

# **Birmingham City Council**

## **Planning Committee**

**05 January 2017**

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	8	2016/08591/PA  Former Tucker Fasteners Factory 177 Walsall Road Perry Barr Birmingham B42 1BP  Erection of an industrial/distribution facility (Use Classes B1(b & c)/B2/B8) including ancillary offices and associated access, car parking and landscaping
Approve – Conditions	9	2016/07929/PA  241 Wellington Road Handsworth Birmingham B20 2EA  Change of use from warehouse/distribution (Use Class B8) to a place of worship with related community centre and ancillary office (Use Class D1) and demolition of part of building, with external alteration with new door and windows.

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Committee Date:	05/01/2017	Application Number:	2016/08591/PA
Accepted:	13/10/2016	Application Type:	Full Planning
Target Date:	12/01/2017		
Ward:	Perry Barr		

Former Tucker Fasteners Factory, 177 Walsall Road, Perry Barr, Birmingham, B42 1BP

Erection of an industrial/distribution facility (Use Classes B1(b & c)/B2/B8) including ancillary offices and associated access, car parking and landscaping

Applicant:	BP2015 (Birmingham) LLP c/o Agent
Agent:	Delta Planning 1 Chester Court, 1677A High Street, Knowle, Solihull, West Midlands, B93 0LL

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Recommendation

**Approve Subject To Conditions**

1. Proposal
  - 1.1. The submission of this planning application follows extensive pre application discussions held with the applicant.
  - 1.2. The applicant proposes the erection of an industrial/distribution facility (with ancillary offices) which would have the flexibility to operate within the use classes B1(b & c), B2 or B8. The development would include the provision of associated access, car parking, sprinkler tank and pump house, attenuation pond and landscaping.
  - 1.3. The proposed new building would measure 120 metres long, 73.78 metres deep by 14.5 metres high. The exterior façade of the building would be predominantly clad with vertical cladding made up of two main colours, white and anthracite (a shade of grey). The southern and northern elevations would be broken up with the two large areas of rectangular set anthracite cladding on each elevation with white cladding between and around them. The rear elevation would incorporate a series of lorry docking bays. The front elevation facing Walsall Road, would comprise anthracite panelling set within white edge panels. These features would be set either side of a forward projecting ancillary reception and office area which would incorporate an entrance door, glazing and horizontal cladding.
  - 1.4. The development would include the provision of a galvanised steel sprinkler tank and an associated pump house that would be located to the north east of the new building. This tank would be cylindrical in shape and stand 9.5 metres high with the associated pump house standing 4 metres high and would be a cube shape measuring 3.75 metres in length and width.

- 1.5. The development site would be accessible by dropped kerb that would be utilised by cars. Separately lorries would utilise an existing heavy duty access point to the south of that car access point. Car parking capacity for 94 cars (which includes 5 bays for people with disabilities) would be provided within the front of the site. 29 lorry parking spaces would be provided in addition to 12 bays that would be used to accommodate lorries utilising the proposed rear shutter openings within the rear yard. The surface to the service yard would be laid out in concrete with white markings. The car park to the front would be surfaced in tarmac with white markings.
- 1.6. Access from outside the building to the rear service yard would be controlled through a security cabin that would neighbour the new build. No details of this other than its indicative position in the site layout has been provided.
- 1.7. Though the site has been cleared of buildings, some trees are still on site and the applicant has submitted a tree retention, protection and removal drawing which confirms that all trees on site will be removed. This drawing also identifies a group of 4 existing trees that are situated on the adjoining site to the north which abut the application site and which overhang the application site. The associated tree survey identifies these trees as category B and C trees whilst the drawing identifies that these trees have the scope to be retained with cooperation of the neighbouring land owner.
- 1.8. In order to ensure the development is provided with soft landscaping a proposed landscape concept drawing has been submitted that identifies new tree planting and mixed planting particularly along the south western corner of the proposed building and also within the north eastern corner of the site (which will include an attenuation pond).
- 1.9. It is proposed to install a 4 metre high acoustic fence that would be set in from the rear boundary of the application site and run along the width of the rear of the site. The rear of the site beyond that fence includes the river Tame embankment (which will be left as existing – including its natural vegetation).
- 1.10. The applicants are seeking unrestricted hours of use of the building.
- 1.11. No details have been provided with respect to the prospective occupier of the premises at this stage or anticipated number of people to be employed on site once a site occupier moves in.
- 1.12. The site area measures 2.31 hectares whilst the total floorspace to be created (including ancillary office) would measure 9,656.5 sq.metres.
- 1.13. The applicant has submitted the following supporting documentation with this application:- Design and Access statement; Planning Statement, Transport Statement and Framework Travel Plan, Air Quality Assessment, Noise Assessment, Ecological Appraisal, Tree Survey, Flood Risk Assessment and Sustainable Drainage Statement, Site Investigation Report, Ground Water Monitoring Report and Lighting Report.
- 1.14. The scheme is similar to that discussed with the applicant during pre application discussions where the applicant was advised that the proposal would not require the submission of an Environmental Impact Assessment. I consider that the proposal as submitted does not require an EIA.

1.15. [Link to documents](#)

## 2. Site & Surroundings

2.1. The application site is a cleared site formerly occupied by a large industrial employer, Tucker Fastners which produced rivets for the automotive, aerospace and boiler industry. To the north are premises occupied by Aggregate Industries and also by Premier Waste. Along part of the southern boundary is a roofing business whilst along the remainder is the rest of the cleared Tucker Fastners site. The river Tame runs along the eastern boundary of the site. To the west, across Walsall Road, are houses. The vast majority of the site falls within flood zone 2 with small parts falling within flood zone 3.

2.2. [Site location map](#)

## 3. Planning History

3.1. 30.11.2015- 2015/07460/PA- Replacement of existing 2.4 metre high timber post and panel sheet fence to back of footpath with Walsall Road, with a high visibility metal mesh fencing powder coated, to the same height and linked to the existing metal gates- approved.

3.2. 19.11.2014- 2014/06681/PA- Application for prior notification of proposed demolition of existing industrial factory- no prior approval required.

## 4. Consultation/PP Responses

4.1. Surrounding occupiers, local councillors, local MP and local community groups notified as well as site and press notices displayed- 14 letters of objection to the scheme as proposed received (including from 3bs neighbourhood planning forum) as well as 7 letters of comment/concern and a petition of objection to the scheme which contains 110 signatures. The objections/concerns relate to:-

- The design of the development;
- increase in traffic and associated congestion which is already a local issue,
- increase rat running on residential side roads or illegal u-turns on Walsall Road,
- Questionable whether the u-turn at Clivedon Avenue for HGV'S is suitable,
- Experience of blocking of A34 by vehicles unable to access sites on that road with impacts on nearby businesses,
- no modelling of the above issues have been carried out and based their assertion that there is no problem on a comparison with Tucker Fastners in its heyday,

- disagree with the statement in the TS that concludes the accident rate is low in this area,
- the area is not suitable for a distribution centre,
- The area is not as implied on the planning application at the heart of an industrial estate and is in a mixed residential, industrial and retail area,
- Encourage a mix of retail and industrial uses on the site instead,
- hope it would be built out for smaller, medium and larger units,
- there are better areas in the city for this development,
- application being rushed through and insufficient time and public consultation being conducted,
- design not in keeping with the area,
- concerns about parking,
- There is a negative impact of existing HGV traffic on side roads and the consequential impact arising from HGV's associated with the new development on such roads is a concern and request something be done about this,
- it would be an industrial eyesore, prefer to see shops developed on the site, noise impact, question what type of facility it would be,
- concerns about traffic generated,
- pollution, highway safety,
- concerns about traffic movement to and from the site particularly HGV's,
- what guarantees are there on the transport and storage of hazardous goods, should be used for residential as there is a shortage of housing,
- loss of daylight to nearby Lane Roofing (located to the south),
- like to see more information regarding the entrance/exit to the site for vehicles,
- there should be a S106/Community Infrastructure Levy towards improvements in the area such as Perry Park and or the community, contribution towards traffic lights requested,
- 3bs Neighbourhood forum are disappointed that they were not involved in pre application discussions
- that a longer consultation period is requested.

4.2. 1 letter also received from a local occupier who attaches comments made by 13 other people on a website and states they feel the same as her. The comments can be summarised as follows:-

- unimaginative;
- add to congestion
- prefer to be residential use
- not an industrial area.

4.3. Objections received from Councillors Jon Hunt and Karen Trench. Their objections to the scheme can be summarised as follows:-

- Significant increase in traffic in a mixed commercial residential neighbourhood;
- Lack of pre application consultation especially with neighbourhood planning forum,
- There is a well documented history of heavy vehicles from business at this location using residential roads to access the A34 southbound,
- Any approval should include a traffic light junction and significant S106 contribution to the community,
- In general it is not appropriate that this part of the A34 should become primarily a distribution centre,
- Thinking at local neighbourhood planning forum level favours mixed use commercial on the site,
- Traffic is already a major issue on this road,
- The business in the surrounding area already causes a nuisance when accessing their sites,
- Large vehicles also use the side roads (off Walsall Road) as a way to do a u-turn and are a hazard for these roads,
- There needs to be a longer period for consultation.

4.4. 1 letter received which states that there is a general welcome for the proposal, with the opportunity for creating jobs in the area but highlights concerns of local residents about lorries using the residential roads Cliveden Avenue and Glendower Road located to the west who then return back onto Walsall Road before heading northwards and request this is looked into and make appropriate arrangements to protect the residential roads.

4.5. Transportation Development- No objection subject to conditions relating to the requirement to carry out and substantially complete relevant associated highway works; pedestrian visibility splay to be incorporated and maintained at all vehicular accesses, secure cycle storage, travel plan, affiliation with Company TravelWise and that parking and vehicle circulation areas are not used for any other purpose.

4.6. Regulatory Services- Requests the application of conditions that relate to the need to provide an acoustic 4 metre fence along the rear of the site; cumulative noise limit, code of best practice for goods deliveries, lighting scheme, vehicle charging point and site contamination and assessment and remediation.

4.7. Highways Agency- State that the site is a significant distance from their network and therefore they do not wish to offer any comment.

- 4.8. Drainage (LLFA)- recommend the attachment of conditions to ensure appropriate sustainable drainage scheme and drainage operation and management is provided for the site.
- 4.9. West Midlands Fire Service- no objection.
- 4.10. Environment Agency- Raise no objection subject to conditions.
- 4.11. West Midlands Police- Request that if approved the works are carried out to standards within Secured by Design 'Commercial 2015' and also suggest making minor changes to the location of the gates to the side of the building.

## 5. Policy Context

- 5.1. UDP (2005), Draft BDP, Places for All, Car Parking Guidelines SPD and the NPPF.

## 6. Planning Considerations

- 6.1. The proposed development has been assessed in light of the following issues:-
- 6.2. Principle-The application site is located within a Core Employment Area, as shown on the draft BDP policies map. Policy TP18 of the submission BDP states that "Core Employment Areas will be retained in employment use and will be the focus of economic regeneration activities and additional development opportunities likely to come forward during the plan period". The policy also defines employment use as B1b (research and development), B1c (light industry), B2 (general industrial) and B8 (warehousing and distribution). The site was previously occupied by factory buildings which have been demolished. The uses proposed in this application – B1 (b) (c) , B2 and B8, all comply with the above BDP policy. In addition, the erection of new employment development on this vacant site would contribute to one of the policy's other aims of economic regeneration activity in Core Employment Areas. I therefore raise no objection to the principle of the proposed development in this location.
- 6.3. Environmental- Regulatory Services requests the application of conditions that relate to the need to provide an acoustic 4 metre fence along the rear of the site; cumulative noise limit, code of best practice for goods deliveries, lighting scheme, vehicle charging point and site contamination assessment and remediation. I concur with this view. With respect to the issue of noise, whilst the application site was previously occupied by an industrial occupier and there is an aggregates and waste business situated to the north and a roofing business to the south, there are residential premises located on the opposite side of Walsall Road and to the south and east of the site beyond the river Tame. The general layout of the site would ensure that the main noise generating area of the development (service yard) would be set to the rear of the new building, which would mean that the houses situated across the dual carriageway (Walsall Road) would be shielded. In order to assess noise impact on dwellings to the south and east, the applicant has submitted a noise survey. This concludes that exposure to noise primarily to those properties can be addressed through the provision of a 4 metre high acoustic barrier. I concur with this view which my environmental advisor endorses. Noise can be further mitigated through controls on cumulative noise from all plant and machinery through a

condition that specifies adherence to relevant BS standards and also the application of a condition that requires the submission of a goods delivery strategy.

- 6.4. With respect to matters regarding potential site contamination, my environmental advisor has reaffirmed that he recommends the application of conditions that require site investigation and remediation (if deemed to be required). I concur with this view. Therefore, I consider the recommendation to apply site investigatory and remediation conditions are necessary in this case.
- 6.5. With respect to the recommended condition relating to lighting, this will help ensure light spill from the development is controlled. The recommended condition relating to the provision of 10% electric charging points, is supported by policy TP43 of the draft BDP which states "Proposals for Low Emission Vehicles will be supported by: \* Ensuring that new developments include adequate provision for charging infrastructure e.g. electric vehicle charging points in car parks...". This policy also supports wider national and local initiatives to enhance air quality.
- 6.6. In summary, no adverse environmental impact is identified subject to safeguarding conditions.
- 6.7. Design and layout- The proposed scheme has been the subject of extensive pre-application discussion. The submitted scheme in terms of its general layout, positioning of the building, building mass and design accords with the general guidance provided during those discussions.
- 6.8. The new building would relate well in terms of mass and scale to nearby commercial premises whilst incorporating a central forward projecting glazed office element. The office feature would help break up the main cladding to the façade with glazing to the front elevation, providing visual balance to the front elevation. The view of the southern elevation would be partly obscured by the existing commercial premises to the south whilst the exterior cladding of that elevation with symmetrical black and white panelling coupled with a view of the glazed office and double pitched roof would ensure that this other main public facade would not appear obtrusive in the street scene. The provision of landscaping, including new tree planting, would help soften the appearance of the overall development.
- 6.9. In summary, the proposed development would bring back into use a currently vacant site through a development that would visually improve the appearance of the site and the street scene. No adverse visual impact identified, subject to safeguarding conditions.
- 6.10. Highway impact- Transportation Development raise no objection subject to conditions relating to the requirement to carry out and substantially complete relevant associated highway works; pedestrian visibility splay to be incorporated and maintained at all vehicular accesses, secure cycle storage, a commercial travel plan and that parking and vehicle circulation areas are not used for any other purpose. I concur with this view.
- 6.11. The proposed development would provide for 9,656 sq.metres of floorspace. Based on guidance contained within your committees adopted SPD Car Parking Guidelines, given the sites location near to Perry Barr Local Centre which is designated as an area 2 zone, this level of floorspace is expected to generate a maximum demand for 107 car parking spaces. The proposed number of 94 car parking spaces is considered acceptable in relation to the anticipated maximum demand for car parking spaces. Parking demand is likely to be reduced by the sites



location adjacent to the Walsall Road which is well served by public transport and the close proximity of a large residential catchment area within walking distance from which future occupiers of the development could draw their workforce and hence reduce the need to travel by car to access the site. The number and location of the parking spaces for people with disabilities complies with the 2% set out in SPD Car Parking Guidelines. For these reasons, I consider the level of car parking proposed is acceptable. With respect to the level of lorry parking provision, I consider the level shown, 29 spaces, is also satisfactory.

- 6.12. The development would make use of an existing heavy duty crossover in order for lorries to access the site whilst a new dropped kerb is proposed in order to access the proposed car park. The position and location of these features have been previously informally agreed at pre application stage and I consider that as shown they are acceptable from a highway safety perspective. The provision of the new dropped kerb and other associated off site highway works can be secured through condition.
- 6.13. I acknowledge the comments from residents and from Councillors Hunt and Trench, about the impact of lorries including HGV's using side residential roads, particularly Glendower Road and Cliveden Avenue, as a rat run and concerns that the development may add to this. The conclusions from the transport assessment, which my transportation colleagues agree with, are that the proposed use for Classes B1 and B2 is unlikely to increase the number of service vehicles to and from the site, compared to the previous use by Tucker Fastners. A class B8 use could result in a marginal increase compared to previously. The proposed use is therefore unlikely to materially increase the likelihood of lorries and other service vehicles using adjoining residential side roads to make u-turns or otherwise. A requirement to require the applicants to implement mitigation measures, or fund other community benefits, could not thus be justified from the planning impacts of this use alone.
- 6.14. I further note that there are currently signs on the Walsall Road, at the approach to the junction with Cliveden Avenue, which indicate that the junction can be used by service vehicles to make u-turns to allow travel northwards on the opposite side of the dual carriageway. My transportation colleagues have received tracking information which confirms that this junction can accommodate the movement of articulated vehicles making u-turns. In summary no adverse impact on highway safety identified subject to safeguarding conditions.
- 6.15. Drainage- Local Lead Flood Authority (LLFA) raise no objection to the proposal but recommend that attachment of conditions to ensure an appropriate sustainable drainage scheme and drainage operational and management plan are provided for the site. I concur with this view. Whilst the proposed development will largely be building on a site that was previously covered by buildings and or hardsurfacing, the redevelopment of the site gives the opportunity to provide for sustainable drainage. I consider the scheme has the potential for this and that the proposed conditions would be an appropriate way to address this.

## 7. Conclusion

- 7.1. The proposed scheme facilitates the redevelopment of the site for industrial/distribution purposes with a high quality new building with new landscaping

and parking. Subject to controlling conditions, the scheme would not adversely affect the amenities of adjoining occupiers or residents and therefore complies with relevant national and local policy

8. Recommendation

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

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|----|---|
| 1  | Requires the prior submission of a contamination remediation scheme   |
| 2  | Requires the prior submission of a contaminated land verification report  |
| 3  | Requires the prior submission of a lighting scheme  |
| 4  | Requires the prior submission of details of refuse storage  |
| 5  | Prevents the use from changing within use class B1  |
| 6  | Requires the prior installation of means of access  |
| 7  | Prevents occupation until the turning and parking area has been constructed   |
| 8  | Requires the prior approval of the siting/design of the access  |
| 9  | Requires the prior submission of boundary treatment details   |
| 10 | Requires the prior submission of sample materials   |
| 11 | Requires the prior submission of cycle storage details  |
| 12 | Requires details of an acoustic barrier   |
| 13 | Limits cumulative noise from the plant, machinery and activities  |
| 14 | Requires the submission of a delivery and despatch management plan  |
| 15 | Requires the prior submission of level details  |
| 16 | Requires the provision of a vehicle charging point  |
| 17 | Requires the prior submission of hard and/or soft landscape details   |
| 18 | Requires the prior submission of a sustainable drainage scheme  |
| 19 | Requires the submission prior to occupation of the development of a Sustainable Drainage Operation and Maintenance Plan |
| 20 | Requires the development to be carried out in accordance with the agreed Flood Risk Assessment                          |
| 21 | Requires details of the proposed security gatehouse   |
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| 22 | Requires the prior submission of a method statement for the removal of invasive weeds                    |
| 23 | Requires the implementation of the submitted mitigation/enhancement plan                                 |
| 24 | Requires details of all fencing and gates within the site  |
| 25 | Requires the prior submission and completion of works for the S278/TRO Agreement                         |
| 26 | Requires pedestrian visibility splays to be provided and maintained at all vehicular access/exits.       |
| 27 | Requires the prior submission of a commercial travel plan  |
| 28 | Prevents occupation until the vehicle circulation and parking areas have been constructed and marked out |
| 29 | Requires the recessed gates to be made flush   |
| 30 | Requires the scheme to be in accordance with the listed approved plans                                   |
| 31 | Limits the approval to 3 years (Full)  |
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Case Officer:        Wahid Gul

## Photo(s)



Current dropped kerb for large lorries that serves the site





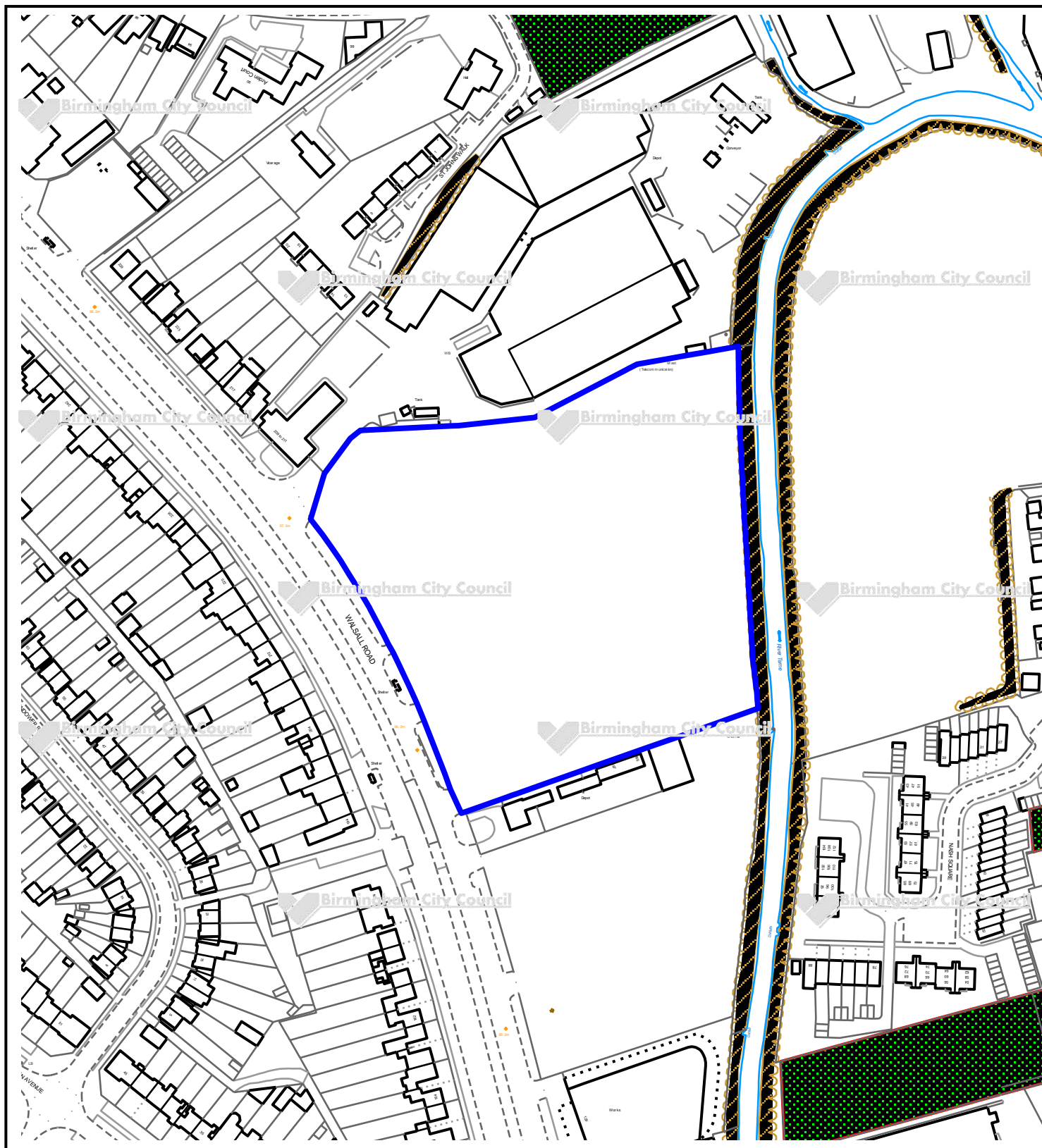
View into site looking east



View looking into site looking east



## Location Plan



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Committee Date:	05/01/2017	Application Number:	2016/07929/pa
Accepted:	06/10/2016	Application Type:	Full Planning
Target Date:	05/01/2017		
Ward:	Lozells and East Handsworth		

241 Wellington Road, Handsworth, Birmingham, B20 2EA

Change of use from warehouse/distribution (Use Class B8) to a place of worship with related community centre and ancillary office (Use Class D1) and demolition of part of building, with external alteration with new door and windows.

Applicant:	World Mission Agency - Winners Chapel International c/o Agent
Agent:	Star Planning And Development 140 Brandwood Road, Kings Heath, Birmingham, B14 6BX

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. The proposal is for a change of use from a B8 Storage and Distribution use to a Place of worship with associated community use (Use Class D1). The scheme includes a surface car park for 198 cars, including disabled spaces, 12 bicycle spaces and 6 mini bus spaces.
- 1.2. The existing building is to be largely retained and reconfigured to create the church. The existing building is 7000 sq.m and following demolition 4890 sq.m of building would be utilised to create the new church and community facility. A new entrance feature is proposed to be created in the existing docking area.
- 1.3. The chapel is to cater for a total of 600 members. The chapel is to relocate from the existing premises in Barford Street, Highgate. The existing premises are not of a sufficient size to accommodate a single congregation meeting.
- 1.4. The intention with this change of use is for a single adult congregation of approx. 500 people between 9:30 and 11:30 on Sundays, with separate junior and youth services running concurrently. The chapel also offers a Wednesday service between 19:30 and 21:00 hours for around 250 adults.
- 1.5. The community facilities would replicate those currently on offer at the existing premises and comprise of teens church, youth alive, winner's kidz and bible study. There are also annual celebrations such as Valentines, Easter, Summer Sports and Concert.
- 1.6. The premises are also proposed to operate as the regional administrative offices and this would operate between 9:00 and 17:00 hours Monday to Friday and employ 10 full time and 10 part time staff.



1.7. The application is supported by a Planning Statement, a Transport Assessment, a travel plan, a noise appraisal, and a Contamination report.

1.8. Amended plans have been received which have included a footpath within the site linking the building entrance to the footway along Wellington Road; increased the cycle parking provision and made provision for motor cycle parking.

1.9. [Link to Documents](#)

## 2. Site & Surroundings

2.1. The application site is approximately 1.94 hectares and comprises of a number of vacant buildings previously used for B8 storage and distribution and a large surface car park catering for 105 car parking spaces and 15 HGV parking and loading spaces. The site is accessed off Wellington Road.

2.2. The site is contained with existing 2m high palisade fencing. There are a large number of mature trees behind the frontage boundary.

2.3. The surrounding area is largely residential in character. To the west set upon higher ground is two/three storey dwellings. To the south immediately adjacent to the site is a row of traditional terraced properties. Opposite the site at the south is further 2 storey residential development. To the east are an industrial premise and a primary school.

2.4. There is a railway line forming the rear boundary to the site (north) and beyond that are the One Stop shopping centre and another industrial use. The site is approximately 290m west of Perry Barr District Centre, so is considered to be an edge of centre site. Perry Barr railway station is located approximately 560m to the east of the site. Numerous bus services run along Wellington Road.

2.5. [Site Location](#)

## 3. Planning History

3.1. There is planning history relating to the extension to the warehouse building over the last 25 years but none are relevant to this proposal.

## 4. Consultation/PP Responses

4.1. A site notice and press notice have been displayed and notification letters sent to the Local MP, Local Councillors, residents associations and neighbouring properties.

4.2. Four letters of representation have been received from neighbouring properties. Three of these were objection letters and can be summarised as follows:

- The proposal will have an adverse impact due to noise and disturbance.
- Parking could occur in Old Mill Grove
- Increase in traffic associated with a church use

- The access on the junction of Grosvenor Road/ Wellington Road is hazardous for heavy traffic.

One letter commented that they hoped that the new use would reduce the noise impacts as the previous use caused noise disturbance in the evening and at night.

- 4.3 Transportation: No objections subject to amendments and conditions. The amendments are to provide suitable cycle and motor cycle parking facilities and to create a footpath link into the site. The conditions recommended relate to maximum numbers, restrictions on timings of use, and types of uses allowed.
- 4.4 Regulatory Services: No objection in principle. There is a concern about the lack of detail for the roof insulation to prevent issues of noise pollution to adjoining properties. These details can be secured through condition. There are no land contamination issues. Also recommends the inclusion of a condition for electric vehicle charging point
- 4.5 West Midlands Police: No principle objection to the proposal. Recommend that further details about the boundary treatment and if the car parking is to have barrier controls to secure the site outside of operational times. Also recommend the use of CCTV to monitor areas such as the cycle store and access points.
- 4.6 Local Lead Flood Authority: No objections, the remodelling of the car parking area allows for the incorporation of a sustainable drainage system.

## 5. Policy Context

Birmingham UDP, Draft Birmingham Development Plan, Aston, Newtown and Lozells Area Action Plan, Places for Worship and faith related community and educational uses, Car Parking Guidelines SPD, Loss of Industrial Land to Alternative uses SPD, Places for All and NPPF.

## 6. Planning Considerations

### Policy

- 6.1. The Golden thread of the NPPF relates to sustainable development and the presumption in favour of this. There are three dimensions to sustainability, the economic role, the social role and the environmental role. These roles are mutually dependant. Having sufficient land for a strong and competitive economy is key to securing economic growth. The framework is clear however, that policies should avoid the long term protection of sites for employment use, where there is no reasonable prospect of the site being used as employment use and alternative uses should be judged on their own merits.
- 6.2. With regards to the social aspect of sustainable development the framework seeks to promote healthy communities and promote opportunities for communities to meet and to deliver social, recreational and cultural facilities such as places of worship.
- 6.3. The framework continues to promote competitive town centres with defined sites for a mix of uses including cultural and community uses, and a sequential test for these town centre uses should be applied to protect the vitality and viability of town centres.

- 6.4. The NPPF is clear that good design is indivisible from good planning and should contribute positively to make places better for people. This will include optimising site potential, responding to the character of the area, creating a safe and accessible environment which is visually attractive.
- 6.5. Paragraph 8.33 of the UDP sets out guidelines for the conversion of existing buildings to provide places of worship serving the needs of more than just the immediate local population. It notes that commercial or industrial buildings may be suitable for conversion. There is a preference for sites to adjoin commercial areas and or be on a main road. Only when a site is adjoining a busy route is off street parking considered necessary. This is supported by the Places of Worship and Faith related Community and Educational Uses SPD.
- 6.6. UDP on the issue of the loss of employment land is clear that such loss will be resisted except in cases where the site is a non-conforming use. The supporting SPD expands on the parameters for altering industrial land to non-industrial uses and this includes consideration of the appropriateness of the site to support the supply of suitable industrial land, and how to set out a case for consideration of alternative uses.
- 6.7. UDP in policies 3.8, 3.10 and 3.14 seek to promote good design and integration with the surrounding development. Places for All SPD elaborates on this and advocates the re-use of buildings for a number of reasons and this can include offering more character to an area.
- 6.8. The emerging draft Birmingham plan is at an advanced stage. The plan seeks to provide a long term strategy for the city. Policy PG3 relates to place making and high quality designs that reinforce the local character, create a safer environment, encourage sustainable transport and support the creation of sustainable neighbourhoods. Policy TP16 relates to having a provision of readily available employment land to have a 5 year minimum reservoir, this is supplemented by policy TP19 which seeks to protect employment land. This is not a blanket protection and the policy notes there are occasions when employment land becomes obsolete and no longer contributes towards the portfolio. There are criteria to be demonstrated when considering changes of use applications from employment land. This includes non-conforming use, or the site is no longer attractive for employment development. The SPD on the Loss of Industrial Land to Alternative Uses expands further on this.
- 6.9. Policy TP20 of the draft BDP relates to the viability and vitality of centres and that these are the preferred locations for community facilities and religious buildings making a positive contribution to the diversity of a centre. There is a focus of growth for Perry Barr. This is expanded upon in the Aston, Newtown and Lozells Area Action plan, which encourages community uses to form part of the enhanced centre.
- 6.10. There are various policies within the BDP relating to sustainable transportation, to encourage walking, cycling and public transport and policy TP42 actively supports schemes which include provision for charging infrastructure for electric vehicle charging points.
- 6.11. Car Parking guidelines SPD sets maximum standards for major land uses. Places for Worship are most appropriately considered on the basis of operational need; however the guidance recommends a maximum of 1 space per 10 sq.m. of floorspace for local facilities.

#### Principle of development

- 6.12. The proposal is for the relocation of a large community and place of worship use. There is support in national and local policies for this type of development which is key for creating sustainable communities. This needs to be balanced with the protection policies for the existing industrial status of the land and the policies protecting the adjacent centre to ensure that the development does not undermine the role and function of this centre for the wider community.

#### Loss of Industrial Land

- 6.13. Due to the former industrial use of the site, there has been over 3 years of active marketing exercise undertaken and there have been no serious offers from potential purchasers or occupiers. The applicant has submitted a marketing report in support of the application and analyses comments from potential buyers and for a variety of reasons including, size and age of buildings, location and size of plot this site was not considered acceptable. I am therefore satisfied that a suitable level of marketing has been undertaken and this has demonstrated that this site is no longer viable for an industrial use and therefore alternative uses should be considered.

#### Town Centre uses

- 6.14. Given the issues of overcrowding at the existing facility the applicants have been seeking alternative accommodation for some time and looked at other buildings and sites within the north of Birmingham, given that a large proportion of the congregation are from this area. Due to the size of the proposed church, a site of 1 hectare is required and no suitable site of this size has been identified within Perry Barr centre. The proposed site is an edge of centre site and I consider that there are no sequentially preferable suitable sites available. Furthermore, I do not consider that the proposed development will undermine the vitality and viability of the centre.

#### Design

- 6.15. The proposal seeks to retain a large proportion of the existing building. An element to the east is proposed for demolition along with a detached building within the existing car park area. There are minor external alterations proposed to the building in terms of inclusion of some extra windows and doors. The majority of the change is internal works to create a series of rooms to accommodate all the uses and functions for the chapel.
- 6.16. This proposal constitutes sustainable development through the re-use and adaptation of existing buildings and enhancement to them in terms of appearance and energy efficiency. This therefore accords with national and local policies with regards to design and sustainability.
- 6.17. There are a number of mature trees along the road frontage which offer a softening element to the site and these are to be retained.

#### Transportation

- 6.18. The site is in walking distance of Perry Barr District Centre and railway station and therefore offers alternative travel modes from the motor vehicle. However, given the size of the congregation and the location on a busy route, a large car park is proposed to cater for the church and community facilities.

- 6.19. Neighbouring occupiers have raised concerns relating to highway safety and car parking provision. The proposed development will utilise the existing access to the site, which contains the appropriate 2.4m by 42m visibility splay for this 30mph road, so there is no adverse impact on highway safety as a consequence of the development
- 6.20. The Transport Assessment (TA) for the site has considered the peak periods for the proposed church use and has concluded that it is unlikely to have a significant impact on the free flow of traffic on the surrounding highway. The car parking provision of 198 spaces complies with the maximum standards, furthermore, the car parking layout provides sufficient space for bicycle parking, motor cycle parking and specialist vehicles such as mini buses. Given the scale of the building and the close proximity the local centre, it is not necessary to impose a conditions limiting the maximum numbers of users.
- 6.21. The application includes a full travel plan to maximise the sustainability of the development. It includes initiatives to support walking, cycling, bus and rail use, given the close proximity to this wide range of alternative transportation modes.

#### Noise

- 6.22. The application has been supported by a noise assessment report. There have been previous noise complaints received in relation to the former use and concern has been raised by Regulatory Services with regards to the roof. Subject to appropriate works to insulate the roof, I am satisfied that the noise levels from the use of the building will not be to such a level as to disturb the amenity of occupiers of nearby dwellings.

#### Other issues

- 6.23. Regulatory Services have requested a condition that the new car park includes electrical vehicle charging points to assist in supporting more sustainable transport modes and seeking to reduce emissions. The applicants have indicated on the amended plans two appropriate charging points, so a condition is not necessary.
- 6.24. As the proposal is for a change of use, without any significant ground works there are no land contamination issues.
- 6.25. Given that the proposal includes the creation of a new car park the Local Lead Flood Authority consider that a scheme for sustainable drainage is required to reduce the risk of flooding. I concur with this and recommend a condition to address this issue.

### 7. Conclusion

- 7.1. The proposed chapel and community centre are located in a sustainable location at the edge of Perry Barr centre and accessible to a wide range of transportation modes. The loss of industrial land has been acceptably justified and the loss of this site will not undermine the availability of employment land. The use will not adversely affect the amenities of neighbouring properties.

### 8. Recommendation

- 8.1. Approve with conditions

- 
- 1 Limits the noise level from the use of the building
  - 2 Requires the prior submission of a sustainable drainage scheme
  - 3 Prevents occupation until the turning and parking area has been constructed
  - 4 Prevents the use from changing within the use class
  - 5 Requires the scheme to be in accordance with the listed approved plans
  - 6 Limits the approval to 3 years (Full)
- 

Case Officer: Emma Green

**Photo(s)**



The existing building view from west





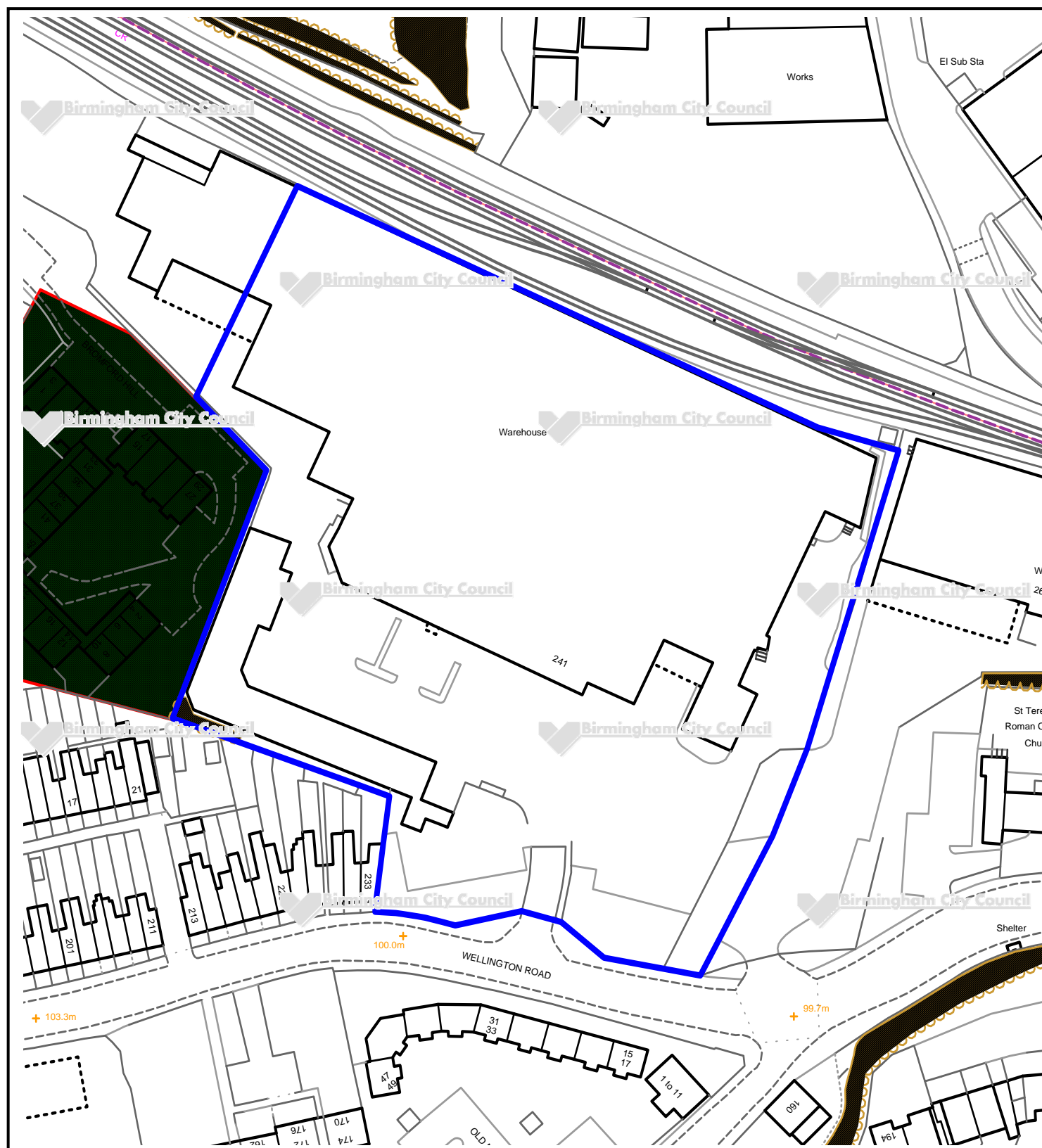
Existing frontage of the building



Entrance on Wellington Road



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**05 January 2017**

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

<b><u>Recommendation</u></b>	<b><u>Report No.</u></b>	<b><u>Application No / Location / Proposal</u></b>
Approve - Conditions	10	<p>2016/05449/PA</p> <p>Jamia Islamia Birmingham and 8 Fallows Road Sparkbrook Birmingham B11 1PL</p> <p>Change of use of former chicken processing factory to student residential accommodation (Use Class C2), erection of two storey extension, re-cladding of front elevation of Islamic School, new link bridge, boundary wall and car parking and variation of condition C9 (to extend opening hours of school to 0830 to 2000 hours daily) and condition C10 (to increase the maximum number of pupils to 200 and staff to 25) attached to application Ref: 2005/00472/PA.</p>
Approve - Conditions	11	<p>2016/08302/PA</p> <p>Montgomery Street Sparkbrook Birmingham B11 1EN</p> <p>Erection of 10 residential dwellings with associated car parking and landscaping</p>
Approve - Conditions	12	<p>2016/08630/PA</p> <p>317-331 Fox Hollies Road (rear of) Acocks Green Birmingham B27 7PS</p> <p>Erection of detached residential building to form 6 flats to rear and associated access and parking.</p>

Refer to DCLG

13

2016/07663/PA

Beaufort School  
Stechford Road  
Hodge Hill  
Birmingham  
B34 6BJ

Erection of single storey link detached building to accommodate 5 no. classrooms, 1 no. multi-use room, associated facilities alongside play area, boundary fencing and landscaping

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Committee Date:	05/01/2017	Application Number:	2016/05449/PA
Accepted:	14/10/2016	Application Type:	Full Planning
Target Date:	13/01/2017		
Ward:	Sparkbrook		

Jamia Islamia Birmingham, and 8 Fallows Road, Sparkbrook, Birmingham, B11 1PL

Change of use of former chicken processing factory to student residential accommodation (Use Class C2), erection of two storey extension, re-cladding of front elevation of Islamic School, new link bridge, boundary wall and car parking and variation of condition C9 (to extend opening hours of school to 0830 to 2000 hours daily) and condition C10 (to increase the maximum number of pupils to 200 and staff to 25) attached to application Ref: 2005/00472/PA.

Applicant:	Jamia Islamia Birmingham 8 Fallows Road, Sparkbrook, Birmingham, B11 1PL
Agent:	ZS Partnership Ltd 469 Coventry Road, Small Heath, Birmingham, B10 0TJ

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for change of use of former chicken processing factory to student residential boarding accommodation (Use Class C2), to be used in conjunction with an adjoining Islamic school, together with erection of a two storey extension, re-cladding of front elevation of Islamic School, new link bridge, boundary wall and car parking works. It is also proposed to vary of conditions C9 (to extend opening hours of the school to 0830 to 2000 hours daily) and C10 (to increase the maximum number of pupils within the school to 200 and staff to 25) attached to application 2005/00472/PA.
- 1.2. Consent is sought for change of use of former chicken processing factory to student residential boarding accommodation (Use Class C2), to be used in conjunction with an adjoining Islamic school. The adjoining school was established in 2005 by Jamia Islamia Birmingham. It is a registered school for boys aged 11-19 years and teaches National Curriculum subjects; including English, maths, ICT, history, geography, religious education, art, etc.
- 1.3. In order to make the former factory suitable for residential purposes, extensive internal and external refurbishment works are proposed. The ground floor would comprise; entrance lobby/ staircases, lobby area, dining area (214sq.m - 124 covers), kitchen, stores, assembly hall/ games area (230sq.m) and w.c's. The first floor would comprise 9 bedrooms (ranging in size from 56.6sq.m to 90.7sq.m), office (11.8sq.m) and wash area/ w.c's. Each bedroom would accommodate between 8

and 10 students. The premises would accommodate up to 72 students in total (between 7.1sq.m – 9.1sq.m bedroom space per student). There would be an enclosed bridge link at first floor, connecting the proposed boarding accommodation to the existing school.

- 1.4. Externally, an existing single storey front extension (115sq.m floorspace) would be demolished and replaced with a small two storey extension (36sq.m floorspace). The new 2-storey front extension would provide the entrance lobby, staircases and first floor office. Around the building, new windows would be provided. Also, 10 dormer windows would be installed within the roof to provide light to proposed bedrooms and wash areas/ w.c's. On the sides and rear, these would comprise simple horizontal windows. On the frontage, double height arched windows would be provided to both the proposed boarding accommodation and the exiting school. Also, a new red brick facade would be added to both buildings.
- 1.5. Along the back of pavement to the proposed boarding accommodation a new boundary treatment would be provided. This would comprise brick piers with low boundary wall and railings between the piers (total height approx. 2.1m). Two pairs of access gates (6.6m wide) at either end of the frontage would also be provided.
- 1.6. The existing car parking provision would be increased from 19 to 28. Cycle stands and refuse stores would also be provided.
- 1.7. It is proposed to vary conditions C9 attached to application 2005/00472/PA (to extend opening hours of the school to 0830 to 2000 hours daily).
- 1.8. Condition C9 states – 'The school hereby approved shall be closed between midnight and 0900 hours and 1530 hours and midnight daily.'
- 1.9. It is also proposed to vary condition C10 attached to application 2005/00472/PA (to increase the maximum number of pupils at the school to 200 and staff to 25).
- 1.10. Condition C10 states – 'There shall be no more than 100 children and 10 staff within the application premises at any one time.'
- 1.11. A Travel Plan, Company Travelwise Certificate, Design and Access Statement, Noise Assessment and Loss of Industry report have been submitted in support of the proposals.

#### [Link to Documents](#)

## **2. Site & Surroundings**

- 2.1. The application premises comprise a vacant warehouse building, formerly used as a chicken processing factory. It is located on Fallows Road, close to the junction with Walford Road (A4126). The premises are 2-storeys high and are constructed of light brown facing bricks, with dual pitched metal roof. It has a single storey entrance/ office area. It has a large forecourt and rear car parking area.
- 2.2. To the north of the former chicken processing factory are modern 2.5 storey high dwellings. To the south is Jamia Islamia Birmingham school (within the applicants control), beyond which are 2-storey Victorian terraced dwellings and an Estate Agents on the corner of Fallows Road and Walford Road. To the east, on the

opposite side of Fallows Road, are further Victorian terraced dwellings. To the west, fronting Sydenham Road, are industrial/ commercial premises (including a glazing company and car repair businesses).

- 2.3. The immediate vicinity is predominantly residential/ commercial in nature.

### [Site Map](#)

## 3. Planning History

- 3.1. 07.08.1980 - 04347011 - Change of use to warehouse – Approved subject to conditions.
- 3.2. 09.01.2012 – 2011/02163/PA – Enforcement Notice (2010/0433/ENF) relating to non-compliance with conditions attached to 04347011 – Appeal dismissed and Enforcement Notice upheld.
- 3.3. 02.03.2016 - 2015/09483/PA - Change of use from former chicken processing factory to student residential boarding accommodation (use class C2) to be used in conjunction with adjoining Islamic school, together with erection of two storey extension, external alterations including new dormer windows and boundary wall – withdrawn.
- 3.4. Adjoining premises
- 3.5. 26.04.2005 - 2005/00472/PA - Change of use of vacant warehouse premises to Islamic School and part demolition of rear portion of warehouse and side building to provide under cover parking and increased width of vehicular access – Approved subject to conditions.

## 4. Consultation/PP Responses

- 4.1. Local Councillors, Roger Godsiff M.P, Residents Associations and local occupiers notified. Site and Press notices posted. Four responses of objection received to the current application; comprising 2 from local residential occupiers and 2 from Roger Godsiff M.P.
- 4.2. Petition against (41 signatures) also submitted, via Roger Godsiff M.P, which was received post the withdrawal of the previous P.A (App. No. 2015/09483/PA) and prior to the submission of the current application. Petition submitted on the following grounds; it is noted that most of the attendees are local and live within a 2 mile radius and that the plans give no reason as to how the application would have a positive impact on the school and local community; the characteristics of Fallows Road would change from being residential friendly and the new building would be 'out of place'; congestion and parking issues and anti-social behaviour from students.
- 4.3. Two local occupiers object to the current application on the grounds of increased car parking problems and litter. Car parking concerns - The existing car park attached to the Jamia Islamia facility is too small/ never used and parking occurs on-street. At the beginning and end of their day there is heavy congestion on Fallows Road, to the extent that the road is blocked and traffic cannot flow. Parents park carelessly whilst waiting to pick up their children. Fallows Road residents are forced to park on

Walford Road, which creates problems for Walford Road residents. Also, conferences and events are held at the existing premises throughout the year, which tend to last for 2 or more days. Due to the limited car park facilities, visitors take up space on Fallows Road and Walford Road for the duration of the event. Litter – students attending the existing school litter the streets.

- 4.4. Roger Godsiff M.P objects to the proposed development. It is pointed out that the residents of Fallows Road were adversely affected for many years by the former chicken processing factory. Following a long and successful campaign by residents, they were looking forward to a period of relative peace and quiet once the site had been sold and redeveloped for much needed housing.
- 4.5. Roger Godsiff met recently with a deputation from the existing school and emphasises no objection to the current use. However, strong objections are raised to the proposed change of use as it is believed that the site should be used for housing, rather than for student accommodation. It is considered that there is a need for new housing in the area and this site would be ideal for housing as Fallows Road is a residential road. Further, Fallows Road is not suitable for such a facility and a more suitable site should be acquired where a purpose built building could be provided. The needs of Fallows Road, and the surrounding area, are for more housing accommodation, particularly for low income families. Residents of Fallows Road would like the site to be used for housing and for off-street parking. Roger Godsiff wrote to every household in Fallows Road and advises that not one of the responses favoured the use of the site as student accommodation.
- 4.6. Roger Godsiff M.P states that in the case of Hall Green Stadium the Council took the view that housing need in the area of Hall Green justified turning an asset of Community Value into new housing development and that housing need had to be given priority over any other usage. On the basis that there is overriding housing need in the Hall Green area then there is even more housing need in the Sparkbrook area, particularly for low-cost housing for young people. Therefore, there is strong opposition to this application on the grounds that the site is not suitable for student residential accommodation and should, instead, be used for residential accommodation which is desperately needed in the area. It is requested that the application be considered by Planning Committee.
- 4.7. Agent's response to Roger Godsiff's objections – premises have been purchased by the Trust to expand the local school and improve facilities for the benefit of the local community. The school has been established for 11 years and more than 80% of students are from the local constituency. The vast majority of local households support the proposals. There are no other suitably sites in the area. The premises would not be used as a mosque, but would provide full-time Islamic schooling. There are very few places for such a facility in the West Midlands and the surrounding community would like this facility. Should the factory be demolished, then the small plot would only accommodate 6 dwellings. The facility would provide boarding accommodation primarily for local children, many of which currently attend boarding accommodation elsewhere outside of Birmingham. Also, the amount of traffic would be reduced as parents would only collect their children either weekly or monthly. The school is regulated by OFSTED and is continuously seeking to improve.
- 4.8. 4 letters of support from local mosques submitted by the agent. The U.K Islamic Mission, Mohammedi Islamic Centre, Masjid-e-Umar and Shah Jalal Jami Masjid, after consultation with members and those who live in the vicinity of the proposed development, fully support the proposals. The school has good results and community relations and improved facilities are welcomed.

- 4.9. Transportation Development – No objections, subject to conditions – student residential accommodation to be ancillary to the existing school use, a parking management strategy, pedestrian visibility splays, cycle store details, siting/ means of access/ egress details, a School Travel Plan and a S278/TRO agreement to secure a package of highway measures including reinstatement of redundant footway crossing on the frontage; footway parking deterrent measures; School warning signage and ‘School keep clear’ markings.
- 4.10. Regulatory Services – No objection, subject to conditions. Windows to student residence which would overlook factory premises at Sydenham Rd to be fixed closed and suitable ventilation be provided. Conditions also recommended requiring the prior submission of extraction and odour control details, limits to the noise levels for plant and machinery and refuse storage.
- 4.11. Local Lead Flooding Authority – No objection, subject to the prior submission of a drainage scheme.
- 4.12. West Midlands Police – No objection.
- 4.13. West Midlands Fire Service - No objection.
5. Policy Context
- 5.1. NPPF (2012), Adopted UDP (2005), Draft Birmingham Development Plan (2013), Places for Living SPG (2001), Places for All SPG (2001), Car Parking Guidelines SPD (2012), Loss of Industrial Land to Alternative Uses SPD (2006), Special Needs Residential Uses SPG (2002), Places of Worship and Faith-Related Community and Educational Uses (2011).
6. Planning Considerations
- 6.1. *Policy*
- 6.2. Paragraph 19 of the NPPF places significant weight on economic growth within the planning system, with paragraph 37 supporting a balance of uses within an area which would minimise travel times. Paragraph 32 states that developments should have safe and suitable access for all people. On environmental concerns, the NPPF is unequivocal in its view that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the proposed use (paragraph 122), with paragraph 123 stating that developments should mitigate and reduce other adverse impacts on health and quality of life, including through the use of conditions.
- 6.3. Within the draft Birmingham Development Plan, policy SP28 refers to student accommodation and states that it will only be considered favourably where the development is well located to educational establishments and local facilities by walking, cycling and public transport and does not have an unacceptable impact on the character of the local area.
- 6.4. Policy 3.8 of the adopted UDP highlights that there is a need to recognise the key relationship between environmental quality and levels of economic activity and policy 3.10 states that, ‘proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.’



- 6.5. 'Places for All' SPG support the re-use of good quality existing buildings. 'Places for Living' SPG encourages higher densities in developments, re-use of good quality existing buildings, active frontages and schemes which reflect local context.
- 6.6. The Specific Needs Residential Uses SPG refers to essential facilities for student accommodation including; space for a single bed, storage, a desk and chair and a heating system. The SPG suggests that this should be incorporated in a single bedroom no less than 6.5 sq. m.
- 6.7. Loss of industry – The premises were previously used as a chicken processing factory, but have been vacant for 2/ 3 years. The premises were actively marketed for industrial purposes, but no interest was shown. The factory premises are considered an isolated non-conforming use. Although there are industrial /commercial premises adjoining to the rear, fronting Sydenham Road, the application premises are the only remaining industrial premise in Fallows Road. The former industrial premises to the north were demolished about 10 years ago and new dwellings provided. Also, the Islamic school premises attached to the south were converted from industrial premises in about 2005.
- 6.8. *Principle of use*
- 6.9. The former chicken processing factory attracted numerous complaints from local residents relating to noise, disturbance and loading/ unloading problems. Fallows Road is primarily residential in character and the proposed boarding accommodation, in association with the adjoining Islamic School, is considered a compatible use with the character of the area.
- 6.10. Student residential boarding accommodation is considered appropriate for this location, being within a primarily residential area and with good public transport links along Walford Road (A4126). The re-use of an existing building is also welcomed. It is noted that Roger Godsiff M.P objects to the proposals, principally on the grounds that the site should be re-developed to provide much need family housing. It is suggested that the site be declared a Community Asset (as was the case at Hall Green Stadium) and that it be used to meet local housing needs. It would be difficult to declare the former chicken processing factory a Community Asset as it had no former community use or value. The premises were used as a chicken processing factory for many years and are currently vacant. The applicants have stated that they have now purchased the premises (through community donations) and that they wish to expand the local school and improve facilities for the benefit of the local community. As such, the Trust for the adjoining Islamic School is required to redevelop the site for their own use and they are not prepared to release the site for housing.
- 6.11. Regarding the Hall Green Stadium site, I understand that the applicants made an unsolicited planning application to re-develop the site for residential purposes and that this was subsequently approved by Planning Committee. The possible redevelopment of the former chicken processing factory for residential purposes is not proposed at this time and the current application must be assessed on its planning merits, in accordance with planning policy.
- 6.12. *Variation of conditions*
- 6.13. It is proposed to vary condition C9 attached to application 2005/00472/PA to extend the proposed opening hours of the existing school from 0900-1530 hours daily to 0830-2000 hours daily.

- 6.14. It is also proposed to vary condition C10 attached to application 2005/00472/PA to increase the maximum number of pupils within the existing school from no more than 100 children and 10 staff at any one time to no more than 200 children and staff to 25 at any one time.
- 6.15. These variations are in-part requested to regularise the existing situation at the school. Currently, the school accommodates 132 students and opens 0830-2000 hours Mondays to Fridays and 0830-1400 hours on Saturdays.
- 6.16. It is considered that the proposed variation of conditions would be acceptable in principle. The school is appropriately sited within a primarily residential area extending the opening hours/ numbers in attendance would be unlikely to generate increased noise or disturbance or highway/ parking problems. Both Transportation Development and Regulatory Services have expressed no objections, subject to conditions. Their comments are outlined further below.
- 6.17. *Impact on residential amenity*
- 6.18. The application premises were previously used as a chicken processing factory and caused significant problems for local residents in terms of noise, disturbance, parking and highway problems. Following opposition from local residents and extensive enforcement action, the premises closed and are currently vacant. The premises are located around 21m from dwellings on the opposite side of Fallows Road and around 7m from rear gardens of dwellings adjoining to the north at Victoria Court (off Fallows Road). Dwellings at Victoria Court are located around 1m higher than the former chicken processing factory as Fallows Road rising up hill from Walford Road. New windows are proposed within the application premises in all elevations, although the first floor windows proposed on the north elevation, facing Victoria Court, would be high level horizontal windows and thereby reducing the opportunity of overlooking adjoining rear gardens. The proposed development would therefore comply with separation distance guidelines contained in Places for Living SPG, which requires 21m between building faces and 5m per storey set back where new development with main windows overlooking existing private space is proposed. As such, local residential occupiers would be unlikely to be adversely affected in terms of loss of privacy.
- 6.19. Regulatory Services has expressed no objections subject to conditions requiring windows to student residence which would overlook factory premises at Sydenham Road (12.4m away) to be fixed closed and suitable ventilation provided and also the prior submission of extraction and odour control details, limits to the noise levels for plant and machinery and refuse storage. I concur with this view. A number of fire escape staircases are available. Suggested safeguarding conditions are attached.
- 6.20. Extensive refurbishment works are proposed and the premises would include a large dining area (214sq.m - 124 covers) and assembly hall/ games area (230sq.m) at ground floor and 9 large bedrooms (ranging from 56.6sq.m to 90.7sq.m) at first floor to accommodate up to 72 pupils. Room sizes would be acceptable providing between 7.1sq.m and 9.1sq.m bedroom space per student. Although not directly applicable, The Technical Housing Standards would require 6.5sq.m for a single room. It is considered that the proposed development would provide an acceptable living environment for the students.
- 6.21. *Parking/ highway considerations*

6.22. The existing car parking provision would be increased from 19 to 28. Two cycle stands would also be provided. It is stated by the applicants that the majority of children live within walking distance of the school. It is also noted that there are good public transport links along Walford Road (A4126) which is located around 30m south of the school. Concerns have raised by local residential occupiers that parking/ congestion would be made worse by the proposals. Transportation Development have raised no objections in principle, subject to conditions – student residential accommodation to be ancillary to the existing school use, a parking management strategy, pedestrian visibility splays, cycle store details, siting/ means of access/ egress details, a School Travel Plan and a S278/TRO agreement to secure a package of highway measures including reinstatement of redundant footway crossing on the frontage; footway parking deterrent measures; School warning signage and ‘School keep clear’ markings. I concur with this view. The proposed development would reduce the number of journeys to the school. Also, Walford Road is well served by regular bus services. I therefore consider that the proposed development would be unlikely to have a detrimental impact in terms of highway/ parking issues.

6.23. *Design*

6.24. The existing factory unit is run-down and poor in appearance. It is proposed to demolished a single storey front extension which contains a 3 galvanised roller shutters and to replace it with a new 2-storey brick built entrance feature and red brick facade and double height arched windows to the proposed boarding accommodation and the existing school. There would be an enclosed bridge link at first floor, connecting the proposed boarding accommodation to the existing school. These works would greatly enhance the appearance of the existing buildings and would contribute positively to the streetscene. Conditions are attached requiring further details of the bridge link, samples of materials and that the single storey extension be provided prior to first occupation of the residential boarding accommodation.

6.25. An objector has stated that students attending the existing school litter the streets. Conditions are attached requiring refuse storage and litter bins be provided in an attempt to alleviate the situation.

7. Conclusion

7.1. The proposed change of use of a former chicken processing factory for student residential boarding accommodation, to be occupied in conjunction with an adjoining Islamic school, together with ancillary works and variation of conditions as outlined above, is supported. The proposed standard of accommodation would be acceptable and the development would be unlikely to have an adverse impact on the amenity of local residential occupiers in terms of noise, disturbance, litter or highways issues, subject to satisfactory safeguarding conditions.

8. Recommendation

8.1. Approve subject to conditions.

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1 Requires the prior submission of a mobility access scheme

2 Requires the prior submission of a litter bins

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- 
- 3 Requires the prior submission of a drainage scheme
  - 4 Requires the prior submission of extraction and odour control details
  - 5 Limits the noise levels for Plant and Machinery
  - 6 Requires the prior submission of hard and/or soft landscape details
  - 7 Requires the prior submission of hard surfacing materials
  - 8 Requires the prior submission of boundary treatment details
  - 9 Requires the prior submission of sample materials
  - 10 Requires the scheme to be in accordance with the listed approved plans
  - 11 Requires the prior submission of details of refuse storage
  - 12 Limits the hours of use of the school to between 0830-2000 daily
  - 13 Limits the number of children to no more than 72 and staff to no more than 25 within the residential boarding accommodation
  - 14 Limits the number of children within the premises to no more than 200 in total, including 72 children within the residential boarding accommodation and staff to no more than 25
  - 15 Requires the prior provision of the two storey extension
  - 16 Requires the prior submission of proposed access gates
  - 17 Requires the prior submission details non opening windows and associated ventilation to specific areas of the approved building
  - 18 Requires the prior submission of bridge link details
  - 19 Requires the prior submission of a school travel plan
  - 20 Prevents the use from changing within the use class
  - 21 Requires that the approved student residential accommodation is ancillary to the school use
  - 22 Requires the prior approval of the siting/design of the access
  - 23 Requires the prior submission of a parking management strategy
  - 24 Requires the parking area to be laid out prior to use
  - 25 Requires the prior submission of cycle storage details
  - 26 Requires pedestrian visibility splays to be provided
-

- 
- |    |  |
|----|--|
| 27 | Requires the dedicated use of access and egress points                           |
| 28 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 29 | Limits the approval to 3 years (Full)  |
- 

Case Officer:        Tony White

## Photo(s)



Fig. 1 – Former Chicken Processing Factory



Fig. 2 – Existing School



# Location Plan



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Committee Date:	05/01/2017	Application Number:	2016/08302/PA
Accepted:	11/10/2016	Application Type:	Full Planning
Target Date:	10/01/2017		
Ward:	Sparkbrook		

Montgomery Street, Sparkbrook, Birmingham, B11 1EN

Erection of 10 residential dwellings with associated car parking and landscaping

Applicant:	Birmingham City Council BMHT, 1 Lancaster Circus Queensway, Birmingham, B4 7DJ
Agent:	BM3 Architecture Ltd 28 Pickford Street, Birmingham, B5 5QH

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for erection of 10 x 2-storey high dwellings with associated car parking and landscaping works fronting Montgomery Street. The application site comprises a former Council owned car park which has been closed and allocated for housing. It is proposed to re-develop the site as part of the Birmingham Municipal Housing Trust (BMHT) and is identified for housing within the Strategic Housing Land Availability Assessment (SHLAA). The agents have stated that the development would provide 10 homes for affordable rent.
- 1.2. The proposed dwellings would be set back from Montgomery Street by between 5m and 6.8m to enable front gardens and off-street car parking to be provided. Brick piers and vertical bar railings (0.9m high) would be erected along the back of pavement. Five existing trees along the frontage would be retained.
- 1.3. The proposed dwellings would comprising 2 x end terraced 3-bed, 2 pairs of 4-bed and 2 pairs of 5-bed. Internally, each dwelling would comprise; ground floor - entrance hall, stores, w.c, kitchen/ dining room and living room. First floor – bedrooms (3, 4 or 5), bathroom, stores and airing cupboard.
- 1.4. Bedroom sizes would range from 7.6sq.m – 9.3sq.m (single) and 10.9 – 16.4sq.m (double).
- 1.5. Gardens would be generally rectangular in shape and would vary in size from between 131sq.m to 166sq.m, except for plot 2 (end terrace 3-bed) which would be triangular in shape and would be around 72sq.m. Rear garden lengths would vary from between 14.8m to 17m.
- 1.6. The proposed dwellings would be of red-brick construction and the frontage would include bay windows, separate entrance doors and vertical grey uPVC windows with stone surrounds.



- 1.7. Each dwelling would have 2 off-street car parking spaces. The 3-bed terraces located at either end of the site would have 1 forecourt space and 1 car port space. The remainder of the dwellings would have a forecourt space and an undercroft space.
- 1.8. Site Area – 0.30 hectares in size. Proposed density of development would be 34 dwellings per hectare.
- 1.9. A Design and Access Statement, Transport Statement, Interim Travel Plan, Preliminary Ecological Assessment and Environmental Noise Assessment have been submitted in support of the proposals.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is roughly rectangular in shape and is relatively flat. It was formerly used as a car park, but is now closed and allocated for new housing. To the north, opposite side of Montgomery Street are warehouse/ factory premises, beyond which is the Grand Union Canal and railway line. To the south, east and west, the application site is bounded on 3 sides by Victorian terraced dwellings fronting Dearman Road, Dolobran Road and Montgomery Street. To the rear, beyond Dearman Road, is Farm Park.
- 2.2. The surrounding area is predominantly residential/ industrial in character.

[Location Map](#)

3. Planning History

- 3.1. 22.04.1980 – 53071000 - Proposed Car Park – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Local Councillors, Roger Godsiff M.P, Residents Associations and local occupiers notified. Site and press notices posted. 12 responses (9 separate addresses) of objection and 1 response in support received.
- 4.2. Objections on the grounds of:
  - Loss of free car park which was used by local residents, businesses (both staff and customers) and parents collecting children from local school,
  - Increased car parking problems,
  - Increased on-street car parking,
  - Busy street and increased risk of parked car being damaged by lorries,
  - Increased accidents,
  - Already difficult to park in Montgomery Street due to double yellow lines,
  - Since car park closed cars are parking on footpaths thereby endangering pedestrians,

- Increased congestion as lorries have difficulty manoeuvring around parked cars,
- Parked cars are blocking work entrances,
- Local businesses would be forced to close due to loss of car park,
- Local businesses would be prepared to maintain and manage the car park,
- Concern expressed for children walking along pavement to Primary School on Montgomery Street,
- Drivers cause noise and disturbance by blowing their horns,
- Requested that an element of car parking be retained,
- Increased noise and disturbance due to increased activity,
- Industrial heritage of the area should be respected,
- Lack of local school places,
- Loss of view,
- Loss of privacy,
- Loss of daylight,
- The proposed appearance would be out of character, and
- Acknowledged that the site does attract fly tipping.

4.3. Response in support on grounds of:

- Support the provision of much needed housing. Would help the area to flourish and to build a community.

4.4. Transportation Development – No objection in principle. Additional highway frontage measures would be required to prevent obstruction of footways by parked vehicles. It is noted that the disposal of the function of the car park has already been agreed and that the proposed level of parking throughout the site would be 200% per dwelling, which would be provided in a tandem arrangement. It is requested that in order to provide a safe pedestrian environment along the site frontage, a range of parking deterrent measures be provided in order to prevent obstruction by parked vehicles. It is also likely that footway resurfacing would be required along the site frontage, given the poor condition of footway at present and the number of new footway crossings. These measures should be provided via a highway agreement.

4.5. Regulatory Services – No objections, subject to conditions - Contamination remediation scheme, contaminated land verification report, noise insulation scheme and a vehicle charging point.

4.6. Education School Places – No objections.

4.7. Local Lead Drainage Team – No objections, subject to drainage conditions.

4.8. West Midlands Police – Fully support the loss of the car park and the proposed development.

5. Policy Context

5.1. NPPF (2012), Adopted UDP (2005), Draft Birmingham Development Plan 2031 (2013), Places for Living SPG (2001), DCLG Technical Housing Standards: Nationally Described Space Standard (2015); Car Parking Guidelines SPD (2012).

## 6. Planning Considerations

### 6.1. *Policy*

6.2. NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Planning is required to always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost the supply of housing and seeks the delivery of high quality housing that is well designed and built to a high standard; a mix of housing, particularly in terms of type and tenure to create sustainable, inclusive and mixed communities.

6.3. The UDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City. Paragraph 5.15 identifies that a number of initiatives are proposed/underway to improve the condition of older private sector stock and City Council dwellings, in some cases through demolition of existing properties. It acknowledged that these may involve the City Council in partnership with private sector interests.

6.4. The UDP also aims to create a more sustainable pattern of development by re-using brownfield sites in suitable locations with good access to jobs, shops and services by modes other than the car. It requires that that new housing developments should provide an appropriate environment (paragraphs 5.20-5.20A), a suitable housing density and mix (paragraph 5.40) and encourages a full range of housing types. Paragraph 5.38 identifies that densities of at least 50 dwellings per hectare will be expected in local centres and corridors well served by public transport, with 40 dwellings per hectare elsewhere. Paragraphs 3.14D and 3.14E of the UDP identify that new housing development should be designed in accordance with good urban design principles.

6.5. The site is a Council owned former car park, surrounded on 3 sides by 2-storey terraced housing. The re-use of this vacant brownfield site for housing would be in accordance with the principles contained within the NPPF and UDP outlined above.

### 6.6. *Main issues*

6.7. The detailed matters for consideration are the loss of the former car park, effect on parking and highway safety, impact on residential amenity and upon the character of the area.

### 6.8. *Loss of car park*

6.9. The application site is approximately 0.30 hectares in size. It is bounded on 3 sides by rear gardens of dwellings fronting Dearman Road, Dolobran Road and Montgomery Street. On the opposite side of Montgomery Street are warehouse/factory premises. It is acknowledged that the car park was used by local occupiers/businesses and it is noted that 12 objections were received primarily against the loss of the car park. The former Council car park was available free of charge. However, the site suffered from fly tipping and anti-social behaviour. In September 2015, the site was appropriated into the Housing Revenue Account to be developed for

housing as part of BMHT. The car park use subsequently ceased in November 2016. It is considered that the need for good quality family housing in the area is a primary consideration and outweighs parking requirements. On-street car parking is available and the need further housing is required to support housing growth.

6.10. *Effect on parking and highway safety*

- 6.11. As outlined above, there would be some impact in terms of displacement of cars from the car park resulting in additional on-street car parking. Transportation Development has expressed no objection in principle. It is noted that the disposal of the function of the car park has already been agreed and that the proposed level of parking throughout the site would be 200% per dwelling. It is requested that highway frontage measures be provided to prevent obstruction of footways by parked vehicles in order to provide a safe pedestrian environment along the site frontage. It is also requested that the footway be resurfaced. I concur with this view. The proposed development would provide adequate car parking and is within 550m of Sparkbrook Neighbourhood Centre which has good public transport links.

6.12. *Impact on residential amenity*

- 6.13. It is proposed to erect 10 x 2-storey high dwellings fronting Montgomery Street. These would be bounded on 3 sides by existing 2-storey dwellings, with warehouse/factory premises on the opposite side of Montgomery Street. Ambient noise levels are high and Regulatory Services have expressed no objections, subject to conditions including a noise insulation scheme and a contamination remediation scheme and contaminated land verification report. It is also requested that a vehicle charging point be provided. I largely concur with this view. The warehouse/factory premises on the opposite side of Montgomery Street would be around 19m from the front face of the proposed dwellings. However, I do not consider that a vehicle charging point condition would be appropriate or necessary in this instance due the nature of housing (i.e. not flats with communal parking).
- 6.14. Concerns have been expressed relating to loss of views, privacy and daylight. It is proposed to provide large rear gardens, varying in size from between 131sq.m to 166sq.m, except for plot 2 (end terrace 3-bed) which would be around 72sq.m. Rear garden lengths would vary from between 14.8m to 17m. 'Places for Living' requires 70sqm garden sizes for family accommodation and 5m per storey garden lengths. The sizes and lengths would exceed the guidelines contained in 'Places for Living' SPG and therefore local residential occupiers would be unlikely to be adversely affected in terms of loss of views, privacy and daylight.
- 6.15. The Technical Housing Standards require a minimum gross internal floor area of 93sq.m for 3-bed 5 persons, 115sq.m for 4-bed 7 persons and 128sq.m for 5-bed 8 persons accommodation. The proposed dwellings would exceed these requirements with 3-beds being 95sq.m, 4-beds 124sq.m and 5-beds 130sq.m. Also bedroom sizes would exceed the minimum requirements.
- 6.16. *Design and layout*
- 6.17. The proposed dwellings would be set back from Montgomery Street to enable front gardens, and off-street car parking, to be provided. The proposed front gardens, together with the retention of 5 existing trees along the frontage would help to soften the industrial character of the locality. Brick piers and vertical bar railings to be provided along the back of pavement would reinforce the building line.

- 6.18. The scale of the proposed dwellings, being 2-storeys high, would be similar to other dwellings in the area. The proposed dwellings would be of red-brick construction and the frontage would include bay windows, separate entrance doors and uPVC windows with a vertical emphasis. These details would be typical in the area. Stone surrounds incorporated around first floor windows would help to create a more simple contemporary design. It is considered that the proposed 2-storey dwellings would be sympathetic to the character of the area and would positively contribute to the visual appearance of the street scene.

7. Conclusion

- 7.1. This planning application seeks to secure the delivery of a residential development of 10 x 3, 4 and 5 bedroom dwellings, with associated car parking and landscaping. The application site is a sustainable location, with good access to public transport links. The application site was a former Council owned car park which suffered from fly tipping and anti-social behaviour. The proposed development would be acceptable in terms of the delivery of a sustainable development, re-using an existing vacant site and seeking to introduce active residential use.
- 7.2. The application proposals are considered to comply with adopted planning policy and would make a contribution to Birmingham's established housing requirements whilst regenerating a disused and vacant site in an established residential area.

8. Recommendation

- 8.1. Approve subject to the following conditions

- 
- |    |  |
|----|--|
| 1  | Requires the prior submission of a contamination remediation scheme                      |
| 2  | Requires the prior submission of a contaminated land verification report                 |
| 3  | Requires the prior submission of a sustainable drainage scheme                           |
| 4  | Requires the prior submission of a drainage scheme                                       |
| 5  | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan   |
| 6  | Requires the prior submission a noise study to establish residential acoustic protection |
| 7  | Requires the prior submission of hard and/or soft landscape details                      |
| 8  | Requires the prior submission of hard surfacing materials                                |
| 9  | Requires the prior submission of boundary treatment details                              |
| 10 | Requires the prior submission of sample materials  |
| 11 | Requires the prior submission of level details   |
| 12 | Requires the scheme to be in accordance with the listed approved plans                   |
| 13 | Requires the prior approval of the siting/design of the access                           |
-

- 
- 14 Requires the prior submission of details of pavement boundary
  - 15 Requires the parking area to be laid out prior to use
  - 16 Requires the prior submission and completion of a package of highway measures
  - 17 Requires pedestrian visibility splays to be provided
  - 18 Requires the implementation of tree protection
  - 19 Requires the replacement of any trees removed during construction
  - 20 Limits the approval to 3 years (Full)
- 

Case Officer: Tony White



## Photo(s)

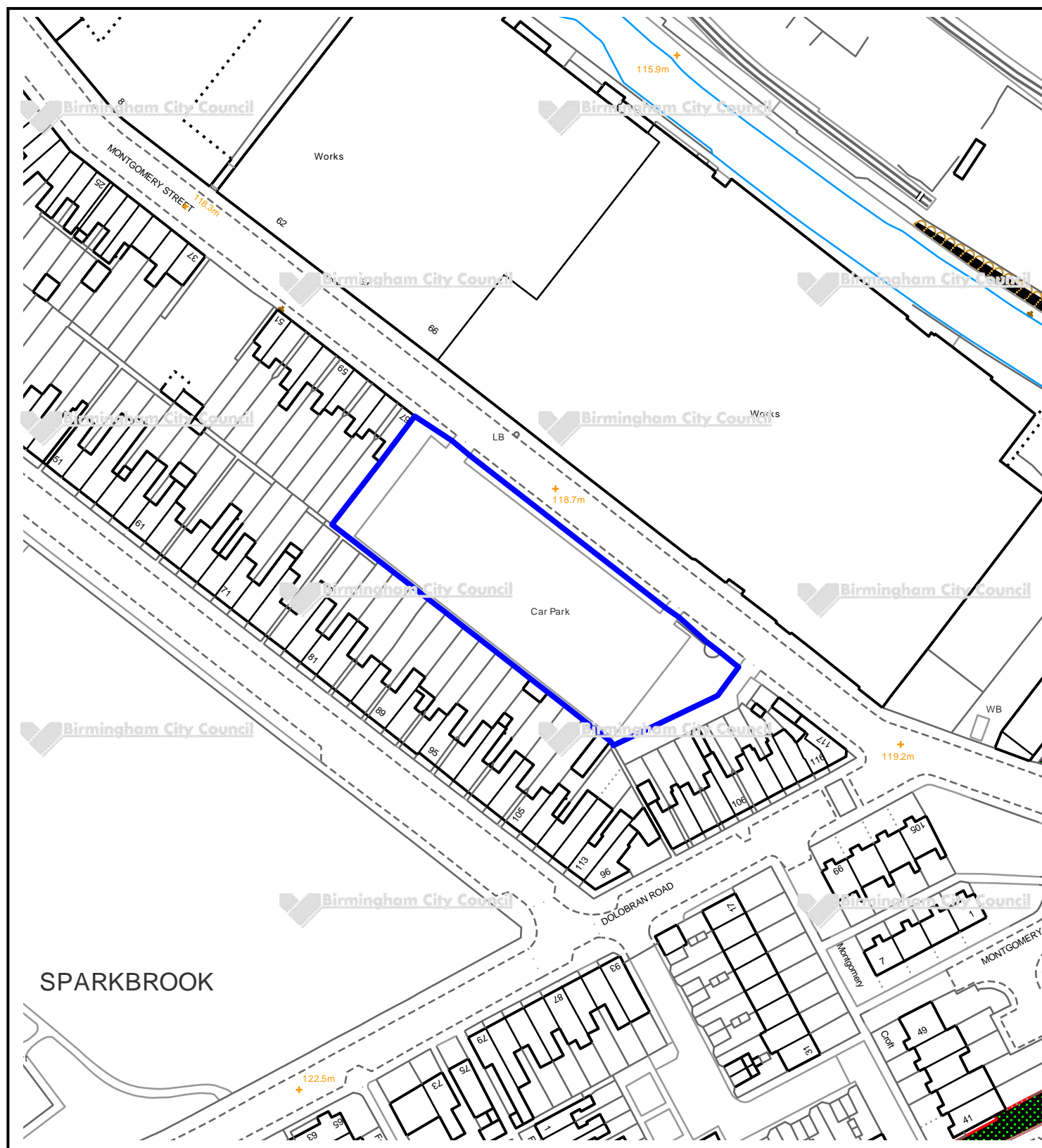


Fig. 1 – Frontage of Application Site



Fig. 2 – Rear Boundary of Car Park

## Location Plan





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Committee Date:	05/01/2017	Application Number:	2016/08630/PA
Accepted:	29/11/2016	Application Type:	Full Planning
Target Date:	24/01/2017		
Ward:	Acocks Green		

317-331 Fox Hollies Road (rear of), Acocks Green, Birmingham, B27 7PS

Erection of detached residential building to form 6 flats to rear and associated access and parking.

Applicant: Garmore Investments Ltd  
112 Boundary Road, London  
Agent: Johnson Fellows  
Charter House, 163 Newhall Street , Birmingham, B3 1SW

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Full planning application for the erection of a 3-storey freestanding building containing 6no. flats (3no. 1-bed and 3no. 2-bed) on open land currently used for the storage/parking of vehicles. The external appearance of the building is modern and relatively simplistic consisting of a flat roof design with facing brickwork at ground floor level and render above. There are also bay windows and juliet balconies to the south elevation facing Curtis Gardens.
- 1.2. The main pedestrian access would be off the public footpath running to the immediate south of the site, with vehicular access via a shared private access off Fox Hollies Road. 12no parking spaces are proposed, with 6no. allocated to the flats (100% provision).
- 1.3. The site measures 0.1ha and the development represents a density of 60 dwellings per hectare.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is an open parcel of land to the rear of a 4-storey building containing shops to the ground floor and flats above. The site used to be occupied by garages, which have subsequently been demolished. Vehicular access to the site is via a shared private access running between nos. 313 and 317 Fox Hollies Road.
- 2.2. The application site is within the Olton Boulevard (Fox Hollies) Neighbourhood Centre, with further shops with flats above to the north east and east, to the opposite side of Fox Hollies Road. To the north are residential properties (Fox Grove), Hall

Green Little Theatre to the west and a large area of public open space, including a large car park (owned by Birmingham City Council with a long-term lease to the Hall Green Little Theatre) and children's play area to the immediate south (Curtis Gardens).

2.3. [Site location](#)

3. [Planning History](#)

3.1. 31/05/1951 – 09227000. Six shops, 16 flats and 20 garages. Approved.

3.2. 20/06/1957 – 09227001. 23 Garages. Approved.

4. [Consultation/PP Responses](#)

4.1. Transportation Development – No objection subject to conditions relating to parking and delivery management plans, construction method statement and cycle storage.

4.2. Regulatory Services – No objection subject to conditions relating to noise insulation and electric vehicle charging points.

4.3. West Midlands Police – No objection.

4.4. Neighbouring properties, residents groups, Ward Councillors and MP consulted with site notices posted.

4.5. Representations received from the Hall Green Little Theatre commenting that occupiers should be aware that there will be times when there are more people and car activities in the area and noisy work should be scheduled to not clash with performances.

4.6. 9 representations received from local residents objecting to the application on the following grounds:

- Removes existing parking for residents of flats and shops and would push these vehicles onto surrounding roads where there are parking restrictions.
- Access is often blocked with delivery vehicles and is of a poor condition.
- The new building is too close to existing flats and would result in a loss of light and privacy.
- Security to the rear of the existing shops and flats would be compromised which is currently secure with gates.
- Vehicles from the flats and shops have parked on the land for 28 years and have become custom and practice.
- Loss of views.
- Worsen low water pressure.
- The site is a concessionary communal car park for use by residents.
- Disturbance during construction.
- Too close to the theatre building.
- Loss of existing parking would de-value flats.
- Fire exits of the new building do not comply with Fire Safety Rules.
- Exacerbate litter.
- Errors in the Design & Access Statement.
- Leases to flats were sold with access to communal car parking.
- Car Park within the Public Open Space is not a public car park.
- Increase noise and disturbance, and air pollution.

- Harm to nearby trees.
- Design does not feature eco-friendly or renewable energy saving features.
- Request a moratorium of building works at certain times of the day and at weekends.

## 5. Policy Context

- 5.1. Birmingham UDP 2005, Draft Birmingham Development Plan 2031, Places for Living SPG, Car Parking Guidelines, Shopping and Local Centres SPD and the NPPF 2012.

## 6. Planning Considerations

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

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

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

- 6.3. The NPPF and the Draft Birmingham Development Plan are material considerations. The Draft Birmingham Development Plan is at an advanced stage and as such holds significant weight. The proposal raises a variety of planning-related matters, these being the principle of new residential development on the site, visual amenity, residential amenity and loss of parking and highway safety, which are discussed below.

- 6.4. Principle:

- 6.5. The NPPF recognises that residential development can play an important role in ensuring the vitality of centres (paragraph 23). The Draft Birmingham Development Plan, which is at an advanced stage, recognises the need to make provision for a significant increase in the City’s population over the Plan period through the promotion of sustainable neighbourhoods. In addition Policy TP27 of the Draft Plan

requires new residential development to be, amongst others, accessible to jobs, shops and services by modes of transport other than the car. In assessing proposals for new housing development on previously developed sites, paragraph 5.25B of the UDP considers, again amongst others, the suitability of the location for housing and the accessibility of the site to jobs, shops and services by other modes other than the car.

- 6.6. The application site does not have a specific allocation in either the UDP or Draft Birmingham Development Plan. The site falls within the boundary of the Olton Boulevard (Fox Hollies) Neighbourhood Centre and within its Primary Shopping Area. Therefore, it is considered that, in principle the site could be suitable for a number of uses that would complement the Neighbourhood Centre and its wider vitality and viability. Of particular note is its back land positioning behind a parade of shops with flats above, with a relatively narrow vehicular access off Fox Hollies Road. The site does have a frontage to the public realm, to its southern boundary adjoining public open space (Curtis Gardens). Whilst this frontage is within the boundary of the Neighbourhood Centre, it is detached from the busy commercial frontage to Fox Hollies Road.
- 6.7. The application site is in a highly sustainable location, within a neighbourhood centre and within easy walking distance to shops, services, public transport etc. Furthermore, due to the proximity of the new residents to the neighbourhood centre, they are likely to use the facilities available and thereby make a positive contribution to the centre's overall health. As such no objection is raised in principle to a residential use on the application site and is considered to be in accordance with planning policy highlighted above.
- 6.8. Visual amenity:
- 6.9. The NPPF (paragraph 56) is clear that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. 'Places for Living' requires a high quality of design that responds to its context.
- 6.10. The application site is surrounded by 2-storey houses, 4 storey blocks with shops to the ground floor and flats above and the Hall Green Little Theatre. At 3-storeys, the proposed block would provide a visual link between the 4-storey building facing Fox Hollies Road and the lower Hall Green Little Theatre building off Pemberley Road.
- 6.11. The proposed building is a roughly L-shaped with windows to open-plan kitchen/dining/living rooms facing the public park and bedrooms facing the parking area. The southern elevation would also include the main pedestrian entrance to the building and a small area of defensible space along this boundary. Currently, there is very little direct overlooking of the northern section of the park. The proposal would introduce natural surveillance and security to this part of the park, which would represent a significant improvement. The external appearance of the proposed building would be modern and fairly simplistic, with architectural features such as bay windows and use appropriate materials.
- 6.12. Due to the proximity of the development to mature trees on adjacent land and within the adjacent park, the application has been supported with an Arboricultural Impact Assessment. This identifies that a Category B tree (Beech) within the adjacent park would be affected, requiring a minor crown reduction (2m), with the pruning back to the existing boundary line and would not alter the overall aesthetic quality. There are 2 further Category B trees (False Acacia and Cypress) to the north that would

require a minor crown lift (1m) and would not alter the overall aesthetic or visual screening benefits the trees provide. To the west are also 2 Category C trees (Norway Maple and Ash) that would require a 2m canopy reduction back to the site boundary. The proposed building has been located to the peripheries of the roots to the trees to the south. The Tree Officer has considered the submission and notes that the construction of the new building and access would all be contained on existing hard standing. In addition, the implications for surrounding trees are minor and appropriate tree protection measures have been identified.

- 6.13. In light of the above it is considered that the proposal takes the opportunity to improve the character and quality of an area and the way it functions.
- 6.14. Residential amenity:
- 6.15. The proposed building would be to the immediate rear of the flats above the shop at 331 Fox Hollies Park at a distance ranging from 13.5m to 13m. To the immediate north of these, the flats above the shop at 227 Fox Hollies Road, only a corner of the new building would be facing the southern part of these flats (entrance to the flats), at a distance of 11m. As the existing flats are located above the existing shops at ground floor the proposed 3-storey building would represent a facing 2-storey building from first floor level. 'Places for Living' SPG seeks a distance of 12.5m between windowed elevations and opposing 1 and 2-storey flank walls. The guideline is exceeded in relation to the flats above 331 Fox Hollies Road whilst only the southern end (entrance) of the flats at first and second floor level above 227 Fox Hollies Road would be immediately facing the new building at a distance below the 12.5m guideline. However, in light of only the corner of the building resulting in a shortfall in the guideline, and not being directly to the front of much larger windows to habitable rooms, it is considered that this shortfall could not represent a reason for refusal. There are bedroom windows to the side elevation of the proposed flats but these have been angled to avoid a direct line of sight to the rear of these existing flats. There is also an adequate set back distance (5m per storey) in relation to the boundaries to the rear gardens at nos. 7 and 9 Fox Grove to the north.
- 6.16. In light of the above and the relatively constrained nature of this mixed commercial / residential context within a neighbourhood centre, it is considered that the proposal would have no adverse impact on existing neighbour amenity.
- 6.17. Regarding the residential amenity of future occupiers, each flat exceeds the 'Technical Housing Standards – Nationally Described Space Standard', with the 1 and 2-bed flats ranging from 50 - 51.6sqm and 74 – 79.2sqm respectively and bedrooms ranging from 13 – 18.7sqm. Outlook from the flats would be acceptable, either looking towards the public park or the private car park. No private outdoor amenity space is provided to these flats, however, in light of the mixed use nature of the adjacent building, its location within a neighbourhood centre and a large area of public open space, including a play area, to the immediate south, it is considered that this arrangement is acceptable and could not represent a reason for refusal.
- 6.18. Regulatory Services have raised no objection and recommends a noise insulation condition in relation to the new flats.
- 6.19. Parking / highway safety:
- 6.20. Representations have been received from residents (owners/occupiers) of the adjoining building in relation to the use of the existing car park area for existing residents and businesses in the building. Particular reference has been made to

vehicles from the flats and shops having parked on the land for 28 years and it has become custom and practice, as well as the site being a concessionary communal car park for use by residents. This matter has been raised with the applicant who advises that the area in question was previously occupied by garages which were let separately. Adding that the lessees do not have a right to park in the area, which is currently let under a short term licence arrangement. Ultimately this is a civil matter and not relevant to the determination of the planning application. Notwithstanding this, the loss of space which could provide scope for parking and servicing has been taken into consideration. As a consequence an amended plan has been provided that shows a more efficient use of the land providing 12no. parking spaces as well as room for turning (using the shared private access) as well as capacity for bin stores, cycle stores and space to the rear of the shops.

- 6.21. The site is in a sustainable location being within Olton Boulevard (Fox Hollies) Neighbourhood Centre with good public transport links and some 250m from Spring Road Railway Station. It is considered that the proposal would retain the option for some parking and servicing to the existing shops and flats and the creation of 12 parking spaces (100% provision for the proposed flats) is appropriate.
- 6.22. Transportation Development acknowledges that there are concerns regarding historic parking / servicing demand being displaced, but is of the view that it would be unlikely to result in a measurable harmful impact upon the surrounding highway network.
- 6.23. Other matters:
- 6.24. A number of representations have made reference to security to the rear of the existing shops and flats. The introduction of additional flats with overlooking of the area would increase natural surveillance and security, particularly in relation to the site's boundary with the adjoining public park. The site is current enclosed by fencing and gates and this could be retained / enhanced to secure this private area.
- 6.25. Non-planning related matters, namely the loss of views, devaluation of property and fire safety rules, have been raised but cannot be considered as part of the determination of this planning application.
- 6.26. The proximity of the new building to the side elevation of the adjoining theatre, ranging in distance from 2.6m to 3.8m, has also been raised and is acceptable in planning terms.
- 6.27. Concerns have been made in relation to noise and disturbance during construction works and whilst any disruption is likely to be very short-term within the lifespan of the development, the scale and nature of the development is relatively small scale and as such any impact is likely to reflect this.
- 6.28. The proposal is a non CIL liable development and as such does not attract a CIL contribution.

## 7. Conclusion

- 7.1. The proposal represents an appropriate use within a neighbourhood centre, providing additional residential accommodation within a highly sustainable location, in a manner that will improve natural surveillance and security to the adjoining public park with no adverse impact on visual amenity, neighbour amenity or highway

safety. The application is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

8.1. Approve subject to conditions.

- 
- |    |  |
|----|--|
| 1  | Requires the prior submission of a construction method statement/management plan                     |
| 2  | Requires the prior submission of hard and/or soft landscape details                                  |
| 3  | Requires the prior submission of hard surfacing materials  |
| 4  | Requires the prior submission of boundary treatment details  |
| 5  | Requires the prior submission of a lighting scheme   |
| 6  | Requires the prior submission of sample materials  |
| 7  | Requires the prior submission a noise study to establish residential acoustic protection             |
| 8  | Requires the prior submission of a parking and servicing management strategy                         |
| 9  | Requires the prior submission of cycle storage details   |
| 10 | Provision of designated electric vehicle charging points   |
| 11 | Prevents occupation until the turning and parking area has been constructed                          |
| 12 | Requires the implementation of the approved Arboricultural Method Statement and Tree Protection Plan |
| 13 | Requires the scheme to be in accordance with the listed approved plans                               |
| 14 | Limits the approval to 3 years (Full)  |
- 

Case Officer: Peter Barton



## Photo(s)



Figure 1 – View of application site from adjacent park



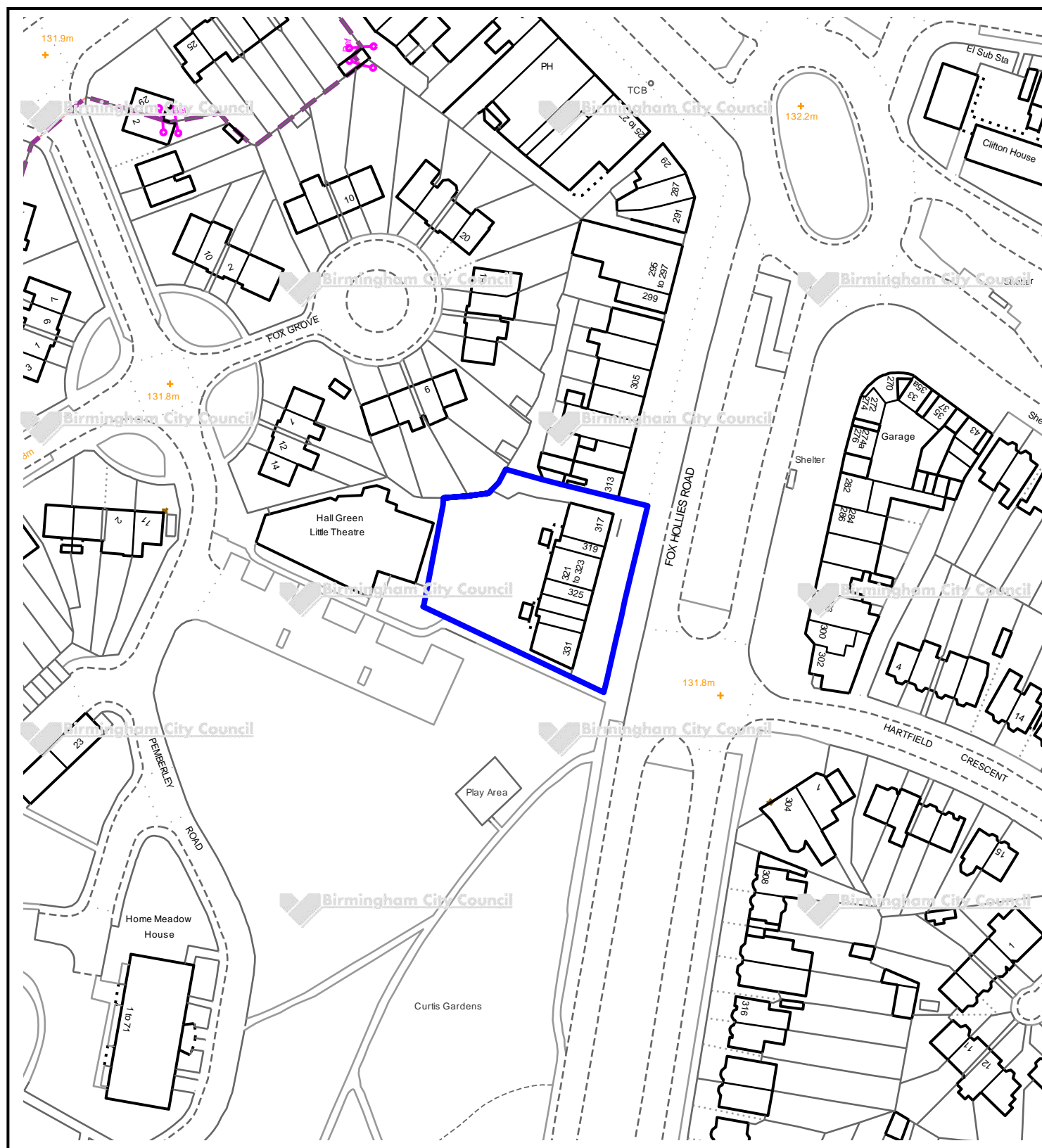
Figure 2 – view of application site from shared private access with Hall Green Little Theatre in the background



Figure 3 – View of shared private access towards Fox Hollies Road



## Location Plan



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Committee Date:	05/01/2017	Application Number:	2016/07663/PA
Accepted:	14/12/2016	Application Type:	Full Planning
Target Date:	08/02/2017		
Ward:	Hodge Hill		

Beaufort School, Stechford Road, Hodge Hill, Birmingham, B34 6BJ

Erection of single storey link detached building to accommodate 5 no. classrooms, 1 no. multi-use room, associated facilities alongside play area, boundary fencing and landscaping

Applicant:	EDSI
	1 Lancaster Circus, Queensway, Birmingham, B4 7DY
Agent:	Acivico
	3rd Floor, 1 Lancaster Circus, Queensway, Birmingham, B4 7DJ

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Recommendation  
**Refer To The Dclg**

1. Proposal

- 1.1. This planning application relates to the erection of a single storey extension comprising five classrooms and a multi-use room, with ancillary facilities, and alterations to the drop-off area of the main entrance, associated with the existing Beaufort School, a Special Educational Needs school located on Stechford Road, Hodge Hill.
- 1.2. The proposed extension and landscaping areas would be located to the south-east of the existing school buildings, and would result in the loss of the existing landscape bund which was installed to mitigate the impact of the built form on the Cole Valley Green Wedge Green Belt designation present to the south of the application site.
- 1.3. The proposals would also comprise the refurbishment of an existing element of the school site to accommodate the school nursery which would not require planning permission.
- 1.4. The extension would measure a maximum of 60m (w) x 17.5m (d) and would not exceed a height of 4.1m to the eaves and would not exceed a height of 7m to the ridge. The proposed extension would create a total of 780sqm of additional floorspace. The extension would accommodate 5 new classrooms (each measuring 60sqm) along with a multi-use room, hygiene rooms and toilets, circulation space, storage, food prep and feeding rooms, laundry and staff toilets. Each of the classrooms would have direct access to dedicated outdoor play areas which would be proposed to enable SEN pupils to use secure and monitored play areas.
- 1.5. The proposed design of the extension seeks to reflect the architectural language detailing that prevail within the wider site, in respect of the extension being proposed to be horizontally aligned low profile single storey building and the glazing, brickwork

and general scale match the existing building. The materials proposed are understood to have been chosen to reflect the materials already used in the construction of the existing school building.

- 1.6. The extension proposes a sloping mono-pitched roof which would provide a gradation in scale and massing from the existing two storey building to the single storey extension. The building's elevations articulate the classrooms behind with horizontal and vertical brise soleil which help minimize solar gain as well as providing visual interest to the façade and defining external play spaces for the pupils.
- 1.7. A canopy link building is proposed to connect the existing school building with the extension. This would be single storey and designed to match the materials and character of the existing building. This would also allow pupil access to the MUGA pitch to the west of the school.
- 1.8. The existing planting on the southern boundary of the site would be required to be partly removed and replanted elsewhere on the site. New landscaping is proposed to include low ground cover, hedges, trees and grassed areas with new metal railings between the proposed play areas and perimeter fencing and planting. An exposed gable end wall on the west side of the extension would have cabling infrastructure installed to generate a 'Green Wall' for this side of the building.
- 1.9. The planting proposed would vary to reflect the existing species whilst also seeking to enhance the existing biodiversity of the site. A new retaining wall is proposed to define the southern boundary and to contain the play areas for the new classroom block. The staggered profile of the rear of the building would also provide sheltered area for new planting. The new landscaping would seek to integrate the proposed classroom block into the site and to provide suitable screening.
- 1.10. The proposals incorporate an enclosed roof plant area for all services to be concealed from view with no exposed large scale plant on the roof. Low maintenance materials have been proposed as well as a high level of insulation as part of the fabric of the building.
- 1.11. The proposals would result in an increase in pupil numbers from 66 to 86, with an increase in staff from 63 FTE to 79 FTE.
- 1.12. There would be no increased car parking provision on site. The proposal plans however show a mini-bus set down area which would enable a one-way flow of drop off traffic through the car park area.
- 1.13. The application is supported by a Transport Statement, Design and Access Statement, Ecological Appraisal, Noise Statement, Ground Conditions Investigation and Drainage Strategy.
- 1.14. The Town and Country Planning (Consultation) (England) Direction 2009, which is retained by Central Government, requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development, including development on the Green Belt which would constitute a departure from the Local Plan.
- 1.15. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site covers an area of 1.3 hectares, lies on gently sloping ground on the northern side of the River Cole Valley to the south and east of Stechford Road which is designated as Green Belt and includes the informal parking area and access which is used by the adjacent Ward End Unity Cricket Club.
- 2.2. The school currently comprises of a mix of two and single storey connected buildings of a high quality design to address the context of the site within the Green Belt. The bulk of the building have curved sedum 'green' roofs with low eaves, curved masonry toilet enclosures located equidistant along each of the elevations. The buildings accommodate both Colebourne Primary School and Beaufort School. The site also provides car parking and associated hard and soft play areas. The existing vehicular and pedestrian accesses to the School are off Stechford Road and there is no other means of access to the site.
- 2.3. The site is bound to the North and East by existing residential properties and to the South and East by playing fields/open space. The adjoining residential properties are predominantly two storey semi-detached houses and have large rear gardens with parking to the front. The adjacent playing fields include an extensive grassed area with a mixture of semi mature and mature trees to the boundaries and alongside the nearby River Cole to the South of the Site. The south of the School has an open aspect to the adjacent sports fields, which are bounded by a belt of trees on the southern side. The land continues to fall gently southwards towards the River Cole.

## 2.4. Site Location

## 3. Planning History

- 3.1. 10.08.2015 – 2015/04877/PA – Installation of single-storey demountable structure to be used as classroom. – Approve temporary.
- 3.2. 04.10.2011 – 2011/05551/PA – Formation of outdoor play space, erection 2.4 high fencing and floodlighting fixed to 4 no. 8m high columns. – Approved subject to conditions.
- 3.3. 13.03.2007 – 2006/05701/PA – Construction of single and part 2-storey new inclusive school to replace most of existing school buildings, formation of parking area, alterations to existing vehicular access between 118-124 Stechford Road for use by the new school and associated landscape works. – Approved subject to conditions.

## 4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions to secure a Parking Management Strategy, an Amended Car Park Layout, Cycle Storage Details, Construction Method Statement and the regular review of the School Travel Plan.
- 4.2. Regulatory Services – no objection.
- 4.3. West Midlands Police – no objection.



- 4.4. West Midlands Fire Service – no objection.
- 4.5. Sport England – no objection subject to condition to secure a community use agreement of the adjacent playing fields which are in the process of being transferred to the school.
- 4.6. Site notice erected. Ward members and neighbours notified. One letter of objection received, regarding the impact on traffic and current parking of cars on Stechford Road and Southbourne Avenue which is increasing to the point that it is difficult for traffic to negotiate these junctions despite some measures to stop off road parking. Also raised concerns regarding insecure use of the school car park and conflict with other users at Ward End Unity Cricket Club.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Unitary Development Plan (2005); Pre-Submission Birmingham Development Plan 2031 (2013)

6. Planning Considerations

*Principle of Development and Impact on the Green Belt*

- 6.1. The application proposals relate to the erection of a single storey extension to an existing school on land designated as Green Belt. The key consideration therefore relates to the development being appropriate development in the Green Belt, and if not, identifying special circumstances which would outweigh the harm caused by the development being located in the Green Belt.
- 6.2. The application site forms part of the Cole Valley Green Wedge which is designated as Green Belt. The five purposes of the Green Belt as identified by paragraph 80 of the NPPF are:
- To check the unrestricted sprawl of large built-up areas;
  - To prevent neighbouring towns merging into one another;
  - To assist in safeguarding the countryside from encroachment;
  - To preserve the setting and special character of historic towns; and
  - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.3. Paragraph 88 of the NPPF goes on to state that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.4. Policy TP10 of the Draft Birmingham Development Plan 2031 states that there is a presumption against inappropriate development within the Green Belt, and such development would not be supported unless very special circumstances exist.
- 6.5. The proposals at pre-application stage considered a number of alternative locations and it was concluded that, when considered against various other material considerations including impact on residential amenity and the functional operation

of the school, the proposed location was most appropriate in the context of the purpose of the development. Other locations considered would be unacceptable in respect of separation distances to residential properties, constraining the existing car parking facilities, or result in the loss of play area and car parking. Further, the functional operation of the school should be a priority given the special circumstances of the pupils and the operation requirements generally.

- 6.6. The application proposals relates to the extension of an existing SEN school and seeks to improve the facilities available for existing SEN pupils at the school, and increase the capacity to accommodate more pupils which require such support and attention within a SEN facility.
- 6.7. With particular regard to the application site in the context of the Green Belt, the extension is proposed on an existing area of hardstanding within the wider Cole Valley Green Wedge, which has been associated with the existing school for the past 10 years. A MUGA lies adjacent to the application site, and would be accessed through the proposed link canopy. Given the existing buildings in situ, and the urbanised character of this portion of the Green Belt, I do not consider that the moderate sized extension would result in any further encroachment or sprawl within the Green Wedge, nor would the proposals have an adversely affect the openness of the Green Belt, in accordance with paragraph 79 of the NPPF. Planning Strategy colleagues have been consulted on this application and concur with my assessment of the proposals.
- 6.8. The increase in capacity of the existing school and the special educational needs of the children which would be likely to be accommodated in the extension preclude the possibility to consider a twin centre solution for the additional floorspace required on the grounds that it would be inefficient and be unlikely to achieve the needs of the required increased capacity. Given the very specific needs of the children, a proposal to move some of the facilities elsewhere would be likely to be disruptive and detrimental to the wellbeing of the children concerned. I consider that the presence of the existing school on the site and the specific needs of users of the facility constitute very special circumstances.
- 6.9. There are a limited number of SEN schools within Birmingham, and the existing premises that accommodate a growing number of children with special educational needs have a wide catchment in order to address the needs within the City. The proposed extension is considered necessary in order to maintain and improve the level of provision currently provided within Birmingham for children with special educational needs. The alternative to the application proposal would be to identify and acquire a site and construct an entirely new school, which would be costly and time-consuming. Given the requirements for the premises and of the children that would be accommodated at the facility, it is likely that an additional site would be challenging to identify in the first instance and would incur a significant amount of time to set up, which consequently would be likely to have an unacceptable impact on special education needs provision in Birmingham. The proposed extension would be considerably simpler to facilitate due to the established nature of the site.
- 6.10. The existing school site and buildings are located within the Green Belt. It is accepted that the proposed development is 'inappropriate' in principle, in the Green Belt and therefore, is only permissible if 'very special circumstances' exist. Appropriate mitigation is proposed in the form of a 'Green Wall', staggered planting and the recommendation of a sedum roof to be installed on the extension, which has been attached by a planning condition, following discussions with the Agent. Further discussion on these matters is set out elsewhere in this report.

- 6.11. I am of the view that there is minimal harm to the Green Belt in policy terms, given that the proposed extension relates to an existing building within the Green Belt which is considerably urbanised at this location, and that this harm is outweighed by the proposed enhanced planting and the very special circumstances of SEN pupil needs that justify the proposed extension to the existing school premises.
- 6.12. Given the nature of the current application and the site's location within the Green Belt, the application must be determined by the Secretary of State for the Department of Communities and Local Government, as required under the Town and Country Planning (Consultation) (England) Direction 2009. The recommendation is therefore for the application to be referred to DCLG with a recommendation for the application to be approved subject to conditions.

#### *Layout and Design*

- 6.13. The proposed extension has been designed to reflect the architectural language of the existing school buildings, whilst seeking to minimise the scale and mass of the extension, and securing an appropriate degree of screening from the Green Belt. The proposed high quality construction materials would ensure that the extension would have a consistent appearance to the existing buildings.
- 6.14. The single storey extension would have a mono-pitched roof to accommodate concealed plant and machinery associated with the school. The sloping element of the roof would also incorporate a rooflight for each of the classrooms, allowing natural light into the rooms without creating unnecessary glare for the pupils in the classrooms. The roof design is considered to add to the visual interest without appearing overly dominant or out of scale with the existing building. Unlike the existing building, the roof would not have a sedum roof. I consider that in the context of the site's location within the Green Belt, the sedum roof would be beneficial in terms of mitigating the appearance of the extension, with associated biodiversity benefits. Consequently, I consider it would be reasonable to impose a condition accordingly. This has been discussed with the Agent and agreed to be appropriate in this instance.
- 6.15. Consistent with the existing building, a Green Wall is proposed to be supported through the installation of infrastructure to support 'climbers' on the gable end wall of the extension. Alongside this, dedicated outdoor play areas are proposed to be accessible from each individual classroom which would be subject to planted screening which would be staggered along the open field boundary.
- 6.16. The proposed layout seeks to ensure the optimised functionality of the premises as a SEN facility, with 3 hygiene rooms provided to be shared between the 5 classrooms and multi-use room, with direct access from each room being provided to the hygiene room. Wide corridors and large classroom floorplates are proposed to ensure that there would be adequate space for the school to accommodate wheelchair-bound pupils, along with the provision of parking areas for mobility aids. It is considered that given the operational requirements of the building, the regular shape and footprint of the extension is appropriate. Given the single storey scale of the extension, whilst the extension would be closer to the open space, I do not consider it would increase the mass of the built form visible from the Green Belt.
- 6.17. I consider that the appropriate use of high quality materials, external space for use by the pupils and proposed planting and screening are acceptable in the context of

the proposed use and operation. The extension would be unlikely to have an adverse impact on visual amenity.

#### *Landscape and Ecology*

- 6.18. The application proposals eat into a bund & structure planting which was previously agreed (after much negotiation) as part of the original application for the main school buildings to soften and conceal the current school from the Green Belt in which it is located. Landscape colleagues have been consulted and raise concerns that the loss of the planting would have an adverse impact on the Green Belt, recommending that any extensions should be located further back into the site and planting should concentrate on native tree and shrub / hedge structure planting along red line boundaries. The proposals at pre-application stage considered a number of alternative locations that were discounted, as discussed elsewhere in this report.
- 6.19. The application proposals comprise the creation of dedicated outdoor play areas to be associated with the proposed individual classrooms, which would be screened and planted. Whilst the proposals would result in the loss of some of the existing planting on this boundary, it is expected that replacement planting would be provided which would be staggered in order to allow for enhanced planting. Further, the extension presents the opportunity to provide a “Green Wall”, which would present its own benefits in respect of biodiversity and horticultural education for the pupils. This would result in an overall reduction in planting however I consider that the benefits of the delivery of the proposed new SEN facilities would outweigh the loss of the planting and the impact on the Green Belt overall, as set out elsewhere in this report.
- 6.20. I consider that the proposed staggered arrangement of planting would maximise the available planting opportunities at the site. In order to ensure that the proposed screening would be appropriate in the context of the site’s location in the Green Belt, I consider that it would be appropriate to attach planning conditions to secure hard and soft landscaping details, and boundary treatments.
- 6.21. An Ecological Appraisal was submitted in support of the application. The City Ecologist has been consulted and comments that the loss of native planting within the landscape bund is the key ecological impact associated with the current proposals. The vegetation provides good opportunities for foraging and nesting birds and is relatively undisturbed since it is fenced off from the adjacent playground. To minimise ecological impacts, removal of this vegetation should adhere to the good practice mitigation measures described in the PEA, and appropriate conditions should be attached. Further, new planting should be provided to compensate for the loss of existing vegetation along the south-eastern boundary. The submitted planting plan indicates that new trees, shrubs, climbers and groundcover would be provided along the south-eastern edge of the new external play area adjacent to the new extension, and along the south-western and north-eastern elevations of the new building. Infrastructure to support a green wall (to be planted with climbers) would also be installed on the south-western elevation of the new build. The inclusion of such planting should not be reduced in extent. Whilst the City Ecologist expressed disappointment with the proposed loss of planting, it was considered that the imposition of conditions relating to these matters would adequately mitigate the loss.
- 6.22. Concerns have been raised regarding the new link building has not been designed to include a sedum roof, which present foraging opportunities. Given the site’s location within the Green Belt, and the fact that the submitted Preliminary Ecological Appraisal submitted in support of the planning application recommends that such

roofs should be installed, I consider that a condition to secure this amendment to the scheme as proposed would be appropriate.

- 6.23. I consider that the proposals would have an acceptable impact on landscape and ecology, subject to the recommended conditions.

#### *Residential Amenity*

- 6.24. The proposed single storey extension, with a mono-pitched roof, is located to the rear of the existing school buildings. Discussions were undertaken between the Council and the applicant during the pre-application process to agree on the location which would have the least impact upon residential amenity and the Green Belt, and the proposals are consistent with the conclusions of the discussions. The closest residential property to the proposed extension is located 100m to the east.
- 6.25. The proposals relate to the existing use of the wider site and do not introduce any further use which would be inconsistent with the existing operation of the site. Regulatory Services raise no objection to the proposals. I do not consider that the proposed extension would have an adverse impact on existing residential amenity.

#### *Highway Safety*

- 6.26. The application proposals seek to increase the capacity of the existing Beaufort School from 66 pupils to 86 pupils, generating the need for a further 16 full time equivalent staff to be present at the school. The application proposals do not incorporate any increase in car parking provision however it is understood that the extension would accommodate a further minibus drop-off in relation to pupil transport to and from the school.
- 6.27. Transportation Development has been consulted and raise no objection subject to recommended conditions, relating to the provision of a parking management strategy for the existing school car park, the review of the School Travel Plan and the provision of cycle storage for staff. I consider that the recommended conditions are appropriate on the grounds that the proposals would result in an increased number of staff at the school, and the need for an additional mini-bus space to allow for reasonable transportation of the pupils. The recommended conditions would therefore be likely to mitigate any conflicts relating to available car parking as the operation of the school with an increased capacity progresses.

#### *Other Matters*

- 6.28. The application proposals incorporate the provision of SUDS and associated man hole covers, which would result in a minor intrusion into the playing fields, requiring an existing playing pitch to be relocated 5m south of its current position. Sport England has been in dialogue with the applicant throughout the course of the application and following negotiations, confirm that they do not object to the proposals subject to securing a community use agreement within the transfer of playing field land from Birmingham Property Services to the School.
- 6.29. This transfer has been confirmed by the applicant as being currently in progress however I consider it would be appropriate in this instance to secure a planning condition to secure the community use of the playing fields by organisations separate to the school and Birmingham City Council.

7. Conclusion

- 7.1. The application proposals relate to the erection of an extension to an existing SEN school located within the Cole Valley Green Wedge. The context of the need for the proposed extension is considered to constitute very special circumstances which would outweigh the impact of the proposals on the character and function of the Green Belt at this location. The proposals would not have an adverse effect on the openness of the Green Belt, in accordance with paragraph 79 of the NPPF.
- 7.2. Conditions are recommended to secure an acceptable level of planting and ecological enhancement which would mitigate the proposed loss of existing planting.
- 7.3. The proposed increase in the capacity of the school is unlikely to have an adverse impact on highway safety and conditions are recommended to ensure that the existing car park accommodates the likely increase in staff numbers.
- 7.4. For the reasons set out above, I recommend that the proposals are approved subject to conditions.

8. Recommendation

8.1. Refer to DCLG

1. That Application Reference 2016/07663/PA be referred to the Department of Communities and Local Government under The Town and Country Planning (Consultation) (England) Direction 2009 as a departure from the Birmingham UDP for development in the Green Belt.
2. That in the event of the Department of Communities and Local Government not intervening in the determination of this application, favourable consideration will be given to the development subject to the conditions listed below.

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|----|--|
| 1  | Requires the submission of a Community Use Agreement.                            |
| 2  | Requires the prior submission of sedum roof details                              |
| 3  | Requires that the materials used match the main building                         |
| 4  | Requires the prior submission of a construction method statement/management plan |
| 5  | Requires the prior submission of boundary treatment details                      |
| 6  | Requires the prior submission of hard and/or soft landscape details              |
| 7  | Requires the prior submission of a parking management strategy                   |
| 8  | Requires the review of the School Travel Plan                                    |
| 9  | Requires the prior submission of cycle storage details                           |
| 10 | Requires the prior submission of details of bird/bat boxes                       |
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- 11 Development in accordance with Preliminary Ecological Appraisal
  - 12 Requires the scheme to be in accordance with the listed approved plans
  - 13 Limits the approval to 3 years (Full)
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Case Officer: Claudia Clemente

## Photo(s)

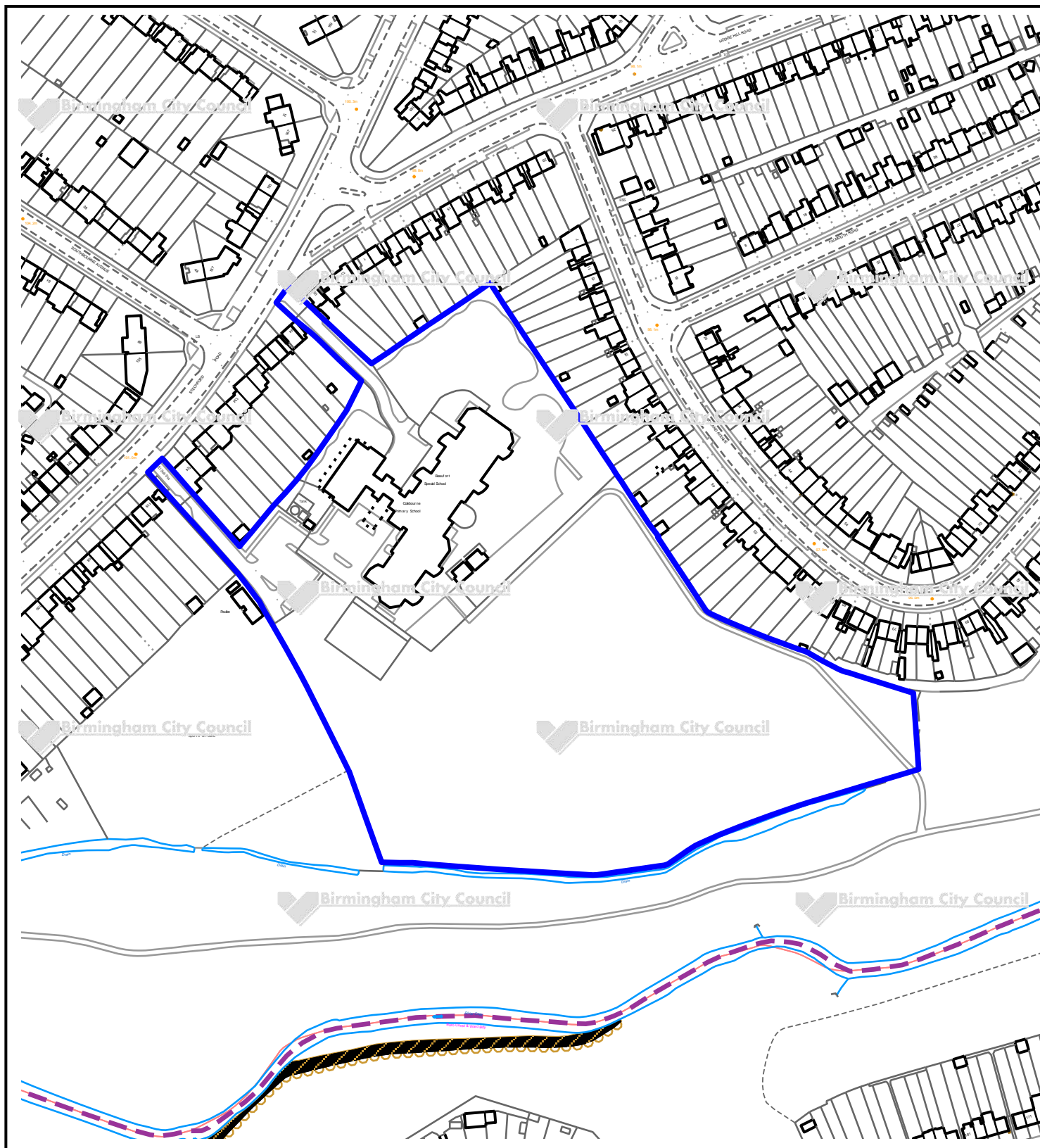


Figure 1: Application site and existing landscaping bund



Figure 2: Surroundings – MUGA, existing buildings, landscape bund

## Location Plan



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