front of the dwelling a porch extension would be centrally located within the two existing bay window columns. It would have a depth of 0.8m and a width of 3.9m at its very widest point. It would have a hipped roof design with a ridge height of 3.1m and an eaves height of 2.7m.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a detached dwelling with a hipped roof design and dual bay window columns within the front elevation. The property is located within a predominantly residential area. The street scene largely comprises of semi detached dwellings though these properties share a number of architectural characteristics with the application dwelling. The property is set up from the highway with a paved driveway and lawn area to the front. The front boundary of the site is defined by a low level brick wall. The rear amenity area of the site is partially paved and relatively modest in depth.
- 2.2. [Site Location](#)
3. [Planning History](#)
- 3.1. 03/04/2018 – 2018/00957/PA – Erection of two storey rear, first floor side and single storey rear and forward extensions – Withdrawn.
4. [Consultation/PP Responses](#)
- 4.1. Neighbours and local ward councillors were consulted for the statutory period of 21 days. One response was received from a local resident in relation to possible party wall issues.
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. The proposed scheme is a resubmission of application reference 2018/00957/PA which was withdrawn earlier this year. Following discussions with the agent a new application has been submitted with revisions being made to the internal layout and the fenestration detail.
- 6.3. A set of amended plans have been submitted during the course of this new application, with alterations being made to the window detail : a first floor side window being omitted and a normal-height window being proposed to serve Bedroom 4 in the rear elevation (to replace the previously-proposed high-level window).

- 6.4. The proposal complies with your Committee's 45 Degree Code policy and therefore would not have an adverse impact upon the occupiers of adjacent dwellings in terms of loss of light.
- 6.5. The first floor windows (ensuite, and bedroom 4) in the rear elevation of the proposed two storey rear extension do not meet with the required 10m separation distance as contained within 'Places For Living' and 'Extending Your Home' to the boundary with No.64 and No.66 Stanley Avenue. The en-suite window can be conditioned to be fitted with obscure glazing.
- 6.6. With regard to the bedroom window, there would be a maximum shortfall of 2m between the proposed first floor bedroom window and the boundary with the two adjacent neighbouring gardens. However, the boundary between the application site and these adjacent properties is well screened by dense hedging and mature trees which provide little means for overlooking between neighbouring gardens. It is also noted that the sections of the adjacent gardens to which the proposed window would look out towards are at the end corners of the individual sites and therefore do not provide a great amount of amenity value to the properties in question. When assessed on balance I do not consider that the proposed development would have a harmful impact upon the occupiers of the neighbouring dwellings in terms of loss of privacy and there would not be grounds to recommend refusal in relation to this matter. I note that the affected neighbours have not objected to the application.
- 6.7. The scale, mass and design of the proposal is acceptable. The proposed development is in keeping with the size and character of the original dwelling. The proposal would not have a detrimental impact upon the architectural appearance of the property and the visual amenity of the surrounding area. The proposed development complies with the guidance contained within 'Extending Your Home'.
- 6.8. Comments have been received from a neighbour in relation to possible party wall issues. Any matters of this nature are a civil issue and are therefore not a material planning consideration.
- 6.9. 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. 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 | Requires the prior submission details obscure glazing for specific areas of the approved building |
-

4 Implement within 3 years (Full)

Case Officer: George Baker

Photo(s)



Figure 1 – Front elevation



Figure 2 – Rear elevation

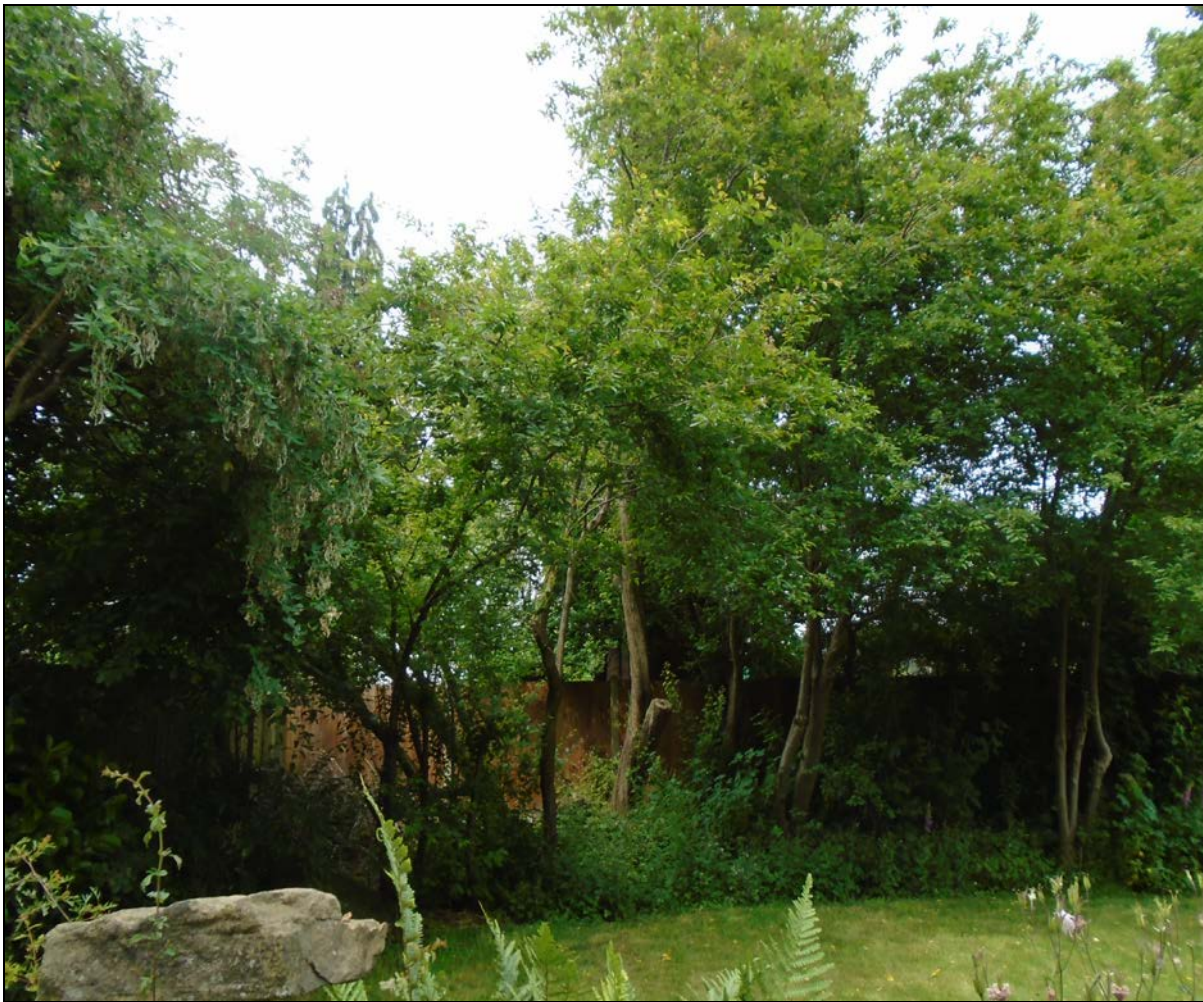
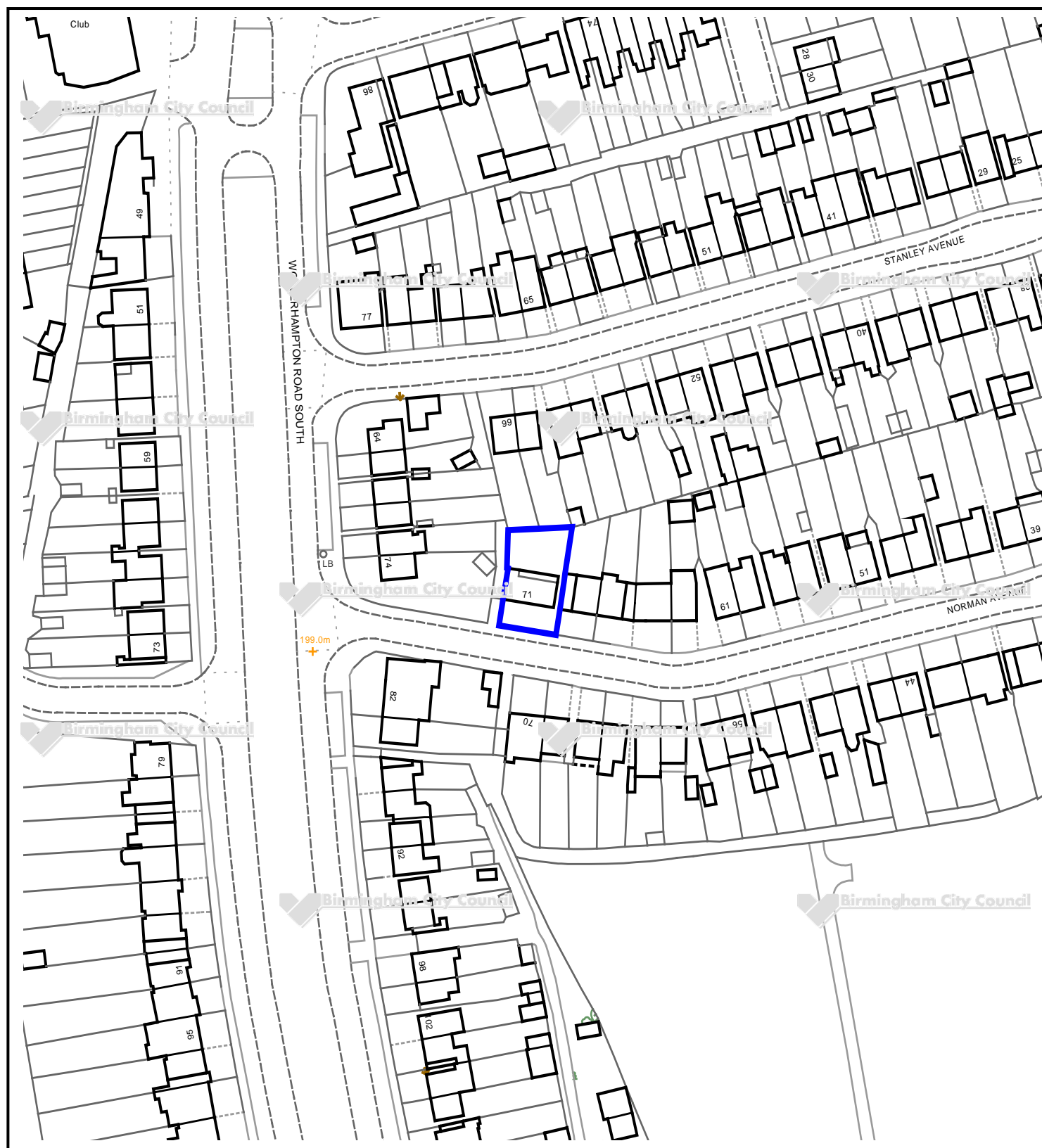


Figure 3 – View from rear of the property towards the boundary with neighbouring dwellings in Stanley Avenue.

Location Plan



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Birmingham City Council

Planning Committee

02 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	17	2018/00808/PA Former Manor Public House Station Road Stechford Birmingham B33 9AX Erection of 24 dwellings, associated landscaping and access works (phase two)
Approve - Conditions	18	2018/03952/PA 9 Oakfield Road Stockland Green Birmingham B24 8AG Change of use from residential (Use Class C3) to children's care home (Use Class C2)

Committee Date:	02/08/2018	Application Number:	2018/00808/PA
Accepted:	16/02/2018	Application Type:	Full Planning
Target Date:	18/05/2018		
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 35 no. parking spaces, a combination of private driveways and communal parking provision, which equates to approximately 146% 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 (2012); 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 a 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 pursued 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 is to be adopted through the development, with shared surface and private driveways provided so as create a safe and secure environment, encouraging low vehicular speeds. Off street parking in the form of private driveways and courtyard style parking for the flatted accommodation is proposed to accommodate the parking demands of prospective residents.
- 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 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 1.5sqm for the flats and 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 and four bed units are considerably undersized, achieving approximately 5.7sqm as opposed to the minimum 6.5sqm, 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, with the main internal access road designed to an adoptable standard, with an adoptable turning head within the shared surface space and courtyard parking areas. The proposal seeks to deliver 146% parking provision with all three/four bed dwellings allocated 200% parking, plus at least 100% provision for each two bed houses and two bed apartment (which also have 5 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 5 visitor parking spaces and clarification that the access road would be designed to an adoptable standard. 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 2nd 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 3rd 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 paragraph 50 of the National Planning Policy Framework.

- 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 3rd 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 approval of details to prevent mud on the highway
 - 20 Requires the prior installation of means of access
 - 21 Prevents occupation until the access road has been constructed
 - 22 Requires the prior submission of details of pavement boundary
 - 23 Requires the prior submission of a residential travel plan
 - 24 Requires the parking area to be laid out prior to use
 - 25 Requires vehicular visibility splays to be provided
 - 26 Requires the prior submission of cycle storage details
 - 27 Requires pedestrian visibility splays to be provided
 - 28 Implement within 3 years (Full)
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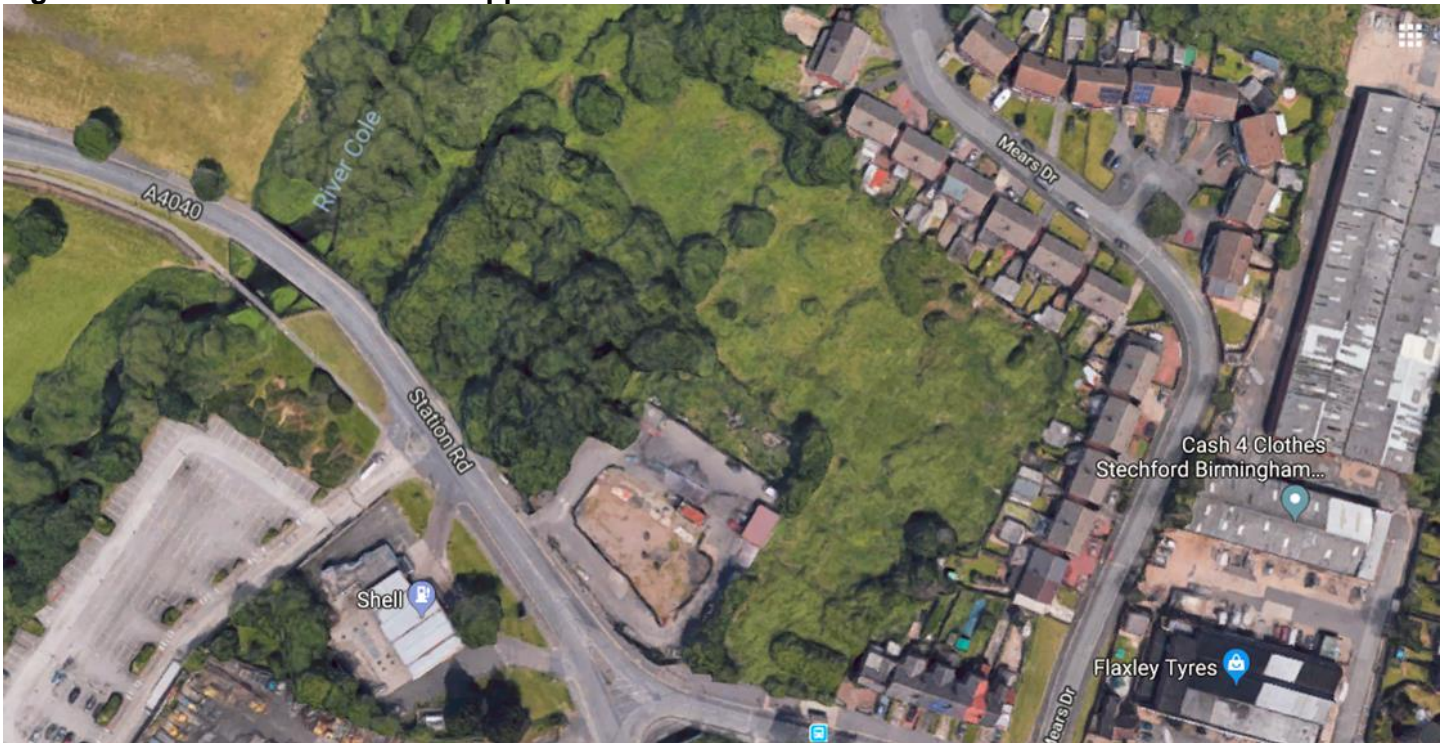
Case Officer: Mohammed Nasser

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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Committee Date:	02/08/2018	Application Number:	2018/03952/PA
Accepted:	21/05/2018	Application Type:	Full Planning
Target Date:	03/08/2018		
Ward:	Gravelly Hill		

9 Oakfield Road, Stockland Green, Birmingham, B24 8AG

Change of use from residential (Use Class C3) to children's care home (Use Class C2)

Applicant: Miss Sobhia Bi
64 Francis Road, Stechford, Birmingham, B33 8SN
Agent: Alps Architectural Services
Unit 3, 201-203 Alum Rock Road, Birmingham, B8 1EU

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This planning application relates to the proposed change of use from residential (Use Class C3) to children's care home (Use Class C2) at 9 Oakfield Road.
- 1.2. The care home would accommodate 3no. children aged between 8-18 with varying individual needs, such as learning difficulties or developmental disabilities. The residents would be supported by 24 hour care from professional staff. This would be provided on a minimum of a 1:1 ratio during waking hours with 2no. staff present during sleeping hours to address any needs.
- 1.3. It is expected that residents would be in full time education and would be off site. Residents would be transported to education facilities depending on their needs, likely by either a Local Authority appointed vehicle or other form of transport. It is expected that these transportations would comprise of a pick-up and drop-off arrangement.
- 1.4. Outside of school time, it is set out within the Management Plan submitted in support of the planning application that the premises would be expected to operate as any other family home with children with typical indoor and outdoor activities taking place (games, crafts, daytrips).
- 1.5. With regards to visitors to the premises, it is understood that these would comprise staff members, workmen / tradespeople, social workers, family members and healthcare professionals. Such visitors would be pre-arranged to ensure that sufficient capacity at the premises is available to the visitors.
- 1.6. No internal or external alterations to the application site are proposed as part of the change of use.
- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a two and a half storey brick and rendered semi-detached dwellinghouse which has an original two storey rear wing, and benefits from a single storey rear extension. There is a small paved front garden enclosed by a low brick wall and a rear garden which has a paved patio and lawn. There is no off street parking associated with the application site.
- 2.2. The application site is located adjacent to an existing area of open space. The surroundings to the site are predominantly residential with a mix of two storey detached and semi-detached houses and three storey apartment blocks. These residential properties are of a range of ages. The junction of Oakfield Road, Trafalgar Road and Wood End Lane is traffic lit with pedestrian crossings. Double yellow lines wrap around the junction however Oakfield Road is not subject to any Traffic Restriction Orders. An off license is located on the junction of Trafalgar Road and Wood End Road, approximately 50m to the east of the application site.
- 2.3. The site is located within 1.2km of Gravelly Hill Rail Station and 300m south of Erdington District Centre. Wood End Road is served by the outer circle route 11A/C.

2.4. Site Location

3. Planning History

- 3.1. 07.10.1993 - 1993/03061/PA - Change of use of dwelling from single to multi-occupancy – Refused on grounds of parking impact, intensity of use and proposals being contrary to policy.

4. Consultation/PP Responses

- 4.1. Transportation Development – recommend condition to secure cycle storage details.
- 4.2. Regulatory Services – recommend conditions to secure maximum number of residents and to secure a scheme of noise insulation.
- 4.3. West Midlands Police – no objection.
- 4.4. Site notice posted. Ward Members and neighbours notified. 9 letters of objection (2 from the same local resident) were received raising concerns on the following grounds:
 - Cumulative impact with nearby HMO;
 - Fear of crime and perception of crime;
 - Existing parking congestion on Oakfield Road;
 - Noise and disturbance from the proposed change of use;
 - Ownership of the application site and adjacent land;
 - Lack of information submitted in support of the proposals;
 - Character of residents;
 - Inappropriate location for the use;
 - Lack of consultation with local residents;
 - Concern of future expansion of the application site.

5. Policy Context

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

6. Planning Considerations

- 6.1. **Principle of Change of Use** – The NPPF confirms there is a presumption in favour of sustainable development. The core planning principles set out at Paragraph 17 state that planning should (amongst other things) always seek a good standard of amenity for all existing and future occupants of land and buildings. In additions Paragraphs 58 and 69 state planning decisions should aim to promote and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 6.2. Specific Needs Residential Uses SPG and saved paragraphs 8.28 and 8.29 of the adopted UDP apply to residential care homes as defined by Class C2 (Residential Institutions). The SPG and policy 8.29 of the adopted UDP state that proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance. Residential care homes are normally most appropriately located in large detached properties set in their own grounds. Furthermore, they state that in areas which already contain premises in similar use, and/or houses in multiple paying occupation and/or properties converted into self-contained flats, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. Finally, proposals should not prejudice the safety and free flow of traffic in the adjoining highways and adequate outdoor amenity space (minimum 16sqm of space per resident) should be provided to ensure a satisfactory living environment for residents.
- 6.3. The application site is located within a residential area with good accessibility to local shops and services including public transport. Young people living at the care home would benefit from local services and have the opportunity to participate in community, leisure, sporting or cultural activities. This would allow the young people to feel part of a residential community, which would support social inclusion.
- 6.4. The application site is a two and a half storey semi-detached three bedroom dwellinghouse. Specific Needs Residential Uses SPG and policy 8.29 of the adopted UDP 2005, suggests that detached properties are the most appropriate for residential care home uses. It is noted however, that the property is only adjoined immediately to the west with an area of open space located to the east. Further, the linkage would be limited as between the party wall with 11 Oakfield Road and the proposed lounge and dining room (ground floor) and bedroom 2 and bathroom (first floor) would be a hallway and staircase.
- 6.5. The area immediately surrounding the application site relates to residential use in the form of family dwellings, and a number of apartments. It is noted by local residents that there is an existing mix of uses with a HMO located on Oakfield Road, a residential institution located on Wood End Road and a number of commercial uses within a short distance of the application site. Whilst the application proposals would result in the loss of a family dwellinghouse, I do not consider that the proposals would have an unacceptable cumulative impact on the character of the

area or would adversely impact or change the character of the area, particularly as I am of the view that the application site would primarily operate as though it were a family home with a maximum of three children resident.

- 6.6. The rear garden amounts to approximately 70sqm of utilisable space for play and recreation, exceeding the 48sqm required by saved policy 8.29 of the Birmingham UDP (16sqm per child).
- 6.7. I consider the application site is a suitable location for a small young person's care home in principle, subject to the following site specific considerations.
- 6.8. **Impact on Residential Amenity** – Local residents raise concerns in terms of potential noise and disturbance generated by the proposed change of use. The Management Plan submitted in support of the application proposals asserts that the proposed care home would primarily have the appearance and function of a family home with three children accommodated between the ages of 8 and 18. I concur that the proposed change of use would be unlikely to generate noise and disturbance beyond that of a typical family home. The application site has the benefit of being adjoined by another property to the west only, which would further mitigate any instances of noise and disturbance.
- 6.9. No external alterations or extensions are proposed. I am satisfied that the application proposals would not have an adverse impact on the outlook and privacy of neighbours to the site.
- 6.10. Regulatory Services has been consulted and raise no objections to the proposals subject to conditions to limit the number and age of residents, and to secure a scheme of noise insulation. I consider that the recommended condition to limit the number and age of residents is reasonable and necessary in the interests of defining the permission and protecting neighbouring residential amenity. Given the existing use of the application site as a residential dwelling and the proposed use as a care home which would be operated as a residential dwelling, I do not consider that the condition to secure a scheme of noise insulation to be reasonable in this case.
- 6.11. **Impact on Highway Safety** – The application site does not benefit from existing off-street car parking. All parking activity associated with the sites existing and proposed operations would therefore need to be accommodated on the local network.
- 6.12. Transportation Development has been consulted on the application proposals and raises no objection on the grounds that the Car Parking Guidelines SPD requires one parking space for a three bed Use Class C2 residential care home, whereas a three bed Use Class C3 dwellinghouse requires two parking spaces. On this basis, in highway safety terms, it is considered that the application proposals would have a lesser impact on the highway network and associated parking and congestion than the fallback position of a dwellinghouse.
- 6.13. I note objections received from local residents with regards to existing car parking demand within the area, compounded by the traffic lit junction on Oakfield Road. The Management Plan submitted in support of the planning application specifies that all visitors to the premises and vehicle transportation would be pre-arranged and planned to avoid peak times within the local highway network. Whilst I acknowledge that there is existing parking demand and some instances of congestion, the fallback position of the application site being retained as a residential dwellinghouse must be

afforded due weight. On this basis, I am satisfied that the proposals would have an acceptable impact on highway safety.

- 6.14. Transportation Development recommends a condition to secure cycle storage on the site. The application site benefits from a garden which could accommodate such storage. I am of the view that this would be the approach taken if the premises were to be retained as a residential dwellinghouse. Accordingly, I do not consider that the condition would be reasonable or necessary in these circumstances.
- 6.15. **Other Matters** – It is noted that objections from local residents raise concerns with regards to the perception of crime and the fear of crime associated with the application proposals. West Midlands Police have been consulted on the application proposals and raise no objections to the proposed change of use. Alongside the content of the Management Plan submitted in support of the application, and the recommended conditions to limit the number of residents and for the premises to be staffed 24 hours a day, I am satisfied that the proposals would be unlikely to generate a fear of crime that would be realised and unmanaged.
- 6.16. Concerns are raised in terms of the “character” of the prospective residents with certain assumptions made by objectors to the application. The recommended condition to ensure that staff members are present at the premises at all times should alleviate these concerns. Notwithstanding this, the character of the prospective residents would not form a material planning consideration.
- 6.17. Objections to the application refer to a lack of consultation undertaken by the Council. I can confirm that the nearest neighbours were consulted and that a site notice was displayed on the closest lamppost. The consultation period to accept comments was extended to ensure that local residents were able to provide their comments.
- 6.18. Queries have been raised by local residents with regards to ownership of the application site and adjacent land which does not form part of the proposals. I am satisfied that the correct ownership certificate has been signed and notification has been made to the relevant parties. With regards to land outside of the application site and prospects for future expansion, it is not appropriate to consider as part of this application. Any further applications would be considered on their planning merits and it would be inappropriate to pre-judge any future schemes within the area.

7. Conclusion

- 7.1. The application proposals relate to the proposed change of use from residential dwellinghouse (use class C3) to a residential care home for young people with learning and developmental disabilities (use class C2). The proposals are unlikely to generate noise and disturbance or highway movements which would have an adverse impact on neighbouring residential amenity or highway safety.
- 7.2. The proposals are considered to be acceptable in principle. For the reasons set out above, I recommend that the application should be approved subject to conditions.

8. Recommendation

- 8.1. Approved subject to conditions:

-
- 1 Limit the number of residents at the premises to 3 children aged 8-18
 - 2 Staff to be located on site at all times
 - 3 Prevents the use from changing within the use class
 - 4 Requires the scheme to be in accordance with the listed approved plans
 - 5 Implement within 3 years (Full)
-

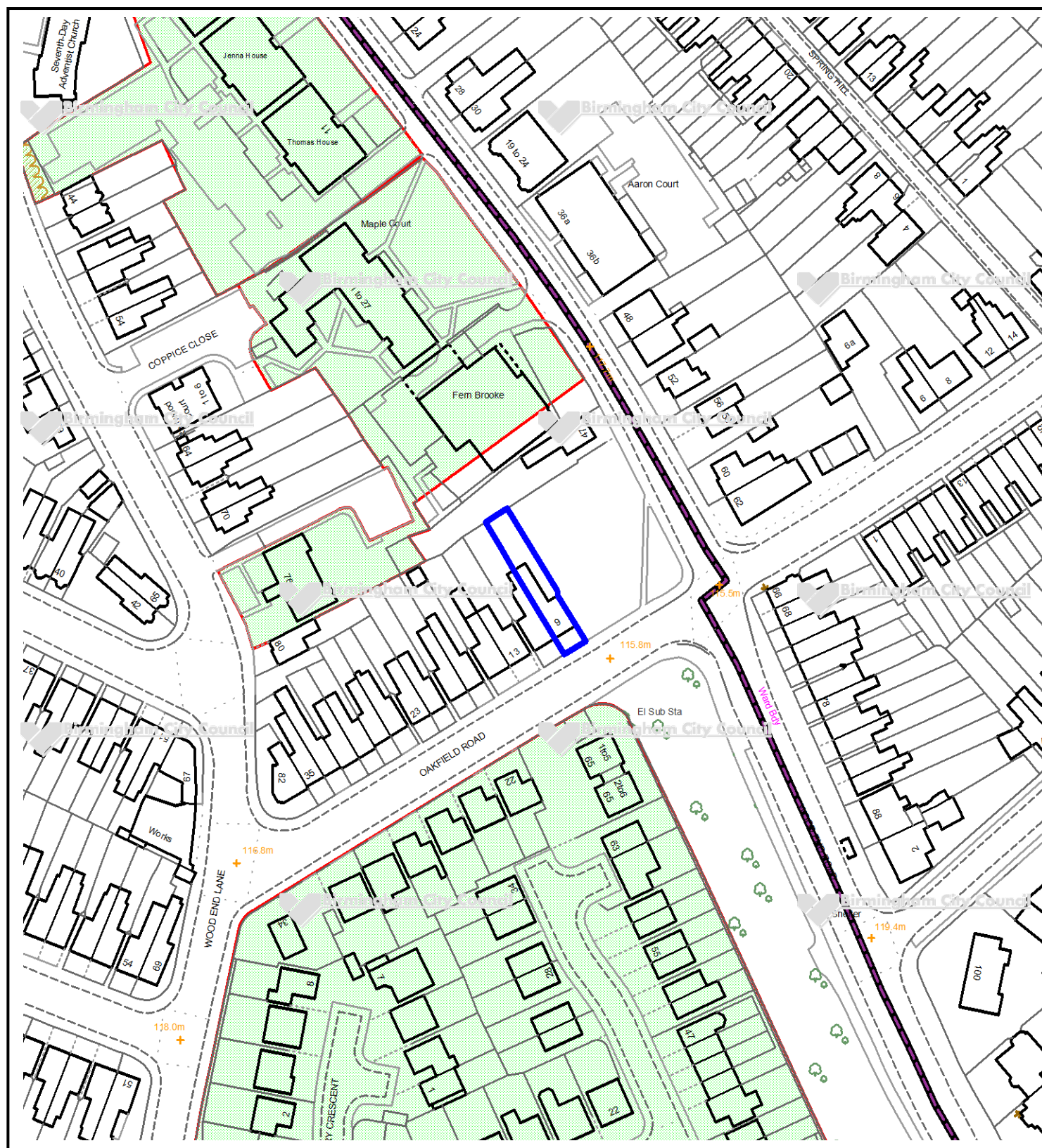
Case Officer: Claudia Clemente

Photo(s)



Figure 1: Application Site and surroundings

Location Plan



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Birmingham City Council

Planning Committee

02 August 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	19	2018/03005/PA 76 Holloway Head City Centre Birmingham B1 1NG Demolition of existing building and redevelopment of site with 9 storey building to provide 34 residential apartments (Use Class C3) and 1no. ground floor retail unit (Use Classes A1 or A2)

Committee Date:	02/08/2018	Application Number:	2018/03005/PA
Accepted:	20/04/2018	Application Type:	Full Planning
Target Date:	07/09/2018		
Ward:	Ladywood		

76 Holloway Head, City Centre, Birmingham, B1 1NG

Demolition of existing building and redevelopment of site with 9 storey building to provide 34 residential apartments (Use Class C3) and 1no. ground floor retail unit (Use Classes A1 or A2)

Applicant:	Holloway City Homes Ltd 77 Shaftesbury Avenue, Roundhay, Leeds, LS8 1DR
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, West Midlands, DY8 1TS

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1 The application seeks consent to demolish the existing building and replace it with a single block of development comprising of 123sqm of use class A1 and A2 retail floorspace at ground floor facing Holloway Head, with two apartments to the rear and apartments above to provide a total of 34 residential units. The proposed development would reach nine storeys and provide 2 x 1 bedroom and 32 x 2 bedroom apartments.
- 1.2 The proposed floor plans show an L-shaped block of accommodation wrapped around a central core with the majority of habitable windows facing the perimeter of the site; towards Holloway Head and Florence Street where the entrance to the residential units would also be sited.
- 1.3 A total of five parking spaces are shown in front of the building with a bin store, cycle store complete with green roof and a small landscaped courtyard to the rear.
- 1.4 It is proposed that the block be constructed in brick with the upper floors paired together and defined horizontally by a metal structural beam. The windows would also be paired horizontally with recessed Juliette balconies to the living rooms. The ground floor commercial unit would have full height glazing.
- 1.5 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The application site occupies a corner plot previously used as a showroom with a primary frontage to Holloway Head and a secondary frontage to Florence Street. The existing building is four storeys to the front and three to the rear with an area of forecourt parking to the Holloway Head frontage. It is adjacent to Dutton Glass &

Mirrors Limited at No.99 Holloway Head, a two storey flat roof industrial building to the side, and a 17 space private car park and smoking shelter serving a late night club to the rear. A restaurant/karaoke bar and vehicle repair depots align the opposite side of Florence Street. The Peace Gardens lies approximately 160m to the west.

- 2.2 Holloway Head accommodates a range of uses including residential, notably at Concord House that lies opposite the application site; a hotel, a car repair garage, a petrol filling station and other late night uses. Over 480 apartments were approved in July 2015 at 49-51 Holloway Head (2015/05112/PA) and 304 apartments have been approved on land bordered by Florence Street, Windmill Street and Bow Street (2017/06418/PA).

3 Planning History

- 3.1 2016/04623/PA - Conversion, alteration to existing elevations of building; extension to front and construction of three additional storeys to existing building (with double height top floor) to retain existing A1 retail showroom and provide 1 no. unit of A3 (restaurant/cafe) / A4 (drinking establishment) / A5 (hot food take-away) at lower ground/ground floor level and 9 no. residential units (5 x 2 beds, 4 x 1 bed) above. Approved 15/07/2016
- 3.2 2015/09108/PA - Conversion, alteration to existing elevations of building; extension to front and construction of three additional storeys to existing building to provide 1 no. unit of A3 (restaurant/cafe) / A4 (drinking establishment) at lower ground/ground floor level and 9 no. residential units (5 x 2 beds, 4 x 1 bed). Approved 04/05/2016

Land to Rear at Florence Street / Ernest Street.

- 3.3 2017/10881/PA Outline application for the erection of a 10/11 storey building comprising 126 apartments (Class C3), car parking and commercial units (Class A1-A4, B1(a)), application seeks access only with all other matters reserved (Withdrawn)
- 3.4 2013/04875/PA - Approved Change of use to restaurant (use class A3) with ancillary takeaway (use class A5) and bar (use class A4), re-location of main entrance and formation of smoking areas with installation of roller shutters and erection of extraction flue. Approved 04/09/2013
- 3.6 2013/01685/PA - Approved Change of use of part of ground floor from general industry (use class B2) to a restaurant & cafe use with ancillary hot food takeaway sales (use class A3). Land to Rear at Florence Street / Ernest Street. Approved 14/05/2013

Concord House

- 3.7 2014/02919/PA - Construction of three storey extension fronting Marshall Street, two storey rooftop addition and change of use from storage (Use Class B8) to 19 no. apartments (Use Class C3) above ground floor commercial uses (Use Classes A1/A2/A3/A4/A5/B1/D1 & D2). Approved 05/09/2014.

4 Consultation/PP Responses

- 4.1 BCC Transportation Development - No objection subject to the following conditions:
- a) Redundant parts of the footway crossing on Florence Street to be reinstated to BCC specification at the applicants expense prior to the units being occupied;

- b) Cycle parking to be provided prior to the building being occupied;
 - c) A Construction Management Plan to be provided prior to demolition detailing a programme of works and any potential highway impacts;
 - d) Forecourt parking spaces to be marked out.
- 4.2 Regulatory Services - no objection in principle. The applicant has submitted a noise report and the findings are acceptable. We are currently not receiving complaints from the new residents of Concord House which are closer to the Hndrx club (junction of Holloway Head and Marshall Street). For this to be acceptable the recommendations provided in the noise report should be incorporated into the approved plans for this development before work commences on site. An additional response suggests that the "New Ambassadors" Club is unlikely to be an issue for the residents of this development, provided the layout of the proposed dwellings does not change. The application would be a medium category for air quality impact and although no assessment would be required, type 2 mitigation conditions would be recommended. There would be no support for an A3 or A5 use unless the proposals include the provision of kitchen extract system discharging at roof level. Advise the following conditions:
- a) No development shall take place until a scheme of noise insulation between the commercial and residential premises has been submitted to and approved in writing;
 - b) Any commercial vehicle operated by occupiers of the commercial development shall comply with Euro 5/V emission standard, other than heavy duty vehicles which shall comply with Euro 6/VI;
 - c) Requires the provision of a vehicle charging point;
 - d) The hours for the commercial units should reflect those on similar premises in the vicinity;
 - e) The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (1997) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification; and
 - f) All habitable rooms that have a view of Holloway Head be fitted with windows with a minimum manufacturer's rating of $R_w + C_{tr} 35 \text{ dB}$. For the rear facade, windows should have a minimum manufactures rating of $R_w + C_{tr} 32 \text{ dB}$.
- 4.3 Severn Trent Water - No objections to the proposals subject to the inclusion of a condition to require the submission of drainage plans for the disposal of foul and surface water flows, and that the agreed plans are implemented before the development is first brought into use.
- 4.4 School Organisation Team - Request a Section 106 contribution £168,993.24
- 4.5 Leisure Services - In accordance with current BDP Policy the proposed development would generate an off-site Public Open Space (POS) contribution of £85,500 as it is a residential application of over 20 dwellings. This would be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at Edgbaston Reservoir within the neighbouring North Edgbaston Ward. It would not generate any contribution for play because it is composed of mainly non-family type 1 and 2 bed accommodation and located in the City Centre.
- 4.6 Local Lead Flood Authority (LLFA) - Given the information provided, the LLFA are content with the proposed development and recommend the following conditions:

- a) Details of surface water drainage and a Sustainable Urban Drainage Scheme to be submitted; and
 - b) submission of a Sustainable Drainage Operation and Maintenance Plan.
- 4.7 University Hospitals Birmingham NHS Foundation Trust - A financial contribution of £1,592 is requested based on the number of potential residents calculated to total 68. This would be used to provide additional services and capacity to meet patient demand.
- 4.8 Birmingham City Centre Management, Local Action Groups, Community and Neighbourhood Forums, local councillors, the MP, the Employment Access Team have been consulted but no replies received.
- 4.9 Neighbours have been notified and a site notice and press notice have been posted. Four letters of objection have been received and one letter of support raising the following matters (in summary):

Scale/Over development

- The proposed development appears to be a gross overdevelopment of a very small site;
- It would tower over Concord House and the other existing neighbouring properties;
- The applicant has stated that scale has been carefully considered and ignored the fact that this replaces a 4 storey building and Concord House is 6 storeys;
- The number of units appears at a much higher density than previously proposed for this site or in the major nearby developments;
- This shows a lack of ambition to deliver a quality development is troubling in a new build in central Birmingham;
- There could be issues with more wind as it often happens next to tall buildings;

Amenity for the future residents

- The proposed flats appear to offer very low amenity standards for the residents, with one apartment not meeting the published minimum space standards, and all the rest only meeting the absolute minimum;
- Very poor amenity for the two ground floor apartments sandwiched between two proposed takeaways, car park and the bin store.
- No real consideration appears to be given to protecting resident's amenity from the numerous car repair businesses in Florence Street;
- Has there been an economic impact assessment if future objections from residents threatens the commercial future of these industrial units?;
- The apartments overlook a proposed rear yard whose principle feature appears to be the bins, with no outdoor amenity space for the apartments;
- The noise assessment has several errors and omissions; the Karaoke Bar is often open long after midnight and there is the New Ambassadors Club operating behind the proposed site and a new roof top gym;

Parking/Highways

- Two allocated car parking spaces is inadequate for 34 apartments and does not meet the existing covenant on the building (*original plans showed 2 parking spaces within the rear courtyard, these have been removed from the current plans*);
- Where will the residents and their visitors park as there is no resident parking spaces in the vicinity?;

- How will the car repair business in Florence Street be able to accommodate clients when there is nowhere to park a car?;
- Florence Street is used by many cab drivers as a base during the night;
- There is no pedestrian crossing giving convenient access to The Mailbox and the canals via Marshall or Blucher Street anywhere near the proposed building;

Impact upon Neighbouring Amenity

- There will be numerous apartments which will look directly into bedrooms and a bathroom at Concord House leading to a loss of privacy and light. Neighbours have their main source of day light from the windows facing towards Holloway Head and an existing long terrace;
- The proposed front elevation is several metres closer than the existing building, so does not appear to meet the distance separation guidelines for residential buildings;
- The height of the new building at 27 metres will certainly lead to loss of light in Concord House and does not meet the 45 degree rule;
- The two possible ground floor takeaways are likely to cause an increase in noise, odour disturbance and anti-social behaviour;
- May reluctantly have to take legal action if losses are served under the Rights to Light, as detailed in the 1832 Prescription Act;
- Request that the Council require the applicant to carry out and publish a detailed Right to Light Survey, and any impacts on Concord House;

A letter of support has also been received raising the following comments - Support the development but request the following conditions are attached to any approval:

- Prior to commencement the submission of a noise and vibration assessment and scheme for sound insulation and noise control, in order to reduce the impact of noise upon surrounding properties;
- No sound production, reproduction or amplification equipment be installed or used in any part of the site for external use;
- No deliveries of goods to the site or dispatched from the site between 09:00 and 19:00 Mondays to Saturdays and none on Sundays or Public Holidays;
- Prohibit the A1 and A2 ground floor uses being used for any other uses including A3 and A4;
- Limit hours of construction to between 08:00 and 18:00 Mondays to Fridays, 08:00 and 13:00 hours on Saturdays and no at any times on Sundays or public holidays;
- Require a Construction Method Statement/Management Plan.

5 Policy Context

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

6 Planning Considerations

The Principle of the Proposed Mix of Uses

- 6.1 The application site lies within the City Centre Growth Area, as identified within the BDP. It is acknowledged that alongside its important economic and visitor role the

City Centre is home to a growing residential population which will continue to expand in the future. Over the plan period of 2011 to 2031 51,100 homes are planned to be delivered within the City as a whole with a focus on delivering as much of the new housing that the City needs within the urban area as possible. Residential development has been previously approved on this site, which is still extant. However as explained in Policy GA1.1 residential development will continue to be supported where it provides well-designed high quality living environments as this is considered further below.

- 6.2 According to Policy GA1.2 the application site is located within the Westside and Ladywood Quarter where, according to the Policy, a vibrant mix of uses is considered to be appropriate. The application site faces Holloway Head, a significant route into and out of the City Centre where commercial uses dominate the street frontage and where A1 and A2 retail uses are considered to be acceptable.

Proposed Design and Massing

- 6.3 Policy PG3 seeks to ensure that all new development demonstrates a high design quality contributing to a strong sense of place. The proposed elevations indicate a simple design with clear lines used to accentuate the horizontal layers of the development. Interest and articulation have been introduced by providing window and balcony recesses of 200mm, protruding fins to the exposed horizontal beams and a fully glazed ground floor frontage to Holloway Head serving the proposed commercial unit. Holloway Head is not dominated by one particular building style or material and it is considered that the proposed treatment of the elevations would sit well within the street scene whilst also providing an active frontage at street level.
- 6.4 Much consideration has been given to the proposed height of the block. There is a preference, in terms of massing, for development to increase in height closer to Holloway Circus as development becomes more dense within the City Centre. This is a key route into and out of the City and a greater scale would be expected. Various consents have been granted in the vicinity for residential development ranging from 6 to 8 to 15 storeys. A street scene has been submitted indicating that on the south side of Holloway Head the proposed block would be approximately 1m lower than the Penta Hotel located to the east. Illustrative street perspectives have also been assessed and it is considered that the proposed impact upon the street scene would be acceptable. Furthermore there is an extant permission for an 8 storey block on the application site reaching a height of approximately 23m.
- 6.5 Plans have also been submitted to show a comparison in height of the proposed development in relation to Concord House, which lies opposite. Whilst neighbours have raised concern that it would tower above the existing six storey residential block the plans indicate that the proposed nine storey would only exceed Concord House by approximately 0.7m and again the street perspectives highlight that it would be acceptable.
- 6.6 Neighbours also consider that there would be over development of site however the proposed density of 97 dwellings per hectare is not unusual for this location, and would be a third lower than the density at Windmill Street to the rear where 304 apartments have been approved. Furthermore Policy TP30 encourages 100 dwellings per hectare within the City Centre.
- 6.7 The effects of a potential wind tunnel have also been raised by neighbours. A microclimate study relating to wind would only be requested when a building would be over 15 storeys in height, and based on the space around the proposed building

and heights of the adjacent development it is considered that the effects would not be unduly adverse.

Impact upon Amenity for the Future Residents

- 6.8 Of the 34 residential units proposed all of the upper floor units would be two bedroom and meet the national space standards. The two ground floor 1 bed apartments would exceed the standards for 1 person but would fall short of the national space standard for two person 1 bedroom units by one square metre. Such a shortfall is however considered acceptable in this instance as it is as a result of providing a small area of enclosed defensible space facing Florence Street, to ensure that their lounge and bedroom windows would be positioned at back of pavement. It is considered that the internal arrangement of these units together with the upper floor units would provide sufficient outlook when the future occupiers are within their habitable rooms.
- 6.9 It is acknowledged that there would be minimal private amenity space for the 34 apartments. Approximately 25sqm would be provided within the rear courtyard area. The Places for Living SPG advises that 30sqm per unit is required. However the SPG allows some flexibility, depending on the site context, and in this case taking into account the proximity to the Peace Gardens, the appropriate density and massing for this City Centre location it is considered that the amount of amenity space would be acceptable.
- 6.10 Neighbours have raised concern regarding the impact of existing commercial units upon the future occupiers. The results of the noise survey submitted with the application indicate that the noise climate of the site and surrounding area is dominated by the road traffic on Holloway Head, with some intermittent traffic noise from Florence Street and other smaller roads in the local vicinity. The survey data also indicates that entertainment noise from adjacent commercial premises does not have a significant impact upon the site but that there is some increase in street noise levels during the late evening and night time on Friday and Saturday due to increased pedestrian activity. The proposed plans indicate that, on the upper floors, there would be the provision of a bedroom window and a kitchen window to the rear elevations. However it is considered that there is sufficient separation distance between these windows and the late night New Ambassadors Club to avoid any significant harm. Regulatory Services have raised no objections with respect to the impact upon noise subject to conditions. Based upon the noise survey it is considered that there would be no significant undue threat to the existing commercial uses as a result of noise complaints raised by neighbours. It should also be noted that there are already existing residential units in the vicinity of the site.

Impact upon Neighbouring Residential Uses

- 6.11 It is acknowledged that the proposed building would be approximately 4 to 5m closer to Holloway Head than at present whilst the front elevation to Concord House opposite accommodates bedroom and living room windows plus external terraces at second to sixth floors to its front elevation. Neighbours are concerned at the loss of light and the privacy to Concord House as a result of the separation distance and massing of the development.
- 6.12 The Places for Living SPG gives a guide separation distance of 27.5m for facing buildings of three storeys or more. In this case the distance measures approximately 24m, however the SPG acknowledges that on the public side of the development i.e.

the front, privacy is not so critical therefore front to front distances will be judged flexibly. It goes on to state that depending on the context, streets should provide a sense of enclosure and/or follow the existing building line. In this case greater weight is given to reinforcing the building line to Holloway Head as defined by the Penta Hotel, and given the City Centre location and the density of development that it accommodates 24m is considered to be satisfactory with the submitted sun path studies supporting this consideration.

- 6.13 Reference has been made to neighbours to the conflict with the Council's 45 degree code. This is however more commonly applied to extensions potentially affecting light to adjacent windows rather than across a thoroughfare such as Holloway Head where public frontages face each other. Greater reliance is placed on separation distances and the distance shown is considered to be acceptable. The distance of 24m is greater than numerous situations in the City where residential units face each other over the street.
- 6.14 There has also been mention by neighbours of a proposed hot food takeaway disturbing residents. However to clarify the current application seeks consent for A1 retail (shops, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes) and A2 financial and professional services (banks and building societies, estate and employment agencies).

Impact upon Highways and Parking Provision

- 6.15 The proposed scheme shows the provision of 5 parking spaces to the front of the building, all accessed from Holloway Head. There is no indication as to whether they would be reserved or restricted for use by the customers to the ground floor commercial unit. The Car Parking Guidelines SPD gives a standard of 1 space per residential unit with an additional 4 spaces for commercial floorspace (if used for A1 retail purposes). These standards are however maximum standards there are considered to be mitigating circumstances to allow a fewer number.
- 6.16 The site is located within the City Centre with good accessibility to public transport. There are bus stops along Holloway Head, Bristol Street and Suffolk Street Queensway all within 400m. The site also lies within 500m of New Street Railway Station, and there is provision internally for the storage of 40 bicycles accessed from a private entrance leading to the courtyard.
- 6.17 In terms of visitor parking, Holloway Head offers some on street parking whilst there are public car parks at Birmingham Horsefair and The Mailbox.
- 6.18 Neighbours have referred to the lack of parking failing to meet the existing covenant on the building. This however is a private matter that cannot be considered as part of the planning process. Secondly neighbours have raised concern at the lack of a pedestrian crossing facility close to the proposed building. There is however crossing facilities in front of Tesco, adjacent to the Peace Gardens to the west and in front of Cleveland Tower closer to Holloway Circus. It is considered that these existing crossings are sufficient to serve the proposed occupiers.

Other Matters

- 6.19 The submitted ecological survey identifies the site as being negligible for bat roosting and virtually no opportunities for bird nesting other than on the flat roof. A green roof is proposed over the bin and cycle store which is welcomed and there is a

recommendation within the ecology report for the inclusion of integrated bird nesting boxes into the building which would be welcomed. Conditions are attached to require further details of the green roof and bird nest boxes

- 6.20 Regulatory Services have requested conditions to require a scheme of noise insulation between the commercial and residential premises, the provision of a vehicle charging point, to restrict noise levels of plant and machinery and to require particular glazing. These have all been attached as has a condition to restrict delivery hours. However a condition to require vehicles operated by occupiers of the commercial development to comply with certain emission standards is not considered to be enforceable. The request to restrict the hours of the commercial unit to reflect those on similar premises in the vicinity has been considered however none were attached to the A1 retail Tesco to the west adjacent to the Peace Gardens and therefore it is considered unreasonable to attach them to this site.

CIL and Section 106 Obligations

- 6.21 Given the number of proposed apartments the City Council's policies for Affordable Housing, Education provision and Public Open Space in New Residential Development apply.
- 6.22 The applicant has submitted a financial appraisal that has been evaluated independently and demonstrates that the scheme would not fully meet these obligations. Negotiations have been undertaken to agree a contribution of £150,000.
- 6.23 The various requests for S106 monies have been noted and it is considered that affordable housing and public open space provision should take priority. Given the small number of units, it is considered preferable to secure an off site contribution for affordable housing. Furthermore as the scheme is for one and two bedroom apartments the number of families with children is likely to be low and education infrastructure is funded by CIL. Therefore it is proposed to split the total of £150,000 to provide the following:
- i. £25,000 towards the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at Edgbaston Reservoir within the neighbouring North Edgbaston Ward; and
 - ii. £125,000 towards off site affordable housing.
- 6.24 It is noted that there has been a request received from the NHS Trust for a sum of £1,592. 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 for the to understand more fully their planned investments in the City and how it might best be able to support that.
- 6.25 The site is categorised as falling within a 'High Value Area' in the City Council's Community Infrastructure Levy Charging Schedule. As such CIL would equate to an estimated payment of £217,000, which will have to be paid.

7 Conclusion

- 7.1 It is considered that the principle of redeveloping this brownfield site for a mix of residential and commercial purposes is acceptable whilst the proposed design and massing is appropriate for its context. The impact upon the future occupiers and the existing residential and commercial neighbours has been assessed and found to be acceptable. Therefore the recommendation is that of approval subject to securing a S106 Agreement for a contribution towards open space and affordable housing and the attached conditions.

8 Recommendation

- 8.1 That consideration of the application be deferred pending the completion of a suitable legal agreement to secure:-

- a) A financial contribution of £25,000 (index linked from the date of this resolution) towards the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at Edgbaston Reservoir within the neighbouring North Edgbaston Ward to be paid prior to the commencement of development;
- b) A financial contribution of £125,000 (index linked from the date of this resolution) towards the provision of off site affordable housing;
- c) Payment of a monitoring and administration fee associated with the legal agreement of 3% up to a maximum of £10,000;

- 8.2 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 7th September 2018, planning permission be refused for the followings reasons:

- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site public open space the proposal conflicts with Policy TP9 of the Birmingham Development Plan and the Public Open Space in New Residential Development SPD; and
- b) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the Affordable Housing SPG;

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

- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 7th September 2018, favourable consideration be given to this application, subject to the conditions listed below

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of noise insulation |
| 3 | Requires the provision of a vehicle charging point |
-

-
- 4 Limits the noise levels for Plant and Machinery
 - 5 Requires the prior submission of a foul and sustainable drainage scheme
 - 6 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 7 Requires the prior completion of highway works
 - 8 Cycle parking provision
 - 9 Requires the prior submission of a construction method statement/management plan
 - 10 Provision of forecourt parking spaces
 - 11 Requires the prior submission a scheme of noise insulation scheme in accordance with submitted Noise Assessment
 - 12 No deliveries outside the hours of 0700 to 1900 Mon - Sat and 1000 to 1600 on Sundays and Public Holidays.
 - 13 Requires the prior submission of sample materials
 - 14 Requires the prior submission of details of green/brown roofs
 - 15 Requires the prior submission of details of bird/bat boxes
 - 16 Implement within 3 years (Full)
-

Case Officer: Julia Summerfield

Photo(s)



Application Site - Existing building to be demolished

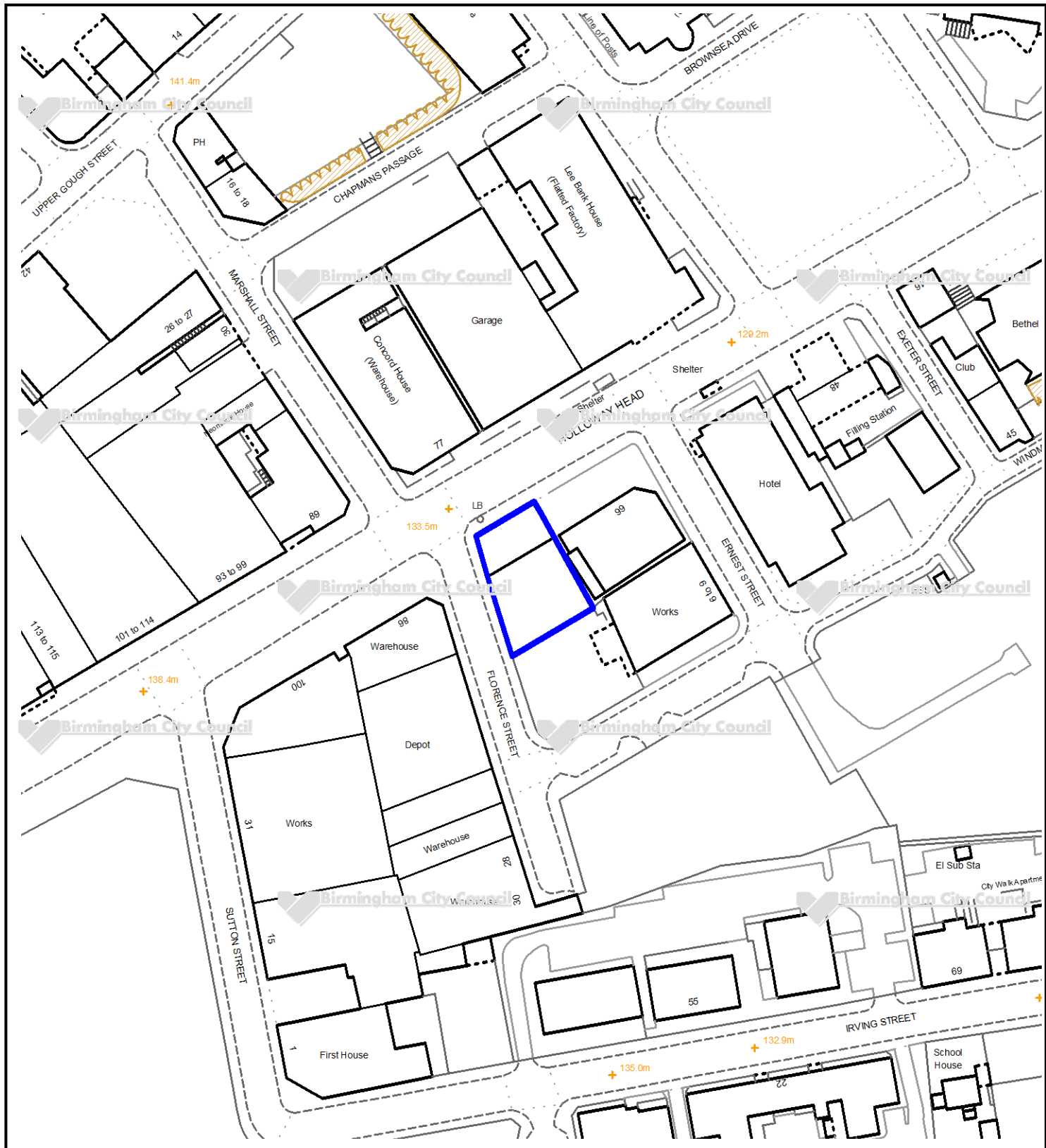


Side Elevation Facing Florence Street with Concord House Opposite



Holloway Head with application site indicated

Location Plan



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Committee Date:	05/07/2018	Application Number:	2017/08883/PA
Accepted:	01/03/2018	Application Type:	Full Planning
Target Date:	31/05/2018		
Ward:	Handsworth Wood		

Land at Lea Hall Allotments and Institute Ltd, Wood Lane, Handsworth Wood, Birmingham, B20 2AP

Redevelopment of Lea Hall allotments to provide 107 dwellings (use class C3) relocated allotment space, public open space including play area, parking, altered access from Wood Lane, landscaping and associated works.

Applicant: Countryside Properties (UK) Ltd
c/o Agents
Agent: WYG
54 Hagley Road, 3rd Floor, Edgbaston, Birmingham, B16 8PE

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1. Planning permission is sought for the erection of 107 dwellings, relocated allotment space, provision of public open space including play area, parking, altered access from Wood Lane and landscaping.

1.2. The proposed mix of units would comprise:

- 14 no. 2 bedroom units (13%)
- 87 no. 3 bedroom units (81%)
- 6 no. 4 bedroom units (6%)

1.3. The split of the proposed dwellings by tenure is as follows:

- 66 (62%) dwellings for open market sale
- 10 (9%) dwellings for affordable housing (shared ownership)
- 31 (29%) dwellings for private rented sector

1.4. The houses would be traditional in design and presented with a variety of gable ended and hipped roofs with varying plot widths. The layout comprises predominantly detached and semi-detached houses however there are 2 terraced blocks containing 3 units in each. The houses would be a mix of two and two and half storeys in height. A number of different house types are proposed which incorporate different design features including bay windows, brick soldier courses, brick plinths, brick window headers and cills, decorative lintels above windows and canopies above front doors. Integral garages are included on a number of the house types. Window and door reveals are framed within deep recesses.

- 1.5. The houses would be constructed using light red brick, red multi brick and buff multi brick with selected plots being partially rendered white or tile hanging with interlocking red and grey roof tiles.
- 1.6. All of the proposed 107 dwellings would meet or exceed the minimum National Space Standards of 70sqm for a two bedroom house, 84sqm for a three bedroom house and 97sqm for a four bedroom house. The two bedroom units are 93sqm, three bedroom units would range in size from 85sqm to 113sqm and the four bedroom houses would be 110sqm.
- 1.7. The internal layouts generally consist of an open planned kitchen/living/dining room, separate living room, wc/utility room at ground floor level, bedrooms, study and bathroom at first floor level and a further bedroom where a second floor is proposed.
- 1.8. The proposed development would meet or exceed the separation distance guidelines in Places for Living of 21m between building faces and 12.5m from windowed elevations to flank walls. Rear to rear separation distances would meet or exceed the 21m Places for Living guideline.
- 1.9. All but 4 of the proposed gardens would comply with the guidelines of 52sqm for two bedroom houses and 70sqm for 3/4+ bedroom dwellings in Places for Living. Two of the gardens which fall short provide 66sqm, whilst the remaining two would provide 62sqm and 69sqm respectively. The gardens are generally quite sizeable with 44% providing over 100sqm and the largest constituting 155sqm.

Public Open Space (POS)

- 1.10. Two areas of POS totalling 5547sqm are proposed, one wrapping around the listed Lea Hall building (2871sqm) which incorporates a children's play area (886sqm) and the other located at the entrance to the site to the south of the existing bowling green (2676sqm). Other areas such as the allotment land and attenuation basin and strip of land by the access at the front of the site have also been referred to as open space by the applicant but I have only considered the two main areas as public open space as I do not consider the other areas would be useable.

Reallocated Allotments

- 1.11. The reallocated allotments would amount to 5040sqm (60 plots) and would form the eastern section of the site, adjoining the rear gardens of properties off Lea Hill Road. The allotments would have gated access from the existing parking areas to the east of Lea Hall. At the northern end of the retained allotments there would be an attenuation basin and new planting, to manage surface water run off on the site and create a wildlife area adjacent to the railway line. The allotments would be implemented by the applicant however would continue to be managed by the owners of the Lea Hall Social Club which would continue to operate independently from the housing development.

Access and Car Parking

- 1.12. Access into the site would be shared with the Social Club and would be off Wood Lane, utilising a new access point replacing the current 'in/out' arrangement. Pedestrian access is also provided at this point. 200% car parking provision is proposed as well as most plots benefitting from integral garages.

Boundary Treatment/landscaping

- 1.13. Boundary treatments proposed include 1.8m high acoustic close boarded fence adjacent to the railway line, 1.8m high close boarded fence on the majority of rear and side boundaries between plots and 1.8m high brick walls on plots 15, 55, 58, 65, 70, 79, 90, 91, 107. The POS would be treated with 1.1m high hooped top metal railing.
- 1.14. It is proposed to remove 17 individual trees and a group of trees forming part of TPO 1433 and TPO 1579. 120 new specimen trees are proposed as part of a detailed soft landscaping scheme for the site.
- 1.15. The application is accompanied by a Planning Statement, Design and Access Statement, Noise and Vibration Assessment, Air Quality Assessment, Heritage Assessment, Flood Risk Assessment, Ecology Assessment, Sustainable Drainage Strategy and Drainage Plan, Energy Statement, Transportation Assessment, Arboricultural Assessment, Travel Plan, Sustainable Construction Statement, Allotments and Open Space Assessment, Geo Environmental Assessment (Contaminated Land), Viability Assessment and Statement of Community Involvement.
- 1.16. The original Section 106 offer from the applicant was for an off-site financial contribution of £110,000 towards affordable housing. The Section 106 offer has been amended, resulting in 10 no. 3 bedroom affordable housing units within the development. Repairs works have also been secured to the listed Lea Hall building of £350,000 and this will be controlled through a S106 Agreement.
- 1.17. Developable area is 2.9ha and the development density would be 36 dwellings per hectare.
- 1.18. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The privately owned allotment site, measuring approximately 4.3ha in total, is roughly semi-circular in shape, and is located in a backland situation to the rear of dwelling numbers 66 to 84 on Wood Lane, Handsworth Wood. The site slopes down approximately 13m from Lea Hall to the railway line on the northern boundary.
- 2.2. Approximately 2.1ha of the allotment land is currently disused. The existing allotments have limited storage, lack of services such as standpipes for running water and no vehicular access through the site. Whilst some of the allotments appeared to be well maintained, others were overgrown with dilapidated sheds/structures. None of the trees within the allotment element of the site contain protected trees. A woodland area is located in the north eastern corner of the site.
- 2.3. Currently the site has separate ingress and egress lanes both from Wood Lane. As the site is approached from Wood Lane there is the grade II listed Lea Hall, its associated grade II listed stable block and floodlit bowling green and associated pavilion building to the south. These are not included within the red line boundary of the application site however the site forms the curtilage to the listed building. Between Wood Lane and the bowling green there is an area of unused land which contains several mature trees which are protected by a Tree Preservation Order (TPO). Further trees at the access to the site are also protected by a TPO. A third TPO is located outside the site boundary to the west of the listed Lea Hall building.

- 2.4. The surrounding area is predominantly residential with properties between 2 and 3 storeys high. There are also several large areas of public and private open space to the north and west. Perry Barr District Centre, which includes Perry Barr Railway Station and the One Stop Shopping Centre are located to the east.

2.4 [Location Plan](#)

3. [Planning History](#)

- 3.1. 01/11/2002 – 2002/04557/PA. Listed building consent for the replacement of traditional timber windows and minor repairs to Lea Hall. Approved subject to conditions.
- 3.2. 21/10/1992 - 1992/02656/PA. Erection of two lighting columns at car park. Approved subject to conditions.
- 3.3. 19/05/1988 – 11016005. Installation of sash window. Approved subject to conditions.
- 3.4. 17/12/1981 – 11016004. Erection of ground and first floor extensions to form extensions to snooker room and first floor entertainment room. Approved subject to conditions.
- 3.5. 17/12/1981 – 11016003. Erection of ground and first floor extension to the club. Approved subject to conditions.
- 3.6. 22/03/1979 - 11016002. Erection of single storey extension. Approved subject to conditions.
- 3.7. 13/06/1968 – 11016001. Toilets, Office and Store on the rear yard of Lea Hall Allotments. Approved.
- 3.8. 18/09/1952 – 11016000. Use for housing purposes. Approved.

4. [Consultation/PP Responses](#)

- 4.1. Transportation – No objections subject to conditions in relation to pedestrian and visibility splays, reinstatement of any redundant footway crossing(s) and any work relating to any street furniture and arrangement and implementation of Traffic Regulation Orders (TRO) in the vicinity of the application site and if required physical measures for conversion of Howard Rd to one-way road onto Wood Lane, prohibit waiting within the visibility splay from the proposed main access off Wood Lane and allotments institute/bowling green access and to facilitate the vehicular movements to/from these accesses.
- 4.2. Regulatory Services - No objections subject to conditions in relation to contamination remediation scheme, contaminated land verification report, noise insulation and mitigation scheme, vibration limits, vehicle charging points and construction management plan.
- 4.3. Severn Trent Water – No objection subject to condition in relation to the submission of drainage plans for the disposal of foul and surface water flows.

- 4.4. Local Lead Flood Authority – Discussions ongoing. Final comments to be reported at Planning Committee meeting.
- 4.5. Environment Agency – No objections subject to conditions in relation to ground contamination.
- 4.6. Education – Request a contribution of £756,244 for nursery, primary and secondary schools.
- 4.7. Local Services – Objection on the grounds that POS provided is too small and not located centrally enough within the development. The POS requirements for this scheme in accordance the BDP are calculated as follows; From the residential mix provided 307 people generated from the 107 residential units. $307 \div 1000 \times 20,000$ (2 hectares per thousand of population) = 6140 square metres of POS generated. It is understood the provision of the POS space provided amounts to 2781sqm. Therefore the difference between these two figures either needs to be provided in the form of an additional 3269 sq metres of POS on site or as an off-site contribution which would be calculated as follows: $3269 \times £65$ (average cost of laying out POS per sqm) = Total off site contribution required of £212,485. This would be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at Handsworth Park within the Lozells and East Handsworth Ward.
- 4.8. Natural England – No objection and advice that based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 4.9. West Midlands Police – No objection and recommend the following:
- Secure alleyways or recesses leading to rear gardens with an appropriate gate and lock. Where this is not possible, increased lighting should be installed by way of bulkhead lighting positioned on the adjacent dwellings.
 - Some boundary treatment should be increased to 2.1m.
 - Works should be undertaken to the standards laid out in the Secured by Design 'Homes 2016' guide.
 - Lighting should be designed in accordance with the 'Lighting Against Crime' guide.
 - Recommend that canopies of the trees adjacent to the play area be raised to a height of 2.7m to improve surveillance opportunities and reduce light spillage into the site.
 - Recommend that any play items installed, together with the fencing and gate, be treated with an anti-graffiti product.
 - Clear signage and rules for the play area should be displayed.
 - Clear maintenance plan for all aspects of the play area is recommended.
- 4.10. Fire Service – No objections and make the following comments: minimum carrying capacity of any vehicle to be 15 tonnes and suitable water supplies for firefighting should be provided.
- 4.11. Network Rail – No objections.
- 4.12. Site and Press Notices posted and Residents' Associations; Ward Members; the MP and local occupiers consulted. A second consultation was carried out as a result of a boundary change to the application site to include additional POS. Significant

representation was made and a total of 56 individual letters of objection were received raising the following issues:

- Lack of POS in the area and recommend the site is used for a community use.
- Little encouragement to use the allotments and lack of advertising by the allotment owners.
- Applications for allotments rejected and existing allotments poorly managed.
- 76% of active allotment land would be lost.
- New allotments are of an inadequate size.
- Allotment occupancy has been manipulated to appear that there is little of no demand.
- Loss of trees and woodland.
- Air quality would be adversely affected by the loss of trees.
- Alternative drainage strategy should be used.
- Plot holders informed the site would be used for development.
- Women plot holders excluded from Committee deliberations.
- Drainage issues likely on the playing fields opposite.
- Insufficient consultation with the principle stakeholders and the allotment holders.
- Physical and mental benefits of the allotments will be lost.
- Queries regarding access, removal of debris from site, start and completion dates, hours of operation for construction works, type of tenant dwellings intended for.
- Increased pressure on roads in particular Howard Road
- Presence of bats, lizards, foxes, pheasants, hedgehogs and deers on site.
- Soft fruit trees as well as bee hives will be lost.
- Local infrastructure such as schools and doctors surgeries are already full.
- S106 contributions should be honoured.
- Factories and vacant houses should be used before this type of land considered for development.
- A large sum of money has been paid by the developer who appears confident planning permission will be approved which indicates some level of corruption by BCC.
- Additional pollution.
- Build on brownfield sites, not allotments.
- Assessment of the open space is invalid.
- POS proposed is of an inadequate size.
- Aggrieved relationship between allotment holders and allotment management.
- Application has not adequately considered the possibility of using the site for alternative POS.
- Vacant plots within the planning statement are inaccurate.
- The quality of the soil at Victoria Jubilee Allotments is very poor therefore it is unfair to consider these plots as suitable alternative provision for allotment holders.
- The provision at Livingstone Road allotments is inadequate and insufficient. There is not enough alternative allotment space to meet the needs of allotment holders who will be displaced by the development.
- Security of the rear properties on Lea Hill should be maintained.
- The proposed allotments should be protected from further development and the land should be designated as Statutory Allotment Land.
- Traffic survey is inadequate.

- Area already too densely populated.
- Amendments to the scheme are insignificant.
- Development of a smaller size would be more suitable on this site.
- Outlook from surrounding sports area would be of houses rather than allotments.
- Playing fields would be overlooked by the houses.
- Security concerns – boundary treatment important on the railway line boundary.
- Possibility of water, sewage, electricity or other services passing through the adjoining playing fields.
- Disruption to the highway should be kept to a minimum throughout the construction process.
- Noise and vibration concerns for future residents.
- The proposed road and turning circle is required through the middle of the new allotments.
- Land contamination should be resolved.
- Views onto allotments will be lost.
- Safety concerns due to proximity of the houses to the railway line.
- Drainage and flooding issues.
- Dense development linked to illnesses.
- More cars will exacerbate air quality issues.
- Devalue properties in the vicinity.
- Allotments have been interfered with when carrying out the ecology report was carried out.
- Loss of important link to the woodland at Hilltop Manwoods with that at Perry Hall Playing Fields and Perry Park.

4.13. One letter of support has been received stating:

- The planning application aims to protect the future of Lea Hall Institute and Allotments. The scheme proposed will provide more allotments than those that currently exist providing extra funds for the social club, allotments and bowling green which are important community facilities.
- Considerable funds are required to repair Lea Hall which is a grade II listed building.

4.14. Councillors Paulette Hamilton, Mahmood Hussain, Hendrina Quinnen and Waseem Zaffar have objected on the following grounds:

- Inadequate consultation with allotment holders and the residents' consultation event was held on a single day in mid August. None of the Councillors were able to attend because of the timing of the event.
- Failure of the planning application to acknowledge that Khalid Mahmood MP wrote to the developer expressing concerns.
- Reduction of active allotment land by 76%.
- Plenty of disused allotment land on the site that could be used for housing.
- There should not be a net loss of active allotment land.
- Unfair for allotment holders to travel further for alternative allotment space.
- New allotments should be protected against development.
- New allotments should be managed independently by people who value them and this should be supported in the S106 Agreement.
- Sexual discrimination.
- Alternative drainage strategy should be sought.

- Loss of woodland and trees are unacceptable.
- Loss of woodland will impact on wildlife and will increase noise from the railway line.
- Loss of allotments.
- The woodland in the north-eastern corner of Lea Hall Allotments provides an important link between the woodland at Hilltop Man woods, Perry Hall Playing Fields and Perry Park which is popular with dog walkers and walkers alike.
- Woodland was not surveyed in the ecology report.
- Submission fails to report residents' opposition to the removal of the woodland that was expressed during the consultation process.
- Lack of consultation with allotment holders despite efforts being made to engage with the Lea Hall Allotment Society and the developer.
- Proposed allotments are of an insufficient size.
- Over-intensive development.
- Inequality issues within Lea Hall Allotment Society.

4.15. A petition was received from allotment holders containing 53 signatures and raising the following issues:

- The woodland in the north east corner should be preserved as it provides valuable screening of the railway line for residents of Lea Hill Road.
- The woodland is also an important habitat for birds and wildlife
- The allotments could be a valuable asset for the local community
- It is not acceptable to lose 76% of the allotment land that is currently being used.
- The proposed development is too large and more space should be allocated to allotments and advertised to local people.
- The new allotment land should be classed as 'Statutory Allotment Land by BCC to prevent it being built on in the future.
- There should be no road through the middle of the new allotments, pathways are sufficient.

4.16. A further online petition containing 116 signature has been submitted raising the following issues:

- Over saturation of flats and houses in the area which has led to an increase in crime in the area, cars being broken into.
- Dumping is an issue.
- Lack of well-maintained properties in the area.
- Increased anti-social behaviour
- Inadequate provision of school and surgeries to accommodate the proposed number of dwellings.

4.17. Birmingham and the Black Country Wildlife Trust – Raise significant concerns about the proposal and consider the proposal does not meet Policy TP7 Green Infrastructure or TP8 Biodiversity and Geodiversity. This is because:

- The development will result in loss and disturbance of semi-natural habitats including a Priority Habitat identified in the Birmingham and the Black Country (B&BC) Biodiversity Action Plan (BAP).

- This site may function as a habitat stepping stone and as a buffer and extension of the adjacent designated wildlife corridors and this function is likely to be harmed by the proposal.
- 4.18. Handsworth Wood Residents Association endorse fully the objections made by local residents.
- 4.19. Birmingham Tree People – Object for the following reasons:
- Mature trees can never be adequately replaced when they are felled.
 - BCC has signed up to be a Biophilic City Network and has a target of 40% tree canopy coverage in the city and the current rate is only 16%.
 - Natural Capital assets would be lost if this application is approved when the Council is trying to move to a net natural capital gain for the city in line with the Council's Nature Conservation Policy.
- 4.20. Allotments of Edgbaston Reservoir – No comments as the site is privately owned and therefore is not within the remit of the City Council's Allotments Services however queries what provision will be made for displaced allotment tenants.
- 4.21. Perry Barr District (interim) Neighbourhoods and Communities Division - Object on the following grounds:
- The woodland at the north eastern corner of the proposed site should be protected for the reasons stated above with the main development being elsewhere on the site with an alternative and suitable drainage system.
 - Wholly inadequate consultation has been carried out with residents, the current Allotment Plot Holders, elected members and other interested local stakeholders.
 - The land and rights of existing Allotment Plot Holders need to be considered and protected.
 - There are equalities issues within Lea Hall Allotment Society that Birmingham City Council cannot be seen to be accepting of.
- 4.22. Birchfield Neighbourhood Forum submitted 26 letters from local residents objecting for the following reasons:
- Inadequate vehicular access;
 - Suspect that the stable block will be demolished;
 - Suggest more suitable access for vehicles at the bottom of Lea Hall Road which could incorporate the drainage run off shown on the plan whilst preserving existing trees;
 - The Plans show a Public Area which could incorporate the existing valuable plots that are home to a small animal and bird sanctuary which has been maintained by a long established plot holding family who we understand are share holders but have not been properly consulted over their activity. The Forum believes this would be a valuable resource for local residents and schools to learn about animal husbandry and ecology.
 - It is understood that there are protected species of plants and animals on these plots. Our Forum area has very little "public access" land left, due to housing developments over the years and we lack space for a Communal Building, as the last one was reclaimed by the City for 2 houses

4.23. Birmingham Civic Society/Birmingham Trees for Life – Object to the proposal for the following reasons:

- Loss of woodland and trees;
- Loss of biodiversity and green space and impact on air quality;
- Recommend an emergency TPO is applied, especially to the mature trees to prevent felling by the developers.

4.24. The Ramblers - City of Birmingham Group raise the following concerns:

- Loss of mature woodland due to the proposed location of the attenuation basin;
- Loss of an important link through for birds/bats/foxes and other mammals;
- Trees should be retained as they help with the percolation of rainwater into the soil;
- Recommend an underground drainage tank is incorporated into the proposal.

5. Policy Context

5.1. Birmingham Development Plan (BDP); Saved Policies of the Birmingham Unitary Development Plan; NPPF; NPPG; Places for Living SPG; Affordable Housing SPG; Public Open Space in New Residential Development SPD; Car Parking Guidelines SPD; Nature Conservation Strategy for Birmingham SPG; Mature Suburbs SPD.

6. Planning Considerations

POLICY

6.1. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

6.2. The NPPF, at Paragraphs 47-50, seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

6.3. Policy TP27 of the BDP explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; 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 and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.

6.4. With respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be

sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.

- 6.5. Paragraphs 3.14D-E of the Saved Policies of the UDP explain that new housing development should be designed in accordance with good urban design principles. Policies PG3 and TP27 of the BDP also confirm the importance of place making and creation of sustainable neighbourhoods. Policy TP30 details density requirements and states that in areas well served by public transport developments should achieve at least 50 dwellings per hectare and elsewhere a minimum of 40 dwellings per hectare. The Council's Places for Living SPG encourages good quality residential accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.
- 6.6. Policy TP9 of the BDP refers to Open Space, playing fields and allotments and states that allotment land should only be released for development where it can be demonstrated that the site is not required to satisfy the demand for allotments in the area, or equivalent alternative provision will be made available.
- 6.7. The Council's Public Open Space in New Residential Development SPD states that on sites of over 20 dwellings or more, provision of new public open space will normally be required within the curtilage of the development site. It goes on to state that play areas will normally be expected to be provided within 400m of all dwellings.
- 6.8. Policy TP31 of the BDP, and the Council's Affordable Housing SPG, require 35% of the total residential accommodation to be affordable. Paragraph 50 of the NPPF explains that where LPAs have identified that affordable housing is needed, they should set policies of meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified...such policies should be sufficiently flexible to take account of changing market conditions over time. Policy TP31 goes further to state "where the applicant considers that a development proposal cannot provide affordable housing in accordance with the policy requirement...the viability of the proposal will be assessed."
- 6.9. Policy TP6 of the BDP requires that as part of their Flood Risk Assessment (FRA) and Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.
- 6.10. Paragraph 109 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net gains in biodiversity where possible and contribute to the Government's commitment to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures). Policy TP8 of the BDP similarly identifies that all development should, where relevant, contribute to enhancing Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.
- 6.11. Policy TP12 of the Birmingham Development Plan states that great weight will be given to the conservation of the City's heritage assets and that such features, will be valued, protected, enhanced and managed for their contribution to the character, local distinctiveness and sustainability of the City.

6.12. I consider the key planning issues to be assessed under this application are the impact of the proposed development on:

- Principle/loss of allotments
- Design and layout;
- Impact on surrounding amenity;
- Impact on heritage asset;
- Loss of trees/woodland;
- Ecology;
- Highways and parking;
- Drainage;
- Noise, vibration, air quality and ground conditions;
- Planning obligations.

PRINCIPLE

6.13. As stated above Policy TP9 'Open Space, playing fields and allotments' firstly requires that allotment land only be released for development where it can be demonstrated that the site is not required to satisfy the demand for allotments in the area, or equivalent alternative provision will be made available. The existing site includes 4.23 ha of allotment land of which 2.1 ha is currently in active use. Recent membership figures indicate that there are 32 allotment holders and figures provided indicate that membership has been stable in recent years. The overall number of plots currently used is circa 50. As such it can be demonstrated that none of the current members would be displaced, although it should be noted that some of the existing plots are much larger than the proposed replacement provision. This explains the replacement provision being approximately a quarter of the current provision while increasing the total number of plots. It should be noted that the large current plot sizes are claimed to be difficult to manage. The applicant has also committed to not commencing any building works until after the replacement allotments have been provided which should help avoid existing allotment holders from being displaced. As such I am satisfied that the replacement provision will meet the needs of the allotment holders.

6.14. With regards for the demand for allotments within the area the applicant has provided an analysis of allotment availability and vacancy / waiting lists for allotment sites within 2km of the application site. This demonstrates that there are 124 plots currently vacant within 2km. There are two allotment sites within this radius that have waiting lists however the evidence provided by the applicant concludes that the nature of these sites along with vacancies at other nearby allotments demonstrates that this demand is very localised. I agree with this conclusion and note that not only are there vacancies near to these two sites with waiting lists, but also that these sites with vacancies are closer to the sites with waiting lists than the application site. As such I am satisfied that the application site is not required to meet local demand, subject to the provision of the proposed 60 plots for the current allotment holders who currently use the application site.

6.15. Policy TP9 also requires the consideration of whether or not surplus allotment sites can be used for other open space requirements where there are deficiencies. To address this requirement as well as the requirement for 2ha of open space per 1,000 population and 1.2ha of playing fields per 1,000 population the applicant has undertaken an assessment of open space within 2km of the application site. The applicant concludes that there is 176ha of publically accessible open space within 2km of the site and a further 40ha of private open space, of which the majority of

open space is publicly accessible through membership or hire arrangements. The applicants have provided additional information to confirm that provision of open space would be 2.6ha per 1000 residents which is in accordance with the requirements of TP9 in terms of there being over 2ha per 1,000 residents for the area 2km from the application site which is considered to be acceptable.

- 6.16. Moving onto the provision of public open space for the new development. The applicant has demonstrated that there is currently a lack of an area of open space of more than 0.2ha and children's play facilities within 400m of the proposed properties. To address this, the applicant proposes to provide two separate areas of open space totalling 5547sqm, one of which would contain a children's play area which would be 886sqm. The Public Open Space in New Residential Development SPD confirms that children's play facilities when required should be provided as part of the overall provision of POS. As such, I am satisfied that the requirement for new public open space in policy TP9 is also met. It should be noted that the SPD requires schemes of over 50 units to provide play equipment for children up to aged 12 and this has been complied with.
- 6.17. Leisure Services have objected to the scheme as they consider the POS provided is not located centrally enough within the development nor is it of a sufficient size. The area of open space at the entrance to the site to the south of the bowling green was not included in their assessment as they considered this would be difficult to access. I have included the two main areas of POS as consider these will be accessible and useable. The two areas combined (5547sqm) fall short of the requirement (6140sqm) by 593sqm. Given the public space presence in the locality I do not consider this represents a reason for refusal.
- 6.18. Given the above I am satisfied that the principle of the redevelopment of the site is acceptable and note that it will support the requirement in policy PG1 'Planning for Growth' of the BDP to provide 51,100 additional homes over the plan period. I also note that the site is located near to Perry Barr district centre and so is accessible to jobs, shops and services by modes of transport other than car and that surrounding uses are primarily residential in nature. As such I am satisfied that the site meets the locational requirements of policy TP28 'The location of new housing'.
- 6.19. Planning Strategy initially requested further details as the open space assessment failed to relate the open space available to the local population therefore further works were carried out by the applicant which satisfied Planning Strategy who raise no objection to the proposal. Further queries were raised regarding the off-site affordable housing contribution and justification was sought as to why this couldn't be provided on site. This has since been amended and on site affordable housing forms part of the proposal.

DESIGN AND LAYOUT

- 6.20. Policy TP27 of the BDP requires that new housing provides a wide choice of housing sizes, types and tenures. This proposal would see the site developed for 107 dwellings on a 4.41 hectare site (developable area 2.9ha). This would provide a density of 36 dwellings per hectare. Given the site's location within walking distance of Perry Barr District Centre and accessible by public transport; I consider the density proposed to be acceptable and in general accordance with policy and representative of its surrounding residential context.
- 6.21. The mix of dwelling types and sizes proposed would meet the aim of the BDP for a variety of housing. The housing mix for the development comprises:

- 14 no. 2 bedroom units (13%)
- 87 no. 3 bedroom units (81%)
- 6 no. 4 bedroom units (6%)

- 6.22. The houses would be traditional in design and presented with a variety of gable ended and hipped roofs with varying plot widths. The layout comprises predominantly detached and semi-detached houses however there are 2 terraced blocks containing 3 units in each. The houses would be a mix of two and two and half storeys in height. A number of different house types are proposed which incorporate different design features including bay windows, brick soldier courses, brick plinths, brick window headers and cills, decorative lintels above windows and canopies above front doors. The proposed elevations and palette of materials would add both interest and articulation to the elevations, responds to the local context and provides a variety of house types within the streetscene which is encouraged and considered as being acceptable.
- 6.23. The layout is defined by perimeter blocks on the periphery of the development with private back gardens backing onto the railway line and onto private gardens of dwellings on Wood Lane. The central block of housing as well as the housing in the north eastern area would create a successful back to back relationship providing a coherent sense of place. The development clearly defines public and private space.
- 6.24. My City Design Officer reviewed the scheme and suggested a number of changes to the layout and whilst some of the changes were integrated into the scheme, some of the alterations to the layout would have resulted in a significant loss of units and therefore was deemed unviable. This was supported by our independent financial advisors. On balance, I consider the changes that have been incorporated have improved the scheme and I do not consider the layout, density or design of the house types would constitute a reason for refusal and the overall layout and place making is therefore acceptable.
- 6.25. Separation distances have been met in all cases and rear amenity areas generally comply with the guidelines in Places for Living. 5 gardens fall slightly short of the 52/70sqm guideline however because they are only slightly below the guideline I consider this is acceptable within the context of the whole scheme.
- 6.26. All of the units would meet or exceed the national space standards for bedrooms and overall dwelling sizes, which although not yet adopted by the Council, do provide a useful benchmark to judge the adequacy of accommodation size.

IMPACT ON EXISTING AMENITY

- 6.27. The closest existing residential properties are those on Wood Lane and Lea Hall Road where both roads have private gardens which back onto the site. Rear gardens of the new houses would back onto the existing rear gardens of the properties on Wood Lane. The reallocated allotment space would adjoin the rear gardens of houses on Lea Hill Road. The curved northern boundary is formed by the railway line and area of open space beyond. There is no breach of the 45 degree code nor would any overlooking of private amenity space occur between the existing and the proposed.
- 6.28. I am satisfied that the proposed development demonstrates that it would have an acceptable relationship to existing properties immediately abutting the site.

IMPACT ON HERITAGE ASSET

- 6.29. Whilst Lea Hall is located outside the site boundary the development would occupy the former curtilage of the listed building and therefore is an important consideration. Lea Hall is a 1790s Georgian mansion in what would then have been a rural landscape north of the city. It comprises a grade II listed building with a separate and slightly later (1800) stable and coach house range (independently listed grade II). Throughout the 19th and 20th centuries the building's circumstances have changed (both environmentally and socio-economically). The introduction of the railway to the city has encircled the northern side of the building during the mid-19th century and from the late-19th and early-20th century the expansion of the residential suburb has resulted in the encroachment of housing to the east, south and west. The house itself fell from residential use to leisure use and is now a combined club house for allotments that occupy the northern side of the curtilage and bowling green that occupies the southern lawn. The condition of the building has declined in line with its fortunes with its masonry and joinery visibly declining. This is particularly evident with the coach house and stable range which can now be considered to be ruinous.
- 6.30. The application submitted proposes to subdivide the plot, leaving the listed house and stable block in their present use and condition in association with the retained bowling green and reduced allotments (to the eastern side) whilst releasing the northern and western portion of the site for housing. The existing access (to the front left-hand side of the street frontage) would be altered resulting in the loss of TPO trees and would be shared with the club.
- 6.31. When the application was submitted minimal repair works were proposed to the listed building. The Conservation Officer concluded that harm would be caused to the setting of the listed building by the subdivision of the listed curtilage and the erection of houses in close proximity to the hall, in the order of 'less than substantial harm' (in terms of NPPF Paragraph 134). Concerns were also raised that the development would not deliver benefits to the listed building in terms of necessary conservation work to the building fabric.
- 6.32. Following protracted discussions with the applicant, a solution has been arrived where a sum of money of £350,000 will be ring fenced from the land sale for repair works to the listed building. This money would be held by the Council and released to an accredited practitioner from the Institute of Historic Building Conservation (IHBC) to undertake repair works to the building against a schedule of works now being drawn up, by a similar accredited practitioner. Once the schedule of works is completed it will be reviewed by the Conservation Officer and when acceptable, will form an appendix to the S106 agreement, to which the owners of the club will be a signatory. On this basis, the Conservation Officer raises no objections.
- 6.33. My Conservation Officer requested that new gates and piers were installed to mark the entrance to the listed building and that these are implemented in advance of commencement and their completion in advance of the occupation of the first house.
- 6.34. Whilst much of the curtilage to the listed building will be built on, an area of POS is strategically located to act as a buffer between the new houses and the listed building which is welcomed and would reduce the impact on the setting of the listed building. Given that the development would result in the implementation of significant and essential repair works to the listed building and this will be safeguarded by a legal agreement, I consider the benefits to the listed building

would outweigh the harm caused to the curtilage/setting of the listed building and therefore, on balance, consider the heritage impacts are acceptable.

- 6.35. It is noted that Lea Hall is outside the site boundary therefore a Listed Building Consent application does not accompany this application.
- 6.36. It is also noted that the social club is currently in a poor financial situation and without the sale of the land, it is highly likely it will fold resulting in the loss of the social club, bowling green and allotments, all of which provide a community benefit.

LOSS OF TREES/WOODLAND

- 6.37. It is noted that a number of objections have been received in relation to the loss of woodland and trees throughout the site.
- 6.38. Three TPOs apply to the site and all are listed in the Arboricultural Implications Assessment (AIA). Two of the TPOs are located within the application site, one at the entrance and the other in the area between the bowling green and Wood Lane. The third is located immediately to the west of Lea Hall.
- 6.39. To facilitate the altered access to the site, it has been claimed that it is necessary to remove 17 individuals and one group of protected trees, five further trees, seven other groups and one area of woodland.
- 6.40. The woodland on the north eastern corner is mainly young mature self set growth with a few bigger trees interspersed. They are very close grown which results in tall leggy trees and a lot of natural losses over the years from competition for light and nutrients. The benefits of such woodlands are visual from a distance (they can be difficult to walk through), and ecosystem services such as carbon sink, water retention and the water cycle. Retention of the woodland would reduce the developable area considerably; the maintenance of the trees would be more important but would be complicated due to access and responsibility. The area of POS goes some way towards mitigating for the loss of trees along with street and garden planting. Protection of the trees that are retained is vital to ensure their survival.
- 6.41. 120 new trees are proposed at various different parts of the site which would predominantly have a girth of 35-40cm and an overall height of a minimum of 4.5m. Some smaller trees would also be planted which would have a 20-25cm girth and height of 4m. 20 different trees species would be planted with front gardens consisting of ornamental trees, rear gardens and POS consisting of native trees to encourage wildlife and fruit trees around the allotment edges to minimise shade onto the allotment space. Additional planting is also proposed in the wildlife area associated with the SUDs attenuation pond on the north eastern end of the site close to the allotments.
- 6.42. The AIA recommends a full method statement is supplied and arboricultural supervision during tree sensitive operations such as clearing back existing hard surface and installation of new. My tree officer raises no objections subject to conditions in relation to tree pruning, arboricultural method statement, pre commencement tree site meeting, no dig specification and tree pruning. These conditions are attached and it is noted that detailed landscaping plans have been provided with the submission which are considered acceptable. Whilst there is regrettably a loss of trees and woodland, due to the number of replacement trees,

the variety of species and maturity of the trees proposed, I consider that on balance the loss has been adequately mitigated.

ECOLOGY

- 6.43. An extended Phase 1 Habitat Survey (including Bat Survey) has been undertaken and confirms that the site mainly comprises allotments, areas of woodland and trees, disturbed ground, scrub, amenity and ornamental planting, buildings such as sheds and hardstandings as well as areas of Japanese Knotweed and Himalayan Balsam (both invasive species). Only the woodland/trees are considered to have any moderate habitat value.
- 6.44. The habitat study concludes that the existing habitats on the site are of low or negligible suitability for a variety of faunal species including bats, badgers, amphibians, reptiles and birds. The City's Ecologist has requested that the landscape plans include the area of POS at the frontage of the site and this has been carried out. An issue has also been raised with regard to the management of the areas of POS to ensure the long term ecological benefits of these parcels of land. This will be carried out by a private management company and will be safeguarding through the legal agreement. Bat and bird boxes will be located within trees. An information leaflet will be produced to include the maintenance of front and rear trees for future residents. On this basis the City's Ecologist raises no objections to the proposal and I concur with this view. A condition is attached in relation to bird/bat boxes.

NOISE, VIBRATION, AIR QUALITY & GROUND CONDITIONS

- 6.45. The applicant has undertaken a noise and vibration assessment and the results showed the key contributors to the existing noise and vibration levels were noise and vibration from passing trains on the railway line, general road traffic noise on Wood Lane and Wellington Road and demolition works on nearby sites.
- 6.46. After concerns were raised, the revised noise and vibration assessment reflects layout changes and confirms the design of the acoustic treatment to the boundary with the railway. The report confirms that acceptable internal conditions can be achieved by a combination of acoustic glazing and ventilation and Table B1 in Appendix B of the WYG report details the criteria for each plot. This will be subject to a condition requiring full design specifications in due course and also proposals to ensure that the 1.8m high acoustic fence on the boundary with the railway is maintained.
- 6.47. With regards to vibration, Regulatory Services have requested that the construction of the properties adjacent to the railway line take account of the need to minimise transmission of structure-borne and airborne vibration and this will be safeguarded by condition.
- 6.48. With regards to air quality, a condition requiring compliance with the air quality mitigation work during construction and the provision of electric vehicle charging points for each dwelling has been requested by Regulatory Services. Whilst this reflects the aspirations of the BDP due to the provision of off street car parking and the ability of each home owner to alter their property to achieve vehicle charging points, I do not consider this condition is necessary.
- 6.49. With regards to ground contamination Regulatory Services raise no objections and the necessary safeguarding conditions are attached.

DRAINAGE/FLOOD RISK

- 6.50. The application site is located within Flood Zone 1 and is considered to be at low risk of river or sea flooding and there have been no historic flood events recorded on the site. An surface level attenuation tank is proposed to deal with SUDs issues.
- 6.51. Discussions are ongoing with the Local Lead Flood Authority (LLFA) who are considering additional information the applicant submitted. A verbal update will address this matter at the Planning Committee meeting.
- 6.52. Severn Trent raise no objection subject to a condition requiring the prior approval of drainage details.

PARKING AND TRANSPORT

- 6.53. Several objections have been raised with respect to increased pressure on local roads. 200% parking provision has been proposed as part of the scheme. Transportation Development have reviewed the proposed development, the submitted transport assessment and the likely trip generation rates. They consider that while some increase in traffic at this location will result, it is not considered this will be of a level significant enough to warrant concern.
- 6.54. Transportation Development raise no objections to the proposal subject to conditions in relation to pedestrian and visibility splays, reinstatement of any redundant footway crossing(s) and any work relating to any street furniture and arrangement and implementation of Traffic Regulation Orders (TRO) in the vicinity of the application site and, if required, physical measures for conversion of Howard Rd to one-way road onto Wood Lane, prohibit waiting within the visibility splay from the proposed main access off Wood Lane and allotments institute/bowling green access and to facilitate the vehicular movements to/from these accesses.
- 6.55. Whilst the development will undisputedly increase the traffic on the surrounding roads, I am satisfied that with the implementation of the appropriate conditions that this can be controlled. I am satisfied that the layout adequately demonstrates that an appropriate level of parking is provided.

Section 106 & Community Infrastructure Levy (CIL)

- 6.56. With regards to Section 106 contributions a viability assessment was undertaken by the applicant to demonstrate that the scheme would not be viable with the 35% affordable housing requirement for schemes of more than 15 dwellings set by policy TP31 'Affordable Housing'. An off-site contribution of £110,000 was initially proposed however the policy includes a strong presumption in favour of affordable homes being fully integrated within the proposed development. The Section 106 offer has been amended, resulting in 10 no. 3 bedroom affordable housing units within the development. Repairs works have also been secured to the listed Lea Hall building to £350,000 and this will be controlled through a S106 Agreement. The city's independent assessor considered this reasonable in this context of the scale and nature of the development and concluded that the scheme would not be viable if any further contribution was made.

- 6.57. The site is located in a low market value area and therefore CIL does not apply to the proposed development. The education contribution request cannot be obtained through a S106 Agreement and is covered by CIL.

Response to objections

- 6.58. The concerns that local residents and groups have raised have been acknowledged and considered as part of this assessment. I can confirm that appropriate consultation was carried out on the planning application. Some plot holders who do not live in close proximity to the site may not have received a letter however a site notice was posted on both sides of Wood Lane and below the notice board at the allotment entrance. The level of consultation undertaken exceeds the minimum requirement set out in planning legislation. Devaluation of houses in the vicinity and the alleged aggrieved relationship between the Social Club managers and local people are not material planning considerations.
- 6.59. Other factors raised have been dealt with in the report.

7. Conclusion

- 7.1. The proposal would provide sustainable residential development suitable for families close to public transport links and local facilities. 10 affordable housing units are proposed on site. The loss of allotment land and open space has been justified and 60 allotment plots are proposed as part of the scheme. POS including a play area are also proposed as part of the development. The loss of trees and woodland would be mitigated by the proposed landscaping scheme and opportunities to mitigate against any ecological implications have been integrated into the scheme where possible.
- 7.2. The development would secure much needed repair works to a listed building to a value of £350,000 which is currently in need of restoration and is about to go into administration which would result in the loss of a social club, bowling green and the existing allotments which are all important community uses. Without planning permission being granted there is a threat that these facilities would simply become redundant. As such, the proposal is supported and recommended for approval subject to conditions.

8. Recommendation

- 8.1. I. That consideration of Application No. 2017/08883/PA be deferred pending the completion of a suitable Section 106 Legal Agreement to require:
- a) The provision of 10 no., 3 bedroom affordable housing units on the site subject to this application.
 - b) A financial contribution of £350,000 to facilitate works on the grade II listed Lea Hall and Coach House to enable the implementation of an agreed schedule of works.
 - c) The provision of on site POS of 5547sqm including 887sqm of play provision.
 - d) The re-provision of allotments of 5040sqm (60 plots).
 - e) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 5th September 2018 planning permission be REFUSED for the following reason:

- a) In the absence of the provision of 10 affordable housing units comprising 10 no. 3 bedroom units, of on-site public open space and play provision, of the re provision of allotments and a financial contribution of £350,000 to facilitate works on the grade II listed Lea Hall and Coach House to enable the implementation of an agreed schedule of works, the proposal conflicts with TP31, TP9 and TP12 of the Birmingham Development Plan 2017.

III. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 legal Agreement.

IV. That in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 5th September 2018, favourable consideration would be given to application 2017/08883/PA subject to the conditions listed below.

1	Arboricultural Method Statement - Submission Required
2	No commencement until pre-commencement meeting held
3	Requires the implementation of tree protection
4	No-Dig Specification required
5	Requires tree pruning protection
6	Development carried out in accordance with agreed remediation strategy
7	Requires the prior submission of a contamination remediation scheme
8	Requires the prior submission of a contaminated land verification report
9	Requires the submission and implementation of a noise insulation and mitigation scheme
10	Requires vibration measures to be implemented
11	Requires the implementation of the Construction Management Plan.
12	Requires the prior submission and completion of works for the S278/TRO Agreement
13	Require the assessment of Traffic Regulation Order (TRO)
14	Requires pedestrian visibility splays to be provided at main vehicular accesses and other other vehicular acceeses providing access to more than one dwelling.
15	Requires pedestrian visibility splays to be provided on individual houses
16	Requires vehicular visibility splays to be provided

17	Requires the prior submission of a method statement for the removal of invasive weeds
18	Requires the prior submission of details of bird/bat boxes
19	Requires the prior submission of sample materials
20	Requires the prior submission of boundary treatment details
21	Requires the prior submission of level details
22	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
23	Drainage plans for the disposal of foul and surface water (Severn Trent)
24	Removes PD rights for new windows
25	Requires the prior submission of a lighting scheme
26	Requires addendum to method statement in the event of unsuspected ground contamination (EA)
27	Requires gates to Lea Hall to be implemented prior to first occupation
28	Requires the landscaping scheme to be implemented
29	Requires the scheme to be in accordance with the listed approved plans
30	Implement within 3 years (Full)

Case Officer: Joanne McCallion

Photo(s)



Figure 1 Entrance to the site from Wood Lane



Figure 2 Entrance

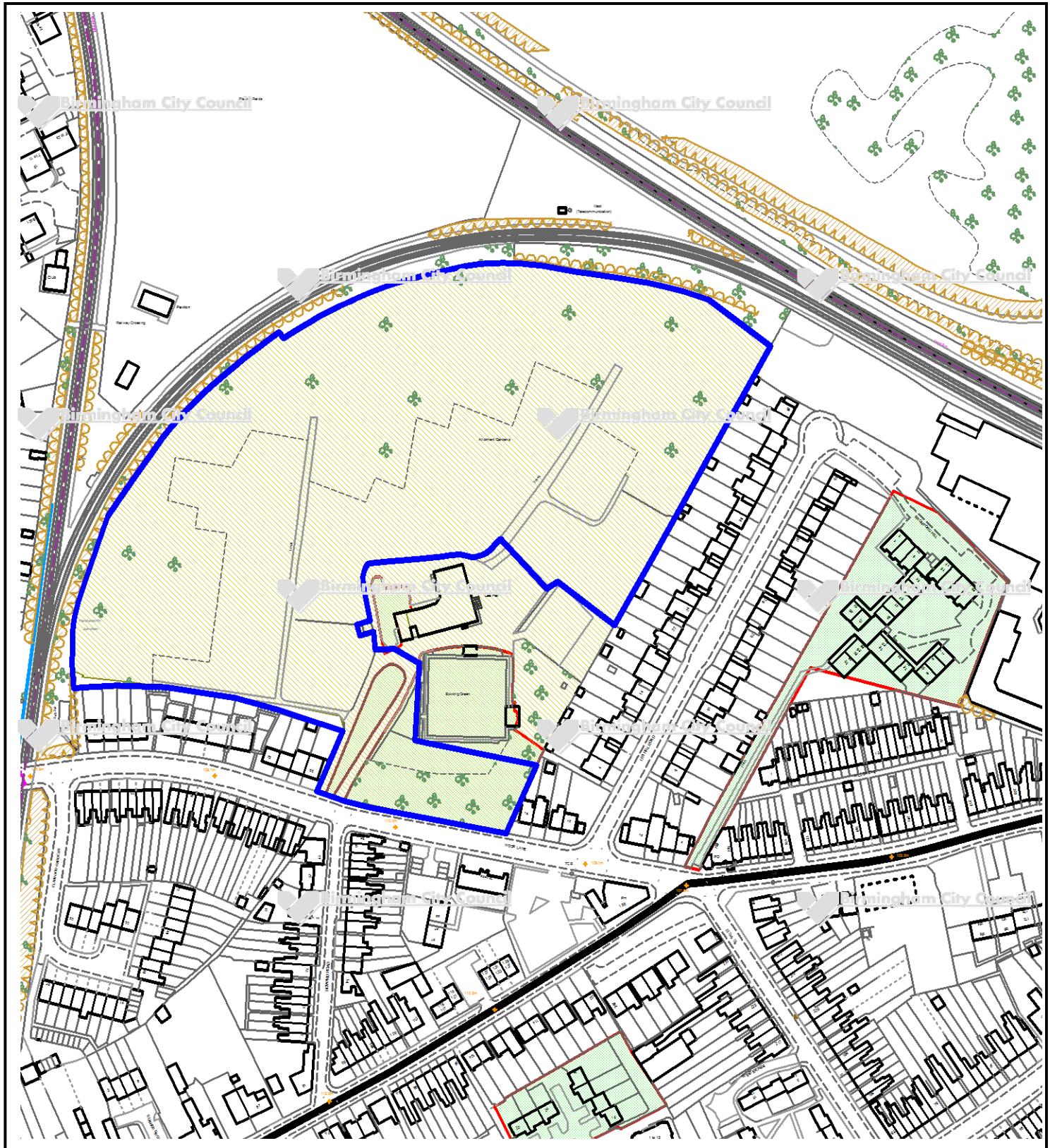


Figure 3 – Lea Hall



Figure 4 North view of the allotments towards the railway line

Location Plan



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Committee Date:	05/07/2018	Application Number:	2017/10597/PA
Accepted:	15/02/2018	Application Type:	Full Planning
Target Date:	12/07/2018		
Ward:	Erdington		

32 Holly Lane, Erdington, Birmingham, B24 9JS

Conversion and extension of existing dwelling to 7no. C3 Use Class retirement apartments, and the erection of detached three-storey building to create 5 no. C3 Use Class retirement apartments with associated works

Applicant:	Mr & Mrs Malcolm McDermott 32 Holly Lane, Erdington, Birmingham, B24 9JS
Agent:	Plot Design Solutions 93 Kempson Avenue, Sutton Coldfield, Birmingham, B72 1HF

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application proposal seeks consent for the conversion of an existing large single dwellinghouse to 7no. self-contained retirement flats, the erection of a three storey detached building which would accommodate 5no. self-contained retirement flats, and associated works to facilitate the development. An existing detached garage would be required to be demolished to facilitate the development.
- 1.2. The existing single dwellinghouse, with front and rear dormers, would be subject to a large two storey extension proposed to be located to the rear of the building. The extension would be constructed of matching materials to the existing building, comprising facing brickwork, render and plain clay tiles. To the rear, replica sash windows and French doors with projecting balconies are proposed. External alterations are proposed to the existing rear elevation to install French doors at ground and first floor and a projecting balcony at first floor. Each flat would be provided with either a balcony or private patio area. A lift is proposed to be installed within the existing building to provide access to the flats at the upper floors alongside the staircase.
- 1.3. The proposed conversion would comprise 3no. two bedroom flats and 4no. one bedroom flats. The two bedroom flats would measure between 66sqm floorspace and 100sqm floorspace (excluding low head height areas in the roof space). The bedrooms would measure between 8.32sqm and 20sqm and the flats would comprise of a kitchen, lounge and either off-suite bathrooms or a family bathroom, depending on the proposed internal layout of the flat.
- 1.4. The one bedroom flats would measure between 45sqm floorspace and 50sqm floorspace. The bedrooms would measure approximately 20sqm including en-suite bathroom facilities. The flats would also comprise an open plan kitchen and lounge.

- 1.5. The proposed new building would comprise a two and a half storey detached building designed in the Edwardian style, with a projecting front gable featuring bay windows at ground and first floor with replica casement windows proposed to the front, rear and side elevations. To the rear of the building, French doors are proposed at ground and first floor level with a balcony proposed at first floor. Access to a private patio would be provided to the ground floor flat. The building would be constructed of traditional brick and render detailing with matching bricks and matching roof pitch plain tiles. A lift is proposed to be installed to provide access to the flats at the upper floors alongside a staircase.
- 1.6. The proposed new building would comprise 5no. one bedroom flats. The proposed flats would measure between approximately 38sqm and 55sqm (including low head height areas in the roof space). The bedrooms would measure between 9sqm and 17sqm (including low head height areas in the roof space). The flats would comprise of a kitchen, lounge, bedroom and bathroom.
- 1.7. The proposals would be supported by the provision of 16no. car parking spaces, with 10no. at the front, including 2no. disabled parking spaces, and 6no. car parking spaces located to the rear of the buildings, on the eastern side of the site. The rear car parking spaces would be accessed via a 3.6m wide access drive. The existing vehicular accesses to the site from Holly Lane would be retained.
- 1.8. The proposed external amenity spaces would comprise a mix of private patios and balconies alongside communal residents' patio, a garden lawn, a summer house, and storage shed. Approximately 250sqm of external amenity space is proposed. Existing boundary treatments in the form of hedge and fence would be retained, alongside existing trees within the site and located on the boundary.
- 1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a large, extended double fronted early 20th century detached seven bedroom dwellinghouse. The building is constructed of facing brickwork, detailed brickwork, render and plain clay tiles with existing sash windows throughout and two large bay windows at the ground floor on the front elevation. Existing dormer windows are located to the front and rear at roof level. The dwellinghouse benefits from a large driveway with dual access from Holly Lane. The front boundary treatment comprises a wall and hedgerow. The rear garden comprises a mix of patios and landscaped garden. There are a number of established trees in the rear garden largely located on the boundary with a few ornamental trees within the main garden area. Adjacent to the dwellinghouse is an existing detached garage.
- 2.2. The site is located within a well-established street of Edwardian and inter-war detached and semi-detached housing. Adjacent to the application site is Erdington United Reformed Church and hall.
- 2.3. [Site Location](#)

3. Planning History

- 3.1. 10.06.2016 - 2016/03281/PA - Erection of single storey rear extension – Approved subject to conditions.
- 3.2. 14.11.2002 - 2002/05270/PA - Erection of single storey side extension, single storey rear conservatory and installation of side and rear dormer windows – Approved subject to conditions.
- 3.3. 04.08.1992 - 1992/02554/PA - Erection of garage and 2 metre high wall and erection of canopy entrance to front elevation – Approved subject to conditions.
- 3.4. 09.05.1991 - 1991/01090/PA – Erection of detached dwellinghouse – Approved subject to conditions.
- 3.5. 19.09.1990 - 1990/02941/PA – Change of use to day nursery – Withdrawn by agent due to local opposition.
- 3.6. 25.02.1975 – 40692000 – Erection of detached bungalow – approved.

4. Consultation/PP Responses

- 4.1. Transportation Development - no objection subject to conditions relating to measures to prevent mud on highway; parking management strategy; parking areas laid out prior to use; cycle storage details; and refuse storage.
- 4.2. Regulatory Services – recommend a condition to secure a noise insulation scheme for external glazing.
- 4.3. Local Lead Flood Authority – object due to insufficient information supplied to demonstrate the likely drainage impact of the proposals.
- 4.4. Severn Trent – no objection subject to condition to secure until drainage plans for the disposal of foul and surface water flows.
- 4.5. West Midlands Fire Service – no objection however recommends that water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting”.
- 4.6. University Hospital Birmingham NHS Foundation Trust – A contribution of £7,280 to be used for the provision of additional services and capacity to meet patient demand. The representation states that the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It adds that contracts (and therefore budgets) are set based upon the previous year’s activity and due to delays in updating tariffs and costs the following year’s contract does not meet the full cost impact of the previous year’s increased activity. Considers that without such a contribution the development is not sustainable and should be refused.
- 4.7. Site notice posted. Press notice advertised. MP, Ward Members and members notified. 15 letters of objection were received, raising the following concerns:
 - Intrusive levels of noise generated as a result of the proposals;
 - Undesirable residents accommodated;
 - Out of character for the area;
 - Construction impact on surrounding properties;

- Additional demands on street parking;
 - Overlooking into adjacent residential properties;
 - Loss of trees and hedgerow would have an adverse impact on the streetscene;
 - Flats not required;
 - Loss of light; and
 - Impact on access to local services and facilities (schools).
- 4.8. A petition objecting to the application proposals on the grounds that the development would be over intensive; out of character; intrusive and would lead to the loss of a large family dwellinghouse was received, signed by 34 individuals. A second petition objection to the application proposals on the same grounds was submitted and signed by a further 54 individuals.
- 4.9. A further 5 letters were received in support of the application, raising the following points:
- The proposal is preferable to the day nursery that was previously resisted on site;
 - House is too large to be maintained in its current condition and the conversion to flats would ensure its attractive appearance is retained.
- 4.10. It is understood that the applicant undertook a public consultation event during the course of the planning application. It is understood that 13 expressions of support were made however this does not form part of the Council's public consultation.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005); Places for Living SPG (2001); Mature Suburbs SPD (2008); Car Parking Guidelines SPD (2012); MHCLG Technical Housing Guidance – Nationally Described Spatial Standard
- 5.2. Garage site covered by Tree Preservation Order 191.

6. Planning Considerations

- 6.1. **Principle of Development** – The application proposals seek to convert and extend an existing large single dwellinghouse to 7no. self-contained retirement flats and the erection of a new building to accommodate 5no. self-contained retirement flats.
- 6.2. Paragraph 50 of the National Planning Policy Framework sets out that it seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. In this context, Planning Authorities are advised that they should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community “such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes.”
- 6.3. Policy TP30 of the Birmingham Development Plan relates to the type, size and density of new housing and states that proposals for new housing should seek to

“deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods.” In the supporting text to the policy it states (paragraph 8.16) that new housing should “...cater for specific needs, such as a wider choice of housing options for people whose current home is no longer suitable for their needs.”

6.4. Saved Policy 8.27 of the Birmingham Unitary Development Plan relates to flat conversions and states that:

- Proposals should not have an unduly adverse effect on the residential amenities of adjoining occupiers. Generally, detached properties are most appropriate for flat conversions.
- Properties should be of sufficient size to permit the creation of individual dwelling units of a satisfactory size and layout. For example, favourable consideration will not normally be given to the sub-division of single dwellinghouses with 3 or less bedrooms into smaller dwelling units.
- In some parts of the City there are particular shortages of large family accommodation and the City Council will be sensitive to any such need when considering proposals for flat conversions.
- Where a proposal relates to a site in an area which already contains premises in similar use, and/or houses in multiple occupation, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character of the area.
- Proposals should not prejudice the safety and free flow of pedestrians and traffic in the adjoining highway. Provision should generally be made for off-street car parking facilities for occupants, but the level of parking provision deemed appropriate in any particular instance will take into account the nature of the road(s) which a site adjoins, existing traffic conditions in the vicinity, the availability of alternative parking provision in the area and the importance of retaining site features which contribute to the character of the area.

6.5. The development would secure 12 retirement apartments to meet the requirements of Erdington for accommodation for those of retirement age. Moreover, it is evident that there is a significant unmet need for housing for older people.

6.6. Furthermore, two proposals for a dwelling located to the east of the large property have historically been accepted and granted planning permission for their development in 1975 and 1991. Consequently, I am of the view that the proposed development would be acceptable in principle, and am satisfied that the principle of such development has been established, although the consents were not implemented.

6.7. **Loss of Large Single Dwellinghouse** – The application proposals seek to extend and convert a large single dwellinghouse to 7no. self-contained one and two bedroom retirement flats. The application has been supported by the submission of a Planning Statement and supporting statement, covering the history of the site and the need for the development. It has been confirmed that the application site was originally constructed as a private day school for girls by the Josiah Mason Trust; it remained a school until the 1960s. The Planning Statement comments that the dwelling is unusually large and sits within in a plot that is out of character with the plots that adjoin the site. It is acknowledged on this basis that the application would not result in the loss of a purpose-built dwelling, however it is noted that the premises has been in use as a single family dwelling for around 50 years.

- 6.8. National Planning Policy Guidance (NPPG) states that “Older people have a wide range of different housing needs, ranging from suitable and appropriately located market housing through to residential institutions (Use Class C2)”. Whilst it cannot be guaranteed that any person moving into retirement flats would be a resident of Erdington and the locality, it can be assumed that this would normally free up a home. Whilst the site would result in the loss of a large single dwellinghouse, the development would help address a general need for older person’s accommodation and consequently help to free up family accommodation elsewhere in the city.
- 6.9. The Planning Statement consists of a summary of recent Local Government and Birmingham specific reports which relate to housing older people, with “Many retirees want to ‘rightsize’ and live in retirement housing in later life, but there is a chronic under-supply of high quality, affordable or desirable accommodation in the right locations.” This is noted to relate specifically to C3 Use Class retirement apartments and not C2 Use Class care homes or C3b Use Class supported living facilities, which address different needs and are not restricted to elderly care.
- 6.10. The Planning Statement also sets out that the Birmingham Housing in Later Life Market Position Statement (2015) seeks to be the catalyst to “increasing the supply of specialist housing for older people. In particular to help meet the demand for enhanced sheltered housing and housing with care” and to “shape the independent living offer – in particular to meet a growing demand for support to enable older people to remain living in a home of their own.”
- 6.11. It is acknowledged that the application proposals would result in the loss of a large single family dwellinghouse however I am of the view that the applicant has made a strong case for the need for retirement flats and appropriately sized accommodation for the elderly, and agree with their conclusion that there is a need for accommodation for elderly people in the vicinity of the site. On balance, the benefits the development would achieve in contributing to the stock of retirement accommodation outweigh the harm of losing a single, large dwellinghouse, particularly given the demonstrable and quantifiable need for such accommodation throughout Birmingham.
- 6.12. **Impact on Visual Amenity** – The front elevation of the dwellinghouse would be retained as existing. Whilst the proposed car parking provision to the front of the site would be more formalised, no alterations are proposed to the front driveway with the dual access proposed to be retained. Consequently, I consider that there would be little change to the streetscene in respect of the existing dwellinghouse. Whilst I note the objections and petition raising concerns with regards to the appearance, I am of the view that the appearance would predominantly be retained as existing.
- 6.13. With regards to the new building to the east of the existing dwellinghouse, this would replace a single storey detached garage. Whilst it is noted that the existing and proposed are of considerably different scales, the presence of built form in this location has long been established. The proposed building is of a comparable design and appearance to the many Edwardian detached dwellings located elsewhere on Holly Lane. Whilst the proposal would introduce a built form of a greater scale than that which is present currently, I consider that this would be reflective of the character of the surrounding area. I do not consider that the new building would have a significant impact on local distinctiveness, which must be assessed in accordance with the Mature Suburbs SPD, as the proposed new build is reflective of the design of existing properties within the area. Furthermore, I do not consider that there is a case for the “loss of openness” specified within objections

received given that the site already comprises built form on the site in the form of the detached garage.

- 6.14. Whilst the application building is not subject to statutory or local listing, advice has been sought from the Council's conservation officer, and express that the alterations and extension to the building are acceptable (subject to matching materials) and whilst the new build accommodates a 2.5 storey structure its form make reference to other buildings in the street. I concur with this view and consider that the proposals would have an acceptable impact on visual amenity and the character of the area.
- 6.15. **Impact on Residential Amenity** – The proposed flats would exceed the Nationally Described Space Standard for one and two bedroom flats, and I consider that the proposed internal layouts for the flats would be conducive to a good quality of residential amenity for prospective residents. The proposed installation of the lifts within the existing building and the new building would “future proof” the development to ensure that it would be maintained as an appropriate, viable option for retirement accommodation.
- 6.16. The proposed private amenity space in the form of the patio and balcony is considered sufficient alongside the proposed communal gardens, patio and summer house for use of the residents. Whilst the proposed external amenity space equates to approximately 20sqm per flat, which falls short of the 30sqm guideline set out within Places for Living SPG, given the likely demographic of the prospective residents, the proposed external amenity space would be considered to be appropriate in respect of a manageable space which would be able to be adequately maintained by residents and a management company. It is noted that an area previously occupied as garden land would be re-used as car parking for prospective residents.
- 6.17. With regards to neighbouring amenity, I note some concerns raised by local residents in terms of loss of light and loss of privacy. It is noted that the proposed new building sits approximately 30m across Holly Lane from the existing properties on the western side of the road. I am satisfied that this distance would mitigate any substantial impact on loss of light to properties opposite. With regards to any loss of privacy, it is noted that the new building and the extension do extend within the garden and could be viewed from properties on Orphanage Road, however I am satisfied that due to the proposed orientation of the development and distances between the properties (approximately 30m and 50m), this would be an unlikely occurrence.
- 6.18. The proposed extensions and new building would not breach the 45 Degree Code to no. 30 Holly Lane, by virtue of the distance between the properties (approximately 10m). The proposed summer house and storage shed would be incidental to the use of the main buildings and would not amount to any breach of the 45 Degree Code or over-development of the site. The side extension would replace an existing built structure to the side of the building, adjacent to no. 30 Holly Lane, and would not create a greater floorspace than that which is present on site currently.
- 6.19. With regards to proposed windows in the existing building, the kitchen of proposed Unit 2 would be located approximately 5m from the side elevation of no. 30 Holly Lane. Whilst there are windows in the facing elevation, these appear to be secondary and / or related to hallways and utility rooms. I note that the distance would fall short of the guidance set out within Places for Living SPG, however given the use of the room as a small kitchen, I would not consider that this shortfall would warrant grounds for refusal of planning permission. Furthermore, this would be

mitigated by the recommended conditions for boundary treatments associated with the development. I am satisfied that all other windows within the existing building would not amount to unacceptable instances of overlooking.

- 6.20. With regards to the proposed windows within the new building, I am satisfied that the proposed side windows would relate to hallways and landings on the northern elevation of the building and would overlook the flank wall of the existing church hall on the southern elevation of the building. Concerns are raised in terms of the windows and proposed balconies to the rear of the building, and the potential for overlooking gardens on Orphanage Road. I would however consider that minor amendments to the internal layout of the building and the removal of the balconies would result in a significantly reduced likelihood of overlooking. Conditions to secure these amendments have been recommended to be attached to any grant of planning permission.
- 6.21. It is noted that concerns are raised within the objections with regards to noise generated by the development. Firstly, I am not convinced that retirement flats would generate the same level of noise and disturbance as flats with unrestricted occupation. Notwithstanding this, the existing property is a large detached building set within a reasonably large plot which I do not consider would be sufficiently close to any other property to generate such noise concerns. Regulatory Services has been consulted on this proposal and raise no objection subject to a condition to secure noise insulation for prospective residents from noise generated on Holly Lane. It is however noted that such noise insulation would also ensure that noise generated within the building would amount to minimal leakage out.
- 6.22. I am satisfied that the proposals would achieve an acceptable level of residential amenity for prospective residents and would be unlikely to have an unacceptable impact on neighbouring residential amenity.
- 6.23. **Impact on Landscape and Ecology** – No objections were raised by Landscape and Ecology officers, subject to appropriately worded conditions to be attached to secure the satisfactory development of the site. A minor concern was raised by the Landscape Officer with regards to the creation of a wider landscape buffer to the front driveway however as no alterations are proposed to the driveway, I do not consider such a requirement appropriate in this instance.
- 6.24. It is noted that part of the site is covered by Tree Preservation Order 191 however the designated trees are proposed to be retained on the boundary and would not be affected by the application proposals.
- 6.25. **Impact on Drainage** – The drainage proposals comprise an infiltration system however the Local Lead Flood Authority object on the grounds that insufficient calculations have been submitted in support of the scheme. However, given the existing property proposed to be converted, and the new building to be constructed on the ground of a built structure, I am of the view that such an objection would not be sufficient as grounds for refusal and am satisfied that such details could be resolved as conditions attached to any grant of planning permission. Accordingly, I have recommended that appropriately worded conditions are attached to the decision.
- 6.26. **Impact on Highway Safety** – The application proposals seeks consent for the delivery of 12no. retirement apartments, comprising a mix of one and two bedrooms. The proposals seek to provide 16no. car parking spaces. Transportation Development have assessed the proposals and advise that this would be sufficient

to allocate 2 spaces to the larger 2 bed units and 1 space to each of the 1 bed units with a 'visitor' space retained, and would be unlikely to lead to adverse impacts on the highway. It is recommended that conditions are attached to any grant of planning permission to ensure that the car parking is laid out prior to use and appropriately managed to accommodate any visitors or support services attending the site.

- 6.27. I note that a number of objections refer to the potential that the proposed development would generate an increased amount of pressure in terms of on street parking however Transportation Development are of the view that whilst parking on Holly Lane around the site is not subject of TRO restriction and there are instances of on street parking (largely associated with the GP surgery), it is not considered that an objection could be sustained in terms of the proposed parking provision. I concur with this view on the grounds that the proposed car parking would be likely to be sufficient for the needs of the prospective residents of the development and their visitors.
- 6.28. **Other Matters** – It is noted that the application has generated a request for Section 106 contributions to support the operation of accident and emergency facilities in local hospitals. Our position is that we do not consider the request would meet the tests for such Section 106 contributions, in particular the necessity test. Discussions with the relevant Trust are continuing on this matter, in order for us to understand more fully their planned investments in the City and how we might best be able to support that.
- 6.29. The proposed refuse storage area is considered to be at odds with the proposed disabled car parking spaces. It is recommended that minor amendments of this nature be secured via an appropriately worded planning condition.

7. Conclusion

- 7.1. The proposals seek to extend and convert a large family dwellinghouse to 7no. self-contained flats and a two and a half storey detached building which would accommodate 5no. self-contained retirement flats, alongside associated works to facilitate the development. The proposals are acceptable in principle and whilst Housing raise an objection to the proposals, I consider that, on balance, the benefits of the proposed development outweigh the harm associated with the loss of a single family dwellinghouse.
- 7.2. The proposals are acceptable in respect of their appearance and the impact on character of the area. No concerns are raised in terms of residential amenity or highway safety. Whilst an objection is raised from the Local Lead Flood Authority in terms of drainage, I am satisfied that these matters can be resolved by appropriately worded conditions given that this would relate to the new building which is on the site of an existing structure.
- 7.3. For the reasons set out above, I recommend that the application be approved subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- 1 Requires the prior submission of amended proposed rear elevations and floorplans for the new build
 - 2 Requires the prior submission of a drainage scheme
 - 3 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 4 Requires the prior submission of details of bird/bat boxes
 - 5 Requires the prior submission a noise study to establish residential acoustic protection
 - 6 Requires the prior submission of hard and/or soft landscape details
 - 7 Requires the prior submission of boundary treatment details
 - 8 Requires the prior submission of a landscape management plan
 - 9 Requires the prior submission of sample materials
 - 10 Requires the prior submission of level details
 - 11 Requires the parking area to be laid out prior to use
 - 12 Requires the prior submission of a parking management strategy
 - 13 Requires the prior submission of details of refuse storage
 - 14 Requires the scheme to be in accordance with the listed approved plans
 - 15 Implement within 3 years (Full)
-

Case Officer: Claudia Clemente

Photo(s)

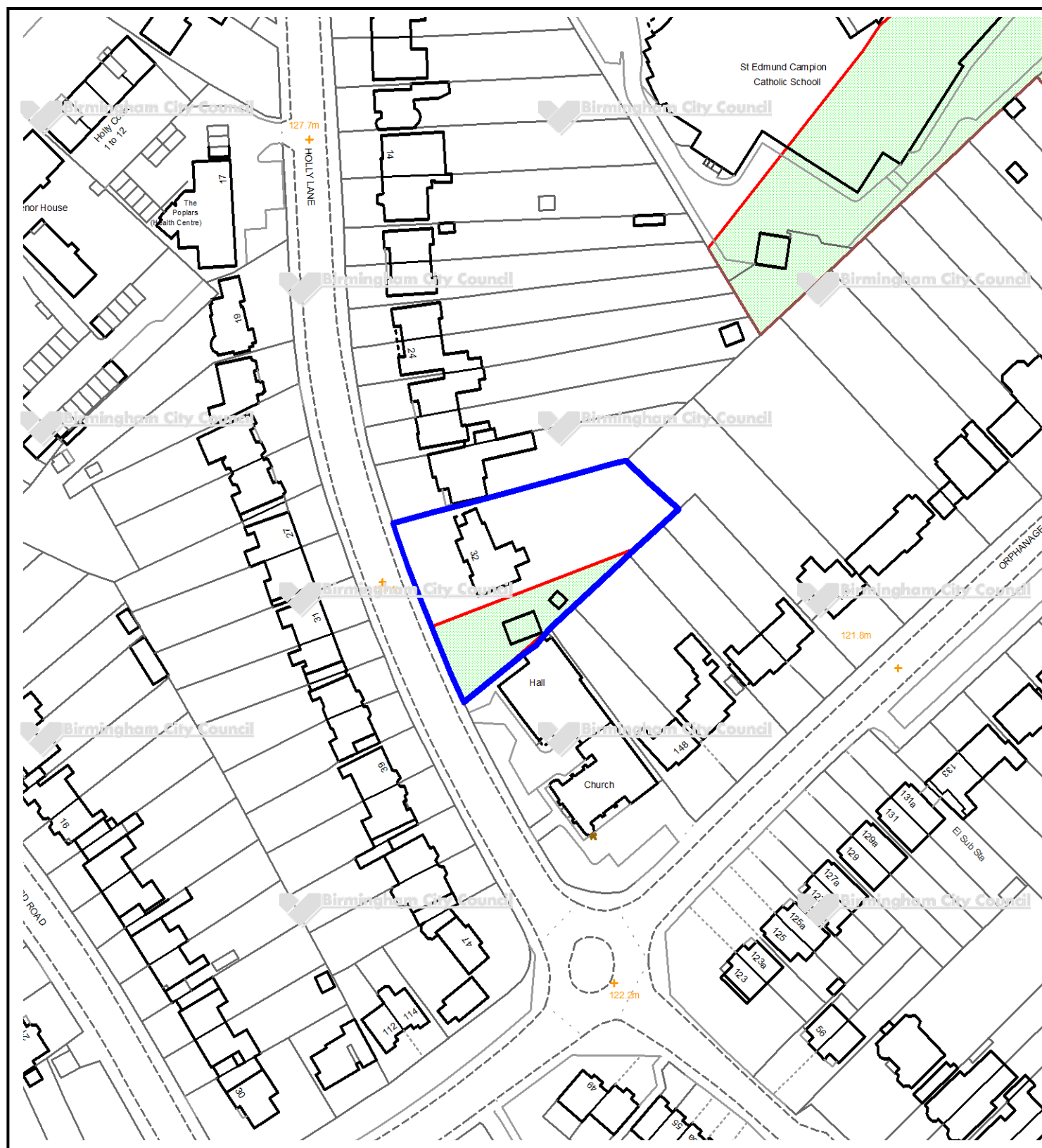


Figure 1: Existing dwellinghouse



Figure 2: Existing detached garage

Location Plan



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