

# **Birmingham City Council**

## **Planning Committee**

**19 July 2018**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	9	2017/08426/PA  Singh Sabha Gurudwara Temple Somerset Road Handsworth Wood Birmingham B20 2JB  Erection of single storey rear, two storey side and single and first floor front extensions, installation of external staircase to rear
Determine	10	2018/01756/PA  Land adjacent to Manor Drive Sutton Coldfield Birmingham B73 6ER  Erection of one detached dwelling with associated access and parking
Approve	11	2017/09747/PA  Land bounded by 2-10 Mere Green Road / 296-324 Lichfield Road Mere Green Sutton Coldfield Birmingham B75 5BS  Non-Material Amendment to planning approval 2017/02461/PA for removal of 4 trees from approved layout plan drawing 1129 101 Rev V.

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Committee Date:	19/07/2018	Application Number:	2017/08426/PA
Accepted:	03/11/2017	Application Type:	Full Planning
Target Date:	29/12/2017		
Ward:	Handsworth Wood		

Singh Sabha Gurudwara Temple, Somerset Road, Handsworth Wood, Birmingham, B20 2JB

Erection of single storey rear, two storey side and single and first floor front extensions, installation of external staircase to rear

Applicant:	Singh Sabha Gurdwara Somerset Road, Handsworth Wood, Birmingham, B20 2JB
Agent:	Mr Jasvinder Doal 19 Ingham Way, Harborne, Birmingham, B17 8SW

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#### Recommendation

#### **Approve Subject To Conditions**

##### 1. Proposal

- 1.1. Consent is sought for the erection of a single storey forward and rear, two storey side and first floor front extensions, together with the installation of an external staircase to the rear of Singh Sabha Gurudwara Temple, Somerset Road, Handsworth Wood. The increase in floorspace would be in the region of 370sqm.
- 1.2. The proposed single storey forward extensions would provide shoe storage areas to the front of the building. The proposed extensions would be designed largely with a flat roof and a small section would have a pitched roof design with gable end. There would be ground illumination up-lighting ground level walls and stainless steel signage and logo sign with back lit illumination is also proposed. There would be a sculptured dome made up of gold plated strips with illumination within the dome above the single storey flat roof extension. The frontage would be largely glazed along the main entrance.
- 1.3. The proposed two storey side extension and part first floor side and part single storey rear extension would be designed with a pitched roof and gable frontage. Stainless steel signage with back lit illumination is also proposed. The proposed internal arrangement of the extension would comprise a lobby, baby changing room, male and female toilets, office, two lecture theatres and a store on the ground floor. At first floor level there would be a shoe storage area, registry office and an extension to the existing durbar hall.
- 1.4. An external fire exit staircase from the first floor level is also proposed and new fire gates would be incorporated to the side and rear passage.
- 1.5. An 11.9 high flagpole (nishaan sahib) would be located at the front of the premises.

- 1.6. There are internal alterations proposed to enlarge the main durbar hall on the ground floor.
- 1.7. The existing hours of operation are between 04:30am and 20:00pm and the proposed hours would remain the same. The maximum capacity at the site as existing and proposed is 250 at any one time, mainly on Saturday and Sundays between 10:00am and 14:00pm.
- 1.8. The proposed parking provision at the site would be 48 spaces, as existing and there would be no loss of parking provision as a result of this proposal. There is also a coach parking agreement with Manor Grove at 48 Oxhill Road which is approximately 450m away.

1.9. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application premises are an existing Place of Worship (Use Class D1). The Singh Sabha Gurdwara is located on a corner plot at the junction of College Drive and Somerset Road. There is a car park fronting the premises and a number of protected trees within the curtilage of the site. The surrounding area is predominantly residential in character.

2.2. [Site Location](#)

3. [Planning History](#)

Various planning applications with the most relevant/recent being:

- 3.1. 05/12/1991 - 1991/03301/PA - Erection of single storey extension to provide toilets and storage area, retention of flag pole and form car park – Approved with conditions.
- 3.2. 21/10/2010 - 2010/04574/PA - Extensions and alterations to existing Gurdwara temple, including single-storey front, side and rear extensions and first-floor front/side extension, new pitched roof and dome – Approved with conditions.
- 3.3. 22/06/2011 - 2011/02639/PA - Application to remove condition 12 attached to planning application 2010/04574/PA to remove restrictions on number of worshippers/visitors – Refused on highway safety and noise and disturbance grounds.

4. [Consultation/PP Responses](#)

- 4.1. Ward Councillors, Resident Associations and adjoining occupiers notified. Site Notice displayed. 14 letters of objections have been received from local occupiers, as summarised below:

- Loss of light
- Loss of privacy
- Noise, disturbance and smell
- Size of proposed extensions
- Impact on character of the area
- Overdevelopment of site

- Increase in number of attendees, particularly for events such as weddings
  - Parking and traffic issues including blocking residential; driveway, parking management
  - Lighting issues
  - Expansion of commercial activities (hiring out as wedding venue or banqueting suite)
  - Lack of communication between temple and residents in relation to up and coming events
  - Discrepancies with the roof plan and block plans
  - Loss of car parking spaces
  - Removal of protected trees
- 4.2. Regulatory Services – No objections, subject to conditions relating to noise levels for plant and machinery, a scheme of noise insulation to the boundary between 66 Somerset Road and parking areas, lighting scheme, restriction on use of car parking bays numbered 43-48 and use of premises for weddings, religious functions and funerals and for the provision of vehicle charging point and low emission vehicle parking.
- 4.3. Transportation Development – No objections, subject to conditions relating to opening hours for functions/ceremonies/weddings, to limit the number of attendees and for cycle storage to be provided.
- 4.4. West Midlands Police – No objections and they recommend that CCTV and lighting schemes for the site are reviewed and any alarm system is expanded to cover new work areas and for the work to be carried out to standards set out within the Secured by Design ‘Commercial 2015’ guide.
5. Policy Context
- 5.1. Relevant National Planning Policies:
- National Planning Policy Framework;
- 5.2. Relevant Local Planning Policies:
- Birmingham Development Plan (2017);
  - UDP: Saved Policies (2005);
  - Places for All – SPG (2001);
  - Car Parking Guidelines – SPD (2012);
  - 45 Degree Code (2006);
  - Places for Worship SPD (2011).
  - TPO 1199 & 1270
6. Planning Considerations
- 6.1. One of the core planning policies set out in the NPPF is that planning should *“take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.”*
- 6.2. Paragraph 4.1 of Places of Worship SPD explains that *“Faith groups are a significant contributor to society, and it should be recognised that many of the current faith based facilities go beyond just being a place of worship. In fact, the place of worship acts as a support for its users and the wider community by catering for additional activities such as employment training, education and marriage*

*counselling, as well as other initiatives that are of direct benefit to the community at large.”*

#### *Principle of Development*

- 6.3. The principle of a place of worship (Sikh Temple) at the site is established. The proposed extensions would provide additional floor space to create a lobby, baby changing room, male and female toilets, office, two lecture theatres and a store on the ground floor. At first floor level there would be a shoe storage area, registry office and an extension to the existing durbar hall. The applicant advises that the proposed extensions would not result in any additional worshippers but instead improve the existing facilities for the existing established use. The principle of the proposed extensions to an established place of worship is acceptable, subject to the impact on visual and residential amenity and highway safety.

#### *Design and Visual Amenity*

- 6.4. The design of the proposed extensions including the new pitched roofs, flag pole and dome, reflect the existing temple and are acceptable. The Places for Worship SPD sets out at paragraph 5.5.5 that extensions and alterations to existing buildings should respect the local character of the building and its surroundings. The proposed extensions would be located well within the existing grounds of the temple and the proposed layout, design and external appearance of the proposed extensions would be in keeping with the appearance of the existing building and would be consistent with the general character of the surrounding area. The proposed extension would be constructed of masonry brick, cladding and render. I consider that the proposed development would not compromise the existing character or have a detrimental impact on the existing premise or the surrounding area. I therefore consider that the proposed scale, mass and design would be acceptable.

#### *Residential Amenity*

- 6.5. The number of worshippers which attend the site ranges between 100 – 250, mainly on Saturday and Sundays between 10:00am and 14:00pm. It should be noted that the existing use at the premises has no condition limiting the number of people attending the premises or the hours of use. In light of this it is therefore considered, the proposed expansion would not generally result in any additional impact on residential amenity that could sustain a reason for refusal. The busiest events have the potential to impact on neighbour amenity and these occur between 10:00am – 14:00pm on Saturday and Sundays. Whilst these are not particularly noise sensitive times of the day it is considered appropriate to restrict the use of the premises for weddings, religious ceremonies and funerals between 10:00am – 14:00pm. Conditions relating to an acoustic barrier and use of the parking spaces immediately adjacent to 66 Somerset Road at sensitive times of the day are also recommended to reduce potential noise and disturbance to the closest residential property.
- 6.6. There are ground floor side facing windows proposed adjacent to No. 66 Somerset Road that would be in close proximity to this boundary. I do not consider that the proposal compromises the private amenity space of the neighbouring dwelling given there is an appropriate level of screening in place by the existing 1.8m high boundary fence. There would also be a new first floor window in the rear of the proposed two storey rear extension that would be in close proximity to the boundary to the block of maisonettes to the rear of the application site. However, I do not consider that the proposal would compromise the communal garden to these blocks

of flats given that there is mature landscaping to this boundary and the communal nature of the space. Furthermore, there are existing first floor windows already looking towards this space. As such, there would not be any significant detriment caused to the neighbouring occupiers in terms of overlooking or loss of privacy that could sustain a reason for refusal.

- 6.7. The proposed development would comply with the 45 Degree Code policy; there would be no unacceptable detriment caused to the neighbouring occupiers in terms of loss of light, outlook or amenity. No. 66 Somerset Road has a number of windows to its side elevation that overlook the car park and I consider that the proposal is unlikely to have an adverse impact upon the amenity of residential occupiers to support a reason for refusal.
- 6.8. An external fire staircase from the first floor level is also proposed. A condition is attached so that this is not used for any other purpose to protect the privacy of local occupiers.

#### Highway Safety

- 6.9. Transportation Development requested further information relating to existing and proposed number of worshipers, amended car park layout, existing and proposed traffic data, and details of coach parking. The agent has provided further information and the total car parking provision of 48 spaces would remain with some minor reconfigurations. A disabled space and 6 cycle spaces would also be provided. A coach agreement has been submitted which would allow coaches to be parked at Manor Grove, 48 Oxhill Road between 9am and 1pm, which is approximately 450m away. I note the objections raised above from local occupiers in terms of additional parking pressure within the local area and drivers blocking residential driveways.
- 6.10. Transportation Development have reviewed the additional information submitted and raise no objections, subject to conditions relating to opening hours for funerals/ceremonies/weddings, to limit the number of attendees and for cycle storage to be provided. I consider it reasonable to attach conditions relating to hours of use for funerals/ceremonies/weddings, which is consistent with the request by Regulatory Services, and requiring details of cycle storage.
- 6.11. I am reluctant to impose a condition restricting the number of users given it is unlikely that it would meet the tests set out in the NPPF / NPPG. As a matter of policy, conditions should only be imposed where they satisfy the following 6 tests, therefore they must be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all respects and I do not consider that such a condition would meet these tests, in particular in respect of enforceable.

#### Other Matters

- 6.12. There are a number of protected trees within the curtilage of the application site boundary. My Tree Officer raises no objections; subject to the implementation of the acceptable tree protection measures during construction works.
- 6.13. West Midlands Police raise no objections and they recommend that CCTV and lighting schemes for the site are reviewed and any alarm system is expanded to cover new work areas and for the work to be carried out to standards set out within the Secured by Design 'Commercial 2015' guide. The agent has been advised accordingly.

7. Conclusion

- 7.1. I am satisfied that the proposed development would not have a detrimental impact on visual or residential amenity or highway safety. Approval is therefore recommended.

8. Recommendation

- 8.1. Approve with conditions

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| 1  | Requires the prior submission of sample materials  |
| 2  | Arboricultural Method Statement and Tree Protection Plan - Implementation  |
| 3  | Requires the prior submission of a lighting scheme   |
| 4  | Requires the external staircase is used for emergency purposes only  |
| 5  | Requires the prior submission of noise insulation to the boundary with 66 Somerset Road                                  |
| 6  | Requires the provision of vehicle charging points and low emission vehicle parking                                       |
| 7  | Limits the use of car park bays 43-48 (inclusive) between the hours of 09.00 and 20.00 hours daily                       |
| 8  | Limits the hours of use for weddings, religious functions and funerals between the hours of 10.00-14.00 hours on any day |
| 9  | Limits the noise levels for Plant and Machinery  |
| 10 | Requires the scheme to be in accordance with the listed approved plans   |
| 11 | Implement within 3 years (Full)  |
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Case Officer: Chantel Blair

## Photo(s)



Figure 1: Front View



Figure 2: Location of extension



## Location Plan



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Committee Date:	19/07/2018	Application Number:	2018/01756/PA
Accepted:	09/04/2018	Application Type:	Full Planning
Target Date:	04/06/2018		
Ward:	Sutton Trinity		

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

Erection of one detached dwelling with associated access and parking

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

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**Recommendation**  
**Determine**

**Report Back**

- 1.1 Members will recall that this application was recommended for approval at your meeting of the 21<sup>st</sup> June 2018. You were minded to refuse the application on the grounds of overdevelopment. Concerns were raised during the debate about the loss of green space; removal of trees; impact on the character of the area; and increase in traffic all resulting in overdevelopment. Reference was made at the June meeting to the previous application for 5 dwellings, which included this site, which was refused by the Council and subsequently dismissed on appeal.
- 1.2 The Council's decision on the previous proposal for 5 dwellings was refused on two grounds:
  - 1). *The proposed development, shown on Drawings MD 037/P1/03, P2/03, P3/03, P4/03, P5/03, P1/02, P2/02, P3/02, P4/02, P5/02, P1/04, P1/01, P2/01, P3/01, P4/01, 100, Land Survey, Site Context Plan, Site Location Plan, Garage G13, Wall Detail, Gate Detail, Fence Detail, and Railing Detail, would be out of character with the surrounding area and harmful to the visual amenities of the locality, by reason of the cul-de-sac untypical of the area, with houses not fronting Manor Drive, and the over-intensive site coverage with buildings, parking and circulation areas, and the limited separation of some dwellings to large trees, that are to be retained. As such, the proposal is contrary to policies 3.8, 3.10, 3.14, 3.14D, 5.20 and 9.9 of the adopted Unitary Development Plan 2005 and conflicts with Places for Living, which has been adopted by the Council as Supplementary Planning Guidance, and with advice contained in PPS1 and PPG3.*
  - 2). *The proposed development would be detrimental to the amenities of the adjacent residents of 5 Manor Drive by virtue of the visual over-dominance of the proposed house on plot 2, which would project 17 metres forward of the garage of 5 Manor Drive and be between 3 and 4 metres of the side boundary.*
- 1.3 The Planning Inspector considered both issues. In determining the first issue – character & appearance, the Inspector agreed that the loss of trees would adversely impact on the character of the area but did not agree that the use of a cul-de-sac form of development, or the layout of the 5 houses, would be out of keeping with the character of the area (paragraph 7 of appeal decision). The Inspector also noted the

low density of around 11 dwellings per hectare and commented that the proposed houses would not appear cramped on their plots and although the plots would be less spacious than the dwellings in the immediate vicinity, they would be in keeping with plot sizes on the opposite side of the railway line. The Inspector's concluding comment on character and appearance referred only to the adverse impact of the loss of trees (paragraph 8).

1.4 In dealing with the issue of impact on neighbours living conditions the Inspector found no harm due to separation distances and proposed boundary treatments.

1.5 The layout of the appeal proposal was significantly different to what has been constructed with the appeal proposal having all of the 5 plots facing inwards towards the proposed access road, constructed closer together, with smaller footprints and smaller gardens (fig 1). The development which has been built (fig 2) has two plots facing Manor Drive and two plots within the site. The density for the four houses was 8 dwellings per hectare.



Fig 1 - Appeal proposal



Fig 2 – approved/ built development

1.6 The current application site can clearly be seen in the top right corner with the large Beech tree shown on the plan. This tree has now gone. The plan indicates that this parcel of land is to be transferred to a management company. Other than this note there is no defined use for this parcel of land.

1.7 Members should note that this site is not public open space, it is currently only accessible to the neighbour at 3B being enclosed by close boarded fences to all other sides. The occupants of 3B are maintaining the land but they do not own it. The land owner could erect a fence between the garden of 3B and the site and the land would then be wholly enclosed. It does not provide green space beyond the garden of 3B as can be seen by this photograph from outside 3D.





- 1.8 Access was also considered during the appeal with the Council's appeal statement acknowledging that local residents and members had concerns about the access but advising that access was not a reason for refusal as there was no highway objection. The Inspector's decision does not provide any view on the access issues due to the Council not raising any highway objection.
- 1.9 As noted by members at the June meeting Manor Drive is an un-adopted road. As such it is not for the Council to maintain. The fact that the road may be poorly surfaced and poorly managed reflects on the owners and occupiers of the dwellings off Manor Drive. The proposed new dwelling on this plot would become one of the owners/ occupiers and would not only increase traffic using Manor Drive but also be partially responsible for its maintenance. The existing road is approximately 4.5m wide and provides access to 14 existing dwellings, one of which has consent to be replaced with 4 new houses. The current proposal is for one additional dwelling.
- 1.10 Should members wish the application to be refused, then the following reason for refusal is offered:  
*The proposed development would result in overdevelopment of Manor Drive detrimental to the character of the area and highway safety. Accordingly the proposed development does not comply with the requirements of policies PG3 and TP44 of the Birmingham Development Plan, Places for Living SPD and the NPPF.*
- 1.11 However, for the reasons given in the June report and above, your officers remain of the opinion that the site is a suitable development plot and that the proposal will relate well to the context and character of the area and will not increase traffic on Manor Drive or the wider highway network to a level which could be considered as severe or warrant a refusal. Officers advise that the refusal on the grounds of overdevelopment would be unlikely to be defensible should the applicant appeal the refusal. Furthermore, given the previous appeal decision did not raise any issues regarding density or access capacity, a refusal which refers to these issues may also place the Council at risk of a costs award at appeal.
- 1.12 The committee is therefore requested to determine the application with the additional information.

## **21<sup>st</sup> June Report**

### **1. Proposal**

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

### **2. Site & Surroundings**

- 2.1. The application site, which is 645 sqm in area, currently forms part of the rear garden of 3B Manor Drive but is not within the ownership of 3B Manor Drive. It bounds onto a railway line at the rear. 3B Manor Drive is a large detached property that was constructed as part of a development of 4 dwelling houses within the grounds of Somerfield, a large detached residence approximately 10 years ago. The site contains 3 Corsican Pines and a group of Yew trees that are covered by TPO 1062.
- 2.2. The adjoining site (5 Manor Drive) is occupied by a large bungalow but there is an extant planning approval for its demolition and replacement with 4 detached dwellings. The access to this current application site is proposed to be off the new road to be constructed in association with this consent.
- 2.3. The site is located at the end of Manor Drive, which is a private residential road with no footpath and is bounded by holly hedges and mature trees. Manor Drive is accessed off Manor Hill, where Manor Hill makes a right-angled bend into Driffold. The surrounding area is predominantly residential in character.
- 2.4. [Location plan](#)

### **3. Planning History**

- 3.1. The relevant planning history for the application site includes the planning history of 3A, B, C and D Manor Drive, the proposed plot and the land to the north, 5 Manor Drive, as follows:

#### **Plot history:**

3.2. 2017/03357/PA - Erection of a four bedroom detached dwelling with associated access and parking. Withdrawn 11.08.2017

3.3. 2016/5414/PA - Erection of a four bedroom detached dwelling with associated access and parking. Withdrawn 22.08.2016

**3A-D and plot history:**

3.4. 2006/07443/PA - Erection of 4 houses and access road at Somerfield, Manor Drive, off Manor Hill, Sutton Coldfield. Approved 26.02.2007.

3.5. 2006/00533/PA – Erection of 5 new dwellings, demolition of outbuildings and revised access at Somerfield, Manor Drive, off Manor Hill, Sutton Coldfield. Refused 04.04.2006 on the grounds of character and appearance and living conditions in respect of visual intrusion. Subsequent appeal dismissed on the ground of the harm to the character and appearance of the surrounding area because of the risk to protected trees.

**Relevant history for 5 Manor Drive:**

3.6. 2017/09293/PA – Demolition of existing dwellinghouse and erection of 4 detached dwellinghouses including new service road with associated car parking and landscaping. Approved 03.11.2017

3.7. 2013/00554/PA - Demolition of existing dwelling and erection of 4 detached dwellings including new service road, car parking and landscaping. Approved 21.03.2013

3.8. 2012/02391/PA - Demolition of existing dwelling house, garages and outbuildings and erection of four, five bedroom dwelling houses with garages, new access road and associated landscaping. Approved 06.07.2012

4. Consultation/PP Responses

4.1. A site notice was erected and the immediate neighbours notified in addition to Ward Councillors and local MP.

4.2. 10 letters of representation have been received from 7 neighbouring residents raising the following concerns:

- Site previously refused consent and dismissed on appeal
- Applicant has not included the private drive in the red edge or served the correct certificate
- Owner of site to north does not have legal right to allow access from Manor Drive to the site
- Over development of the site
- Results in removal of all green infrastructure and natural assets
- Design does not fit in with style of houses in the area
- Increase in vehicle noise and pollution
- Existing junction of Manor Drive and Driffold is hazardous, increase in traffic will make it more dangerous
- Five houses off a narrow unmade road is inappropriate and not sufficient access for emergency vehicles
- Impact of construction traffic
- Will overlook neighbouring properties
- Does not comply with separation distance requirements (should be 24m due to 1.5m difference in ground levels)

- Increase risk of flooding and land slippage
  - Still results in loss of tree for access and loss of Yew trees
  - Application site maintained at expense of neighbour
  - Reduction in property values
- 4.3. Network Rail – Provided advice regarding works adjacent to a railway.
- 4.4. Transportation Development – No objections subject to conditions.
- 4.5. Regulatory Services – No objection subject to noise insulation and electric vehicle charging conditions.
- 4.6. Severn Trent Water – No objection as the proposal has minimal impact on the public sewerage system
- 4.7. West Midlands Police – No objections, recommends Secured by Design advice.
5. Policy Context
- 5.1. The following policies are applicable:
- Development Plan (BDP) 2017;
  - Unitary Development Plan 2005 (saved policies 3.14-3.14D and Chapter 8);
  - Mature Suburbs SPD (2008);
  - Places for Living SPG (2001);
  - Places for All SPG (2001);
  - Car Parking Guidelines SPD (2012); and
  - National Planning Policy Framework 2012.
6. Planning Considerations
- 6.1. Policy PG3 of the BDP supports high quality new residential development and TP28 requires it to be sympathetic to historic, cultural or natural assets. Paragraph 3.14C of the UDP states that development should have regard to the development guidelines set out in “Places for Living” and Paragraph 3.14D outlines a number of good urban design principles against which new development will be assessed. Mature Suburbs SPD states that new housing can have a significant impact on local distinctiveness, on the character of an area, and that new development must be of ‘good design’ resulting from a good understanding of the local character and circumstances. Places for Living SPG is also relevant in regard to local context and impact on amenity.
- 6.2. Planning permission was granted in 2007 for the 4 houses which are now known as 3A, B, C and D Manor Drive. The consent for 4 followed a refusal for 5 houses which was also dismissed on appeal on the grounds of the harm to the character and appearance of the area due to the potential loss of trees. The appealed proposal included two dwellings in close proximity to TPO’d trees. Since that refusal and the subsequent consent for 4 houses the protected Beech tree has died and been removed. This has been replaced by a young Oak tree. The protected Corsican Pines and group of Yew trees remain and are within the application site.
- 6.3. The previous application for a single dwelling on this site was withdrawn following concerns being raised in relation to the risk of the loss or reduction of the 3 Corsican Pine trees and therefore the impact on the character and appearance of the area.

- 6.4. This current application seeks to overcome the concerns associated with both the larger scheme for the wider site and also the single dwelling on this site. As noted above, the current application includes a tree report which has set out the position, root protection zone and canopy spread of the trees. Furthermore, the current proposal has reduced the footprint of the proposed dwelling and re-positioned it within the plot and also amended the access position to provide access off the new access road to the north rather than off the road serving 3C and 3D.
- 6.5. The site to the north, which is now proposed as access to the application site, has three previous planning consents dating from 2012. The most recent was approved in November 2017 and is therefore an extant consent which could be developed.
- 6.6. The main considerations remain whether the scale, design and siting of the proposed dwelling is acceptable; the effect of the proposal upon the appearance and character of the area; the impact on trees; and the impact upon the amenities of the existing and proposed properties.
- Layout, design, scale and massing**
- 6.7. The proposed dwelling is a four bed detached dwelling which appears from the front elevation as a two storey dwelling but includes rooms within the roof space served by two dormer windows on the rear elevation. A street scene drawing has been submitted with the application which shows that the ridge height of the proposed dwelling will be no higher than 3C and 3D, which make up the street scene.
- 6.8. This has been achieved through the reduction in the depth of the proposed dwelling. The width has also been reduced since the previous application and overall the footprint of the proposed house is smaller than the footprint of any of the immediately neighbouring properties, including the four dwellings proposed on the site to the north.
- 6.9. The depth of the footprint is approximately 7.6m with a width of 11m and the attached garage being 6m by 6m, therefore creating a total footprint of just under 120sqm. Height to eaves is 5m and to ridge is 9.2m. This, as noted above, allows for rooms in the roof space. However, I do not consider that the roof slope is overly steep and it appears to be in proportion with the neighbouring dwellings. Internal room sizes meet the standards within DCLG Technical Housing Standards – Nationally Described Space Standards (2015). The external amenity space also exceeds the recommended garden space size for a family dwelling as set out in the Places for Living SPD.
- 6.10. Externally the dwelling is proposed with a pitched roof, which also provides maximum roof space. The front elevation has flat roofed bay windows either side of an open porch with the first floor windows designed with small gable roof sections above. The garage to the side has a single garage door with a window serving the WC. Arched brick headers are proposed over the WC window and the first floor windows and a brick detail course is shown at ceiling height of the ground floor, barge boards on the gables to sides and front and a double pot chimney is included. To the rear the living room has a large, five panel, folding glass door. In addition there is a window to the kitchen and a window and door to the utility room on the ground floor, three windows and two roof lights at first floor, and two dormer windows and one roof light at second floor, within the roof slope.
- 6.11. I acknowledge that none of the existing dwellings immediately around the site are two and a half storey; none have rooms and dormers in the roof. However, as noted previously, the height of the proposal is no higher to the height of the two existing



dwelling to its side. The property at 3D Manor Drive has a pitched roof and beyond the four houses numbered 3A to D Manor Drive has a more varied design and character. I do not consider that the use of the roof space for rooms and the addition of dormer windows and roof lights in the rear elevation would cause the development to be out of keeping with the area. The dwelling has been well designed with appropriate proportions and detailing which I consider relate well to the context of the area and does not visually harm the street scene or the wider area.

- 6.12. Accordingly the proposal complies with the requirements of PG3 of the BDP, paragraph 3.14 of the UDP and the advice in Places for Living SPG.

**Impact on amenity of existing properties and amenity for occupiers**

- 6.13. Places for Living' SPG requires 21m between facing windowed elevations for two storey dwellings in order to protect existing dwellings from overlooking. The proposed dwelling is over 21m from the single storey rear part of 3B Manor Drive and as such the first floor windows would be further apart. A new boundary would need to be provided between 3B and the proposed dwelling as this is currently open, however a boundary would reduce the impact from the ground floor windows and the distance complies with the SPG.
- 6.14. The SPG does require the separation distance to be increased by 2m for every 1m rise in ground level between new and existing dwellings. The neighbouring residents therefore consider that, as the existing dwelling at 3B is on ground which is approximately 1.5m higher than the plot the separation distance should be increased to 24m. However the SPG requires the increase in separation when the new dwelling is on higher ground than the existing dwelling. In this instance the new dwelling will be overlooked by 3B, due to the higher position of the existing dwelling, rather than the other way around. Accordingly a 21m separation distance is acceptable and achieved in this instance.
- 6.15. Furthermore, the proposed dwelling is more than 10m from the rear garden of 3B and as such will not cause unacceptable overlooking of the existing dwelling or garden. As such, although the residents of 3B are likely to feel more overlooked, and have lost what they have been maintaining as garden (albeit not in their ownership) the distance between the existing dwelling and the proposed dwelling is such that a refusal could not be justified.
- 6.16. 3C Manor Drive will be more than 5m from the side of the proposed dwelling. No windows are proposed in the side elevation and as such, although there is a partially glazed door in the ground floor serving the utility room and a window at first floor serving the bathroom there will not be any direct overlooking and the distance will ensure that the impact on light is not significantly adverse.
- 6.17. Plot 4 of the approved development to the north will be over 25m from the side elevation of the dwelling proposed in this application. As such, although Plot 4 will have its front elevation facing towards this proposal, the separation distance is such that it complies with the requirements of the SPD and the amenity of the future residents of both schemes will be protected.
- 6.18. Concern has also been raised by neighbouring residents that the new dwelling does not have a 10m long rear garden. The SPG requires a garden area of 70sqm which the proposed dwelling exceeds. The 10m distance is not set within the SPG and 10.5m is usually the standard garden length between houses to ensure that the 21m separation distance between facing windows is achieved. In this case the proposed

dwelling has a garden of over 70sqm (approx. 230sqm), albeit less than 10m long, but backs onto the railway line rather than another dwelling. 3b Manor Drive has a retained garden of some 240sqm.

- 6.19. Regulatory Services have raised no objection recommending a noise insulation condition which I consider is reasonable. I therefore consider that the proposal complies with the requirements of adopted policy and the Places for Living SPD.

**Impact on trees**

- 6.20. As noted above the previous applications for developing this parcel of land were refused on the basis that the proposals placed important trees at risk of being removed or reduced to an extent where the works to the trees would adversely affect the character and appearance of the surrounding area.
- 6.21. TPO 1062 applies to the site and covers the three Corsican Pine trees and a group of Yews. The current proposal, as with the previous scheme, retains the Corsican Pines but proposes the removal of the group of Yew trees. The submitted tree report, which has been updated since the previous application, advises that the Yew trees have limited public amenity value whereas the Corsican Pines have good public amenity value. The previous scheme showed access to the site and the driveway to the dwelling within the root protection area of the Corsican Pine trees and as such officers were concerned about both the impact of the works required to construct the access and drive and the potential that future residents would seek to remove these trees.
- 6.22. The current proposal has repositioned the access and driveway to the north of the site and also reduced the footprint of the proposed dwelling pulling it further away from the Corsican Pine trees. The group of Yews are still to be removed and the report accepts that replacement planting will be required to mitigate the loss. The recently planted Oak tree is also proposed to be repositioned. The tree report advises that this tree is young enough to be transplanted without risk to the life of the tree.
- 6.23. A small corner of the driveway is still within the root protection area of the Pines, however I consider there is sufficient space within the driveway for vehicle manoeuvring and parking outside of the tree canopy and the level of root damage is significantly reduced.
- 6.24. The Tree Officer has confirmed that the repositioning of the access driveway has reduced the potential for damage to legally protected pine trees significantly. Furthermore the Tree Officer has raised no objection to the removal of the protected yews which have a limited public amenity value. A condition is recommended to ensure the Oak tree is relocated appropriately. Overall the previous concerns regarding the potential loss of the trees has now been overcome and this issue no longer forms a reason to refuse the application.

**Other matters**

- 6.25. Access to the site is now proposed from the north via the recently consented development for four houses. This therefore removes the risk to the TPO'd trees from creation of the access drive. It also removes the vehicle impact on 3B, C and D Manor Drive. The concerns of the local residents are noted, however the increase in traffic from one further dwelling on this plot would not result in a severe highway impact and Transportation Development has no objections to the proposal. Sufficient space is provided within the plot for parking and turning of at least two cars and therefore the proposal complies with the Car Parking Guidelines SPD. The

electric vehicle charging condition requested by Regulatory Services is not reasonable for a single dwelling and charging facilities can be provided from the garage if required by the future occupiers. A condition is recommended to remove the permitted development rights to create any further hard standing without consent on the grounds of protection of the trees.

- 6.26. The site is adjacent to the railway line. The proposed dwelling is a sufficient distance from the line to not cause any risk to operation of the railway. Network Rail has provided advice which will be forwarded to the applicant and will be a matter for the developer of the site.
- 6.27. No details have been provided in the current application regarding boundary treatments and as such I consider that a condition is necessary to ensure that an appropriate boundary is provided to 3B Manor Drive. All other boundaries can be retained as existing. The application site is not public amenity space and neither does it provide the only green areas and natural assets on Manor Drive, it is currently mowed lawn. The development of the site will be set within domestic garden areas as per the surrounding development which will retain green infrastructure and natural assets.
- 6.28. Foul drainage is proposed to be connected to the existing mains drainage system and surface water is proposed to be discharged via soakaways. These are both the preferred means of dealing with drainage of the site and will ensure that the development of the site does not increase flood risk or impact on amenity.
- 6.29. A CIL form has been completed and submitted with the application. The form advises that the dwelling is 246.7sqm. It is within a High Value CIL area as identified in the Council's adopted CIL documents and as such the proposed development would be liable for CIL. However, the applicant has indicated on the form that they wish to claim self-build relief. A separate form will be required prior to commencement, at this time the acknowledgement of CIL liability is all that is required.
- 6.30. The concerns of objectors that the proposed scheme will devalue existing property is not a material planning consideration. The query over the red edge of the application site and the certificate has been corrected with the red edge including the whole of Manor Drive and notice being served on all of the residents along Manor Drive. Accordingly I am satisfied that the correct red edge and ownership certificate and notification has been provided. Legal ownership or right to provide the access is not a planning matter and would need to be considered separately by the developer.

## 7. Conclusion

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

## 8. Recommendation

- 8.1. Approve, subject to the following conditions:

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

Case Officer: Karen Townend

## Photo(s)



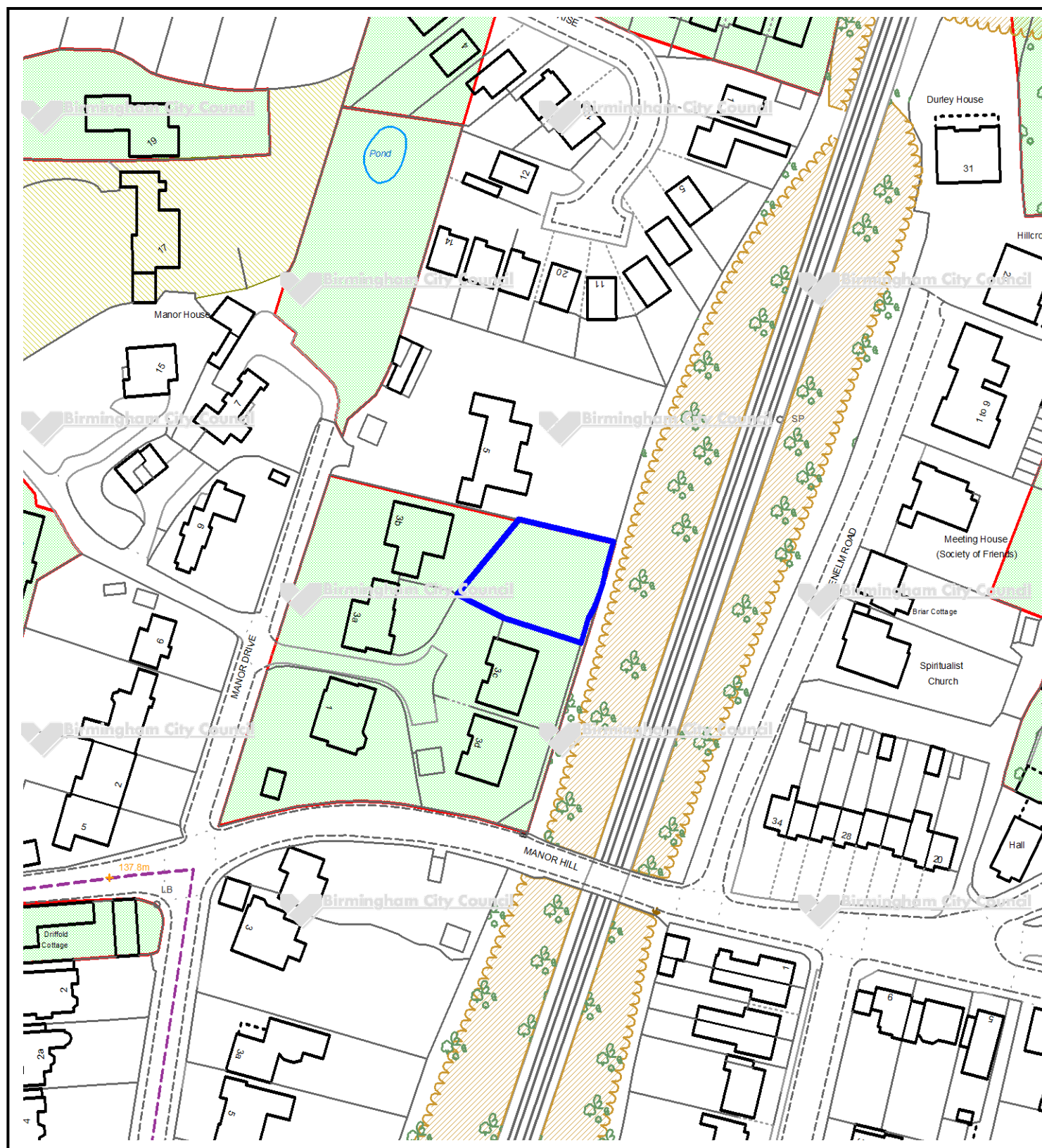
Photo 1 – looking southwest towards the rear elevations of 3a and 3b Manor Drive



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



## Location Plan



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Committee Date:	19/07/2018	Application Number:	2017/09747/PA
Accepted:	20/11/2017	Application Type:	Non Material Amendment
Target Date:	18/12/2017		
Ward:	Sutton Mere Green		

Land bounded by, 2-10 Mere Green Road / 296-324 Lichfield Road,  
Mere Green, Sutton Coldfield, Birmingham, B75 5BS

Non-Material Amendment to planning approval 2017/02461/PA for  
removal of 4 trees from approved layout plan drawing 1129 101 Rev V.

Applicant:	Salmon Harvester Properties Ltd c/o Agent
Agent:	WYG 54 Hagley Road, 3rd Floor, Edgbaston, Birmingham, B16 8PE

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Recommendation  
**Approve**

1. Proposal
  - 1.1. The application is for a non-material amendment to planning approval 2017/02461/PA for the removal of 4 trees from the approved layout plan drawing 1129 101 Rev V.
  - 1.2. The applicants have submitted a written justification for the removal of the trees which they state has arisen due to technical considerations relating to the proposed installation.
  - 1.3. The applicants claim that their project architects have advised that tree pit dimensions of 2m x 2m x 2m would be required to accommodate trees in this location with a root ball of 800mm x 800mm with additional space for growth beyond this. The drainage attenuation tanks installed on site to address flood risk mitigation, sit in close proximity to the tree pit area and would prevent the trees from growing healthily. They also state that, if planted, the trees would pose a risk of damage to the attenuation tanks.
  - 1.4. Further justification is that there are electricity cables in the immediate vicinity supplying the site lighting and also Sainsbury's and these power cables could be at the risk of damage and failure if trees were planted in the approved.
  - 1.5. In addition to the technical justification, the applicants are of the view that the provision of the trees would result in the loss of 8 car parking spaces from the current layout.
  - 1.6. [Link to Documents](#)
2. Site & Surroundings

- 2.1. The application site is located within the Primary Shopping Area of Mere Green District Centre and relates to the Mulberry Walk development, which is situated on the corner of Mere Green Road and Lichfield Road. Mulberry Walk was granted consent in 2012 under application 2012/04410/PA for a mixed scheme comprising 22 units in speculative retail, restaurant and café use. The development has recently been completed and is now substantially occupied.
- 2.2. The surrounding area is predominantly commercial in character, with the exception of residential accommodation located on the opposite side of Lichfield Road. The site is well served by regular bus services.
- 2.3. [Site Location and Street View](#)

### 3. Planning History

- 3.1. 31 August 2012 - 2012/04410/PA - Planning permission for demolition of existing buildings and erection of mixed use development comprising retail foodstore (Class A1 - 1,779sqm floorspace), non-food retail units (Class A1 - 2,901sqm floorspace), restaurant/cafe units (Class A3 - 1,372sqm floorspace), car parking, pedestrian walkway, public square and associated landscaping, public realm works and servicing, subject to conditions.
- 3.2. 30 January 2014 - 2013/08851/PA - Approved minor material amendment to 2012/04410/PA to extend the opening hours by one hour, to provide obscure glazing to the front elevations of Units 1 and 11, amend Condition 32 to identify Unit 1 as the Class A1 retail foodstore and minor alterations to Unit 1, Unit 5k, the service yard and the car parking area, subject to conditions.
- 3.3. 9 July 2014 - 2014/04693/PA - Approved non-material amendment to 2013/08851/PA for amendments to the site boundary line and alterations to the car parking layout.
- 3.4. 8 June 2015 - 2015/03319/PA - Approved for variation of conditions numbers 5 (Sample Materials), 6 (Hard and Soft Landscaping Details), 7 (Hard Surfacing Materials), 20 (Extraction and Odour Control Details) and 22 (CCTV Scheme) attached to planning permission 2013/08851/PA to allow for amended wording to those conditions and update Conditions 32 (Limits the total area for each Use Class) and 33 (Planning Schedule) as approved by the non-material amendment consent 2014/04693/PA, subject to conditions.
- 3.5. 10 June 2015 - 2015/03882/PA - Application for Prior Notification for the proposed demolition of existing buildings, accepted as needing prior approval from the Council and that permission be granted.
- 3.6. 14 April 2016 - 2016/02299/PA - Approved for non-material amendment to Planning Permission 2015/03319/PA for a change in the Lichfield Road elevation (Unit 5K) from a single shop front door to a double shop front door; omission of the door to the sub-station; additional Electricity Board man access door to concertina gate and a rendered spandrel above the gate; omission of Unit 6 shop front doors to Mere Green Road elevation; additional sliding door in the Mere Green Road elevation of Unit 14; alterations to the door arrangements in shop fronts in the new courtyard elevation; omission of the dispensing hatch in Unit 14; and omission of the trolley bay and fitting of the remaining shop front to Holden's Way with clear glazing to Unit 14.



- 3.7. 23 June 2016 – 2016/05213/PA – Approval for a non-material amendment to planning approval 2015/03319/PA for alterations to landscaping and planting.
- 3.8. Unit 5h - 27 October 2016 - 2016/07416/PA - Planning permission granted for change of use from speculative retail/restaurant/cafe use (Use Class A1/A3) to education facility (Use Class D1), subject to conditions.
- 3.9. Unit 5b - 3 May 2017 - 2017/02093/PA - Planning permission granted for change of use from speculative retail/restaurant/cafe use (Use Classes A1/A3) to an Estate Agent (Use Class A2), subject to conditions.
- 3.10. 23 May 2017 – 2017/02461/PA - Planning permission granted for the variation of condition 32 attached to planning approval 2015/03319/PA to vary the wording to read "The ground floor gross internal area (GIA) shall not exceed 1,050 sqm for the Class A1 retail foodstore shown as Unit 1 on Drawing Number 101V and Units 2, 4, 5a, 5c, 5d, 5e, 5f, 5j, 5k and 14 shall operate in Use Class A1 only, unless otherwise agreed in writing by the Local Planning Authority"
- 3.11. 29 June 2018 – Approval for a non-material amendment to drainage layout to planning approval 2015/03696/PA.

#### 4. Consultation/PP Responses

- 4.1. No formal consultation was undertaken as the application is for a non-material amendment, however, 36 letters have been received objecting to the proposal on the following grounds;
- Removal of 4 trees is a material amendment
  - Trees were promised as part of the original planning agreement and this should be adhered to
  - BCC ignored breaches including the omission of these 4 trees and other issues relating to hard and soft landscaping
  - Trees have important health and visual benefits
  - BCC going against its own policies if it allows trees not to be planted
  - Developers have created a sea of tarmac and failed to create a high quality public realm
  - If 8 car parking spaces are to be lost, the original layout was highly flawed
  - Trees provide wildlife habitat and social, economic and health benefits such as helping combat vehicle omissions
  - BCC should have specified tree pit design in original permission
  - Square was meant to function as a community hub but it's a badly paved area and very stark
  - Developer getting away with cutting costs
  - Centre looks a mess as planting not undertaken in accordance with approved plans
- 4.2. Royal Sutton Coldfield Town Council – Removal of 4 trees is a material amendment.

#### 5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan (UDP) 2005 (saved policies), Shopping and Local Centres SPD and National Planning Policy Framework.

6. Planning Considerations

- 6.1. The main issues are the impact that the removal of the 4 trees from the approved layout would have on the public realm of Mulberry Walk and the visual amenities of the area and the impact on the parking provision should it be insisted upon that the trees are planted. I can confirm there is no fixed guidance and it is at the discretion of the Local Planning Authority what constitutes a “non-material” or “material” amendment
- 6.2. The proposal has been considered by Landscape and Tree Officers and although the tree pit sizes were previously deemed acceptable, there is a conflict between the revised location of the drainage attenuation tank and previously unknown cabling which would prohibit the installation of the underground tree pits. The drainage scheme as installed differs from the one previously approved, however, it is deemed acceptable to the Local Lead Flood Authority and the matter has been regularised by the applicant.
- 6.3. I note that there are a number of lighting columns installed within the refuge to the rear of the car parking spaces where the trees were to be planted. It is clear that that there is conflict between services installed in the area and the ability to plant the 4 trees.
- 6.4. In terms of impact on the public realm of the scheme and the visual amenity of the area, the planting of the trees as approved would benefit these elements of the scheme. The applicants has been requested to consider replacement tree planting as mitigation for the loss of the 4 trees and they have commented that they feel that replacement planting in the car park would result in loss of spaces which is not acceptable and the openness of the public realm would be compromised if additional tree planting were to occur in the pedestrian circulation spaces. I note these comments and accept that there is a degree of planting within the scheme as well as an almost parallel row of trees to the north-east on the edge of the existing pay and display car park.
- 6.5. It is acknowledged that there are parking issues within Mulberry Walk/Mere Green District Centre especially at peak times and the loss of any existing car parking spaces could have a serious detrimental impact on the function of the district centre. Whilst it has not been shown in plan terms, that the insistence on the planting of the 4 trees would result in the loss of 8 car parking spaces, the level of parking space loss would depend on tree planting positions. Where the tree planting was originally proposed would not have required any loss of parking spaces as it was located close to the central walkway. However, the restrictions associated with the cabling would push tree planting further into the car park where some parking space loss would be more likely.

7. Conclusion

- 7.1. While it is regrettable that the issues precluding the planting of the 4 trees were not considered in more detail during the construction phase of the development, on balance, I do not consider the removal of these trees will have a significant impact

on the visual appearance of the scheme which includes extensive public realm works of high quality.

8. Recommendation

8.1. Approve.

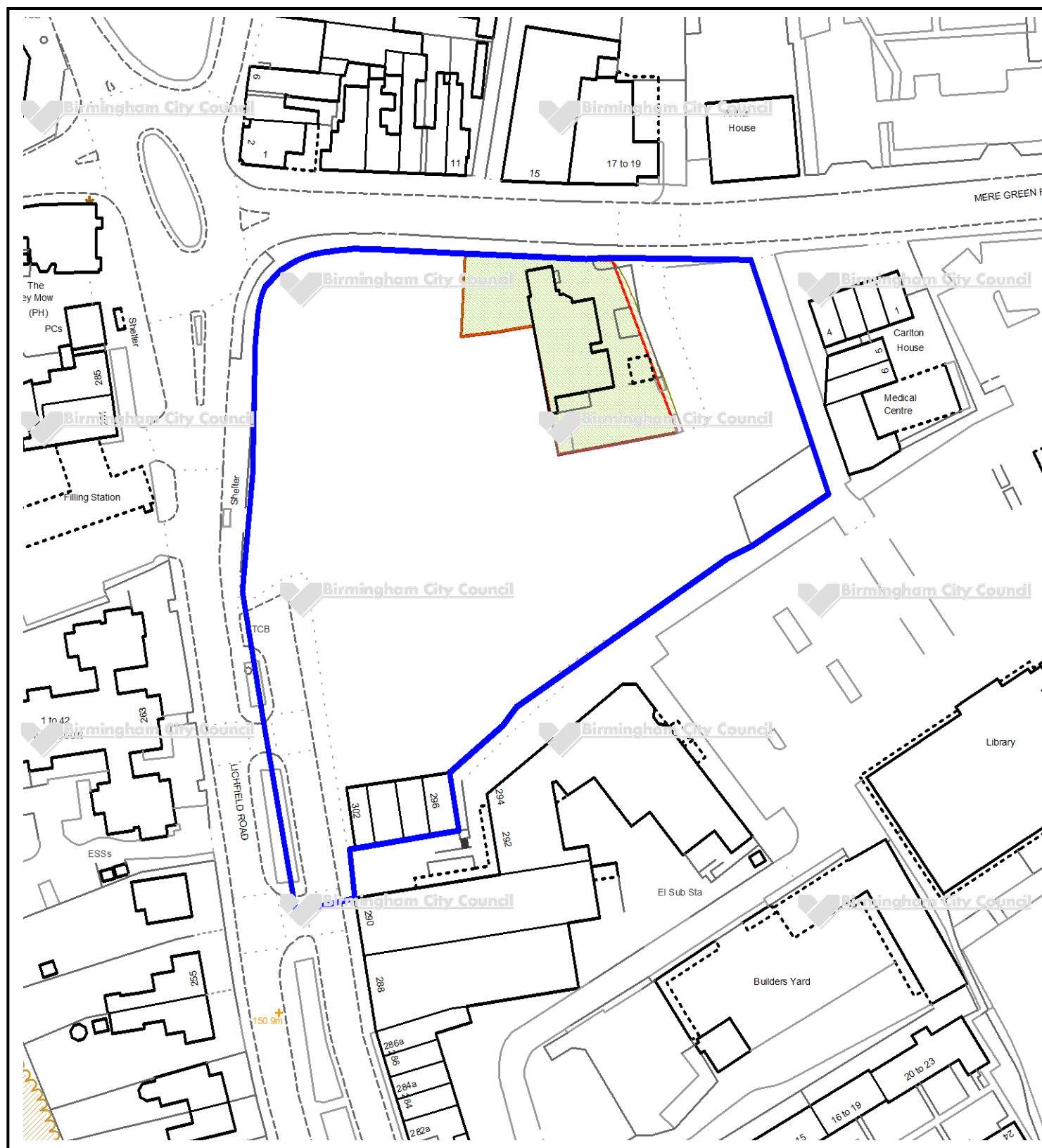
Case Officer: John Davies

## Photo(s)



Figure 1 – View of location of proposed trees

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**19 July 2018**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	12	2018/02555/PA  10 Serpentine Road Selly Oak Birmingham B29 7HU  Revisions to existing bin store to include electricity meter box, provision of additional disabled parking bay, associated minor level changes and works
Approve - Conditions	13	2018/02738/PA  103 Selly Park Road Selly Park Birmingham B29 7LH  Erection of single and two storey rear extensions and associated roof alterations

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Committee Date:	19/07/2018	Application Number:	2018/02555/PA
Accepted:	06/04/2018	Application Type:	Full Planning
Target Date:	01/06/2018		
Ward:	Bournbrook & Selly Park		

10 Serpentine Road, Selly Oak, Birmingham, B29 7HU

Revisions to existing bin store to include electricity meter box, provision of additional disabled parking bay, associated minor level changes and works

Applicant:	Five Oaks Green Ltd c/o Agent
Agent:	Tyler Parkes 66 Stratford Road, Shirley, Solihull, B90 3LP

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#### Recommendation

#### **Approve Subject To Conditions**

##### 1. Proposal

- 1.1. Permission is sought for the installation of an electricity meter box, the re-location of the existing bin store, associated minor level changes and works for this student accommodation residence.
- 1.2. The electricity meter box would be located along the northern boundary to the site and would be a brick built structure with a sloping roof and a single door to the side elevation facing west. The structure would measure between 2.5m in depth, 1.7m in width and between 2.5m – 2.7m in height. The meter box would be located alongside the refuse store.
- 1.3. The refuse storage area comprises a part brick part treated timber louvred panel structure with double doors facing south into the site. The enclosure would measure 4.5m in depth, 6.8m in width and 1.8m in height. The structure would be open topped and would enclose 7 lidded refuse bins to be used in connection with the student accommodation scheme on site. The general design and location of the refuse store have previously been agreed as part of the discharge of condition 14 of planning permission reference 2016/03063/PA (discharge of conditions application reference 2017/05191/PA), the original consent for student accommodation. This application seeks to relocate the approved refuse storage approximately 4m east of its previous position, closer to the frontage of the site. The inclusion of the electricity meter box would enlarge the length of the refuse store by approximately 2m.
- 1.4. The application also proposes to raise the ground level of this part of the site by between 0.3m – 0.8m above the ground level, as previously approved under planning approval 2017/10086/PA.
- 1.5. [Link to Documents](#)



## 2. Site & Surroundings

- 2.1. The application relates to an existing property at 10 Serpentine Road, known as 'Beechenhurst House'. It is a substantial (2 ½ storey) dwelling constructed in the 1860's. The building has undergone alteration, but does still contain architectural features of merit. It is set within spacious grounds, with the building actually orientated towards the 'rear', with the 'main' elevation facing the gardens rather than Serpentine Road. The property follows the building line on the road frontage, set behind a driveway with a low, stepped wall along the back of pavement and mature trees behind.
- 2.2. The site is currently under development for the conversion of Beechenhurst House to student accommodation which included a new-build, 3 storey (plus basement) annex block within the rear grounds.
- 2.3. The site falls within Selly Park Conservation Area - an area of spacious plots and generously proportioned, architect-designed residential properties, open space and secluded cul-de-sacs. Several religious and educational establishments are situated within the boundary of the Conservation Area, as is St. Mary Hospice. There are also a number of listed/locally listed buildings in the area, including St Stephen's Church and Selly Wick House to the south-east of the site (both Grade II listed).
- 2.4. Immediately adjacent to the north is the site of the former 'Bourn House', which has been redeveloped into 4 dwellinghouses; 3 fronting Serpentine Road and 1 fronting Bournbrook Road to the rear. No. 8C lies immediately north of the application site, with a ground level approximately 1m lower than the application site. The remainder of this section of Serpentine Road is residential in nature, predominantly detached family residences of varying ages and styles.
- 2.5. [Site Location Plan](#)

## 3. Planning History

- 3.1. 03/05/2018 - 2018/02554/PA – Non material amendment to approval 2015/05416/PA for amendment to ground floor window and new brick enclosed flue to north elevation – Approved
- 3.2. 21/2/2018 - 2017/10086/PA – Minor material amendment attached to planning approval 2016/03063/PA to increase finished ground levels around the annex block by 500mm – Approved with conditions
- 3.3. 09/10/2017 - 2017/05191/PA - Application to determine the details of condition numbers 3 (dormer window/window frame details), 4 (sustainable drainage scheme), 5 (landscape plan), 6 (earthworks details), 7 (hard surfacing materials), 9 (boundary treatment details), 11 (details of green/brown roofs), 12 (sample materials), 13 (level details), 14 (details of refuse storage) and 15 (cycle storage details) attached to planning approval 2016/03063/PA – Approved
- 3.4. 15/6/2017 - 2017/04472/PA - Non material amendment to planning application 2016/03063/PA to insert new fire door, add external chiller, increase plant room size, install pv panels and relocate disabled parking bays – Approved



- 3.5. 10/4/2017 - 2017/01020/PA - Application to determine the details of condition 2(ecological/biodiversity/enhancement measures) and 16 (Arboricultural Method Statement) attached to planning approval 2016/03063/PA - Approved
- 3.6. 13/7/2016 - No. 2016/03063/PA - Minor Material Amendment attached to approval 2015/05416/PA for removal of some accommodation within roof of existing building and associated external works, extension to proposed annex block and amended design (with total number of studios increasing to 65) and incorporation of caretaker's accommodation within stable block – approved, subject to a legal agreement
- 3.7. 03/02/2016 - 2015/05416/PA - Conversion of existing buildings and erection of annex blocks (3 storeys plus basement) to create student accommodation with ancillary facilities, car parking and external works – approved, subject to a legal agreement.
- 3.8. 08/05/2013 - 2013/00885/PA - Change of use from care home (Use Class C2) to student accommodation (sui generis) comprising 68 bed spaces, erection of 3 and 4 storey rear extensions, alterations to windows, insertion of dormer windows and car park to front - Withdrawn

#### 4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection subject to a plant and machinery noise condition.
- 4.2. Western Power - No comments
- 4.3. Transportation Department – No objection
- 4.4. Residents, Councillors, local ward members, residents associations have been consulted and a site and press notice has been displayed.
- 4.5. Selly Park Property Owners' Association have raised an objection to the application on the grounds of loss of disabled parking spaces, the height, dominance and potential noise implications of the proposed substation, and the visibility of the proposed bin store from the road.
- 4.6. 9 individual responses have been received from surrounding occupiers, objections as follows:
  - Loss of disabled parking spaces
  - Scale and height of proposed buildings would be visually dominant and would dominate adjacent neighbour's property
  - Impact on the Conservation Area
  - Visual impact from road
  - Lack of neighbour notification
  - Health implications from the substation and bin store
  - Noise and odour implications
  - Proposal should be relocated as it is too close to 8C Serpentine Road
  - Application not in accordance with Extending Your Home SPD
  - Proposed buildings would breach the Council's 45 Degree Code Policy from windows to 8C Serpentine Road

- Change in levels would result in loss of privacy
- Inaccuracies in previous planning applications

## 5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; UDP (2005) (saved policies); Car Parking Guidelines SPD (2012); Places for All SPG (2001); Wider Selly Oak SPD (2015); Selly Park Conservation Area (designated 2010) and Article 4 Direction; Mature Suburbs SPD (2008), NPPF.

## 6. Planning Considerations

- 6.1. During the application process discussions have been undertaken between the applicant and Western Power. Following concerns raised by the occupiers at 8C Serpentine Road, Western Power have sourced alternative solutions to the need for a substation and have amended the scheme to contain an electricity metering box instead of a substation, reducing the overall footprint of proposed structures along the north boundary. The height of the substation structure has also been reduced by 0.6m from 3.1m in height to 2.5m in height. Following these amendments the application was re-advertised accordingly, for completeness, with the consultation period completing on 16<sup>th</sup> July.

### 6.2. Design and Scale

- 6.3. The proposed electricity metering box, as amended, would have a utilitarian appearance and the design brick built building with the sloping roof design would result in an appearance similar to an outbuilding within other residential properties. The refuse store would be constructed of brick with treated timber cladding and would also give the appearance of a residential outbuilding or shed. I consider that the refuse store in terms of siting, scale, form and design is acceptable. The building is set back from the road approximately 28m from the frontage and as such would not result in a prominent feature within the street scene.

- 6.4. The Council's Conservation Officer has not raised any objections to the proposal subject to a condition to secure a landscaping scheme to aid in screening the refuse store. This has been reiterated by the comments received from the Council's Landscape Officer. Based on this a condition is attached to any permission for further details of a landscaping screening scheme.

### 6.5. Residential Amenity

- 6.6. The proposed electricity metering box and refuse store would be located to the north of the site, alongside the boundary neighbouring residential property No. 8c Serpentine Road. No. 8c is set at a lower ground level than the application site, of approximately 1m.

- 6.7. The meter box and refuse store structure would be 3.4m from the nearest ground floor corner of No. 8c Serpentine Road which has a garage at ground floor and a bedroom at first floor. There are no side facing windows to the garage with the first floor bedroom windows to the front and rear elevations. The nearest side facing windows to No. 8c are located to the 'L' shaped return of the property and do not directly face on the proposal. Whilst the proposal would technically breach the 45 Degree Code from the side facing ground floor lounge window, given the oblique

angle of the proposal to No. 8c and the distance separation of 12m I do not consider the proposal would have a detrimental impact on the outlook and light to this window. Consideration is also given to the two additional windows to the front elevation serving the lounge which would be unaffected by the proposal.

- 6.8. To the rear elevation of the property nearest the site is a ground floor garage door with a first floor bedroom window above. The proposed electricity meter box and refuse store structure complies with the 45 Degree Code policy in respect of the habitable windows to No. 8c.
- 6.9. Whilst I acknowledge the structure would be close to the nearest side elevation and site boundary of No. 8C and would be at a higher ground level, I do not consider this position would have a detrimental impact on the residential amenity of the occupiers of No. 8C sufficient to warrant refusal of the application. It has to be noted that if this proposal was unsuccessful the applicant could revert to the previously approved location of the refuse store which is not significantly different to what is currently being considered.
- 6.10. Highways and Parking Implications
- 6.11. Concern has been raised by several residents over the loss of two disabled parking bays which were previously proposed in the same location as the currently proposed electricity meter box and refuse store. A non-material amendment application was submitted and approved in June 2017 (reference 2017/04472/PA) for the relocation of the two disabled parking bays to the front of the site, in front of Beechenhurst House. Transportation Development are aware of this and have not objected to the application.
- 6.12. The current application incorporates an additional disabled parking bay next to the refuse store and meter box. As such, I do not consider there to be any adverse highway or parking implications.
- 6.13. Health and Odour concerns
- 6.14. Concern has also been raised over the potential health implications of the proposed electricity substation given the close proximity to neighbouring properties, along with the positioning of the refuse store. Amended plans have been received removing the proposed substation, replacing it with a metering box. Notwithstanding this, health implications would fall outside the control of the Local Planning Department and are covered by separate legislation. The Council's Regulatory Services have been consulted and have not objected to the proposal. I do not consider the proposal would result in any health implications as could be controlled by the planning system to warrant refusal of the application.
- 6.15. In respect to the refuse store, the agent has advised that the refuse store enclosure will be open-topped, however each of the 7 bins would be individually lidded. The bins would be collected twice a week, by a private contractor. Within the enclosure will be a cold water tap and power socket in order for management of the site to clean down the area weekly by jet-wash. A foul drainage gully would also be included within the refuse storage area. Furthermore, this general location has already been agreed within a previous discharge of conditions application. This application seeks to relocate the refuse store by approximately 4m and amends the design however this is considered minimal and I do not consider this relocation or redesign would result in any further implications than the location originally approved.

6.16. Noise and Disturbance

6.17. Comments have been received raising concern over potential noise and disturbance caused from the proximity of the originally proposed electricity substation and the refuse store to residential dwellings. The Council's Regulatory Services have been consulted and have not raised any objections to the scheme subject to recommending a noise condition to safeguard against disturbance caused to existing or proposed noise sensitive receptors.

6.18. In any event the scheme has been amended to remove the electricity substation and replace it with a meter box. For completeness, an additional 14 day consultation period has been undertaken on the amended plans, which ends on 16<sup>th</sup> July.

6.19. In respect of the refuse store, whilst there may be some noise associated with the use of the bins, both by the students within the site and refuse collectors on collection day, I do not consider this would be outside of the normal day-to-day sounds within a typical residential street.

6.20. Level changes

6.21. Changes to the ground level within the site have already been agreed within a previous planning permission, reference 2017/10086/PA. Within this current application, a further change is proposed: an increase of between 0.3m – 0.8m is proposed in order to create a level access to the electricity substation and refuse store. Given the previously approved increase, this additional increase is considered minimal and I do not consider would have a detrimental impact.

6.22. Other considerations

6.23. Additional concern has been raised in respect of the neighbour notification process during the application and inaccuracies within the officer's report for the original permission at 10 Serpentine Road. The minimum statutory requirement for public consultation is for a site notice to be displayed at the site, which was undertaken in this case, as well as individual letters following the amended plans. Therefore the Council feels the level of consultation is acceptable. Concerns regarding assessment of the previous application are not material planning considerations as part of this application.

7. Conclusion

7.1. This application is recommended for approval as the proposal complies with the policies as outlined above.

8. Recommendation

8.1. Approve subject to the following 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

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- 
- 3 Requires the prior submission of hard and/or soft landscape details
  - 4 Limits the noise levels for Plant and Machinery
  - 5 Implement within 3 years (Full)
- 

Case Officer: Leah Russell



## Photo(s)



Photograph 1 – View of application site from road – left of garage shown, on higher ground



Photograph 2 – Wider street scene view





Photograph 3 – View of proposal site towards No. 8c Serpentine Road



Photograph 4 – View of application from rear garden of 8c Serpentine Road



## Location Plan



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Committee Date:	19/07/2018	Application Number:	2018/02738/PA
Accepted:	06/04/2018	Application Type:	Householder
Target Date:	01/06/2018		
Ward:	Bournbrook & Selly Park		

103 Selly Park Road, Selly Park, Birmingham, B29 7LH

Erection of single and two storey rear extensions and associated roof alterations

Applicant:	Mr S Sohota 103 Selly Park Road, Selly Park, Birmingham, B29 7LH
Agent:	Lapworth Architects 4 Edward Street, Birmingham, B1 2RX

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Planning consent is sought for the erection of a single and two storey rear extension and associated roof alterations to No. 103 Selly Park Road, Selly Oak.
- 1.2. The proposed two storey rear extension would be located to the rear elevation of the main dwelling house and would measure 4m in depth, 13.3m in width, 5.4m in height to the eaves, and an overall height of 7.7m. The proposed extension would enlarge the kitchen, dining room and lounge at ground floor and enlarge 3 bedrooms at first floor along with creating a dressing room and en-suite for a 4<sup>th</sup> bedroom.
- 1.3. The proposed single storey rear extension would extend to the rear of the existing single storey annex and garage building. The extension would measure 3m in depth, 10.8m in width, with a height of 2.5m to the eaves and 6.4m overall height to the ridge.
- 1.4. The proposal also incorporates a first floor bedroom and en-suite within the roof space of the existing annex building and the roof space resulting from the proposed single storey rear extension. Four roof lights are proposed within the rear roof slope.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a large detached property with a cat slide roof design. The property is set back from the road with a large frontage comprising of a drive and garden area to the front. The property is located in Selly Park Conservation Area of which there are varying styles of architectural designs within the street scene. The rear boundary treatment consists of high wooden fence panels with large mature trees to the rear. There is a 1.3m high wooden fence along the boundary with No.101. No.105 is a bungalow.

2.2. [Site Location Plan](#)

3. [Planning History](#)

3.1. 01/03/2018 - 2017/10237/PA - Erection of two storey rear extension and additional hard standing to front – Approved with conditions

3.2. 01/11/2017- 2017/07658/PA- Erection of two storey side and rear and single storey side extensions- Refused on scale, design and impact on the Conservation Area.

4. [Consultation/PP Responses](#)

4.1. Neighbours and local Ward Councillors were notified and site and press notices displayed. 11 responses were received from local residents who objected to the proposal on the grounds of:

- Loss of light to neighbouring properties
- Loss of outlook and privacy
- Overdevelopment of the plot
- Bulk and mass of extensions incongruous to existing property
- Would breach the 45 degree code properties to either side.
- Loss of garden space
- Development is unsympathetic to the Conservation Area
- Proposals would be visible from street scene and out of keeping
- Converting property into potential HMO

4.2. Members of the Selly Park Property Association objected to the proposals based on the overdevelopment of the site and impact on character and appearance of the Conservation Area.

5. [Policy Context](#)

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan (2005)
- Birmingham Development Plan (2017)
- Places For Living SPG (2001)
- The 45 Degree Code SPG (1996)
- Extending your Home SPD (2007)
- Selly Park Conservation Area

5.2. The following national policies are applicable:

- NPPF- National Planning Policy Framework.

6. [Planning Considerations](#)

6.1. This application should be assessed against the objectives of the policies as set out above. The application follows a previously approved application, reference

2017/10237/PA for a 2.7m deep two storey rear extension, which some members may recall being approved at your Committee meeting of 1<sup>st</sup> March. The new proposal has an amendment to the previous consent (first bullet point below), and a new element (second point):

- To deepen the recently-approved two storey rear extension by 1.3m, from 2.7m to 4m in depth;
- Erect a 3m deep, single storey rear extension with rear loft extension, for the existing single storey annex to the side of the property. This would provide a new bedroom in the loft space, with rooflights to the side and rear.

- 6.2. During the current application process the applicant changed their agent. Amended plans were then submitted altering the proposed scheme by changing the roof design of the two storey rear extension from a hipped roof design to a gable end design. The amended plans also included a proposed flat roof dormer window with a Juliette balcony within the proposed loft extension to the rear of the annex building. These plans were made public and several comments have been received from neighbouring properties on these amendments. However it was considered these proposed amendments would not be supported and as such the proposal has reverted back to the plans originally submitted with this 2018 application. An additional 14 day consultation period has been undertaken to ensure neighbouring properties and members of the public are clear on the scheme being assessed.
- 6.3. The proposed development would comply with the 45 Degree Code to the neighbours to either side, given the side garage to No. 101 Selly Park Road adjacent to the proposed two storey rear extension and the distance between the single storey rear extension and the rear elevation to No. 103a Selly Park Road. The numerical guidelines as set out in Places for Living SPG would also be met. As such, I consider there would be no detrimental impact upon neighbouring amenities by way of loss of daylight, outlook or privacy. In more detail, the 5m per storey minimum overlooking guidance distance to neighbouring gardens would still be exceeded, as would the minimum 21m guidance distance to neighbours' windows, as would the minimum 70 sqm guidance for garden area.
- 6.4. I consider the scale, mass and design of the proposed single and two storey rear extensions to be acceptable. The City's Conservation Officer has raised no objection to the proposal and does not consider the proposal would result in harm to the conservation area. I concur with this view, the proposed extensions are to the rear of the property and would not be visible from the street. As such I do not consider that the proposed development would be overbearing nor would it amount to over intensive development of the plot, given the overall plot size. A large area of garden would remain to the rear and the open space between the application site and No. 103a to the side would be unaffected. I consider that the proposed design of the rear elevation would not affect the architectural appearance of the property as such to warrant a refusal of the application.
- 6.5. Notwithstanding the above, concerns have been raised from neighbouring properties over the proposed loft conversion being visible from the street scene. However the existing ridge height of the annex building would remain the same, with the extension and loft extension and conversion being to the rear roof slope and as such they would not result in a prominent feature within the street scene.
- 6.6. Reference has been made by local residents to a previously refused application for two storey side and rear extensions which was refused on the grounds of scale and design and impact on the conservation area. The rear extension within the refused application was of a similar scale to that proposed. However in the previous

application, the cumulative impact of a significant two storey side extension in the position of the existing annex and the proposed two storey rear extension were considered to be unacceptable. With the two storey side element removed in both the last and current proposals, the remaining proposed two storey rear extension would need to be assessed on its own merits. As such, I do not consider that the proposed two storey rear extension would be sufficiently detrimental to warrant refusal of the application.

- 6.7. There is a local concern about a conversion of the property to an HMO, however the extensions proposed would not make this any more likely to happen than the existing premises and would likely require planning permission given the size of the premises even before the proposed extension. Furthermore the applicant has advised the extensions are to provide additional space for his children and grandchildren to live within the property. A door link from the main body of the house to the side annex exists currently, and would continue to be provided as part of the new development.

7. Conclusion

- 7.1. This application is recommended for approval as the proposal complies with the policies as outlined above.

8. Recommendation

- 8.1. Approve subject to the following conditions

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials                      |
| 3 | Implement within 3 years (Full)  |
- 

Case Officer: Leah Russell

## Photo(s)



Photograph 1: Front elevation of application site



Photograph 2: Rear elevation of main house





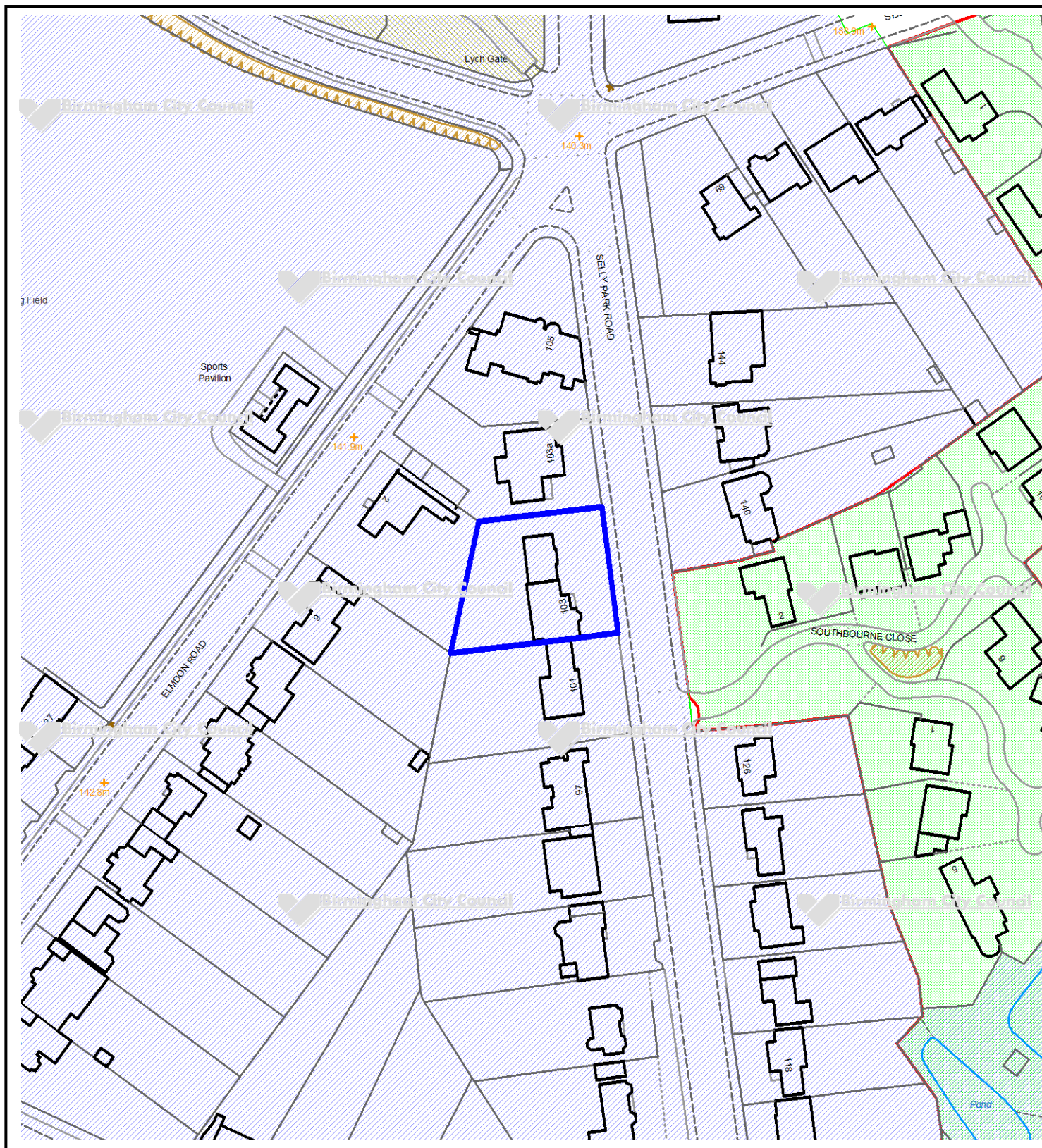
Photograph 3: Rear elevation of annex building



Photograph 4: Street scene



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**19 July 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>
Approve - Conditions	14	2018/00482/PA  1 Tile Cross Road Birmingham B33 0NN  Erection of 2 no. two-bedroom dwellings (Use Class C3) and 14 no. self-contained supported one-bedroom apartments and a resource hub (Use Class C2)
Approve - Conditions	15	2018/01359/PA  Phoenix Park Brickfield Road Birmingham B25 8HF  Outline planning application with some matters reserved (save for access, scale, appearance) for the erection of a building for general industrial/warehouse and distribution purposes (Use Class B2 and B8)
Prior Approval Required Approve Conditions	16	2018/03275/PA  38-50 Orphanage Road Erdington Birmingham B24 9HN  Prior Approval for change of use from offices (Use Class B1[a]) at ground and upper floors to 87 Residential units (Use Class C3)

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Committee Date:	19/07/2018	Application Number:	2018/00482/PA
Accepted:	25/01/2018	Application Type:	Full Planning
Target Date:	24/07/2018		
Ward:	Glebe Farm & Tile Cross		

1 Tile Cross Road, Birmingham, B33 0NN

Erection of 2 no. two-bedroom dwellings (Use Class C3) and 14 no. Self-contained supported one-bedroom apartments and a resource hub (Use Class C2)

Applicant:	Bromford Housing Association Ltd Exchange Court, Brabourne Avenue, Wolverhampton Business Park, Wolverhampton, WV10 6AU
Agent:	Arcadis Corner Block, 2 Cornwall Street, Birmingham, B3 2DX

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#### Recommendation

#### **Approve Subject To Conditions**

##### 1. Proposal

- 1.1 The application is submitted on behalf of Bromford Housing Association Limited and comprises the demolition of the existing single dwelling and the erection of 2 two-bedroom dwellings (Class C3) and a 2-storey block of 14 self-contained one-bedroom apartments (Class C2), with an ancillary resource hub. The resource hub will provide an open space lounge/meeting area to encourage social integration and provide facilities to deliver training, employment advice and activities to its customers.
- 1.2 The apartments would provide long term supported accommodation for adults, via Bromford's 'My Place' model, an innovative housing support model. My Place provides residents with long term needs the opportunity to live independently, harness opportunities and reduce dependency, whilst being supported via an element of onsite care.
- 1.3 Bromford also arrange for a housing specialist to visit the site on a regular basis to assist the residents with support in terms of maintaining the home, organizing repairs and managing visitors.
- 1.4 A total of 14 self-contained one bedroom apartments would be provided in the My Place building and the tenure would be 100% affordable rent. Each of the apartments would have a floorspace of 37.2sqm and the proposed community hub would have a floorspace of 76.6sqm. The apartments would contain a wet room, bedroom and shared kitchen/living room. There would be approximately 560sqm of enclosed private amenity space provided to the rear of the building (excluding parking areas) which amounts to 40sqm per unit.

- 1.5 In terms of the proposed materials, it is anticipated that the My Place apartments will be constructed of red brick with a grey roof to complement the adjacent bungalow and residential character of the surrounding area.
- 1.6 The two proposed semi-detached dwellings to the rear of the site, would be of a similar style, complementing the My Place apartment block and existing residential development in the area. The dwellings will each be served by two dedicated parking spaces to the front, with a substantial private garden to the rear of each property.
- 1.7 In respect of the two proposed dwellings, these would each contain a kitchen/dining room, lounge, bathroom and two bedrooms. The dwellings would extend to 65sqm in terms of floorspace.
- 1.8 Whilst the current dwelling is accessed from the corner of Tile Cross Road and Mackadown Lane, the proposed My Place Building will be accessed along a new vehicular access point along the north-eastern boundary from Tile Cross Road. The proposed access would also serve the two dwellings proposed to the rear of the site and the parking to serve the 'My Place building which would be located to the west side of the access. The My Place apartments would have 7 parking spaces and the dwellings would have two parking spaces.
- 1.9 In respect of the existing trees on the site, 11 of these will be retained and 8 will be removed (where necessary) as a result of the proposal.
- 1.10 The site area is 0.35Ha resulting in a density of 40 dwellings per hectare.
- 1.11 The following documents have been submitted in support of the application:  
Arboricultural Impact Assessment  
Design and Access Statement  
Landscape Schedule  
Noise Survey and Assessment  
Preliminary Ecological Appraisal  
Site Investigation Report  
Transport Statement  
Conceptual Drainage Levels

[Link to Documents](#)

## 2.0 Site & Surroundings

- 2.1 The application site comprises an irregular piece of land extending to 0.35 Ha with a frontage to Mackadown Lane and Tile Cross Road to the north and west and it is bordered by the London to Birmingham Railway to the south. The existing substantial detached dwelling is located centrally within the site and accessed from a driveway leading from the junction of Mackadown Lane and Tile Cross Road.
- 2.2 The immediate area is residential and commercial in terms of character with the adjoining site to the east comprising a single detached bungalow within a large curtilage. There are a number of industrial units located further to the east on Tile Cross Road and Tile Cross Park is located opposite the application site.
- 2.3 The site is separated from the railway to the south by a mature tree buffer and the northern and western periphery of the site are characterized by a number of substantial mature trees which contribute positively to the character of the

streetscene. The existing garden of the dwelling is largely located to the south of the house and contains a number of single storey outbuildings. The topography of the land is primarily flat.

### 3.0 Planning History

- 3.1 There is no relevant planning history.

### 4. Consultation/PP Responses

- 4.1 Press and site notices displayed. Adjoining neighbours, Ward Councillors and MP consulted – No Third Party Representations received.
- 4.2 Transportation Development – No objections subject to amendments and conditions. The amendments relate to further detail in respect of refuse vehicle tracking, parking and other design details.
- 4.3 University Hospitals Birmingham NHS Foundation Trust - A financial contribution of £16,712 is requested based on the number of dwellings proposed. This would be used towards acute healthcare infrastructure.
- 4.4 Regulatory Services - No objections subject to conditions in relation to acoustic glazing, ventilation and noise insulation to address aircraft noise. An electric vehicle charging point will also be required. It is noted that outdoor noise levels will not meet World Health Organisation criteria for outdoor living spaces, given the location next to the railway and within the airport flight path. Whilst the situation is not ideal it would not necessarily be considered to constitute grounds for refusal. In respect of contaminated land a report was submitted with the application. Based on the findings of the investigation, no issues were identified and no remedial measures are required. No further action is necessary in this respect.
- 4.5 Leisure Services - No objections.
- 4.6 City Ecologist - No comments received.
- 4.7 Network Rail - No objections subject to conditions and informatives. The applicant is advised to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail.
- 4.10 Severn Trent – No objection subject to conditions in relation to storm and foul water drainage.
- 4.11 West Midlands Police – No objection subject to Secure by Design New Homes Initiatives.

### 5. Policy Context

- 5.1 Birmingham Development Plan (2017), Saved policies within adopted UDP (2005), Places for Living SPG (2001), Mature Suburbs SPD (2006), Car Parking Guidelines SPD (2012), Special Needs Residential Uses SPD, The 45 Degree Code (2006) Affordable Housing SPG (2001) Public Opens Space and New Residential Development SPD, National Planning Policy Framework (2012).



## 6. Planning Considerations

- 6.1 The main considerations in the determination of this application are: the principle of residential development, the impact of the design and layout of the proposal, the impact on residential amenity, highway safety and other technical matters.

### Principle of Residential use

- 6.2 The application site comprises a brownfield site in a sustainable location. The National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 17 supports sustainable economic development to deliver new homes and encourage the use of brownfield land. Paragraph 19 states that significant weight is placed on economic growth within the planning system with paragraphs 47 – 50 highlighting that windfall sites may consistently become available and will continue to provide a reliable source of housing land supply. Local planning authorities should deliver a wide choice of high quality homes and residential development should reflect local demand and create mixed and balanced communities. The NPPF states at paragraph 49 that planning applications to deliver housing should be considered in the context of the presumption in favour of sustainable development (paragraph 14).
- 6.3 Policy PG1 within the Adopted Birmingham Development Plan states that the Plan aims to deliver 51,100 additional homes over the plan period, in order to cater for the City's increasing population, and it is expected that a minimum of 80% of all new homes provided over the plan period will be located on previously developed land.
- 6.4 Policies PG3, TP27, TP30 and TP31 of the BDP seek to provide an appropriate environment and identify sites for allocation using a sequential approach with the re-use of previously developed land and buildings and reinforce a positive sense of place and local distinctiveness that includes heritage assets and appropriate use of innovation in design. This can be achieved through the provision of a variety of housing types, sizes and tenures to meet the full range of needs throughout the City.
- 6.5 Policy TP26 and TP27 of the BDP states that the location of new housing should be accessible to jobs, shops and services, accessible by a variety of means of transport sympathetic to the historic cultural and natural assets and not conflict with other development plan policies in relation to employment land, green belt and open space.
- 6.6 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.
- 6.7 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.

- 6.8 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 40 dwellings per hectare is considered acceptable on the grounds that the site is well served by public transport, with a number of bus services available within a short walking distance of the application site.
- 6.9 Policy TP30 also 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.
- 6.10 The proposal would result in the demolition of a two storey dwelling currently located towards the northern boundary of the application site. Whilst the dwelling is visible from the junction of Mackadown Lane and Tile Cross Road, it is relatively screened by the existing landscaping on the periphery of the site. As such, it is not prominent within the streetscene. Whilst the dwelling has some visual architectural interest, it is not statutorily or locally listed or located within a conservation area. Therefore, there is no objection raised to its demolition.
- 6.11 Whilst the loss of the existing dwelling is noted, it is considered that the benefit of the scheme in providing a secure housing environment for vulnerable adults outweighs the harm arising from the loss of the dwelling.
- 6.12 The application sites has not been identified for residential development within the Strategic Housing Land Availability Assessment (SHLAA) and would constitute a windfall housing site as identified by paragraph 48 of the NPPF. In terms of economic and social dimensions of sustainable development, the proposal would be deliverable and make a valuable contribution to identified housing need for Birmingham area. Furthermore, it is considered that the proposed infill development of the application is an acceptable addition in an area that already comprises of a variety of residential infill developments, e.g. cul-de-sacs such as Stockton Grove, which have taken place over an extended period of time.

#### *Layout and Design and Impact on Visual Amenity*

- 6.13 The proposed development will comprise two elements namely the provision of the 'My Place' apartment block in the centre/north western side of the site providing a focal point in a prominent location within the streetscene. The proposed two dwellings would be located in the southern portion of the site to the rear of the garden of No. 11 Tile Cross Road and would be accessed from the proposed new access road to the east of the My Place apartments.
- 6.14 In terms of material treatment, the apartments are proposed to be constructed of red brick (Dark Red Multi), with elements of render on the building facades. The dwellings would have a combination of blue brick and render to the facades and red brick to the sides and rear. The residential dwellings in closest proximity are those on

Mackadown Lane, a considerable distance to the North West and these are white rendered. It is considered that the scheme design would be broadly reflective of the character of the surrounding residential properties. I recommend that a condition to secure the use of the specified materials.

- 6.15 The Council's City Design Officer has reviewed the scheme and provided comments that were relayed to the applicant during the application consideration period, in order to seek to address comments and resolve the issues raised.
- 6.16 The design of the development has been the subject of detailed negotiation and amendments that have been carried out following submission of the application that has resulted in the reconfiguration of the apartments to more appropriately address the corner of Tile Cross Road and Mackadown Lane and to improve the accessibility of the apartments to the amenity space. Similarly, the design and material treatment of the apartment block and dwellings has been updated.
- 6.17 I consider that the amendments to the layout in response to the City Design Officer's comments results in significant improvement to the proposals and the design and layout of the scheme is therefore considered to be reflective of the character of the surrounding area and would achieve a good quality residential development.
- 6.18 The proposal replicates the rhythm and character of existing properties in the area, particularly the street pattern with an internal access road that provides access to further dwellings set back from the road.
- 6.19 The applicant has prepared amended plans in response to the consultation from Transportation and outstanding matters can be addressed through appropriate conditions.

#### *Impact on Flood Risk*

- 6.20 The application site does not fall within a flood plain and does not raise any concerns regarding flooding. It falls within Flood Zone 1 which has the lowest probability of flooding (<0.1%). The application is accompanied by a Conceptual Drainage Levels Plan.

#### *Impact on Landscape and Ecology*

- 6.21 The site benefits from a number of mature trees along the perimeter of the site with Tile Cross Road and Mackadown Lane. The site is bordered to the south by a SLINC (Site of Local Importance for Nature Conservation) along the railway embankment and in the ownership of BCC.
- 6.22 The application is accompanied by an Arboricultural Impact Assessment (AIA) and Preliminary Ecological Appraisal. There are no trees on the site which are the subject of a TPO. There are 11 trees scheduled for retention (1 Category A and 10 Category B) and recommendations are made in the report in relation to the protection of the trees during construction. There is no objection to the proposal from the Tree Officer subject to the imposition of a condition in relation to the recommendations as specified within the Arboricultural Impact Assessment.
- 6.23 In terms of the Ecological Appraisal, the buildings to be demolished are considered to have a negligible bat roost potential and a number of recommendations are made in terms mitigation and ecological enhancement such as the avoidance of works during

the bird nesting season and the provision of a number of bat boxes. The matter of landscaping has been outlined above and an appropriate condition will be imposed to that effect.

#### *Impact on Residential Amenity*

- 6.24 The application proposals relate to the erection of 14 No. C2 and 2 No. C3 dwellings which have been positioned in order to achieve adequate separation distances between the new scheme and existing dwellings and it appears that consideration has been given to proposed window positions in relation to neighbouring dwellings.
- 6.25 When assessed against the Specific Needs Residential Uses SPD, the proposed Supported Living apartments would comply with the Supplementary Guidance in respect of the floorspace of the kitchen, bedroom and overall unit.
- 6.26 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.
- 6.27 The proposed Supported Living apartments would have communal rear amenity space amounting to 560sqm or 40sqm per unit. This complies with the numerical requirements of Places for Living adopted as Supplementary Planning Guidance. The proposed dwellings would be served by substantial rear gardens with parking proposed to the front.
- 6.28 The proposed apartments are located more than 21m required from any of the properties on Mackadown Lane and the site is bordered by Tile Cross Park and the railway to the south. The property which would be most affected is the bungalow at No. 11 Tile Cross Road. It is noted that the apartments are separated by 31m from this property and the flank wall of the proposed dwellings are also sufficiently separated from this property to comply with the advice in the Places for Living SPG.

#### *Highway Safety*

- 6.29 The application proposals seek to alter the access arrangements to the site which is currently accessed at the junction of Tile Cross Road and Mackadown Lane. The proposed access to serve the development is now proposed to be located along the North Eastern boundary of the site from Tile Cross Road. The application is accompanied by a Transport Assessment. The report concludes that the proposal would result in 14 two way vehicle trips during the defined peak hours. Each of the dwellings would be served by two parking spaces and there would be 7 parking spaces provided for the My Place apartments.
- 6.30 The applicants have prepared amendments in relation to the Highways consultation response and Transportation have raised no objections subject to conditions

#### *Affordable Housing and Planning Obligations*

- 6.31 The development site falls within a Low Value Area Residential Zone and will therefore be subject to a nil CIL charge. The proposal would relate to an assisted living C2 use and therefore there is no requirement for a S106 Agreement to secure affordable housing.

- 6.32 I note the request received from the NHS Trust, for a sum of £16,712. 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.

#### *Other matters*

- 6.33 The application is accompanied by a Contaminated Land Site Investigation Report and this is considered satisfactory by Regulatory Services. In respect of the noise from the adjoining railway, there is no objection from Regulatory Services subject to appropriate acoustic glazing and other mitigation conditions. The external ambient noise levels are higher than accepted standards but this is not a matter which can be easily mitigated for and is reflected the prevailing noise levels in the locality.
- 6.34 In response to air quality concerns generally in Birmingham, Regulatory Services recommends a condition to secure vehicle charging points for electric vehicles within the site. It is understood that electric vehicles can be charged via mains electric with the requisite power converter. Given that the proposed dwellings would have frontage parking spaces, I would expect that vehicles can be charged in this manner without the need for a dedicated vehicle charging points. I therefore consider that such a condition could only be applicable to the apartments, which would be likely to operate a more informal parking allocation. I have attached this condition accordingly.

### 7. Conclusion

- 7.1. The application proposals relate to the residential development of 14 No. C2 dwellings and 2 No C3 dwellings on the site of an existing dwelling in Tile Cross. The application site forms part of an established residential area and the principle of residential development is considered acceptable on the site. The matters raised in the consultation exercise have either been addressed through amendments or appropriate conditions.
- 7.2. The proposals would have an acceptable impact on residential amenity and the dwellings would deliver a good quality living environment for prospective residents.
- 7.3. For the reasons set out throughout this Committee Report, I recommend that the application should be approved subject to conditions.

### 8. Recommendation

- 8.1. Approve subject to the following conditions:

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires the prior submission of a sustainable drainage scheme
  - 3 Arboricultural Method Statement and Tree Protection Plan - Implementation
  - 4 Requires the implementation of the submitted mitigation/enhancement plan
  - 5 Requires the prior submission of noise insulation (variable)
  - 6 Requires the provision of a vehicle charging point
  - 7 Requires the parking area to be laid out prior to use
  - 8 Requires the prior submission and completion of works for the S278/TRO Agreement
  - 9 Requires the provision of cycle parking prior to occupation
  - 10 Implement within 3 years (Full)
  - 11 Requires the prior submission of hard and/or soft landscape details
  - 12 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
  - 13 Prevents occupation until the service road has been constructed
  - 14 Requires the prior approval of the siting/design of the access
  - 15 Requires pedestrian visibility splays to be provided
  - 16 Requires the prior submission of a landscape management plan
  - 17 Requires the prior submission of level details
- 

Case Officer: David Kelly

## Photo(s)



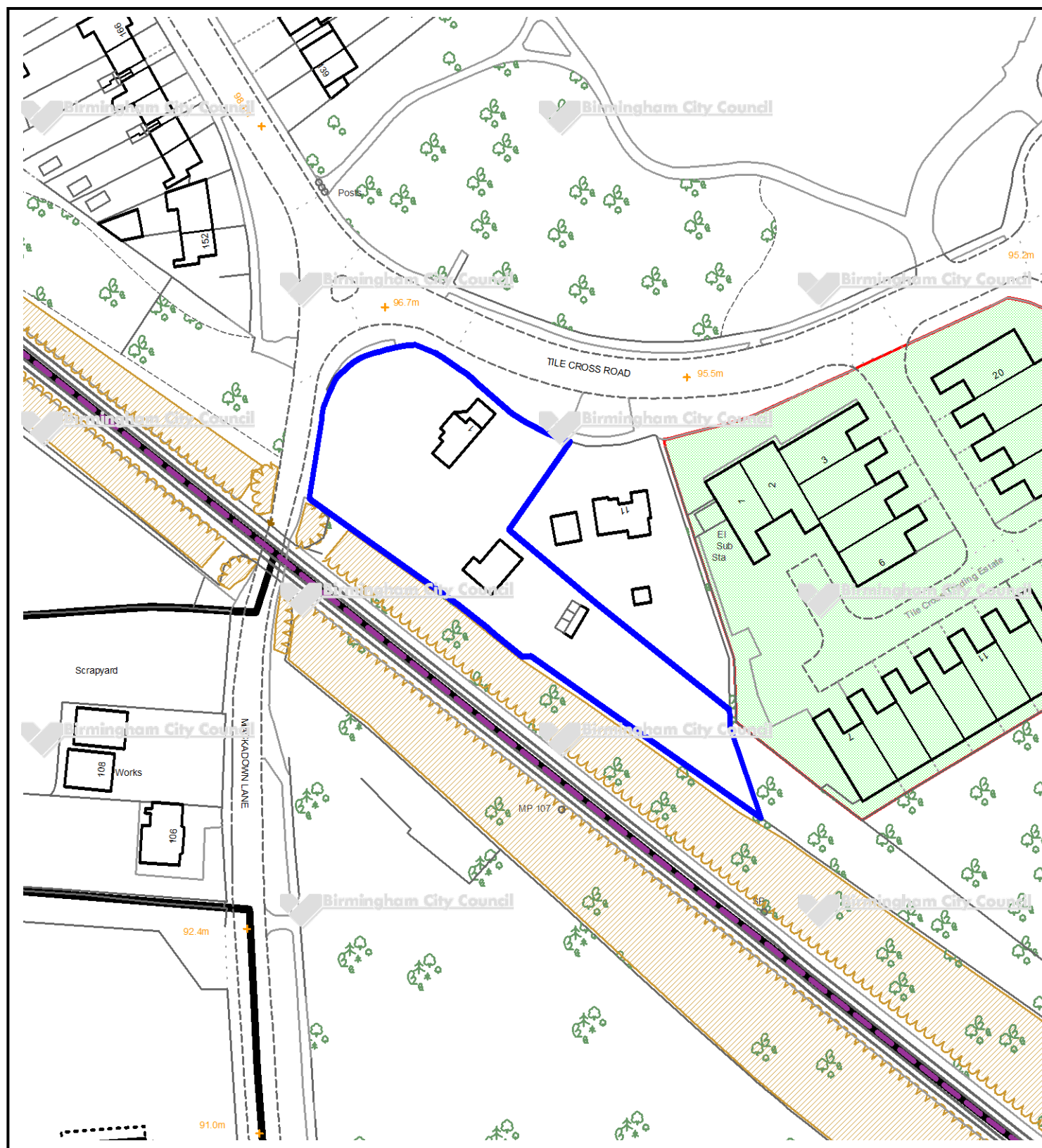
Existing Site Entrance



Existing Dwelling



## Location Plan



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Committee Date:	19/07/2018	Application Number:	2018/01359/PA
Accepted:	13/06/2018	Application Type:	Outline
Target Date:	12/09/2018		
Ward:	Tyseley & Hay Mills		

Phoenix Park, Brickfield Road, Birmingham, B25 8HF

Outline planning application with some matters reserved (save for access, scale, appearance) for the erection of a building for general industrial/warehouse and distribution purposes (Use Class B2 and B8)

Applicant:	Euro Property Investment Ltd c/o Agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

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#### Recommendation

#### **Approve Subject To Conditions**

##### 1. Proposal

- 1.1. This planning application seeks outline consent for the erection of a building for B2 use class general industrial purposes and B8 use class warehouse and distribution purposes with some matters reserved, save for access, scale and appearance. The proposals are intended to secure an expansion opportunity for the applicant, who currently operates the adjacent Euro Packaging factory and warehouse.
- 1.2. The proposed building would comprise 870sqm of general industrial floorspace and 2,715sqm of warehouse and distribution floorspace, amounting to the creation of 3,585sqm of floorspace.
- 1.3. The building would have a maximum height of 24m and would step down to 19.4m and 7.6m. The depth of the building would be approximately 68m. The building would be approximately 70m wide.
- 1.4. The building would be of flat roof construction and would be constructed of powder coated frames. The outer envelope would be clad in Kingspan industrial panels in Silver, Grey and Anthracite Grey. Glazing would be installed to the lobby / reception area of the building. Roller shutters would be provided on the south elevation of the building to operate as loading bays for heavy goods vehicles (HGVs).
- 1.5. The development would result in the creation of 5,685 construction employment hours based on a 12 month build programme for the construction of the development. It is proposed that the development would result in the creation of a maximum of 302 jobs, with these being provided in the third year of the development. The first year post construction would be likely to see 98 jobs on the site, rising to 196 jobs after two years post construction and the full 302 jobs at 3 years post construction. The total number of jobs that would be delivered at the expanded Euro Packaging plant would be 782.

- 1.6. The development proposes the provision of 40no. car parking spaces for staff at the facility, alongside 7no. HGV loading bays. The parking spaces are proposed to be located around the perimeter of the building, with the HGV loading bays located on the southern elevation. The HGV route through the site would be along the south eastern elevations to an egress located in the north east of the site on to Brickfield Road. The car route would be along the north western elevations to the same egress of the site. The proposed access to the site would be located in the south western corner of the site off Brickfield Road.
- 1.7. The planning application is made in outline with some matters reserved, save for access, scale and appearance. The matters of layout and landscaping are reserved for future determination.
- 1.8. The application is supported by the following documents: Transport Statement; Design and Access Statement; Air Quality Assessment; Drainage Strategy; Planning Statement; Noise Impact Assessment; Flood Risk Assessment and Phase 1 Desk Based Geo-Environmental Survey.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The application site is located off Brickfield Road to the south of the Coventry Road and is located within the Tyseley Environmental Enterprise District (TEED) which is a predominantly industrial area.
  - 2.2. The site is currently sub-divided by various types of fencing to contain activities comprising predominantly open storage uses including scaffolding and building materials within specific plots with the wider application fronting onto Brickfield Road and is set back from the road and from view from the public highway by a landscape strip that provides a substantial screen on the sites southern and western boundaries.
  - 2.3. The site is located within flood zone 1 and has previously been used as a landfill that has ceased use and is predominantly surrounded by industrial and commercial uses including the existing Europackaging facility which is situated to the east of the site with offices overlooking the site at higher ground. Within the application site, there is a difference in levels of around 3.5m.
  - 2.4. The nearest residential neighbours to the site are located on Ada Road to the north and Speedwell Road to the south west with the rear boundaries of these properties located approximately 35m away from the site boundaries.
  - 2.5. [Site Location](#)
3. Planning History
  - 3.1. 20.07.2017 - 2016/10590/PA - Change of Use and sub-division of site into 16 plots to be used as open storage and car parking - Refused on the grounds of insufficient information.

- 3.2. 07.10.2016 - 2016/06923/PA – Subdivision of site into 16 plots for a variety of industrial and waste uses – Refused on the grounds of insufficient information.
- 3.3. 08.01.2016 - 2015/08931/PA – Subdivision of site into 16 plots for a variety of industrial and waste uses – Withdrawn.
- 3.4. 27.04.2006 - 2006/00735/PA – Subdivision of site into 16 plots for a variety of industrial and waste uses – Approved, temporary for a period of three years.
- 3.5. 2015/0930/ENF – Unauthorised uses and subdivision of site – Investigated and found to be in non-compliance. Advised to submit planning application to regularise activities on site.

#### 4. Consultation/PP Responses

- 4.1. Transportation Development – no objection subject to conditions to secure means of access; prevent occupation until the turning and parking area has been constructed; amended car park layout; siting/design of the access; details of pavement boundary; commercial travel plan; access and egress points; cycle storage details; a condition to prevent the use from changing within the use class; and to ensure that the approved scheme would be incidental to the primary use within the area outlined blue on the approved site location plan.
- 4.2. Regulatory Services – no objection subject to conditions to secure restricted delivery times; erection of an acoustic barrier; noise levels for plant and machinery; contamination remediation scheme and contaminated land verification report; low emission vehicle parking; reverse signal noise reduction; and low emission vehicles being used at the site.
- 4.3. Local Lead Flood Authority – object to the application as they do not recommend attenuation storage within the sub-base of permeable paving due to the potential risk of removal. Further information regarding the measures to be implemented to prevent the removal of the permeable paving over the lifetime of the development is required.
- 4.4. Environment Agency – no objection.
- 4.5. Severn Trent – no objection subject to condition to secure the submission of drainage plans for the disposal of foul and surface water flows.
- 4.6. West Midlands Police – no objections.
- 4.7. West Midlands Fire Service – no objections.
- 4.8. Civil Aviation Authority – no comments received.
- 4.9. Site notice and press notice advertised. MP, Ward Members, residents associations and neighbours notified. Five letters of support were received, making the following comments:
  - Provide employment opportunity; and
  - Transform existing industrial land in an environmentally positive way.

4.10. Three letters of objection received (however it is noted that two of these are made by the same individual), raising the following concerns:

- Ownership concerns regarding the development of the site;
- Loss of employment land in the form of the current site;
- Reduction in the number of jobs which are currently achieved on the application site, based on the reference of 50FTE jobs which would be delivered, amounting to a net loss of 30 when compared with the current employment levels on the site. Further, concerns are raised in terms of the proposed mix of the uses that would be delivered as part of the development.

5. Policy Context

5.1. National Planning Policy Framework (2012), Birmingham Development Plan (2017), Birmingham Unitary Development Plan Saved Policies (2005), Places for All SPG (2001), Car Parking Guidelines SPD (2012).

6. Planning Considerations

6.1. **Background** - The site was previously granted temporary planning consent in 2007, for a period of three years, for a range of open storage uses. The previous planning consent (2006/00735/PA) expired in April 2010 and has subsequently lapsed.

6.2. Furthermore, three planning applications have been submitted under planning references 2015/08931/PA, 2016/06923/PA, and 2016/10590/PA in order to regularise activities on the site for the subdivision of the site into 16 no. separate plots to be used for open storage and vehicle parking. The 2015 application was subsequently withdrawn by the applicant due to a lack of information whilst the 2016 applications were refused by the LPA due to a lack of sufficient information.

6.3. **Principle of Development** - The application site is located within the Tyseley Environmental Enterprise District (TEED) and the Tyseley Industrial Regeneration Area.

6.4. Policy TP19 (Core Employment Areas) and policy TP20 (Protection of Employment Land) of the Birmingham Development Plan (2017) states that land within such areas will be retained for employment use with the definition of employment being as B1b (Research and Development), B1c (Light Industrial), B2 (General Industrial) and B8 (Warehousing and Distribution) and other uses appropriate for industrial areas such as waste management, builders' merchants and machine/tool hire centres.

6.5. It is considered that the use of the site for general industrial and warehouse / distribution purposes is considered an appropriate use and accords with the policies outlined above. The proposed development is consequently considered to be acceptable in principle.

6.6. It is noted that the objections raised refer to the loss of the existing site as an open storage yard for scaffolding, skips, building materials, etc. Whilst this concern is noted and the availability of such sites is the subject of adopted planning policy, there are concerns with regards to the current operation of the site and the impact that such has upon the surrounding occupiers and the general physical environment



within the area. The site's extensive planning history with a number of applications refused in recent years demonstrates the key operational difficulties of the site.

- 6.7. In this instance, whilst it is acknowledged that there is a demand for such open storage yards, it is considered that given the site surroundings and the allocation of the site within the Tyseley Environmental Enterprise District and the Tyseley Industrial Regeneration Area, that the proposed development would achieve significant environmental benefits and improvements whilst being compliant with adopted planning policy.
- 6.8. **Impact on Visual Amenity** – The proposed development is made in outline with some matters reserved. The matters of scale and appearance are sought to be agreed at this outline stage. Consequently, the impact of the proposals on visual amenity is necessary to be considered.
- 6.9. The application site at present is in a poor condition with various different operations occurring on the site which is understood to have been sub-divided into 16 small plots. The existing uses predominantly amount to open storage and associated operations.
- 6.10. The application proposals seek to secure consent for the erection of a typical portal frame industrial building which would be clad in a palette of grey industrial panels, with a flat roof and glazed lobby area. The building steps up from a double height, single storey element to a double height, two storey element, to the warehouse facility to the rear of the site, which would reach a maximum of 24m. It is noted however that there is a difference in levels on the site of around 3.5 metres between the western and eastern boundaries of the site. Whilst the proposed scale is substantial, it would be adjacent to an existing large factory building and would predominantly be read in the context of the industrial area.
- 6.11. The surrounding premises are industrial in their nature with a number of sites enclosing their operations in large buildings of a comparable design, scale and appearance, with the existing Euro Packaging plant located adjacent to the site and Walkers Chocolates located opposite. On this basis, I am of the view that the proposed design and appearance would be consistent with the surrounding industrial character of the area.
- 6.12. I am satisfied that the proposals would make a significant, positive contribution towards the visual amenity of the area and the Brickfield Road streetscene. The proposals would undoubtedly be a significant improvement on the current appearance of the application site.
- 6.13. **Impact on Noise and Air Quality** – The application site is located within an established industrial area however there are residential properties located at the junction of Brickfield Road on the Speedwell Road elevation. A Noise Assessment has been prepared and submitted in support of the planning application, which makes a number of recommendations to secure appropriate noise levels associated with the development. A 2.5m high acoustic barrier is recommended to be installed on the southern boundary of the site. Reverse signals of any vehicles relating to deliveries in the proposed warehouse are recommended to be replaced with white noise reverse signals to negate the noise and disturbance associated with this.
- 6.14. Regulatory Services colleagues have assessed the submitted Noise Assessment and concur with the recommendations of the consultant. The recommendations are

drafted as suitably worded conditions to be attached to any grant of planning permission.

- 6.15. With regards to air quality, an Air Quality Assessment was submitted in support of the planning application. The Air Quality Assessment comprised a qualitative assessment of construction dust effects has been undertaken for the proposed development. Following the implementation of mitigation measures, the risk of construction dust impacts is considered to be not significant. The impacts on the relevant Air Quality Order from the operational phase of the development would also be considered to be negligible as the development would not generate significant vehicle movements, beyond that which are currently experienced at the site. Regulatory Services raise no objection in terms of the impact of the development on air quality.
- 6.16. **Impact on Drainage and Ecology** – The application site falls within Flood Zone 1 and is considered to be at low risk of flooding. Drainage is proposed at the site through storage attenuation. The Local Lead Flood Authority have objected to the application on the grounds that the drainage strategy relies on the permeable paving proposed to the hardstanding to be retained in perpetuity and where required to be replaced, to be replaced like for like. I consider that a condition could be attached to secure the requirements of the storage attenuation in terms of the retention of the permeable paving.
- 6.17. Furthermore, the application is made in outline and the detail of landscaping is reserved for future consideration. Inevitably, the layout and landscaping proposals will relate to the proposed drainage strategy to include other utilities and I would anticipate additional details to be provided at the reserved matters stage. On balance, I do not consider that the LLFA's objection would warrant a refusal of planning permission that could be adequately defended at appeal, given that conditions for the retention of the permeable paving and submission of additional details could reasonably be attached to any grant of planning permission. It is noted that Severn Trent raise no objection to the application proposals subject to the imposition of a condition to secure the submission of drainage plans for the disposal of foul and surface water flows.
- 6.18. Comments from the City Ecologist have been received with regards to the application proposals, and recommends conditions to secure the removal of invasive weeds and secure the delivery of ecological enhancements through the development of the site. Whilst the application proposals are made in outline and the matter of landscaping is reserved for future consideration, I consider that the recommended conditions are appropriate and necessary in the circumstances. Accordingly, I have recommended that the conditions are attached.
- 6.19. **Impact on Highway Safety** – The application proposals includes 44no. car parking spaces for staff alongside 11no. HGV loading bays. The proposed vehicular access would be located on the south western boundary of the site off Brickfield Road, and the proposed vehicular egress would be located on the north western boundary of the site off Brickfield Road. The application site would include car route on the western side of the proposed building with HGVs required to travel along the eastern side of the proposed building. Tracking analysis has been submitted in support of the planning application which demonstrates that both routes would be deliverable through the site.
- 6.20. Transportation Development has been consulted on the application proposals and raises no objections, concurring that there is sufficient highway capacity in the

vicinity of the site that would not be adversely affected by the traffic movements associated with the development. Transportation Development recommends conditions to include details of a construction management plan; cycle storage details; an amended car park layout; and siting and design of access.

- 6.21. I concur with these views and have attached the recommended conditions in order to appropriately safeguard highway safety matters associated with the proposed development.
- 6.22. **Impact on Residential Amenity** – The nearest residential property is located approximately 50m to the south west of the site on Speedwell Road. The proposed building would be set back from Brickfield Road with all proposed operations to be enclosed within the building. The surrounding area is an established industrial and commercial location with the application site currently undertaking a large number of external activities that would amount to various instances of noise and disturbance.
- 6.23. Consequently, I am of the view that the proposed development would result in considerable improvements for residential amenity following the construction phase as all industrial processes would be enclosed within the building. In the interests of residential amenity, Regulatory Services colleagues have recommended that conditions be attached to any grant of planning permission to secure noise levels for plant and machinery; the erection of an acoustic barrier, restricted delivery times, and HGV reverse signal sound reduction. Given that the proposals seek to improve the physical environment of the site, I consider that such conditions would be reasonable and necessary in this instance.
- 6.24. **Other Matters** – West Midlands Fire Service raise no objection to the proposals however recommend that water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK.
- 6.25. The matters of layout and landscaping of the development are reserved for future determination. A condition is recommended to be attached to any grant of planning permission to ensure that these matters are resolved prior to the development being completed and occupied.
- 6.26. It is noted that an objection received raises concerns in terms of the reduction in the number of jobs which are currently achieved on the application site. No details are available for the existing number of jobs located at the application site however an objection received against the planning application refers to a total of 80no. jobs currently on site. On this basis, my views are based on the proposed number of jobs specified within the application submission. The proposed development seeks to achieve a total of 302 jobs within three years of the facility being constructed. These jobs would comprise a range of roles associated with the facility and would be phased in their delivery to reflect the expansion of the wider Euro Packaging plant. I am satisfied that the proposed development would achieve an increase in the number of jobs on the application site over the course of its development and operation, and accordingly would be compliant with adopted planning policy. It is recommended that a condition to secure an employment construction plan is attached to any grant of planning permission.
- 6.27. The objection regarding ownership matters have been taken into account. I am satisfied that the requisite notices have been served on the relevant owners and occupiers.

7. Conclusion

- 7.1. The application proposals seek outline planning permission for the erection of a large B2 use general industrial / B8 use storage and warehouse facility on land on Brickfield Road, located within a core employment area. The proposals are considered to be acceptable and principle and would not have an adverse impact on residential amenity or highway safety. I am satisfied that the proposals would amount to a significant improvement in visual amenity and the general physical environment of the site. 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  | Implement within 3 years (outline)   |
| 2  | Requires the submission of reserved matter details following an outline approval   |
| 3  | Requires the scheme to be in accordance with the listed approved plans   |
| 4  | Requires the prior submission of a construction method statement/management plan   |
| 5  | Requires the prior submission of sample materials  |
| 6  | Limits delivery time of goods to or from the site  |
| 7  | Requires the prior submission of a drainage scheme   |
| 8  | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 9  | Requires the prior submission of a method statement for the removal of invasive weeds                                      |
| 10 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures                                 |
| 11 | Limits the noise levels for Plant and Machinery  |
| 12 | Requires the prior submission of earthworks details  |
| 13 | Requires the prior submission of level details   |
| 14 | Requires the prior submission of a contamination remediation scheme  |
| 15 | Requires the prior submission of a contaminated land verification report   |
| 16 | Requires the submission of details of an acoustic barrier  |
| 17 | Requires low emission vehicle parking  |
-

- 
- 18 Requires the fitting of noise reduction signals on HGVs entering the site
  - 19 Requires the prior submission of drainage plans for foul and surface water flows
  - 20 Requires the prior submission of a construction employment plan.
  - 21 Requires the prior submission of a lighting scheme
  - 22 Requires the prior installation of means of access
  - 23 Prevents occupation until the turning and parking area has been constructed
  - 24 Requires the prior approval of an amended car park layout
  - 25 Requires the prior approval of the siting/design of the access
  - 26 Requires the prior submission of details of pavement boundary
  - 27 Requires the prior submission of a commercial travel plan
  - 28 Requires gates to be set back
  - 29 Requires the dedicated use of access and egress points
  - 30 Requires the prior submission of cycle storage details
  - 31 Prevents the use from changing within the use class
  - 32 Requires that the approved scheme is incidental to the main use
- 

Case Officer: Claudia Clemente



## Photo(s)



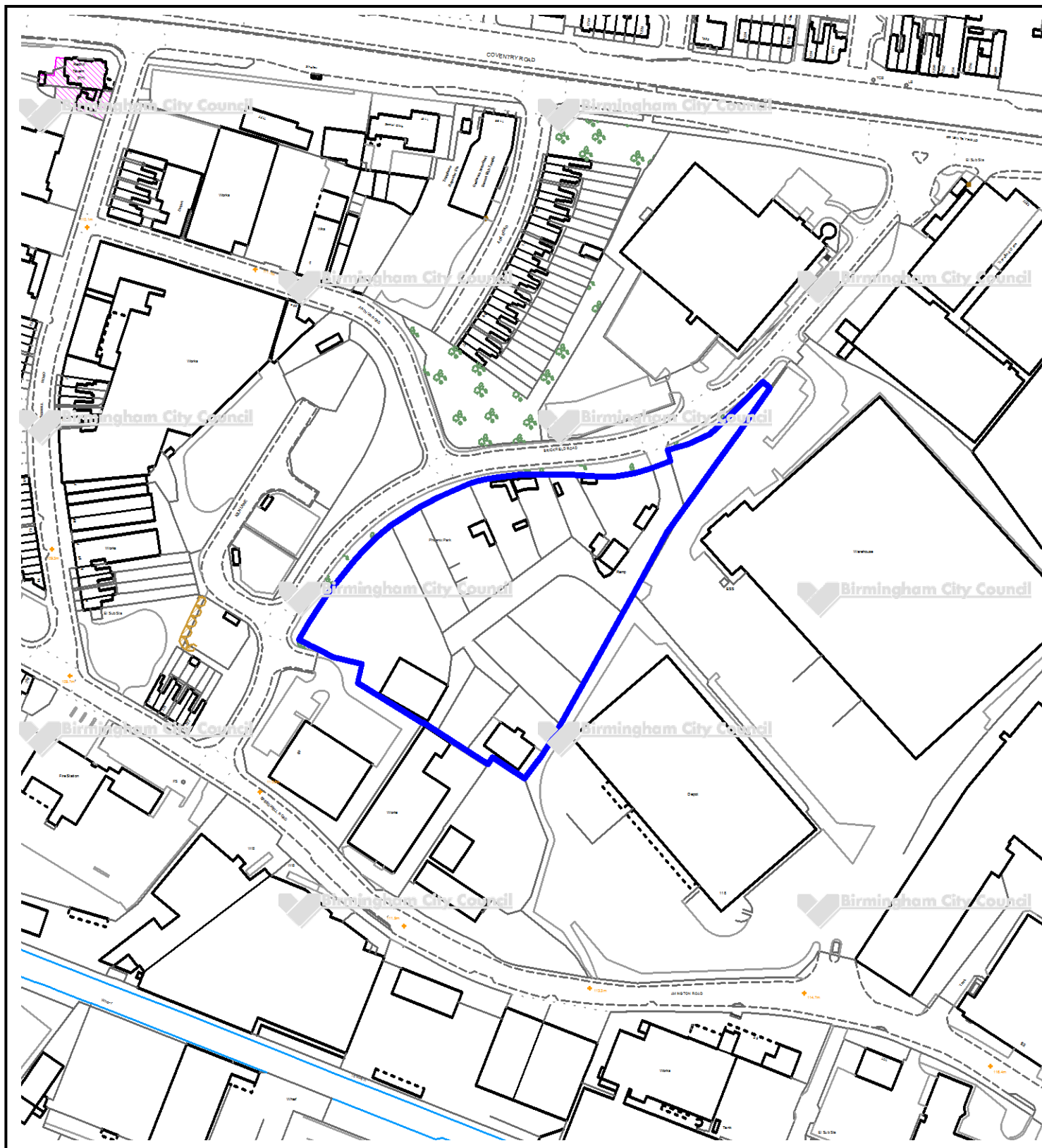
Figure 1: Application site looking south



Figure 2: Existing vehicular access and open storage



## Location Plan



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Committee Date:	19/07/2018	Application Number:	2018/03275/PA
Accepted:	24/04/2018	Application Type:	Permitted Development
Target Date:	26/07/2018		Changes After May 2013
Ward:	Erdington		

38-50 Orphanage Road, Erdington, Birmingham, B24 9HN

Prior Approval for change of use from offices (Use Class B1[a]) at ground and upper floors to 87 Residential units (Use Class C3)

Applicant: Seven Capital (Erdington) Limited  
112 Colmore Row, Birmingham, B3 3AG  
Agent: WYG  
54 Hagley Road, Edgbaston, Birmingham, B16 8PE

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Recommendation

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

1. Proposal

- 1.1. This current prior notification application was made under the provisions of Class O, Schedule 2, part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2016 (As Amended) for the change of use of the building from a vacant office building (Use Class B1a) to 87 apartments (Use Class C3).
- 1.2. The above Statutory Order as amended by the Town and Country Planning (General Permitted Development) (England) Order 2016 requires assessment only under the following issues: noise emanating from commercial premises, impacts related to flood risk, land contamination and the highway impacts arising from the proposal.
- 1.3. The existing floor area of offices is 4,241 sq. metres. Internal layout plans have been provided that show 71no. one-bed apartments and 16no. two-bed apartments.
- 1.4. Details with respect to the parking layout, access and servicing arrangements have been accompanied by a Transportation Statement that shows 20 parking spaces (to include 2 disabled parking spaces and 2 vehicle charging bays) and 86 cycle parking spaces within the curtilage of the site. A Noise Impact Assessment, Framework Travel Plan, Car Parking Management Strategy and Residential Travel Plan have also been submitted as part of supporting documents towards this application.
- 1.5. Prior approval was granted in December 2017 for the conversion of the application building to 85no. one and two bedroom flats under Class O of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. This application effectively seeks prior approval for the creation of an additional two flats on the ground floor.

[Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is occupied by a vacant nine-storey office building known as Honeywell House that is situated at the junction of Edward Road and Orphanage Road. There is an existing footway crossing from Orphanage Road that would be retained with access gates to the car park set back at a distance of 7.5 metres from the back of pavement edge. There are a number of purpose-built car showrooms, workshops etc. within the adjoining Collier site to the rear which are either vacant or on short term leases.
- 2.2. The surrounding properties are in a mixture of uses. The application site is situated just beyond the Erdington District Centre which lies to the southeast. Erdington Leisure Centre, Fire Station, College, library and retail parades are situated to the south and east of the site. Erdington leisure centre and swimming pool is located opposite the site and occupies the former Hart Road pay and display car park. There is a retail parade to the northwest at the junction of Edward Road and Sutton Road, beyond on the opposite side of Sutton Road is Cross Keys PH, Highclare School and Erdington Abbey (both Statutory Listed Grade II). There is also a pair of semi-detached properties that are Grade II Listed Buildings that are currently in use as a training centre situated at the junction of Edward Road and High Street.

### [Site Map](#)

## 3. Planning History

- 3.1. Current application – 2018/02979/PA - Installation of replacement windows, associated landscaping, installation of lighting bollards and amendments to ground floor elevations.
- 3.2. 07.12.2017 - 2017/08693/PA - Prior Approval for change of use from office (Use Class B1[a]) at ground and upper floors to 85 Residential units (Use Class C3) – No prior approval required and to approve subject to conditions.
- 3.3. 25.07.2012 - 2011/08251/PA - Hybrid planning application (Part Full and Part Outline) comprising: 1) - Full planning application for a retail superstore (Class A1), 3 no. retail units (Class A1, A2 & A3), cash point (ATM's), car parking, public realm works, landscaping and associated works 2) - Outline planning application for approximately 15 residential units and 3) - Demolition of existing buildings – Approved subject to conditions
- 3.4. 03.07.2015 - 2015/03616/PA - Temporary change of use of former car showrooms (Sui Generis) to retail (Use Class A1) for a period of 2 years (Site 03 – Building 1 – former Land Rover car showroom) – Temporary Approval
- 3.5. 03.07.2015 - 2015/03617/PA - Temporary change of use of former car showrooms (Sui Generis) to retail (Use Class A1) for a period of 2 years (Site 02 - Building 2 - former Honda car showroom) – Temporary Approval
- 3.6. 03.07.2015 - 2015/03618/PA - Temporary change of use of former car showrooms (Sui Generis) to retail (Use Class A1) for a period of 2 years (Site 04 - Building 4 - former Mazda car showroom) – Temporary Approval
- 3.7. 06.08.2015 - 2015/03619/PA - Temporary change of use of former car showrooms (Sui Generis) to retail (Use Class A1) and workshop for use as a foodbank (Sui Generis) for a period of 2 years (Site 01 - Buildings 3 and 10) – Temporary Approval

- 3.8. 16.11.2015 - 2015/06560/PA - Application for a Lawful Development Certificate to confirm the full element of planning consent 2011/08251/PA has been implemented within the required time period – Permission not required and certificate issued.
- 3.9. 10.07.2017 - 2017/03761/PA - Renewal of planning permission ref: 2015/03618/PA for the change of use of former car showrooms (Sui Generis) to retail (Use Class A1) for a period of 2 years (Site 04 -Building 4 - former Mazda car showroom) – Temporary Approval.
- 3.10. 11.07.2017 - 2017/03776/PA - Renewal of planning permission ref: 2015/03617/PA for the change of use of former car showrooms (Sui Generis) to retail (Use Class A1) for a period of 2 years (Site 02 - Building 2 - former Honda car showroom) – Temporary Approval.
- 3.11. 10.07.2017 - 2017/03777/PA - Renewal of planning permission ref: 2015/03616/PA for the change of use of former car showrooms (Sui Generis) to retail (Use Class A1) for a period of 2 years (Site 03 - Building 1 - former Land Rover car showroom) – Temporary Approval.
- 3.12. 02.08.2017 - 2017/03759/PA - Renewal of planning permission ref: 2015/03619/PA for the change of use of former car showrooms (Sui Generis) to retail (Use Class A1) and part workshop for use as foodbank (Sui Generis). Part change of workshop as temporary storage/distribution (Use Class B8) for Site 01 (Buildings 3 and 10) – Temporary Approval (2 years).

#### 4. Consultation/PP Responses

- 4.1. Site notices displayed. Councillor Gareth Moore has requested that the application be determined by Planning Committee.
- 4.2. Seven letters of objection have been received, raising the following concerns:
  - Inadequate parking facilities for the number of units proposed on site.
  - Exacerbate existing parking situation.
  - Traffic congestion as Orphanage Road and Edward Road cross road is already traffic intensive leading to long delays.
  - Increase in the number of flats and the small size of flats are not conducive towards family accommodation in Erdington.
- 4.3. Transportation Development – No objections subject to conditions to include details of pavement boundary, parking areas laid out and cycle storage details.
- 4.4. Regulatory Services - No objections subject to condition to ensure that acoustic glazing is implemented in accordance with the approved plans and noise assessment report.

#### 5. Policy Context

- 5.1. The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 & 2016.



6. Planning Considerations

- 6.1. The application for prior approval is submitted under Class O of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016, the provisions of which explain that the development is permitted subject to the condition that before beginning the development, the developer must apply to the LPA for a determination as to whether the prior approval of the authority will be required as to:
- Transport and highway impacts of the development;
  - Contamination risks within the site;
  - Flooding risks within the site and
  - Impacts of noise from commercial premises on the intended occupiers of the development.
- 6.2. In this case the LPA can only assess the application on the four subject matters outlined above and there is no scope within the current application to address any other concerns raised, such as those raised through the consultation process.
- 6.3. Members also need to be made aware that permitted development rights for conversion of B1a offices to residential use introduced by the Government to increase housing delivery nationally and to boost supply of homes by making the use of existing buildings and promoting brownfield regeneration. The proposal as submitted under prior approval would re-use this vacant office building and provide housing through the promotion of sustainable development.
- 6.4. **Background** – Prior approval was granted in December 2017 for the conversion of the application building to 85no. one and two bedroom flats under Class O of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. This application effectively seeks prior approval for the creation of an additional two flats on the ground floor whilst re-siting refuse storage externally and re-arranging the proposed cycle storage facility.
- 6.5. The application site (Honeywell House) formed part of the approved consent Ref: 2011/08251/PA for the demolition of existing building and erection of a retail superstore (Class A1), 3 no. retail units and associated works. Subsequently, there was a Lawful Development Certificate ref: 2015/06560/PA granted for the “full” element of planning consent 2011/08251/PA being implemented within the required time period. The implemented works as part of Lawful Development Certificate ref: 2015/06560/PA comprises a single manhole and connecting pipework which forms the final manhole within the site boundary, before it connects to the public sewer on Orphanage Road. Commercial circumstances have changed within the retail sector and the owners of the site (Sainsbury’s) disposed of the site including the application site (Honeywell House), which has been acquired by Seven Capital. The building has remained as vacant offices (Use Class B1a) since 2010.
- 6.6. **Flooding Risks** - The proposed prior approval scheme does not include the provision of any external works or ground works that could impact upon drainage or surface water runoff. The site falls within flood zone 1 and has a low probability of flooding and is not shown to be at risk from surface water flooding. Consequently, there are no significant risks from flooding from the proposed change of use which would result in internal modifications to change the layout of each floor within the building.
- 6.7. **Contamination Risks** - The proposal should not give rise to any contamination issues as no works are proposed to the external surface of the site, which is hard

surfacing to the rear and a landscaped area to the front that includes trees. Regulatory Services have raised no objections to the proposal with regards to land contamination. The building's previous use as purpose-built office accommodation located within an established urban area does not fall within the required consultation with the Environment Agency.

- 6.8. **Noise Impact from Commercial Premises** - A noise assessment report has been submitted as part of supporting documentation to this prior approval application. The document concludes that enhanced glazing is required for all facades of the development to include adjoining sensitive spaces. Regulatory Services raise no objection to the proposal subject to imposition of a condition to require acoustic glazing in accordance with the noise assessment report. Consequently, I consider that subject to imposition of an enhanced glazing condition, the noise exposure directly from the nearest commercial and non-residential premises is considered to be limited and unlikely to have an adverse impact on the amenity of future occupiers of the development.
- 6.9. **Transport and Highway Impacts** - The proposal would convert 4,241 sq. metres of permitted office use (Use Class B1a) to 87 residential flats (71no. one-bed and 16no. two-bed flats). The permitted use is offices (Use Class B1a). Concerns have been raised by local residents with regards to the provision of inadequate parking and existing traffic congestion.
- 6.10. Paragraph 10(b.) of the Order requires the Local Planning Authorities to “have regard to the National Planning Policy Framework ...so far as relevant to the subject matter of the prior approval, as if the application were a planning application. Section 4 of the NPPF (Promoting sustainable transport) must relate to considerations involving the transport and highway impacts of the schemes. It also advises that transport policies have an important role to play in facilitating sustainable development (para. 29); that the transport system needs to be balanced in favour of sustainable transport modes (para. 29); that plans and decisions should support a pattern of development which where reasonable) facilitate the use of sustainable mode transport (para. 34); that (where appropriate) the opportunities for sustainable transport modes have been taken up; and that the aim should be to encourage people to minimise journey lengths for employment, shopping, leisure, education and other activities (para. 37). Policies TP38 and TP44 of the Birmingham Development Plan and Car Parking Guidelines SPD requires that all new development supports the delivery of a sustainable transport network and development agenda.
- 6.11. The proposed use is appropriate in its current format with 20 parking spaces (to include 2 disabled bays and 2 bays for electric vehicle charging points) given the site's location on the edge of Erdington District Centre as defined by Shopping and Local Centres SPD. It is in close proximity and walking distances that would minimise journey lengths for shops, identified green space, schools / education institutions, health centres, community centres, public house, etc. The site, being situated within a highly accessible and sustainable location, offers choice for walking, use of public transport such as train station within 500 metres and bus transport links to the wider city area and reduces reliance upon the car. The parking behaviours associated with residential uses is likely to be long stay, repetitive in similar locations etc. are such that it is unlikely that the parking would be inconsiderate, obstructive or inherently unsafe. The proposal also offers 86 cycle parking spaces within the lit rear ground floor of the building.

- 6.12. Transportation Development have been consulted on the application and advised that they do not consider that the impact of the proposal on traffic and highway safety would be significant enough to warrant refusal. Transportation Development has recommended imposition of conditions in relation to implementation of cycle storage details, the parking areas to be laid out prior to use, and for details of the pavement boundary to be secured. I concur with this view and consider that the pavement boundary details are necessary to ensure that the development would not contribute to existing parking issues in the vicinity of the site. Consequently, it is considered that prior approval is required on transportation grounds but granted subject to imposition of conditions would ensure that the proposed use in this sustainable location.
- 6.13. **Other Matters** – A separate planning application for the installation of replacement windows, associated landscaping, installation of lighting bollards and amendments to ground floor elevations of the building is being considered concurrently.
- 6.14. A local resident objected to this prior approval application on grounds of inadequate size and quality of housing units. This would not apply to a permitted development scheme as the Council is not able to assess the quality of such schemes in terms of occupiers' amenities, floor space sizes or garden areas.
- 6.15. **Community Infrastructure Levy** - The proposed development would not attract a CIL contribution.
7. Conclusion
- 7.1. The provisions of the General Permitted Development Order only allow the current scheme to be considered on the four subject matters as outlined above. Paragraph W13 of the GPDO states that prior approval may be granted subject to conditions reasonably related to the subject matter of the prior approval. I consider that subject to imposition of conditions, the proposal would not result in unacceptable noise from commercial premises or adverse highway safety implications. Therefore it is considered that prior approval is required and that approval be given subject to conditions.
8. Recommendation
- 8.1. Prior approval required and approved with conditions.

- 
- |   |  |
|---|--|
| 1 | Requires the provision of cycle parking prior to occupation  |
| 2 | Requires the noise study to establish residential acoustic protection to be implemented in accordance to approve details prior to occupation |
| 3 | Requires the parking area to be laid out prior to use  |
| 4 | Requires the prior submission of details of pavement boundary  |
- 

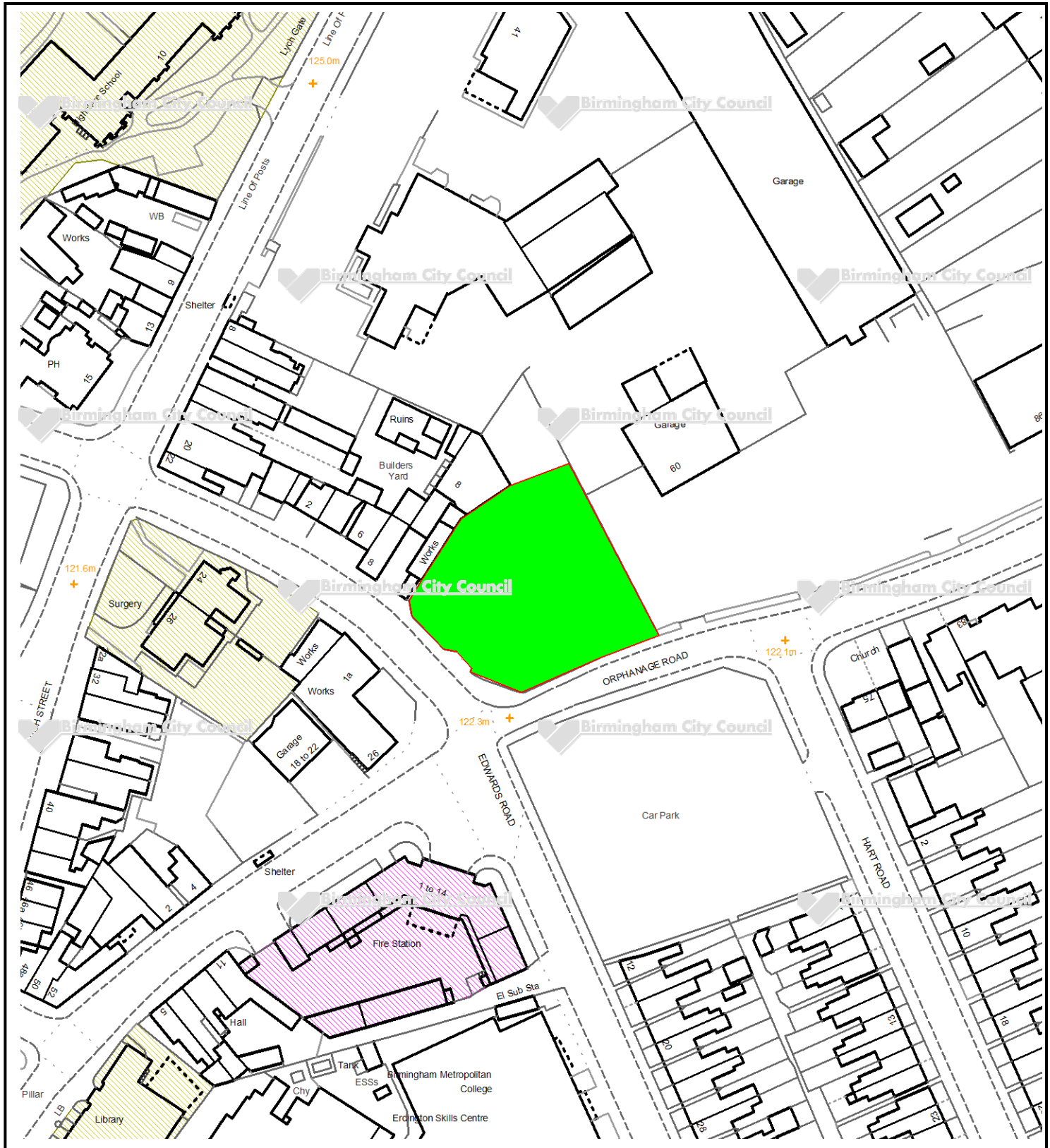
Case Officer: Claudia Clemente

## Photo(s)



Figure 1: Application site

## Location Plan



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**Birmingham City Council**  
**Planning Committee 19 July 2018**

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

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Householder</b>	5 Four Oaks Road, Sutton Coldfield	Erection of detached forward oak framed garage with first floor office/study room above. 2017/08246/PA	Dismissed	Delegated	Written Representations
<b>Advertisement</b>	356 Bromford Lane, Hodge Hill	Display of one internally illuminated 48 sheet freestanding LED display unit. 2017/07253/PA	Dismissed	Delegated	Written Representations
<b>Advertisement</b>	75 Tyburn Road, Erdington	Display of internally illuminated dual facing digital sign incorporating two digital screens. 2017/07794/PA	Dismissed	Delegated	Written Representations
<b>Advertisement</b>	Land at Holloway Circus, adjacent to Kensington House	Display of 1 internally illuminated digital advertisement hoarding. 2017/09418/PA	Allowed (see note 1 attached)	Delegated	Written Representations
<b>A3/A5</b>	647 Washwood Heath Road, Saltley	Change of use to restaurant (Use Class A3) and installation of rear external extraction. 2017/05139/PA	Allowed (see note 2 attached)	Delegated	Written Representations
<b>Residential</b>	54 Tenbury Road, Kings Heath	Outline application with all matters reserved for the erection of one residential dwelling house. 2017/03729/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	40 Carlyle Road, Edgbaston	Change of use from small HMO (Use Class C4) to a large HMO (Sui Generis). 2017/06867/PA	Allowed (see note 3 attached)	Delegated	Written Representations
<b>Other</b>	335 Birmingham Road, Sutton Coldfield	Change of use from a residential and special care centre (Use class C2) to a children's day nursery (Use class D1) and for the provision of 11 no. additional car parking spaces. 2017/07438/PA	Allowed (see note 4 attached)	Delegated	Written Representations

**Birmingham City Council  
Planning Committee 19 July 2018**

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

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Other</b>	69 Hamstead Hall Road, Handsworth Wood	Change Of Use of part first floor from ancillary flat (Use Class C3) to nursery (Use Class D1). 2017/09089/PA	Allowed (see note 5 attached)	Delegated	Written Representations

**Total - 9 Decisions: 4 Dismissed (44%), 5 Allowed**

**Cumulative total from 1 April 2018 - 28 Decisions: 20 Dismissed (71%), 8 Allowed**

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

### **Note 1 (Holloway Circus)**

**Application approved**, subject to conditions including condition 4 which requires a scheme for the control of the intensity of the illumination of the digital advertisement, to include a dimmer control mechanism and a photo cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.

**Appeal allowed** against condition 4 because the Inspector considered it to be superfluous as condition 1 requires that the advert shall not have illumination of greater than 300 candelas. Consequently, the Inspector replaced condition 4 with the following condition: The advert shall be equipped with a dimmer control mechanism and a photo cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.

### **Note 2 (647 Washwood Heath Road)**

**Application refused** because 1) The application as submitted indicates the proposed use as a restaurant (Use Class A3), it is evident from the details submitted that the proposal would facilitate ancillary dining facilities to the A5 hot food takeaway use, not in accordance with a proposed A3 restaurant use. Therefore, it is considered that the proposed use represents a hot food takeaway (Use Class A5). 2) It would exceed the maximum allowance of ten percent for hot food takeaways within this local parade. This would further reduce the availability of A1 retail uses and would lead to a concentration of hot food uses which would adversely affect the vitality and viability of the frontage of which it forms part of.

**Appeal allowed** because the Inspector considered that the appeal must be determined on the basis of what was applied for, which was for the change of use to a restaurant, not the retention of a hot food takeaway and concluded that the proposed restaurant would not harm the vitality of the shopping area.

### **Note 3 (40 Carlyle Road)**

**Application refused** because the change of use to a large HMO would have an adverse impact on the residential character and amenity of this area due to the existing concentration of non-family dwelling houses.

**Appeal allowed** because the Inspector considered that in view of the character of the surrounding urban area and the fact that the property is already in use as a six bedroom HMO, the development would not erode the residential character or amenity of the area by reason of an over-concentration of non-family housing.

### **Note 4 (335 Birmingham Road)**

**Application refused** because the means of vehicle access to and from the site is inadequate and would lead to a detrimental impact on pedestrian / vehicle safety and the free flow of traffic on the adjacent highway.

**Appeal allowed** because the Inspector considered that the proposal would not harm highway safety because the access road is straight so that any driver emerging from the car parks or bays would be able to see if a car was already approaching and

there is sufficient space at the end of the access road, where it is wide enough for two-way traffic, for at least a couple of cars to wait whilst oncoming vehicles pass.

**Note 5 (69 Hamstead Hall Road)**

**Application refused** because 1) The use of part of the first floor at No. 69 Hamstead Hall Road as a day nursery (Use Class D1) would result in the loss of ancillary residential accommodation for the existing children's day nursery, which is located within a residential frontage, and relates to a building that was previously used for single family accommodation. 2) The proposed development would adversely affect the amenities of occupiers of dwellings in the vicinity by reason of noise and general disturbance.

**Appeal allowed** because the Inspector considered that the first floor flat is impractical as it is accessed through the nursery and the enlarged nursery would not create an unacceptable level of noise and disturbance or harm the living conditions of the occupiers of neighbouring dwellings.

## **REPORT OF THE CHIEF OPERATING OFFICER**

To : Planning Committee

Date : 19<sup>th</sup> July 2018

Subject : Acivico (Building Consultancy) Ltd - Annual (Year End) Performance Overview

Period : Financial Year (1<sup>st</sup> April 2017 – 31<sup>st</sup> March 2018 *inclusive*)

### **Background**

Birmingham City Council established Acivico as a wholly owned company on 2<sup>nd</sup> April 2012. Acivico (Building Consultancy) Ltd being an integral component. This report focusses upon Building Consultancy's performance for the last financial year 2017/2018 (April to March inclusive).

The contractual obligations between Birmingham City Council and Acivico (Building Consultancy) Ltd require that performance is monitored and reported upon quarterly to a Performance Management and Monitoring Board (PMMB). This is chaired by the Council's Statutory Functions Officer (CSFO) with support from the Contract Management and Performance Team (CMaP). There is an additional requirement to report on-going performance to Planning Committee on an annual basis.

### **Performance Context**

Acivico (Building Consultancy) Ltd provides services which, owing to their statutory nature are delivered on the Council's behalf. All notices associated with the delivery of the function are authorised by The Council's Statutory Functions Officer (CFSO) operating on behalf of the Chief Operating Officer.

Acivico (Building Consultancy) Ltd has for many years been extremely successful in focussing service delivery around clients. Consequently contractual requirements have been put in place to ensure that its Customer Service Excellence (formerly Charter Mark) and International Quality standard ISO9001 statuses are maintained. To support this, the service is externally assessed on an annual basis by the respective oversight agencies to ensure compliance to these industry standard service delivery benchmarks.

A Customer Service Excellence assessment was completed in November 2017 and determined the service to be fully compliant with all aspects of this exacting standard. An ISO9001 assessment was completed in January 2018 which concluded full compliance with all elements along with a recommendation for certification to an enhanced standard (effective from September 2018).

### **Key Performance Indicators (KPIs)**

Acivico (Building Consultancy) Ltd's KPIs are subject to annual oversight and review by the Performance Monitoring and Management Board with changes reflected in the contract. For the year presently in review (2017-2018) a total of seven measures were agreed providing focus for the most significant elements of service delivery.

### **Safety at Sports Grounds**

The Council has a statutory responsibility to oversee safety measures at 'designated' sports grounds. These presently include Aston Villa, Birmingham City and the County Cricket Ground, along with four regulated stands at Alexander Stadium and a number of smaller regulated stands, accommodating upwards of one million spectators each year. As the Council's technical advisor Building Consultancy reviews, monitors and is responsible for the issue of safety certification. To support this officers are required to attend safety advisory group forums, match day inspections, liaise with Sports Grounds Safety Authority (SGSA) and provide specialised technical advice regarding crowd safety, movement and systems.



The scope of this responsibility has recently increased following publication of national guidance which widens the definition of safety to include all persons present within the ground. It also contains new measures to incorporate appropriate anti-terror measures within and outside of the ground together with provisions to deal with anti-social behaviour within the ground. It is also noted following Birmingham's successful bid for the Commonwealth games 2022 that Alexander Stadium may also become a "designated sports ground"

Safety Certification Review <b>Target 100%</b>	<b>Actual 100%</b>
Match attendance (matches identified and attended) <b>Target 100%</b>	<b>Actual 100%</b>

Trend Analysis (Previous year's performance)

2016/2017
<b>100%</b>

### **Decision Speed**

The Council has a statutory responsibility to issue decisions on Building Regulation applications within twenty five (working) days of their acceptance.

<b>Target 100%</b>	<b>Actual 100%</b>
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Trend Analysis (Previous five years performance)

2012/2013	2013/14	2014/15	2015/16	2016/17
100%	100%	99%	100%	100%

### **Approval Rate**

Acivico (Building Consultancy) Ltd has a performance objective to ensure that a high percentage of first time application decisions are approved or conditionally approved. The capacity to 'approve' is fully dependent upon the technical quality of the submitted plans along with a number of associated legislative factors.

<b>Target 95%</b>	<b>Actual 97%</b>
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Trend Analysis (Previous year end performance)

2012/11	2013/14	2014/15	2015/16	2016/17
93%	93%	96%	96%	97%

### **Customer Satisfaction**

This indicator complements the quantitative measures to ensure that the quality of service is maintained at an appropriate level. The KPI target requires that at least 90% of clients select 'satisfactory' or above in an end of service questionnaire.

<b>Target 90%</b>	<b>Actual 97%</b>
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2012/11	2013/14	2014/15	2015/16	2016/17
93%	93%	96%	96%	96%

### **Dangerous Structures (Response Times)**

Reports concerning dangerous structures are received from numerous sources including, councillors, officers, emergency services and members of the public.

Incident severity is assessed from the information available in order to determine the target level of deployment of an officer. There are three agreed levels of response;

Category A (immediate danger) – attendance to site **within 2 hours**

Category B (moderate danger) – attendance to site within 6 hours

Category C (low risk) – attendance to site by the close of the next working day.

*Acivico (Building Consultancy) Ltd also provide a 24/7 365 day a year 'out of hours' service responding to requests (primarily from the emergency services) through the Council's emergency contact centre.*

Category A - Target 100%	Actual 100%
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2014/15	2015/16	2016/17
100%	98%	100%

Category B+C - Target 95%	Actual 99%
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*N.B. categories B/C do not form part of the KPI but are closely monitored for contractual purposes due to the prolific nature of the service provided.*

### **Complaint Response Times**

In keeping with the Council's aims and objectives Acivico (Building Consultancy) Ltd has a performance objective to ensure that all expressions of dissatisfaction are appropriately, investigated and responded to within a fifteen day target. Transparency and responsiveness are also integral elements of both the Customer Service Excellence and ISO9001 standards.

Target 100%	Actual 100%
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### **Additional activities**

Acivico (Building Consultancy) Ltd deliver a number of additional technical roles to support the Council in the discharge of its statutory responsibilities. Although these are not formally embraced by contractual KPIs they are subject to scrutiny and review on a quarterly basis by the Performance Monitoring and Management Board.

### **Independent Review of Building Regulations & Fire safety : Final Report May 2018 (The Hackitt Review)**

Significant legislative changes are expected in the next eighteen months that will directly impact Acivico following Dame Judith Hackitt's review which describes the current systems dealing with building regulations and fire safety in respect of high rise residential buildings as "not fit for purpose".

The Secretary of State for Housing, Rt Honourable James Brokenshire MP issued a statement on 18<sup>th</sup> June 2018 committing to "change the law to achieve meaningful and lasting reform of the regulatory system, with strong sanctions for those who fail to comply".

The new regulatory framework recommended by the report will require additional resources to operate effectively, however, they also state this should be on a full cost recovery basis. This will result in additional workload as a result of local authority building control being the only body able to approve certain types of work.

In addition wider and more stringent enforcement powers including stop/prohibition notices in respect of new buildings and improvement/correction notices in respect of existing buildings requiring Acivico to demonstrate a robust and diligent approach in carrying out these duties on behalf of Birmingham City Council. Regulatory reform will also include a requirement for building control surveying staff approving or inspecting high rise residential buildings to hold a mandatory qualification to be able to continue providing statutory services and fulfil contractual obligations.

### **Implications for Priorities**

#### **A Modern and Successful City**

An effective Building Control service is integral to the development process ensuring that buildings achieve the required standards of health, safety and welfare for those who own, work in or use them.

#### **Recommendation**

That this report be noted.

Angela Probert  
Chief Operating Officer

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