

Birmingham City Council

Planning Committee

27 February 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	10	2019/06651/PA Land rear of no/s 2-16 Capern Grove Harborne Birmingham B32 2JJ Erection of 5, two storey modular homes with new access to Welsh House Farm Road associated parking and landscaping.
Approve – Conditions	11	2019/07057/PA Land at rear of 68 Wellington Road Edgbaston Birmingham B15 2ET Erection of two detached dwellings with associated access and parking
Approve – Conditions	12	2019/08370/PA Land to the rear of 23 Sylvan Avenue Northfield Birmingham B31 2PG Erection of 4 no. residential dwelling houses with associated parking, landscaping and access
Approve – Conditions	13	2019/08498/PA Two Park Square Adjacent to Bournville College Land east of the A38 Longbridge Town Centre Longbridge Birmingham Erection of an office building (Use Class B1a) with associated access, car parking, landscaping, drainage and infrastructure works.

Committee Date:	27/02/2020	Application Number:	2019/06651/PA
Accepted:	07/08/2019	Application Type:	Full Planning
Target Date:	29/02/2020		
Ward:	Harborne		

Land rear of no/s 2-16 Capern Grove, Harborne, Birmingham, B32 2JJ

Erection of 5, two storey modular homes with new access to Welsh House Farm Road associated parking and landscaping.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application proposes the erection of five modular homes on a parcel of land to the rear of the existing properties on Capern Grove, Welsh House Farm Road and Wisley Way, Harborne, Birmingham. The site is being developed by Birmingham Municipal Housing Trust (BMHT) as part of its mainstream housing development programme for social housing. All of the homes would be for social rent however a tenant can exercise the Right to Buy under current law at some point in the future.
- 1.2. An introduction to the BMHT Modular Housing Programme was presented to Planning Committee at the 27 September 2018 meeting. It has been developed as a unique solution for use on small sites which would be difficult to develop with conventional housing such as former garage courtyards like the application site. The use of modular dwelling types would help ensure that such underused sites could be developed economically for affordable housing thereby helping to increase supply and preventing vacant land becoming derelict and a long term nuisance to local neighbourhoods.
- 1.3. Birmingham has become one of the first cities to embrace modular construction for social housing and it is intended that the units would use good quality materials and high standards of contemporary design. They would be built to minimise their environmental impact not only in terms of energy efficiency but also by being located within existing communities close to public transport, walking and cycling facilities. The modular units would be manufactured using precision engineering in a factory environment using rolled steel, insulated cladding, aluminium framed windows and doors to provide a high quality product. They would be delivered to site in two sections, ground floor and first floor, and fixed directly onto concrete pads.
- 1.4. The proposed dwellings will be two storeys in height and measure 9.95 metres in length by 4.6 metres in width and have a mono-pitched roof with a height of 5.1 metres at its lowest point increasing to 6.4 metres. They would provide approximately 70 square metres of accommodation in the form of living room with dining area, kitchen, WC and cloak/ plant room on the ground floor with one double bedroom, a single bedroom/ office, bathroom and store/ plant room on the first floor. The external materials would be brick slips in a red multi-colour to the ground floor and copper coloured aluminium composite cladding to first floor and roof. The windows and doors would be aluminium double glazed units finished in black. The

unit design includes a 600mm deep two storey overhang on the front elevation which would provide a canopy over the ground floor entrance with balcony above enclosed by a glazed balustrade and feature timber cladding on the inside of the set back. Plot 1 differs from plots 2-5 in being shorter in length with a smaller second bedroom and also being clad in red brick slips and copper coloured cladding rather than grey brick and cladding.

- 1.5. The five dwellings would be sited off a new cul-de-sac, accessed off an existing access, adjacent to the south-west of no.126 Welsh House Farm Road. One modular home would be located parallel to the access road, level with the building line to no.126 Welsh House Farm Road. Two other units would be located parallel to the access road and a further two units would be situated at the end of the cul-de-sac. All dwellings would have private rear amenity space provided at a size between approximately 47 and 110 square metres which includes areas of hardstanding, grass, space for bins and cycle storage. There is an additional communal landscaped area, mainly consisting of grass, proposed within the site. The access into the site would be hardsurfaced, with paved areas to the direct frontage of the homes, permeable asphalt paved access road and parking. A refuse collection point has also been allocated near the entrance. The submitted plans show that 10 vehicle parking spaces would be provided within the site, 3 of which would be located to front of no.122 Welsh House Farm Road.

- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a former garage site that has been used for fly tipping on regular basis and has become a nuisance and health hazard to local residents. Due to ongoing problems dealing with anti-social behaviour and costs associated with the removal of waste the garages were subsequently demolished and the site secured with fencing and metal gates. The application site is located within a predominantly residential area; however, the north-west boundary to Harborne Golf Club is located approximately 15 metres to the south-east of the application site. The immediate area comprises of two storey dwellings and three storey and apartment blocks with pitched roofs built of red brick and grey roof tiles.

- 2.2. [Site Location](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Ward Councillors, MP, Local Residents and Neighbourhood Forums notified of the application and site notice displayed. 7 responses have been received from neighbouring residents in response to the application. From these responses, 6 objections have been received in relation to the following:
 - Loss of privacy to neighbouring residents and overlooking to neighbouring gardens from the proposed first floor balconies.
 - The proposed number of parking spaces is not sufficient which will impact on roadside parking on Capern Grove which is already over capacity. Additional parking could be provided within the old access from Capern Grove.

- This infill development would not be in-keeping with the surrounding area.
 - Roadside parking would be lost on Welsh House Farm Road.
 - Increase traffic congestion in the surrounding area.
 - It is not clear who the 3 parking spaces to the front of 122 Welsh Farm Road will be allocated to.
 - The submitted Travel Statement is incorrect and that access will not be from Capern Grove and that parking will be required.
 - Noise disruptions to neighbouring residents during the construction period.
 - Result in the loss of grass and an area for children to play in.
 - Boundary treatment to the rear of the neighbouring properties needs to be high to improve security.
 - Impact on surrounding property prices.
- 4.2. Transportation Development – No objections following amendments to the submitted Transport statement & Travel Plan.
- 4.3. Severn Trent Water – No objection subject to a condition requiring drainage plans for the disposal of foul and surface water flows.
- 4.4. West Midlands Police – No objection
- 4.5. Local Flood Authority and Drainage Team – No objection, following amendments to raise the floor levels of all plots by 500mm.
- 4.6. Regulatory Services – No objection subject to conditions requiring the submission of a contamination remediation scheme and a contaminated land verification report.
5. Policy Context
- 5.1. Birmingham Development Plan 2017, Birmingham Unitary Development Plan (saved policies), Car Parking Guidelines SPD, Affordable Housing, Places for Living, Mature Suburbs and the National Planning Policy Framework (The Framework) 2019.
6. Planning Considerations
- 6.1. The application site is a vacant brownfield site but was previously occupied by garages which have since been demolished. The submitted Design and Access Statement (DAS) advises that the whole of the Council's garage stock was reviewed in 2006 and any site with less than 50% occupancy were considered for redevelopment. Most of the sites have now been redeveloped but there are a number of smaller sites where standard house construction methods and layouts would be difficult. The application site to the rear of no/s 2-16 Capern Grove is one of those sites.
- 6.2. The application has been assessed against the objectives of the policies as set out above. The main considerations in the assessment of the application are whether the erection of the modular homes of the form and design proposed would be acceptable on this site and fit in with their surroundings, whether the access, parking and turning facilities are acceptable; the potential impact on the amenities of neighbouring properties and the impact on existing trees and ecology.
- 6.3. **Principle of Use:** The application site is a former garage site which is classed as brownfield land and the plot represents a windfall plot, which is advocated within policy TP28 of the Birmingham Development Plan and paragraph 68 of the NPPF.

While it is considered that the siting of the proposed backland development away from any defined streetscene would not be particularly in-keeping with the existing layout of the locality, given the application site was previously used as a garage site and is served by an existing access road, Officers do not consider that the proposed development would result in a discordant feature which would be detrimental to the visual amenities of the locality in this instance. The surrounding area is residential in nature/character and five modular buildings would fit appropriately within this context. It is therefore considered the development would constitute sustainable development, constituting an efficient use of land, responding to site conditions and the local area context, within a sustainable location that is close to schools, shops and public transport facilities. The proposal complies with the aspirations as laid out within the NPPF, the Birmingham Development Plan and the Mature Suburbs SPD. Consequently, it is considered that the proposal is acceptable in principle subject to the siting, design and layout of the proposed dwelling being acceptable

- 6.4. **Design and Visual Amenity:** Policy PG3 (Place Making) of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. Policy TP27 (Sustainable Neighbourhoods) also has similar wording and seeks high design quality. The revised NPPF states that good design is a key aspect of sustainable development and creates better places to live and work but where proposed developments fail to take opportunities available for improving the character and quality of an area, they should be refused. Paragraph 131 states that great weight should be given to innovative designs which promote high levels of sustainability or help raise the standard of design in the general area as long as they fit in with the overall form and layout of their surroundings.
- 6.5. The proposed modular homes would have a bold, contemporary design, utilising architectural features and modern materials that appear within innovative residential schemes. The residential character of the surrounding area is of similar age and design, however, it is considered that attempting to build houses of the same design as established within the surrounding area would not be achievable or appropriate on this site due to its size. The site was previously used for fly tipping and has since been fenced off. It therefore would benefit from redevelopment and as such the BMHT modular homes scheme is considered to be a reasonable solution for this constrained site.
- 6.6. The proposed layout makes best use of the narrow strip of land available. The properties in the vicinity comprise of two and three storey houses and apartment blocks. The new modular homes would be lower in height and appear subservient to the surrounding built form. Plot 1 would be constructed towards the Welsh House Farm Road frontage between no/s 122 & 126 Welsh House Farm Road, whilst plots 2-5 would be located to the rear of existing properties. Therefore, only one of the modular homes would be located on the Welsh House Farm Road frontage. Whilst this modular home would be sited forward of the front elevation of the three storey apartment block of no.122, given that this modular home would be smaller in scale than the surrounding properties and would be level with the building line to the two storey dwelling of no.126, it is not considered that the proposal would be detrimental to the character and appearance of the street scene in this instance.
- 6.7. I note comments received from a neighbour in relation to the proposed design which is considered not to be in keeping with the surrounding areas. However, whilst it is acknowledged that the design of the BMHT modular homes scheme is different to the surrounding houses, this does not make the scheme unacceptable. The proposed scheme would make use of high quality materials and the majority of the

modular homes would be located to the rear of existing dwellings, therefore not dominating the existing street scene. They would also not interrupt the character of the area and would result in a modern addition to the residential housing stock of the area on this vacant site which is considered appropriate.

- 6.8. The proposal would result in the loss of a small grassed area to the front of no.122 Welsh House Farm Road to accommodate three parking spaces. While it is preferred that this grassed area is maintained, the inclusion of hardstanding to the front of no.122 would not be out of character with the street scene and is therefore considered acceptable.
- 6.9. **Residential Amenity:** The application site is surrounded by existing residential development consisting of two storey dwellings and three storey apartment buildings on Capern Grove, Welsh House Farm Road and Wisley Way. In terms of the internal arrangement, all modular homes would comply with the national described spacing standards. Plots 1 & 2 comply with the numerical standards contained within the 'Places for Living' SPD in respect to all neighbouring residential development. It is noted that the separation distance from the rear elevation of plots 3 & 4 to the rear of the three storey block of flats at no.9 Wilsey Way is approximately 16 metres and the rear of plot 5 to the rear of the three storey block of flats at no.14 Capern Grove is approximately 14 metres which is somewhat short of the 21 metre separation distance as set out in 'Places for Living'. However, there are no windows proposed within the first floor rear elevation and I consider that the individual design of the dwellings providing affordable living accommodation on this difficult and constrained site would outweigh any potential harm to residential amenity for future occupiers and would be appropriate considering each dwelling has its own private residential amenity space of between 47 and 110 square metres. Whilst it is acknowledged the private external amenity for plot 1 is slightly below the requirements as set out in 'Places for Living' of 52 square metres for two bedroom dwellings, it is noted that the scheme seeks to include a small area of public open space within the site, overall increasing the provision of amenity space for each resident which is considered acceptable. All proposed habitable room windows for all units comply with the 5 metre per storey separation distance contained within 'Places For Living' with the exception of the proposed ground floor, side facing, living room window of plot 5 which would be located approximately 2.6 metres from the rear boundary of no.21a Wilsey Way. However, this window raises no overlooking concerns in respect to no.21a, as it is proposed for a new 1.8m high closed board fence to be erected along this boundary which would be agreed via condition. Given the above, it is considered that the proposed development raises no overlooking concerns. The proposal also complies with the 45 Degree Code in respect to all neighbouring residential development which assesses loss of light/outlook. Therefore, I conclude that the proposed development for affordable dwellings would on balance not have an unacceptable impact on the living conditions of future occupiers.
- 6.10. Regulatory Services raised no objections conditions requiring the submission of a contamination remediation scheme and a contaminated land verification report as the Patrick Parsons Contaminated Land study under application ref: 2015/07484/PA for the adjacent site at Wisley Way found soil and gas contamination that required remediation. Given these findings, I consider the proposed contaminated land conditions to be reasonably necessary in order to secure the satisfactory development of the application site.
- 6.11. **Pedestrian and Highway Safety:** The application scheme is located within an existing residential area providing access to sustainable modes of transport and other residential amenity. Access into the site would be provided via Welsh House

Farm Road. Transportation Development identified several errors with the Transport Statement & Travel Plan originally submitted with the application. Further concerns were raised over the width of the proposed access road which varied throughout the site from 9 metres down to less than 5 metres. Amendments have since been submitted by applicant, correcting the errors contained within the submitted Transport Statement & Travel Plan. In addition, an amended site plan was submitted to increase the width of the access nearest the junction to Welsh House Farm Road. The proposed access road would be a minimum width of approximately 6.5 metres which would provide adequate space for two vehicles to pass each other and for refuge and emergency services vehicles to access the application site.

- 6.12. The application site proposes 10 car parking spaces which would be shared across the whole development. This would equate to two parking spaces per modular home which complies with the Car Parking Guidelines SPD. PP comments have been received in relation to the impact of the development upon roadside parking availability and traffic congestion in the area. However, two parking spaces would be provided for each dwelling within the site and having visited the site and local area, I consider the impacts of the development upon traffic congestion and roadside parking availability would be minimal. Following the submitted amendments, Transportation Development raise no objections to the proposal on pedestrian or highway safety. I concur with this view.
- 6.13. **Ecology and Trees:** A Preliminary Ecological Appraisal and Arboricultural Survey has been submitted with the application. The Ecological Appraisal confirms that the consultant has carried out a desk top survey and site survey. There are no European statutorily protected sites within 5km of the site, one UK statutory site within 2km, one ancient woodland within 2km and nineteen non-statutory sites within 1km. The site is not located within 10km of a statutory site designed for bats. The site survey notes opportunities for nesting birds, terrestrial mammals and wall cotoneaster.
- 6.14. The Council's Ecologist considers the proposed mitigation and soft landscaping enhancement is acceptable, however, it is important to include passes under the fence in order for small mammals to access the wider area. A condition is recommended for a scheme for ecological/biodiversity/enhancement measures to be submitted to ensure that these landscaping proposals are followed through. Furthermore, due to the surrounding area having a high number of trees and high quality foraging area close by, the proposed lighting should not disturb biodiversity within or surrounding the site. Notwithstanding this, a condition is recommended for a lighting design strategy for biodiversity to be submitted. I concur with this view and impose the conditions accordingly.
- 6.15. It is considered the proposed development raises no major tree issues. The existing trees on-site to be removed will be more than compensated for by the tree planting proposed in the Landscape plan. The Council's Arboricultural Officer considers it is essential that the replacement trees are provided to make the development acceptable from a tree policy perspective. A landscaping condition shall be attached to ensure the development is constructed to the satisfaction of the Council's Arboricultural and Landscape Officers.
- 6.16. **Other matters:** The Local Flood Authority initially objected to the application as the proposed development is shown to be at substantial risk to surface water flooding, with predicted depths of up to 900mm within the development site. The initial scheme showed finished floor levels of the properties were below the height of the centre of the shared surface outside the properties which posed an additional

hazard in this location to future occupants. In addition, the Hearts Green Brook Culvert is located within the site and BCC byelaws require a seven metre easement between the culvert and new built development. Amendments were submitted to address these issues by raising all plots by 500mm. Local Flood Authority raised no objection to the revised scheme as the proposed development includes adequate mitigation to effectively manage flood risk caused by an overland flow route, this is through the raising of finished floor levels for properties and the creation of a 'traditional' road which can convey flows safely to recreational land within BCCs ownership without posing a risk of flooding property.

- 6.17. Severn Trent has been consulted on the application and raise no objections to the proposed development subject to a condition requiring the submission of drainage plans for the disposal of foul and surface water. Officers concur with this view and attach the condition accordingly.
- 6.18. Concerns have been made in relation to noise and disturbance during the 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.
- 6.19. House value is not a material planning consideration. The development of this site will remove the current antisocial behaviour issues. The land is not open space by either definition within the BDP and is not green space as suggested by the Town Council. As noted above the site previously contained garages and is a difficult site to redevelop. As such I consider the BMHT modular home is appropriate.

7. Conclusion

- 7.1. The BMHT modular home is an exciting project being developed by the City Council as part of its housing programme for increasing the supply of social housing and would be used on smaller sites which would be difficult to develop with conventional housing. It represents a step change in how smaller new homes can be delivered using high quality modular units built in a controlled factory environment. It is proposed to use the application site for the erection of five modular homes.
- 7.2. The proposal would deliver an innovative design which would provide a modern addition to the existing built environment on an appropriate backland site. The scheme will be of an appropriate design, would not have an adverse impact on the amenities of existing neighbouring residents and is considered acceptable in highway terms. Accordingly the scheme complies with adopted policies in the BDP and UDP, the principles in the Council SPDs and the NPPF and is recommended for approval.

8. Recommendation

- 8.1. Approve, subject to conditions

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|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the submission of a contaminated land verification report |
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- 4 Requires the submission of hard and/or soft landscape details
 - 5 Requires the submission of boundary treatment details
 - 6 Requires the prior submission of a drainage scheme
 - 7 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 8 Requires the submission of a lighting scheme
 - 9 Requires obscure glazing for specific areas of the approved building
 - 10 Removes PD rights for new windows
 - 11 Removes PD rights for extensions
 - 12 Implement within 3 years (Full)
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Case Officer: James Herd

Photo(s)



Figure 1 – View of application site looking north



Figure 2 – View of application site looking west



Figure 3 – View of existing access between no.12 (left) and no.14 (right) Capern Grove

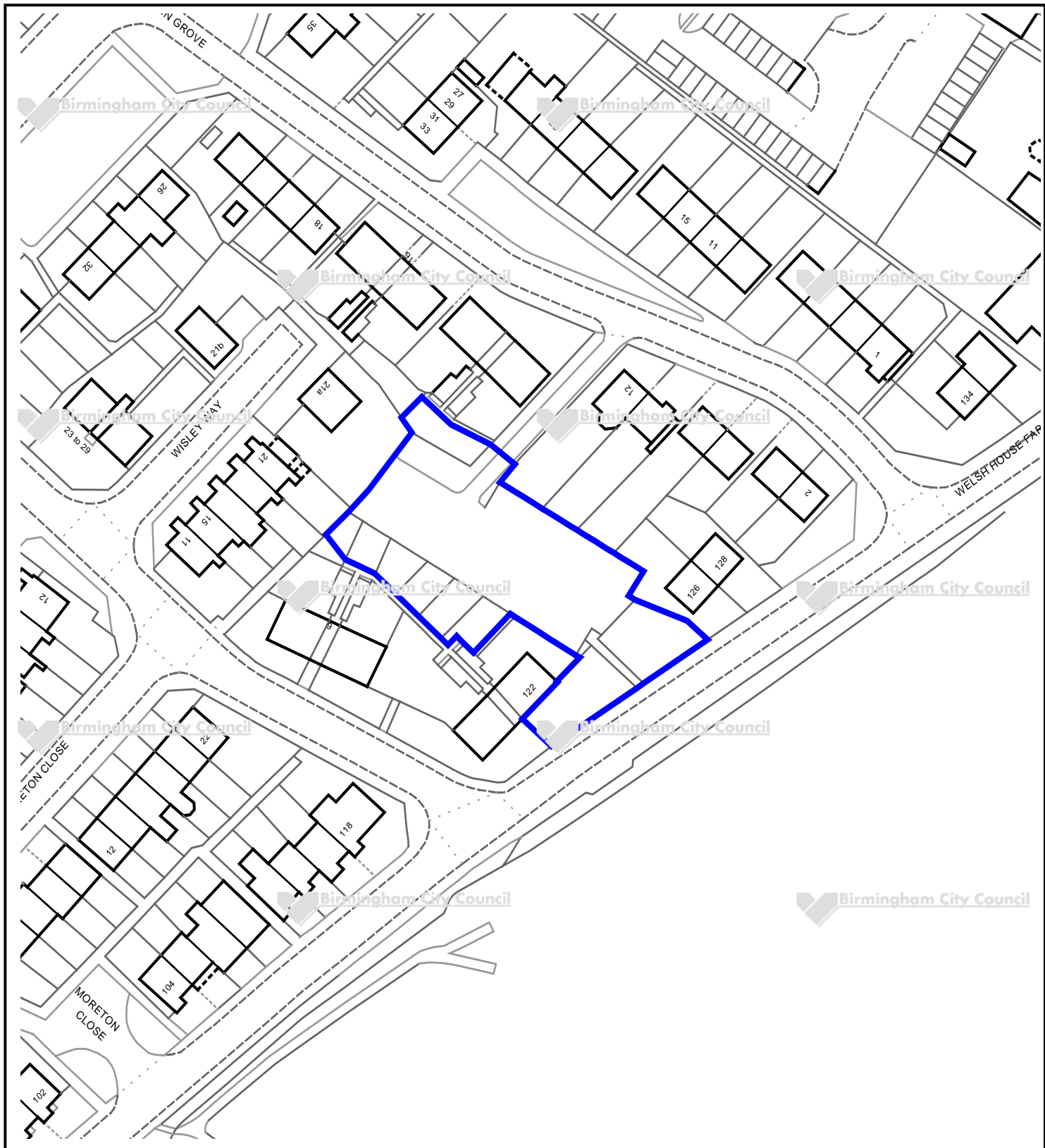


Figure 4 – View of proposed access (right) and no.122 Welsh House Farm Road (left)



Figure 5 – View of no.126 & no.128 Welsh House Farm Road

Location Plan



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Committee Date:	27/02/2020	Application Number:	2019/07057/PA
Accepted:	21/08/2019	Application Type:	Full Planning
Target Date:	27/02/2020		
Ward:	Edgbaston		

Land at rear of 68 Wellington Road, Edgbaston, Birmingham, B15 2ET

Erection of two detached dwellings with associated access and parking

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application proposes two new dwellings in the rear garden of No.68 Wellington Road facing onto Michael Drive.
- 1.2. Amended plans were received during the course of assessing this application. The revised proposal changes the initially proposed forward projecting garages to each respective house with garages integrated into the house.
- 1.3. Each plot would comprise a two-storey dwelling with basement and integral garage set within an open plan front garden and a rear garden. Internal layouts would be almost identical and the floorspace similar – Plot 1 at 325 sq. metres and plot 2 at 374sq. metres. The following accommodation would be provided:
 - Basement: games room, cinema, stores, wine cellar and shower room.
 - Ground floor: garage, utility, kitchen/breakfast/family room, living room, hallway and cloakroom.
 - First floor: 5 bedrooms (2 with en-suite bathrooms), and a family bathroom.
- 1.4. Externally, the dwellings would be of a similar type and scale to the existing 1960s properties in Michael Drive. The main roofs would be gabled. Elevations would be finished in brick and the roofs would be tiled.
- 1.5. Access to the site would be across the grass verge with a 7.4m wide access centrally positioned to serve both properties.
- 1.6. Total of 17 tree removals:
 - 3 trees: T6 – Yew – C category
T11 – Laburnum – C category
T14 – Horse Chestnut in grass verge of Michael Drive – U category
 - 2 groups: G1 – group of 8 Holly and Lawson Cypress – C category
G2 – group of 9 Beech and Lawson Cypress – C category
- 1.7. Site area: 0.09ha Density: 22dph Parking: 200%

- 1.8. The application is accompanied by a Design and Access Statement, Heritage Statement and Arboricultural Report. Also submitted are supporting letters from Preet Kaur Gill MP (Edgbaston) and a local resident both dated October 2017 and referring to a previous application 2017/05381/PA, and a petition of 73 signatures entitled 'Local Residents Who Express Their Support For The Application To Date' and dated December 2017.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is located on the west side of Michael Drive with No. 68 Wellington Road to its north and No. 17 Michael Drive to its south. Wellington Road comprises large detached villas set within generous, well-landscaped plots. Michael Drive is an infill development of the 1960s and 1970s on land formerly occupied by large villas. The land slopes down into Michael Drive from Wellington Road and there is a distinct change of character between the two roads. Both roads fall within the Edgbaston Conservation Area.
 - 2.2. The application site is separated from the Michael Drive highway by a grass verge and hedgerow.
 - 2.3. [Site location plan](#)
3. Planning History
 - 3.1. 24/07/2017 - 2017/03313/PA - Erection of two new dwellings with associated access and parking – Withdrawn.
 - 3.2. 07/09/2017 - 2017/05381/PA - Erection of two residential dwelling houses with associated access – Withdrawn.
 - 3.3. 03/04/2018 - 2017/10596/PA - Erection of two new dwellings with associated access and parking – Withdrawn.
4. Consultation/PP Responses
 - 4.1. City Design: No objection.
 - 4.2. Ecology: No objection but recommend Nesting Bird Informative.
 - 4.3. Landscape Team: No objection.
 - 4.4. Transportation Development: No objection.
 - 4.5. Regulatory Services: No objection.
 - 4.6. West Midlands Police: No objection. Recommend compliance with Secured By Design standards.
 - 4.7. Severn Trent Water: No objection.

4.8. Site and press notices posted; local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. 10-day re-consultation also carried out following receipt of revised plans. The following responses received to the amended proposal:

- Cllr Deirdre Alden: Object on the basis that the proposal would be too dense, out of scale with neighbouring properties, would cause a loss of privacy for No. 17 Michael Drive, cutting into the grass verge would spoil the streetscene, and would cause a loss of trees.
- Calthorpe Residents' Association: Objects to the loss of 17 trees, other landscaping, grass verge and wildlife habitat. Inadequate parking. Scale of the dwellings would be disproportionately large relative to the plot size and to neighbouring dwellings, especially due to the basement. Proposed houses would cause harm to the character and appearance of the Edgbaston Conservation Area.
- Letters from 54 local residents were received from the initial public consultation on the original scheme. 11 no. objection responses were also received by the conclusion of the 10-day re-consultation for the revised proposal. To summarise, the cited grounds for objection were as follows:
 - scale, mass and design of the dwellings would be out of keeping with the character of the area and detrimental to the green and spacious character of the Edgbaston Conservation Area;
 - Loss of neighbouring amenity (specifically No. 17 Michael Drive) by way of light and to privacy from overlooking and overshadowing;
 - the proposal would have a negative impact on No. 68 Wellington Road;
 - unsuitable backland development out of character and scale and design;
 - position of the dwellings in the street would affect driver visibility and therefore highway safety;
 - inadequate off-street parking would be provided;
 - Loss of trees;
 - loss of ecology of wildlife, flora and fauna;
 - the development would cause drainage problems; and
 - the proposal would set a precedent for further development of large plots.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Places for Living (2001)
- The 45 Degree Code (2006)
- The Edgbaston Conservation Area Character Appraisal (ECACA)
- SPD Mature Suburbs: Guidelines to Control Residential Intensification (2008)
- Car Parking Guidelines (2012)

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2019)
- Planning (Listed Buildings and Conservation Areas) Act 1990

6. Planning Considerations

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

Policy

- 6.2. The National Planning Policy Framework (NPPF) 2019 seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.3. Policy PG3 of the Birmingham Development Plan (BDP) states that new development should “reinforce or create a positive sense of place and local distinctiveness, with design that responds to the site conditions and the local area context, including heritage assets and appropriate use of innovation in design” and “create safe environments that design out crime”.
- 6.4. BDP policy TP12 states that “Great weight will be given to the conservation of the City’s heritage assets. Proposals for new development affecting a designated or non-designated heritage asset or its setting ...will be determined in accordance with national policy.”
- 6.5. Policy TP27 of the BDP states that new housing in Birmingham is expected to contribute to making sustainable places. All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Policy TP28 of the BDP sets out the policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.
- 6.6. The 45 Degree Code and ‘Places for Living’ Supplementary Planning Guidance (SPG) provide design guidance and sets standards specific for residential development to ensure all new development respects the appearance of the home and the local area and does not adversely affect neighbouring amenity.
- 6.7. The Technical Housing Standards have replaced the bedroom sizes in the Places for Living SPG and whilst have yet to be adopted by the Local Planning Authority provide a useful yardstick.
- 6.8. The main planning considerations in assessing this application are whether the principle of the development on the site is acceptable; the impact of the proposals on the significance of heritage assets and trees; the scale, siting and design of the proposed development; the impact on residential amenity; and impact on highway safety and parking.

Principle of Development

- 6.9. In respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones;

be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.

- 6.10. In broad terms, new dwellings in this entirely residential area would be acceptable in principle subject to the proposals impact upon several material planning considerations i.e. impact on neighbouring amenity and the significance of heritage assets. The site is sustainably located, being within walking distance of bus services on Bristol Road (400m east) and close to the city centre, and the two large family dwellings proposed would make a small contribution towards meeting the city's housing need.
- 6.11. Therefore, I consider the principle of 2 no. dwellings in this location acceptable subject to an assessment on the impact of the proposal against other material planning considerations.

Impact on Heritage Assets and Trees

- 6.12. BDP policy TP12 states that "Great weight will be given to the conservation of the City's heritage assets. Proposals for new development affecting a designated or non-designated heritage asset or its setting ...will be determined in accordance with national policy."
- 6.13. Therefore, an important source of policy in the assessment of this application is the National Planning Policy Framework (NPPF). Additionally, Council Supplementary Planning Guidance / Documents (SPG / SPD) in the form of 'Mature Suburbs: Guidelines to Control Residential Intensification' SPD and 'The Edgbaston Conservation Area Character Appraisal (ECACA)' are also of particular relevance.
- 6.14. The site is within the designated Edgbaston Conservation Area. As such, there is a requirement to assess the impact of the proposed development upon the character and appearance of these heritage assets.
- 6.15. NPPF paragraph 193 states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm."
- 6.16. NPPF paragraph 194 states that, "Any harm to, or loss of, the significance of a designated heritage asset ... should require clear and convincing justification."
- 6.17. 'Mature Suburbs: Guidelines to Control Residential Intensification' is a Supplementary Planning Document (SPD) that provides guidelines on the City Council's aspirations for development within the City's mature suburbs and residential areas. It sets out key design issues for housing intensification and what is expected from developers and designers when submitting planning applications.
- 6.18. The Mature Suburbs SPD explains that a mature suburb is regarded as being any group, area or estate of dwellings (including other types of development that would normally be located in the suburb) that has a generally homogenous and identifiable suburban and residential character and which has been developed more in a planned rather than in an ad hoc manner. The guidance states that a mature suburb could be a neighbourhood in its own right or a number of suburbs with different

characteristics that combine to create a neighbourhood. What is important is that a suburb has identifiable characteristics that distinguish it from other areas.

6.19. Section 4.12 of the Mature Suburbs SPD states that proposals in mature suburbs will be assessed against the following design criteria:

- Plot Size;
- Building Form and Massing;
- Building Siting;
- Landscape and Boundary Treatment;
- Plot Access;
- Parking Provision and Traffic Impact;
- Design Styles;
- Public Realm;
- Archaeology, Statutory Listed and Locally Listed Buildings;
- Design Out Crime;
- Renewable Energy and Climate Change; and
- Cumulative Impact.

6.20. Paragraph 4.13 of the Mature Suburbs SPD goes on to explain that “The key is to ensure that a development does not harm the distinctive character and identity of an area. To ensure this is the case it is essential to understand the context of the proposal”.

6.21. The Edgbaston Conservation Area Character Appraisal (ECACA) sets out the significance of the Conservation Area as being of both national and local importance. Nationally, it is one of only a handful of similar estates of early planned suburban development and locally, it is the largest and most tightly controlled estate with the widest range of building style and landscapes in the City. Furthermore, the ECACA does explain that Wellington Road illustrates particularly well the deliberate policy to increase plot sizes as the townscape moves towards the heart of the Calthorpe estate at Edgbaston Hall and Church (pg.12).

6.22. A site visit to the application site and walk around the immediate locality was undertaken by the Planning Officer to assist in the assessment process. The guidance and policies contained within the aforementioned NPPF, ECACA and Mature Suburbs SPD have also been primary considerations. Comments have also been received from a number of statutory consultees that have also informed and assisted in the assessment process, such as from the Council’s Conservation Officer, City Designer and Tree Officer.

6.23. The Council’s Conservation Officer was consulted on the original proposal and commented as follows:

“The application is for two new dwellings located on land to the rear of 68 Wellington Road on Michael Drive.

Wellington Road itself is an important contributor to the Edgbaston Conservation Area being one of the earliest roads laid out as part of the Calthorpe Estate development in the early 19th century. The road is predominantly characterised by large detached houses set back from the road in good sized plots. No.68 is of an age and character that contributes to the character and appearance of this part of the conservation area and is considered to make a positive contribution to the street scene.

The application site itself is to the rear of no.68 on Michael Drive which is a cul-de-sac laid out in the late 1960s/early 1970s. This street is not of high significance in terms of special architectural and historic interest however it does sit comfortably within the context of the conservation area. There are a number of these types of mid-late 20th century cul-de-sac style developments which are now firmly established in the conservation area and are considered to have a neutral impact on the surrounding historic buildings.

The view of Michael Drive from Wellington Road is pleasant enough with the south side of the street lined with mature trees. The application site is currently enclosed by trees forming the lower part of the grounds of no.68 Wellington Road and this offers a positive contribution to the street and the green, leafy character of the conservation area. There will be some tree loss as a result of this development and whilst this is regrettable I consider that the retention of a number of the more well-established trees both in the grounds of no.68 and along Michael Drive means that the overall impact of this loss on the character and appearance of the conservation area would be minimal.

The Michael Drive houses themselves are modest detached properties on approach with some larger houses further into the cul-de-sac. The proposed new buildings will follow closely the existing building line of the existing properties on the south west side of Michael Drive and will face onto other properties opposite. The houses will be set back from the road with garages set forward of the main house which is a design feature of many neighbouring properties and not uncharacteristic in this area. The scale of the new houses is acceptable within the context of the street scene and although internally larger with basements they generally follow the height and massing of several other Michael Drive properties.

Design-wise the proposals are not particularly inspiring although I appreciate the concept of them fitting in with the existing houses on Michael Drive. There a number of differing styles of house on the street as it developed from the early 1970s through to the latter part of the 20th century and there could be scope for a more contemporary interpretation of the proposed form- we are in a conservation area after all and should be looking for high quality design and materials.

Overall based on siting, form, scale and general design the introduction of these two new dwellings into Michael Drive is not thought to cause harm to the character and appearance of the conservation area and therefore can be supported."

- 6.24. The Conservation Officer also provided additional comments on the revised proposal and stated the following:

"Following previous comments updated plans have been submitted which show the garages to the properties to now be integral to the house and not projecting forward. This is an acceptable amendment and I raise no objection."

- 6.25. The Conservation Officer has requested that any grant of planning permission include the imposition of conditions in respect to the submission of further details for windows, doors, rainwater goods and new masonry; as well as a full suite of external material samples. I consider such conditions reasonable and necessary in order to define any permission and in accordance with the six tests for conditions outlined in paragraph 55 of the NPPF.

- 6.26. The Council's Tree Officer has also been consulted on the application because the proposal would involve the removal of the following trees:
- T6 – Yew – C category
 - T11 – Laburnum – C category
 - G1 – group of Holly and Lawson Cypress – C category
 - G2 – group of Beech and Lawson Cypress – C category
 - T14 – Horse Chestnut in grass verge of Michael Drive – U category
- 6.27. The Tree Officer comments raised no objections to the proposal *“on the basis that the tree protection measures and arboricultural method statement included in the application are made a condition of development.”* I recognise and appreciate that trees make an important and positive contribution to the character and appearance of the Edgbaston Conservation. Nonetheless, the Tree Officer is satisfied with the recommendations of the tree survey – as the proposed losses are all low quality specimens – and with the tree protection measures set out in the Arboricultural Report.
- 6.28. There are a number of existing trees (T1-4) that are located within what would be rear private amenity space for the proposed two dwellings (particularly plot 2). It is proposed that these trees would be retained as part of the development. The Tree Officer has confirmed that as these trees are at maturity their canopy expansion is likely to be minimal over the coming years. The Tree Officer is satisfied that *“the proposed construction methods and tree protection areas should ensure that retained trees are not impacted by the development itself.”* It is acknowledged that the backs of the proposed two properties would be facing roughly south-west, which would mean that the rear of these properties would be in shadow from late afternoon in summer. However, the Tree Officer considers that *“This is a situation where I would have thought it was very much down to the purchaser – if they like the thought of a woodland garden then this would suit them – if they wanted an open garden with no shade then they shouldn't buy the property.”*
- 6.29. The Tree Officer comments did mention that *“there is foreseeability that there will be requests for tree works but this site does fall within the Edgbaston Conservation Area. The extent and visibility of the tree block that extends up behind the houses on Wellington Road is significant and would warrant a TPO if required.”* I have clarified this comment with the Tree Officer who has confirmed there is no requirement to consider affording these trees TPO status currently because any suggestion of works to the trees proposed to be retained are hypothetical. The Edgbaston Conservation Area designation covers all trees over 7.5cm diameter at a height of 1.5m and greater above the ground. As such, a 'Notification of proposed works to trees in a conservation area' application would need to be submitted to the City Council before any works to these trees could be carried out. The Local Planning Authority would then have six weeks to make an assessment on whether to grant the affected trees TPO status. In the event of unauthorised tree works there is a mechanism available to the Council to penalise for non-compliance and/or require replacement planting.
- 6.30. The Council's Landscape Officer has also raised no objection to the proposed development subject to a number of conditions in respect to boundary treatment details and hard and / or soft landscaping details. Likewise, the Council's City Designer has also commented on the revised proposals and raised no objection on design grounds. The City Designer noted that *“The latest scheme should make the*

street more overlooked and active, have an appearance more in keeping with local architecture and also create better living accommodation overall.”

- 6.31. My own assessment reaches similar conclusions to that of the Conservation Officer, City Designer, Tree Officer and Landscape Officer. I share the view of the Conservation Officer that the proposal is acceptable when assessed holistically in the context of this particular site and the relationship between Wellington Road and Michael Drive. I concur with the view of the Conservation Officer that Michael Drive *“... is not of high significance in terms of special architectural and historic interest however it does sit comfortably within the context of the conservation area. There are a number of these types of mid-late 20th century cul-de-sac style developments which are now firmly established in the conservation area and are considered to have a neutral impact on the surrounding historic buildings.”*
- 6.32. I am mindful that the Edgbaston Conservation Area Character Appraisal (ECACA) sets out the significance of the Conservation Area as being of both national and local importance. Nationally, it is one of only a handful of similar estates of early planned suburban development and locally, it is the largest and most tightly controlled estate with the widest range of building style and landscapes in the City. Furthermore, the ECACA does explain that Wellington Road illustrates particularly well the deliberate policy to increase plot sizes as the townscape moves towards the heart of the Calthorpe estate at Edgbaston Hall and Church (pg.12).
- 6.33. However, Wellington Road has experienced much change since it was originally cut between 1810 and 1825. While some of the early villas remain, a number of dwellings also date from the 1930s, when the initial 99 year leases were renewed, and there has been modern development at Kesteven Close, Pixall Drive, Michael Drive and at the junction with Spring Road close to Bristol Road.
- 6.34. I am of the view that the proposal also needs to be viewed in the context of Michael Drive, a significant infill development of the 1960s and 1970s, rather than in a wholly historic setting. The proposed plots for the two new dwellings would be of a similar size to others in Michael Drive, laid out in a similar manner, and with the proposed dwellings respectful to the architectural style of those houses already built in Michael Drive. The remaining rear garden area for No. 68 Wellington Road would still be generous (and exceed minimum garden sizes).
- 6.35. Given the context and characteristics of Michael Drive and Wellington Road I have assessed the proposals against the design criteria outlined in Section 4.12 of the Mature Suburbs SPD. On balance, I consider the proposed two houses at the application site would respect, reflect and accord with the objectives of these design criteria. For example, against the Mature Suburbs SPD own design criteria I consider that the plot sizes for the two dwellings; the form and massing of the two dwellings; the design styles of the two new houses; and the landscape and boundary treatments for the proposed two dwellings to all be acceptable. I do consider this view supported by the fact the Council's City Designer, Conservation Officer, Landscape Officer and Tree Officer have all provided comments raising no objection to the proposed development.
- 6.36. I acknowledge the concerns raised by a number of local residents and other objectors. A number of existing trees would be felled as a result of this proposal. However, the Council's Tree Officer has accepted the findings of the Arboricultural Report submitted with the application that found a number of existing trees are in poor health/condition. Furthermore, the Tree Officer has also concluded that a number of other tree specimens are not of sufficient amenity value to warrant Tree

Preservation Order (TPO) status. In mitigation, the proposal for two houses would include the insertion of a 1.5m high hedgerow along the Michael Drive frontage of the application site and the erection of a tree within the front garden of the each respective plot. Furthermore, the Council's Landscape Officer has not objected to the proposal and requested the attachment of conditions in respect to further details on hard and / or soft landscaping and boundary treatments.

- 6.37. I note that a number of objectors have also raised concern that the application site is an inappropriate location for residential development; harmful to the significance of the Edgbaston Conservation Area; and that the two proposed dwellings would be out-of-keeping with other properties on Michael Drive. I acknowledge such views but have formed a different view. The Council's Conservation Officer and City Designer have raised no objection to the proposal nor identified harm to the significance of the conservation area or wider street scene.
- 6.38. I am also minded by the narrative running throughout the Mature Suburbs SPD, namely, the importance of preserving positive characteristics of the mature suburb and ensuring that development proposals should be informed by the context. Section 4.14 of the Mature Suburbs SPD understandably makes clear that "Proposals that undermine and harm the positive characteristics of a mature suburb will be resisted" but the 'Design Styles' criteria within section 4.12 explains that "A high standard of design is required, although proposals are not expected to be a copy or pastiche of existing design styles in an area." With this in mind I consider the proposal for two houses on land to the rear of No. 68 Wellington Road fronting onto Michael Drive to be acceptable. On balance, I am satisfied that the proposed two houses would integrate with the surrounding built form within this mature suburb and that the proposal would respect the scale, character and appearance of existing dwellings along Michael Drive.
- 6.39. Two new dwellings would make a contribution – albeit limited – towards meeting the City's housing need. Given that the removal of 17 trees has been accepted by the Tree Officer and the proposal is supported by the Conservation Officer then I do not identify harm to the significance of heritage assets as a result of the proposed development.
- 6.40. Overall, I consider that the proposed 2 no. dwellings on land at the rear of No. 68 Wellington Road would have an acceptable impact on the character and appearance of the application site and wider streetscene whilst also preserving the character of the Edgbaston Conservation Area. As such, I am satisfied that the proposal accords with BDP and NPPF policies. The proposed development also passes the two statutory tests under Section 66 and Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Scale, massing and design

- 6.41. In terms of scale, massing and design the amended proposal is considered acceptable. The design of the proposed 2 no. dwellings is influenced by the style of existing dwellings in Michael Drive, although on a slightly larger scale. The Conservation Officer considers the proposed development to have an acceptable impact upon the character and appearance of the streetscene and the Edgbaston Conservation Area. I concur with this assessment but do acknowledge there have been many public participation responses, a large number of which express concerns with the scale and appearance of the proposed dwellings, especially with the inclusion of a large basement in both properties.

- 6.42. The Heritage Statement includes a comparison of the dimensions of the proposed properties against a number of nearby properties. While most dimensions are a little more generous on the proposed plans, notwithstanding their more elevated position in the road I do not consider the dwellings would appear unduly large in the streetscene. While they would offer a larger floorspace than many of the surrounding neighbours, they would still be significantly smaller than the grander houses on Wellington Road and the sense of a hierarchy between the principal and subsidiary road would be maintained. A gap of 40m would be retained between the rear elevation of No. 68 Wellington Road and the side wall of Plot 2 which would provide some separation between the different phases of development. The basement space would not add visibly to the scale of the dwellings and would have no effect on the streetscene.
- 6.43. The Council's City Designer has commented on the proposed development and raised no objection on design grounds. The City Designer noted that "*The latest scheme should make the street more overlooked and active, have an appearance more in keeping with local architecture and also create better living accommodation overall.*"
- 6.44. The City Designer did request the attachment of a number of conditions in respect to hard and/or soft landscaping details, hard surfacing materials, boundary treatment details, sample materials and architectural details. I consider these conditions to meet the six tests required under paragraph 55 of the NPPF.
- 6.45. Proposed planting of beddings, hedgerows and an individual tree to the front of each proposed dwelling would lessen the visual impact of the two new dwellings and create a frontage more in-keeping with the existing street scene and wider conservation area setting. The Council's Landscape Officer recommends the imposition of a condition for landscaping, surfacing and boundary details to be attached to any grant of planning permission. I consider this condition to be reasonable and necessary in order to regulate any permission.
- 6.46. On balance, I am satisfied that the proposal would not detract from the architectural appearance of the property and would be in accordance with the principles contained within 'Places for Living' Supplementary Planning Guidance. I do not identify harm to the visual amenity of the surrounding area.
- 6.47. Overall, the development would have no significant detrimental impact on the character and setting of No. 68 Wellington Road or the wider Conservation Area sufficient to warrant a refusal.

Impact on Residential Amenity

- 6.48. The scheme complies with the 45 Degree Code and the government's Technical Housing Standards. There are single windows serving the first floor 'Bedroom 1 Ensuite' of each proposed house that would be on side elevations overlooking the rear gardens of Nos. 68 Wellington Road and 17 Michael Drive respectively. Both these windows could be obscurely glazed by condition and consequently the impact on future occupiers and on adjoining residents would be considered acceptable. Additionally, I consider it reasonable to remove Permitted Development Rights in respect to extensions, converting garages to living space and dormer windows in order to protect neighbouring amenity.

Highway Safety and Parking

- 6.49. Transportation Development has no objection to the scheme. The development would provide a good level of off-street parking and is unlikely to significantly increase traffic or parking demand.
- 6.50. In accordance with the views of Transportation Development I consider the proposed development would not have a detrimental impact upon highway safety or car parking.

Other Matters

- 6.51. West Midlands Police have assessed the proposal and raise no objections subject to the proposal adhering to the principles of 'Secure by Design' and security standards. I concur with this view and the agent has been advised accordingly.
- 6.52. A couple of objection comments have raised concern that the erection of two houses in this location could result in drainage problems. The application site is located within Flood Zone 1 so there is a low risk of flooding.
- 6.53. A number of objectors have cited concern that the proposed development would have an adverse ecological impact in respect to loss of wildlife, flora and fauna. The Council's Ecologist has commented on the application and noted that "*The site is located to the rear of 68 Wellington Road within the garden. The site is mainly amenity grassland with plenty of mature trees. 800m north-west is the new street to Lifford wildlife corridor and 800m east is the river Rea wildlife corridor. Approximately 600m south west of the site there is a SLINC (Beechwood Hotel) and a SINC (Edgbaston Park Golf Course). These places are all important for wildlife but are not going to be impacted by the development. Acceptable subject to Nesting Birds Informative.*" I concur with the comments of the Council Ecologist.
- 6.54. The site is within the charging zone for the Community Infrastructure Levy but would be exempt if proven to be a self-build project.

7. Conclusion

- 7.1. This application is recommended for approval. There are no sustainable grounds upon which to recommend refusal of the proposal.

8. Recommendation

- 8.1. Approve subject to Conditions.

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Requires the prior submission of further details |
| 4 | Requires the prior submission of materials |
-

-
- 5 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 6 Requires the submission of hard and/or soft landscape details
 - 7 Requires the submission of hard surfacing materials
 - 8 Requires the submission of boundary treatment details
 - 9 Requires obscure glazing for specific areas of the approved dwellings
 - 10 Removes PD rights for extensions
 - 11 Removes PD Rights for Garage Conversion
 - 12 Removes PD rights for new windows
 - 13 Implement within 3 years (Full)
-

Case Officer: Richard Bergmann

Photo(s)

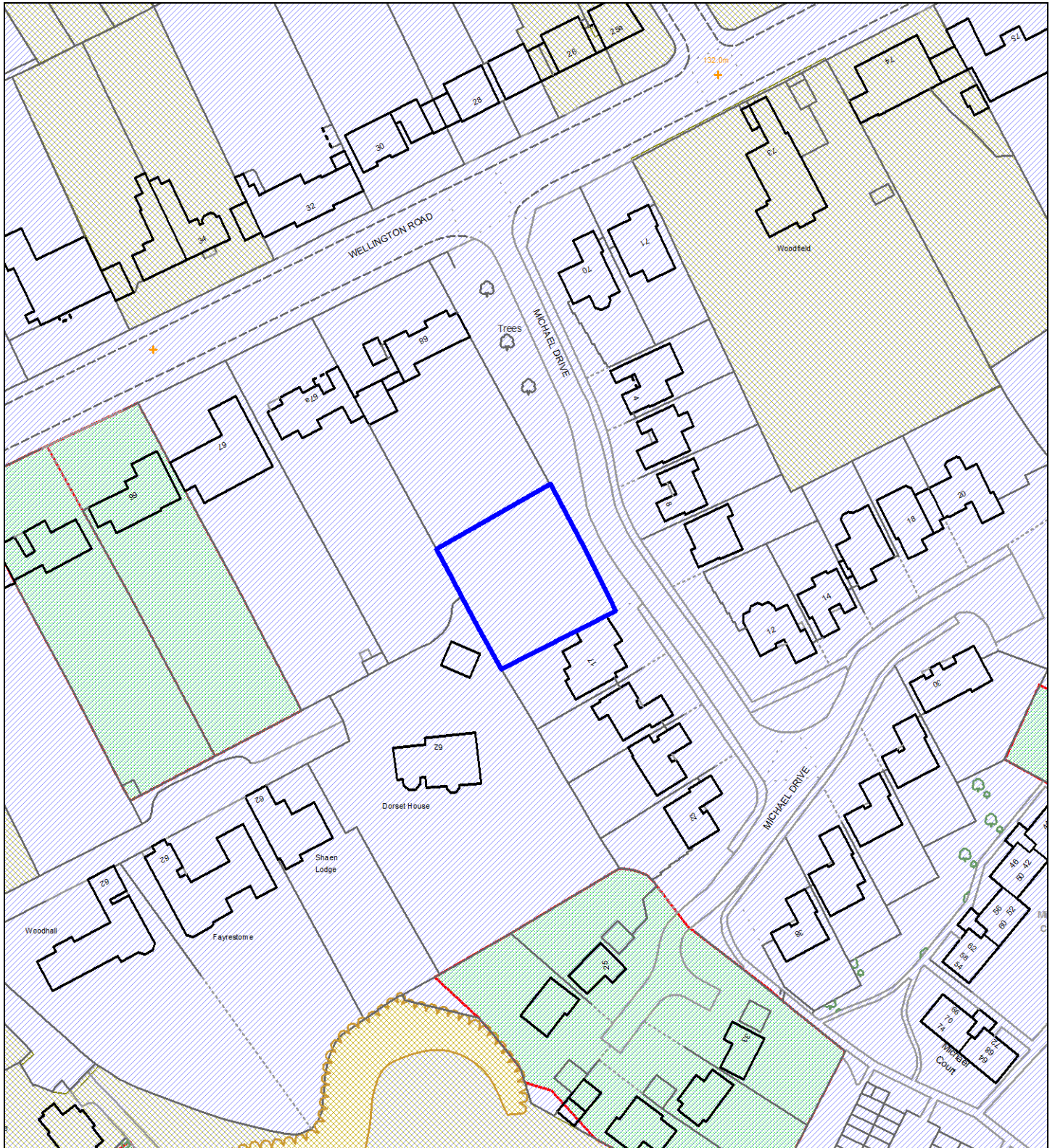


Photograph 1: Application site from south on Michael Drive. Winter view.



Photograph 2: Entrance to Michael Drive. Application site at end of row of trees. Summer view.

Location Plan



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Committee Date:	27/02/2020	Application Number:	2019/08370/PA
Accepted:	10/10/2019	Application Type:	Full Planning
Target Date:	28/02/2020		
Ward:	Northfield		

Land to the rear of 23 Sylvan Avenue, Northfield, Birmingham, B31 2PG

Erection of 4 no. residential dwelling houses with associated parking, landscaping and access

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning Permission is sought for the erection of 4no. dwellings with associated parking, landscaping and access.
- 1.2. The original scheme consisted of 5 plots however; following concerns raised by Officers over the proposed layout, plot 1 has since been omitted from the proposal.
- 1.3. The internal layout of each dwelling would consist of the following: Living room (14sqm), kitchen/dining room (17.2sqm) and w.c at ground floor. 2 x double bedrooms (14sqm & 11.1sqm) and bathroom at first floor and a double bedroom (14.2sqm) with en-suite and store room within the roof space.
- 1.4. The rear amenity space for each plot would vary between 74sqm and 101sqm.
- 1.5. All units would be 2.5 storeys high, would be semi-detached and would have a gable roof design. Each unit would contain a pitched roof dormer window to the front and the external materials would consist of approved facing brick with feature brickwork arched heads, brickwork banding and stone cills, grey forticrete gemini roof tiles and white upvc windows and doors.
- 1.6. The application site would be accessed from the east off Winchester Gardens and would share a private access drive with the neighbouring development which is currently under construction for the erection of 12 semi-detached dwellings and alterations to and refurbishment of the Royal British Legion Club (planning ref: 2017/07534/PA).
- 1.7. Each plot would accommodate two parking spaces to the front of the property.
- 1.8. The site area is 0.18ha, which represents a density of 22 dwellings per hectare.
- 1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a parcel of land located in a primarily residential area in Northfield. The site previously contained a small area of woodland, however these

trees have since been removed from the site prior to submission of this application. The site is bounded by residential development to the north (Sylvan Avenue), west (Bristol Road South) and south (Quarry Lane). Development is currently underway to the east for the erection of 12 semi-detached dwellings and alterations to and refurbishment of the Royal British Legion Club.

- 2.2. Sylvan Avenue is characterised by 1930's two storey detached and semi-detached properties. The properties typically display brick elevations with bay window features and hipped roofs. The properties adjoining the site on Bristol Road South and Quarry Lane are characterised by detached, two storey dwellings with large rear gardens.
- 2.3. Northfield Local Centre is located approximately 55 metres to the north of the site, providing two supermarkets, offices, and a range of retail and leisure amenities. The centre is served by a number of frequent bus services.
- 2.4. The perimeter of site contains tall ruderal vegetation, trees and shrubs. The River Rea runs approximately 290m south of the site. The application site and the adjoining sites are not located within a formal designated wildlife site. The application site is located outside flood zones 2 and 3. The topography of the site slopes gently down from north to south.
- 2.5. [Site Location Plan](#)
3. [Planning History](#)
 - 3.1. 63739000 – Proposed development of 2 bungalows with garages for residential use – Refuse – 14/04/1983.
 - 3.2. 63739001 – Proposed development of 1 bungalow with a garage for residential use – Refuse - 22/12/1983 – Appeal Dismissed – 21/11/2084.
 - 3.3. 2017/00915/PA - Erection of 7 no. residential dwelling houses with associated parking and landscaping; and alterations to No.23 Sylvan Avenue. – Withdrawn - 28/3/2017.
 - 3.4. 2017/07534/PA - Alterations to and refurbishment of the Royal British Legion Club and associated car park and access points plus the erection of 12 semi detached dwellings on the former car park with separate access from Winchester Gardens. Includes demolition and re-building of the bowling pavilion. – Approve subject to conditions - 11/10/2018.
4. [Consultation/PP Responses](#)
 - 4.1. Local Councillors, MP, Residents Associations and Neighbouring Residents notified. Site notice displayed.
 - 4.2. MP Gary Sambrook has requested that all tree protection and ecology conditions relating to the adjoining development have been adhered to and that all local residents' views are taken into consideration by this application being heard at a meeting of the Planning Committee.
 - 4.3. The application received 16 objections from neighbouring residents in objection to the application in relation to the following:

- The submitted planning statement is not correct. The site is described as being vacant land for a number of years; however the site used to be a small woodland area. Furthermore the land is described as a brownfield site, however this land has never been built on and is classed as a greenfield site.
 - The infill development would spoil the character of the area.
 - The height of the two and a half story houses would be out-of-keeping with the surrounding area as the surrounding buildings are two stories high.
 - Loss of privacy, light and outlook and increased overlooking for the occupants of the adjoining properties.
 - Increased light pollution and noise disturbance to neighbouring residents.
 - Noise and traffic disruptions caused to nearby residents and patients during the construction period.
 - Proposed development would be located too close to neighbouring boundary.
 - The neighbouring development in progress has caused noise and traffic issues to neighbouring residents, the proposed development would prolong and worsen these problems.
 - Concerns regarding emergency services and utility requirements access.
 - The surrounding infrastructure is inadequate to accommodate the proposed development. Considerable improvement to the existing roads and road safety provisions are required.
 - Concerns that the proposal would damage the roots of the large conifer trees located near the perimeter of the site.
 - The proposal should take into account the amount of mature trees that were lost prior to the submission of this application. More trees should be planted to compensate.
 - Loss of wild land which should be preserved and the site would become a concrete jungle
 - The development would detrimentally impact upon the environment and wildlife including owls, bats, badgers, squirrels, birds and foxes which have been present on the site previously.
 - The shrubby remains of a coppice which historically supported owls, woodpeckers and pipistrelle bats and provided foraging for two badger setts. The coppice was destroyed prior to an earlier planning application, which was withdrawn.
 - Disturbance caused to nearby large badger sett is less than a metre from the existing boundary with the British Legion car park development.
 - Section 3.3 of the submitted 'Preliminary Ecological Appraisal' is incorrect; there are at least 2 ponds within 25m of the site, one of which contains newts.
 - The addition of bat, bird and owl nest boxes should be required.
 - Concerns over the drainage of the site due to the clay soil. The development would increase the risk of flooding on the site and of the adjoining residential gardens.
 - Potential impacts on water table and ground gasses being released.
 - Potential security risk regarding immediate access to rear of the adjoining properties.
 - Detrimental impact on surrounding house prices.
- 4.4. 9 signature petition received from neighbouring residents in objection to the application on the same grounds as the public participation responses referenced above.
- 4.5. Transportation Development - No objection subject to condition for sheds to be provided in rear garden to provide cycle storage

- 4.6. Regulatory Services - No objection subject to conditions requiring a Contamination Remediation Scheme and a Contaminated Land Verification Report to be submitted.
- 4.7. Severn Trent Water – No objection subject to condition requiring the submission of drainage plans for the disposal of foul and surface water flows.
- 4.8. West Midlands Fire Service - Water supplies for firefighting should be in accordance with the National Guidance Document on the Provision for Fire Fighting.
- 4.9. West Midlands Police – No objection, the applicant should consider the principles adopted in the Police Crime Reduction Initiative 'Secured By Design' when developing this proposal.

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan 2005 (Saved Policies); Places for Living (2001); 45-Degree Code SPG; Car Parking Guidelines (2012); Nationally Described Space Standards (2015) and NPPF (2019).

6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies set out above.
- 6.2. The planning considerations important in the determination of this application are the principle of development and the potential impact of the proposal on the residential amenity of existing and future residents, visual amenity, highway safety and parking trees, ecology and drainage.

Policy and Principle of Development:

- 6.3. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. It supports strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided by fostering a well-designed and safe built environment. Paragraph 68 states that small and medium sized sites can make an important contribution to meeting local housing requirements.
- 6.4. Policy PG3 of the BDP states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design. Policy 3.14 of the saved UDP policies echoes this, stating that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit.
- 6.5. Policy TP27 of the BDP explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and

effective long-term management of buildings, public spaces, waste facilities and other infrastructure.

- 6.6. With respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.7. The application site represents a windfall plot, which is advocated within policy TP28 of the Birmingham Development Plan and paragraph 68 of the NPPF. While it is considered that the siting of the proposed backland development away from any defined street scene would not be particularly in-keeping with the existing layout of the locality, given the application site would be served by an existing shared access drive with the adjoining development currently under construction to the east, Officers do not consider that the proposed development would result in a discordant feature which would be detrimental to the visual amenities of the locality in this instance. The surrounding area is residential in nature/character and four residential dwellings would fit appropriately within this context. It is therefore considered the development would constitute sustainable development, constituting an efficient use of land, responding to site conditions and the local area context, within a sustainable location that is close to schools, shops and public transport facilities. The proposal complies with the aspirations as laid out within the NPPF, the Birmingham Development Plan and the Mature Suburbs SPD. Consequently, it is considered that the proposal is acceptable in principle subject to the siting, design and layout of the proposed dwelling being acceptable.

Layout, design, scale and massing:

- 6.8. The application site is surrounded by two storey dwellings to the north, west and south. The proposed plot types would be of a modern construction, which would not be at odds with the visual aesthetics of the site and surrounding properties in general. The size, scale and massing of the proposed dwellings is appropriately proportionate to the size of the site and the proposed gable roof designs would not be at odds with the character of the properties in the surrounding area. The neighbours objections in relation to the proposed units being 2.5 storey's high are acknowledged. It is considered that the difference in height between the proposed units and the surrounding properties would not be noticeable due to the changes in land levels and the separation distance between the proposed units and the neighbouring properties. In addition, the 12 dwellings currently under construction on the adjacent site are also 2.5 storey's high.
- 6.9. The Government's 'Technical Housing Standards - Nationally Described Space Standards' recommends that double bedrooms should measure 11.5sqm. It must be noted that these guidelines are used as yardstick measurements as they are not adopted by the LPA. Bedrooms 1 (14.2sqm) and 2 (14sqm) would adhere to this guidance, however bedroom 3 (11.1sqm) would fall 0.4sqm short of the recommend guidelines. All plots would provide a gross internal floor area of 118sqm which would adhere to guidance for 3 bedroom, 6 person, 3 storey dwellings contained within the Nationally Described Space Standards. The proposed rear amenity space for each plot would adhere to guidance contained within the 'Places for Living' SPG which requires the provision of 70sqm of rear amenity space for family dwellings. Officers consider the proposal is acceptable in terms of its layout, design, scale and massing

in this instance. A condition shall be attached requiring the submission of samples materials.

Impact on residential amenity:

- 6.10. The proposed development would comply with the Council's 45 Degree Code and all plots would comply with the separation distance guidelines contained within 'Places for Living' SPG in respect to all neighbouring properties. The rear facing elevation of all plots would be a minimum of 10 metres from the sites western boundary. In addition, a perimeter boundary screen hedge and new trees would be planted along the western boundary which would provide some screening of the development for the residents of no/s 980 & 982 Bristol Road South. A condition shall be included which removes the permitted development rights to all units for all windows/dormer windows inserted or constructed other than those expressly authorised by this permission in order to prevent any potential future overlooking to the rear gardens of the adjoining properties. A condition shall also be attached to ensure that all side facing windows for all units would be fitted obscure glazing and thereafter maintained as such, to ensure that no overlooking would be caused to the rear gardens of the adjoining properties on Sylvan Avenue and Quarry Lane. Subject to these conditions, the proposed development is considered acceptable in terms of loss of light/outlook, overbearingness and overlooking caused to all neighbouring properties.
- 6.11. Regulatory Services have raised no objection subject to conditions requiring a contamination remediation scheme and a contaminated land verification report to be submitted. No concerns were raised by Regulatory Services in relation to light pollution or noise disturbance. Officers concur with these views and the recommended contamination conditions shall be attached accordingly.

Highway safety/parking:

- 6.12. The application proposes two parking spaces to the front of each unit which complies with the Car Parking Guidelines. The proposed private access road would provide an acceptable carriageway width for two way traffic and the Fire Service have has no objections to the proposal. Tracking plans have been provided showing a refuse vehicle and fire tender are able to manoeuvre through site and are able to leave in a forward gear.
- 6.13. The submitted trip rates were taken from the Transport Statement associated with the adjacent application granted in 2017; this indicated that the site is forecast to generate five and three trips in the AM and PM peak hours respectively. This equates to one additional vehicle every 10-20 minutes on average and it is considered that the forecast increase in traffic will not have a detrimental impact on the capacity of any local junctions or have a detrimental impact in terms of highway safety. Transportation Development have raised no objection to the proposal subject to a condition for sheds to be provided in rear garden to provide cycle storage. Subject to this condition, Officers consider the proposal is acceptable in terms of highway safety and parking.

Ecology/Trees:

- 6.14. The perimeter of the site is dominated by tall ruderal vegetation, trees and shrubs. The application site is not subject to any national statutory nature conservation designations and it is not considered that any habitats within the site would meet the criteria for the designation of a SSSI. However, the site is listed as a 'Potential Site

of Importance (PSI)' and the site is known to have supported protects species such as birds, bats and hedgehogs. Public Participation responses also highlighted that badgers, bats, owls, squirrels, foxes, and birds have been sited within the development site previously and a badger sett has is located within close proximity of the application site. The applicant has submitted a Preliminary Ecological Appraisal and upon request from the Council's Ecologist, a Badger Method Statement and updated Badger Activity Report have been submitted.

- 6.15. The submitted Preliminary Ecological Appraisal states that the loss or severance of boundary vegetation may affect bat commuting routes and that an increase in general light levels could also affect bat foraging and commuting. In addition, the loss of trees, shrubs and (to a lesser extent) tall ruderal vegetation may affect birds that use the site for breeding and foraging by causing a decrease in nesting sites and food resources. The loss of these habitats may directly harm nesting birds if carried out during the nesting season. Badger tunnels could be affected by ground works and vegetation removal, and badgers could be harmed. In the event that hedgehogs are present on the site, then there is potential for disturbance and/or direct harm if the works are carried out during their hibernation season. The submitted Badger Activity Report identified that one badger sett was found to be partially active and one sett was found to be fully active. The habitats and floral species found on site are common and widespread. No significant impacts on biodiversity are anticipated. *Rhododendron ponticum* is known to occur on site, and yellow archangel is likely.
- 6.16. A neighbour objection has been received stating that there are at least two ponds within 25m of the site, one of which contains great crested newts. The submitted Preliminary Ecological Appraisal identified no ponds within 500m of the site on OS maps or aerial photographs, and the site survey found no ponds in the vicinity. Although the site provides potential habitat for species of amphibians in the terrestrial phase of their life cycle, the lack of suitable water bodies in the surrounding area means that the site is unlikely to be important for amphibians.
- 6.17. Given the findings of the submitted Preliminary Ecological Appraisal, the Council's Ecologist has requested the inclusion of the following conditions: The prior submission of a method statement for the removal of long-term management of *Rhododendron* invasive weeds; the submission of a scheme of ecological/biodiversity/enhancement which includes a hedgehog hibernation box to be installed in a suitable habitat, hedgehog passes in fences, a new boundary screen hedge plantings around the boundaries to avoid impacts on commuting and/or foraging bats, the plantation of high value plant species to allow foraging grounds, the inclusion of a wildlife refuge area or habitat piles, improved ecological connectivity such as under planting the new boundary hedgerows with a variety of smaller, native plant species and all trees should be retained as far as possible, and not removed during bird nesting season; the implementation of the submitted mitigation/enhancement plan; for all details regarding the mitigation for badgers in the submitted Badger Method Statement must be adhered to including the presence of a supervising ecologist with work within 30m of a sett coverage of excavations; for the recommendations to minimise the impact of artificial lightening given in the submitted Preliminary Ecological Assessment are adhered to and that lighting should avoid impacts on all mammals, birds and bats. Officers consider these conditions would adequately safeguard the nature conservation value of the site in accordance with Policy TP8 of the Birmingham Development Plan 2017, paragraphs 174 and 175 the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

- 6.18. There are 17 individual trees within close proximity of the application site. The submitted Arboricultural Survey Report states that 14 trees were of low quality and value, due to the relative immaturity and/or poor condition of these trees. A single early mature spruce tree, located along the northern boundary of the site is in good health and is considered to offer landscape and habitat value. Two trees are present to the south-east of the site. These trees are in poor health with historic ivy cladding potentially leading to their decline. Collectively, the trees provide a limited amount of screening value between the residential properties to the north, along Sylvan Avenue, and those to the south, along Quarry Lane. Any retaining boundary trees would filter views between the existing residential properties and the proposed development site. As the site is fenced and unused, the trees are of limited landscape and amenity value. It must also be noted that there are no Tree Preservation Order's within or within close proximity to the application site. The submitted drawing no. AEL-18144-TCP proposes tree protection, including the erection of temporary tree protection fencing in accordance with the guidance within BS 5837:2012 for all existing trees to be retained. The Council's Principal Arboriculturist raised no objection to the proposed scheme based on the details contained within the submitted Arboricultural Survey Report, Arboricultural Impact Assessment and Tree Protection Plans. A condition shall be attached to ensure the development shall be undertaken and maintained in accordance with the details submitted in the Tree Constraints Plan and the Tree protection plan produced by Apex Environmental. Officers concur with this view and subject to this condition the proposed development is considered acceptable in terms of its impact upon trees.
- 6.19. The Council's Landscape Officer has stated that if the principle of development is likely to be supported in terms of its impacts upon Ecology and trees then landscaping conditions requiring the submission of hard and/or soft landscaping details; details of hard surfacing materials, boundary treatment details, a landscape management plan and details of finished site and ground floor levels will need to be attached. Officers consider the proposed conditions to be reasonably necessary in order to secure the satisfactory development of the application site and to ensure a high quality of external environment and reinforce local landscape character.

Drainage:

- 6.20. The neighbour responses raising concerns over the proposed drainage of the site are noted. Severn Trent Water have raised no objections to the proposed development subject to the inclusion of a condition requiring the submission of drainage plans for the disposal of foul and surface water flows. Officers concur with the views of Severn Trent and consider the proposed condition to be reasonably necessary to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.
- 6.21. Severn Trent Water advises that there may be a public sewer located within the application site. The applicant should be aware that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. Discussions between the developer and Severn Trent Water will be required during the building regulations process.

Other Matters:

- 6.22. A number of representations have been made in reference to security to the rear of the adjoining properties. The introduction of four dwellings with overlooking of the area would increase natural surveillance and security.

6.23. Concerns have been made in relation to noise and disturbance during the 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.

6.24. The developments potential to impact upon surrounding property values does not constitute a material planning consideration.

7. Conclusion

7.1. Following amendments, the proposed dwellings are of an appropriate size, scale, massing and design which would not be significantly out of character with the existing context of the surrounding area, providing a satisfactory internal and external environment for future occupiers. The proposal is also considered acceptable in terms of its impacts upon residential amenity, highway safety/parking, ecology/trees and foul/surface water drainage.

8. Recommendation

8.1. Approve subject to the following conditions.

-
- | | |
|----|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Requires the provision of sheds |
| 4 | Requires the prior submission of a contamination remediation scheme |
| 5 | Requires the submission of a contaminated land verification report |
| 6 | Requires the prior submission of a drainage scheme |
| 7 | Arboricultural Method Statement and Tree Protection Plan - Implementation |
| 8 | Requires the prior submission of a method statement for the removal of invasive weeds |
| 9 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 10 | Requires the implementation of the submitted Badger Method Statement |
| 11 | Requires the submission of a lighting scheme |
| 12 | Requires the submission of hard and/or soft landscape details |
| 13 | Requires the submission of boundary treatment details |
| 14 | Requires the submission of hard surfacing materials |
| 15 | Requires the submission of a landscape management plan |
-

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- 16 Requires the prior submission of level details
 - 17 Removes PD rights for new windows
 - 18 Requires obscure glazing for specific areas of the approved building
 - 19 Implement within 3 years (Full)
-

Case Officer: James Herd

Photo(s)



Figure 1 – View of shared access drive.



Figure 2 – View of application site looking west with the rear of residential properties on Bristol Road South in the distance.

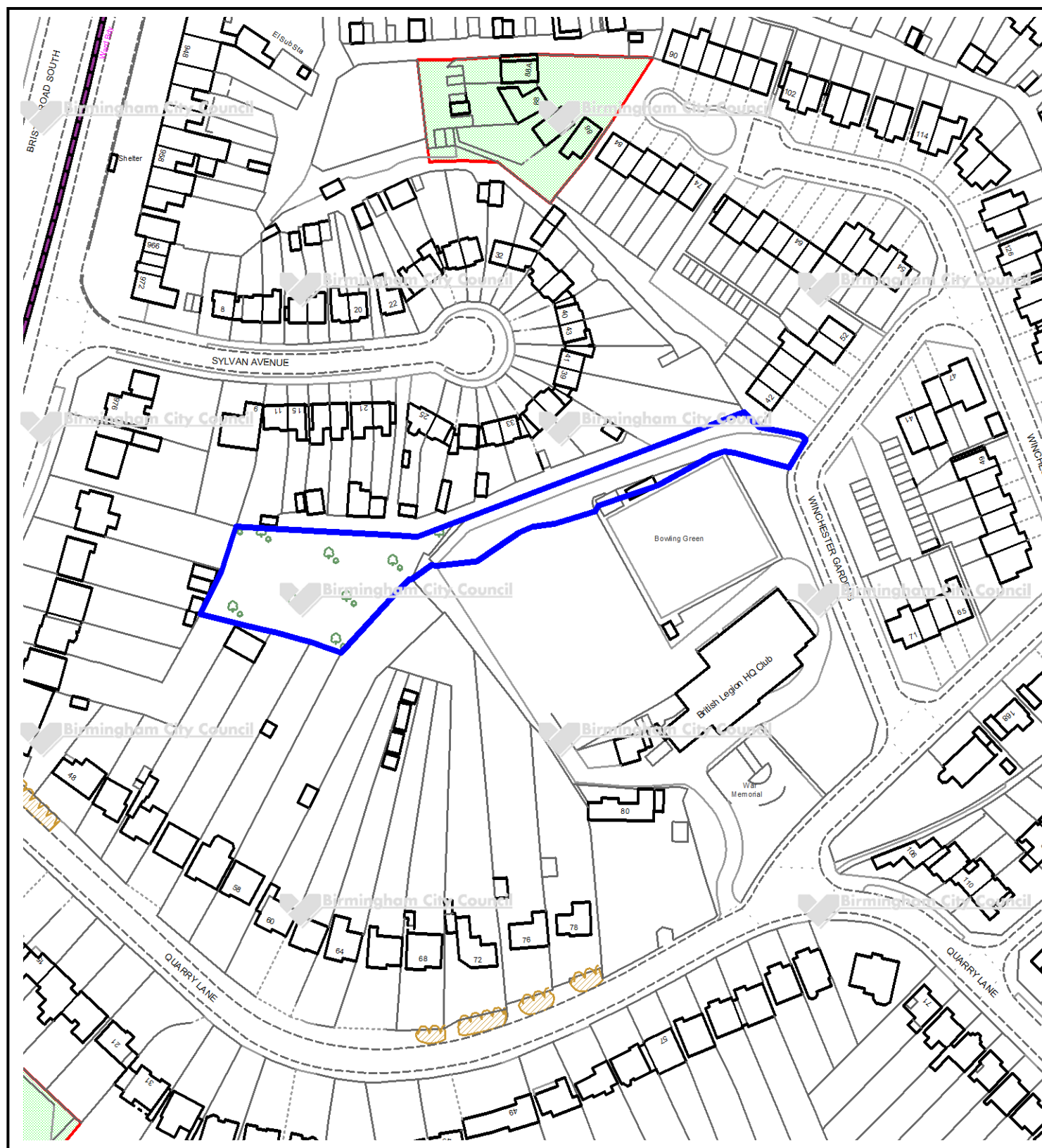


Figure 3 – View looking north from application site with the rear of residential properties on Sylvian Avenue in the background.



Figure 4 – View of application site looking south-west.

Location Plan



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Committee Date:	27/02/2020	Application Number:	2019/08498/PA
Accepted:	15/10/2019	Application Type:	Full Planning
Target Date:	28/02/2020		
Ward:	Longbridge & West Heath		

Two Park Square, Adjacent to Bournville College, Land east of the A38, Longbridge Town Centre, Longbridge, Birmingham,

Erection of an office building (Use Class B1a) with associated access, car parking, landscaping, drainage and infrastructure works.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of a B1a Office building (7,241sq.m gross external area) with associated access, car parking, landscaping, drainage and infrastructure works on an existing temporary car park adjacent to Bournville College within the Longbridge District Centre.
- 1.2. The proposed development would comprise a four storey building with a reception/lobby, café/informal meeting space, cycle store, changing rooms, lockers and a drying room at ground floor along with open plan lettable office space. The three floors above would be open plan space that could be separated to the occupant's individual requirements. A south-east facing roof terrace for use by the buildings occupants is also proposed. The building would have a central core to maximise the floor plate and natural light with the main entrance being located on the proposed north-east corner where it would be visible from Austin Park and College Street. The gross internal area of the building would be 5,700sq.m.
- 1.3. The building would be positioned to the east of the plot to reduce the potential for overshadowing from the existing road/rail bridge whose top is some 3.5m above the ground level of the application site. The main frontages of the building sit on the south and east boundaries that front the existing town centre and Austin Park. The building would have two elevational treatments. The first being to the west and north elevations which would have more solid than glazing with strong vertical lines whilst the second to the east and south elevations would be primarily glazed with a strong horizontal line and visual connection to the adjacent park with a generous overhang, colonnade and brise-soleil to provide depth, articulation and shade.
- 1.4. The proposed development would range from 36-40m in length, 30-40m in width and 17.5m in height. A plant room enclosure on the roof would be a further 3m in height, 24m in width and 25m in length screening plant measuring 14m in length and 13.5m in width.
- 1.5. Proposed materials would comprise white/cream rainscreen cladding; light grey curtain wall glazing and glass panels and gold coloured anodised aluminium panelling and brise soleil.

- 1.6. Access to the site is from College Street which links to Longbridge Lane. 125 parking spaces are proposed (including 3 blue badge spaces). 48 bicycle parking spaces are proposed within the building along with space for a further 20 bicycles outside the building.
- 1.7. A bin store measuring approximately 4m in width by 8m in length and a sub-station measuring 4m by 4m would be located adjacent to the car park access fronting College Street.
- 1.8. The building/development would generate up to 343 full time equivalent new jobs.
- 1.9. The proposed development would meet a BREEAM rating of 'Very Good'.
- 1.10. The application is supported by a Design and Access Statement including Sustainable Construction and Energy Statement, Planning Statement, Transport Statement including Travel Plan, Drainage Strategy, Ground Investigation Report and Flood Risk Assessment.
- 1.11. Site area: 0.68Ha.
- 1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located in Longbridge, immediately adjacent to Bournville College (to the north) and the town centre park (to the south). The site is adjacent to the town centre within the adopted centre boundary and was formerly part of the MG Rover works at Longbridge. The site now forms part of the Longbridge North redevelopment area. The former West Works MG Rover site is located opposite to the west.
- 2.2. The site is predominantly level and is bounded to the north by Bournville College, to the east and south by Austin park and to the west by the A38 Bristol Road, which is situated at a higher level than the application site.
- 2.3. The site is currently used as a temporary car park for Bournville College staff until 23 March 2020.
- 2.4. The site is in close proximity of bus and train links, both of which are within a five minute walk of the site providing links to Birmingham, Bromsgrove, Worcester, Rednal, Northfield and Halesowen. The railway line forms part of the Cross City network and as such links the site to further afield destinations to the north and south.
- 2.5. [Site Location Map](#)

3. Planning History

- 3.1. The Longbridge site has extensive planning history. Relevant applications are identified below.

- 3.2. 22 March 2018. 2018/00640/PA. Temporary planning permission granted for the use of existing closed car park as car parking for use by Bournville College for a temporary period of 2 years (until 23 March 2020).
- 3.3. 19 March 2015. 2014/09425/PA. Outline planning permission granted with all matters reserved for future consideration for the erection of up to 10,040 sqm offices (B1), access, parking, landscaping and associated development infrastructure. Never implemented and now expired.
- 3.4. 21 January 2015. 2014/07124/PA. Temporary planning permission granted for the creation of a temporary car park for 209 parking bays for a period of 18 months until 31 December 2015.
- 3.5. 7 August 2014. 2013/09229/PA. Planning permission granted for Retail and service development (A1, A3 and A5) comprising 14,832sqm (GEA) anchor store, retail units of 4,383sqm (GEA), restaurant/takeaway pavilion building of 589sqm (GEA), erection of multi storey car park of 1216 spaces and surface level car park of 500 spaces, access, landscaping and associated works.
- 3.6. 21 June 2012. 2012/02283/PA. Planning permission granted for Recreational park including alterations to river alignment, new bridge, pedestrian cycle bridge, footpaths, hard & soft landscaping and associated river & drainage infrastructure works.
- 3.7. 22 May 2012. 2012/00901/PA. Planning permission granted for a minor material amendment to previous planning approval 2011/00773/PA to include the removal of residential development from the proposal and their replacement with B1a offices, creation of 101sq.m of additional retail floor space and variation of Condition 6 relating to the approved plans.
- 3.8. 9 September 2011. 2011/00773/PA. Planning permission granted for Mixed use development comprising new superstore, shops (A1), Financial and Professional (A2), Restaurants/Cafes (A3), Public Houses (A4) and Hot Food Takeaways (A5), Offices (B1a), 40 residential apartments, hotel, new public park, associated parking and service infrastructure and new highway access from Longbridge Lane and Lickey Road.
- 3.9. 17 April 2009. 2008/06456/PA. Planning permission granted for Development of a college facility (Class D1), with associated landscaping, parking and access arrangements.
4. Consultation/PP Responses
 - 4.1. Local residents, Ward Councillors, former MP and resident associations notified. Site and press notice posted. No response received.
 - 4.2. Network Rail – No objection. There is some Network Rail land to the south of the proposal area which may lead to permission being required relating to excavation works, drainage, piling, risk assessments etc.
 - 4.3. Severn Trent Water – No objection subject to a drainage safeguarding condition.
 - 4.4. Lead Local Flood Authority – No objection subject to sustainable drainage conditions.

- 4.5. Environment Agency – No objection subject to a condition requesting the prior submission of a hydraulic flood risk model.
- 4.6. Transportation – No objection subject to safeguarding conditions relating to vehicle charging and covered cycle storage.
- 4.7. Regulatory Services – No objection subject to safeguarding conditions relating to contaminated land and noise from plant and machinery.
- 4.8. West Midlands Police – No objection. With regards to lighting, the perimeter of the building, the car park, access paths and cycle storage should offer good a uniformity of light. Is the hit and miss fencing making up the bin store of non-combustible material and will the bin store be lockable to prevent unauthorised access? Entry to the building should be subject of controlled access and this should `be extended to the lifts and stairwells, limiting access to upper floors when it is not required. There are 125 parking spaces, has the applicant considered Parkmark? I note the external seating area and also the roof terrace. Seating/benches should be of robust construction that cannot be easily vandalized or moved to act as climbing aids. Access to the roof should be controlled and anti-suicide measures should be in place, ideally a 2 metre topping to prevent climbing and any furniture should be secured to the ground, away from the edge to prevent being used as a climbing aid. I would ask that the applicant considers that CCTV is installed to cover the car park, cycle storage area and bin store, the outdoor seating area and the perimeter of the building, including access and egress points and inside the building including reception, lobby area and all communal areas and stairwell and that the building is protected by a monitored alarm linked to an alarm receiving centre.

5. Policy Context

- 5.1. Birmingham Development Plan, Longbridge Area Action Plan, NPPF, NPPG, National Design Guide, Car Parking Guidelines SPD.

6. Planning Considerations

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

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

- 6.2. Very significant development and regeneration has already taken place at Longbridge. A new town centre has been delivered, comprising Bournville College, various retail developments including a Sainsbury's supermarket, Marks and Spencer and other retail uses, leisure uses, 3,240sq.m of B1a offices, and a new urban park of 0.99ha. North of Longbridge Lane is the now completed Technology

Park comprising three office buildings for use within the 'B' Use Class, a youth centre, Longbridge Park and Ride (now under construction as a much larger multi-storey car park) and Bournville Construction College. An Extra Care Village is located to the south west of the application site and further residential consents have been granted for other sites adjacent to the town centre on the former North works, which are currently under construction.

Principle

- 6.3. The site is located within the designated centre as defined in the Longbridge AAP and within the District Centre identified in the BDP. The site as shown on the AAP proposals map would be located on the town centre park however, the location of the park was moved to align with the river underneath the A38 and as such created this development plot that was not identified within the AAP. The application site has been laid out as a car park since 2015.
- 6.4. Policy LC1 of the Longbridge Area Action Plan (AAP) identifies that the local centre will be mixed use in nature and comprise up to 10,000sq.m of B1a Offices. This is reaffirmed in the later adopted Birmingham Development Plan which identifies in Policy GA10 that a maximum of 10,000sq.m of office would be provided within the District Centre. Policies TP21 and TP24 on Centres also identify that new development of retail, office, leisure and community facilities should be located within the preferred located of adopted centres.
- 6.5. Whilst I note that this proposal would see a further 7,241sq.m of B1a office provided to the existing 4,805sq.m B1a provision within the Centre, thereby exceeding the identified maximum floor space of 10,000sq.m within the centre, I do not consider that this would be of sufficient concern to warrant a refusal. The AAP was adopted in 2009 and whilst the policies within it were transposed into the later adopted BDP, no account was taken (aside from changes on retail provision) of changes that had occurred on the ground through planning permissions to the wider AAP allocations. These included only three of five plots within the Technology Park (part of the RIS) being utilised for employment (rather than education/leisure/youth uses) and land to the south of the centre (under AAP Policy EZ1) being utilised for housing and an extra care village rather than an employment zone for general and light industrial and warehousing uses (Use Class B1b and B1c, B2 and B8). As such, whilst the B1a office floor space proposed would exceed the 10,000sq.m allocation within the centre, overall significant changes from the AAP have already been implemented and overall, the proposal would comply with the aims and objectives of the NPPF, BDP and AAP in supporting the centre with a wider variety of uses and supported further employment uses.

Design

- 6.6. Paragraph 56 of the NPPF states that *"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."*
- 6.7. Policy PG3 of the BDP explains that *"All new development will be expected to demonstrate high design quality, contributing to a strong sense of place."* It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private

external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land. Saved Policies 3.14-3.14D in the Birmingham UDP, Places for Living SPG and Places for All SPG also give significant weight to achieving high quality design which recognises local character and distinctiveness.

- 6.8. The proposal seeks planning permission for a four storey office building that would enhance the commercial offering at Longbridge, provide adaptable work space, maximise south facing views and accessibility to Austin Park and provide an entrance orientated towards the wider Longbridge centre.
- 6.9. City Design considers that the height of the development as proposed would be in keeping with the general heights of the area and would be lower than the adjacent Bournville College. As such, the proposed development would not detrimentally impact upon the townscape of Longbridge. The layout of the building faces towards Austin Park, with the site boundary influencing the shape and form of the building. The layout of the scheme is considered a sustainable use of the application site designed to form a strong presence along the street. The openness and orientation of the entrance is also considered to be in a sensible and legible location.
- 6.10. The proposed building would have two parts/faces which, City Design consider help break up the elevational treatments with two varying fenestration approaches. The west and north elevations are generally more solid with less glazing and include strong vertical elements, whilst the east and south elevations include the main entrance. These elevations would be transparent providing a visual link to Austin Park and natural light. The proposed overhang would provide a canopy to the entrance with the proposed colonnade and brise-soleil providing interest, depth and articulation to the elevations.
- 6.11. City Design and Landscape Officers raise no objections to the proposed development in terms of scale, mass, design or landscape. Draft landscape plans illustrate that approximately 70 trees could be accommodated within and around the edge of the proposed car park. I concur with their conclusions and consider that the proposed development would be a welcome addition to the Longbridge Town Centre providing activity to this end of the park and College Street. As such, I consider the proposal to comply with policy in this respect and relevant safeguarding conditions are recommended below.

Highway Issues

- 6.12. Policy TP38 of the BDP identifies that a sustainable transport system will require, amongst others: improved choice including public transport, walking and cycling and ensuring that land use planning decisions support and promote sustainable travel.
- 6.13. The proposed development would be accessed via College Street which links to Longbridge Lane. 125 parking spaces are proposed (including 3 blue badge spaces). 48 bicycle parking spaces are proposed within the building along with space for a further 20 bicycles outside the building. The maximum required by the adopted Car Parking Guidelines SPD is 126 spaces whilst the draft Car Parking SPD would require approximately 121 spaces.
- 6.14. The application is supported by a transport assessment which identifies that the proposed development would generate an additional two vehicles every minute. The assessment also identifies that the site is located within the District Centre and is

within a 5 minute walking distance of Longbridge train station and a number of bus routes/cycle routes. Modelling of the network has also taken place to ensure that the proposed development can be accommodated within the existing network without modification.

- 6.15. I note that the proposal would remove a temporary car park currently used by Bournville College. The applicant has advised that the lease with the College for use of the site expires on 21 March 2020 and that the use was only granted for them whilst the College merged with City and South Birmingham Colleges. As such, the College would now revert back to wider car parking opportunities in the town centre, including the multi-storey car park, and public transport provision.
- 6.16. Transportation Officers agree with the modelling which the applicants have undertaken along with the conclusions that the transport assessment reaches. On this basis, they raise no objection to the proposed development subject to conditions relating to electric vehicle charging and cycle storage. I concur with their view and the relevant conditions requested are recommended below.

Drainage and Flood Risk

- 6.17. Policy TP3, of the BDP, states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6, of the BDP, states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a principle of the NPPF (paragraph 155) to take full account of flooding issues in decision making.
- 6.18. The River Rea is located 13m to the south of the Site and meanders through Austin Park. A recently installed culvert traverses through the Site that takes excess flow from the River Rea and around Austin Park. The river was previously wholly culverted beneath the former motor works factory buildings, during the redevelopment of the wider Longbridge site; the river was uncovered and now flows through Austin Park prior to re-joining the original culvert in Longbridge Lane. The majority of the Site, excluding the extreme north-west corner, is shown to be within a Zone 3 flood risk area (high probability of flooding), with a small section of the north-west lying within a Zone 2 (medium probability) and the rest within Zone 1 (low probability). As such, the site is located in a low risk area for river flooding.
- 6.19. The application is supported by a Flood Risk and Drainage Assessment which has been amended during the course of the application following comments from the Environment Agency and the Lead Local Flood Authority. The revised document identifies that despite the small risk of flooding, a flood event occurred on the 24 September 2019 which was due to a blocked trash screen from debris coming from the ongoing works to the River Rea upstream, combining with the heavy rainfall event. However, even during this rainfall/flood event, the application site did not flood and the water ran along the expected route. The proposal would see the finished floor levels of the proposed development set at 169.85m AOD (Above Ordnance Datum), which would be over one metre above the existing 100 year +20% flood level.
- 6.20. The assessment identifies that the drainage strategy proposed deals with both foul and surface water generated by the proposed development, with no surface water flooding occurring for storms up to and including the 1 in 100 year plus climate change event. Flow routing has been considered to ensure that in the event of a

blockage, existing adjacent landowners are not subject to an increased flood risk. Due to the compact nature of the site and land availability, storing water for re-use is not considered feasible with the underlying ground conditions suggesting that the use of infiltration SuDS would not be viable due to the previous site use. Following the order of priority within the drainage hierarchy, the next most appropriate receptor for storm water discharges is a watercourse or suitable water body subject to appropriate attenuation measures to ensure peak discharges are not increased. Consequently, all surface water would be discharged to the existing overflow river culvert north of the site. Prior to discharge, storage attenuation would need to be provided. The required amount of storage based on a 5l/s discharge rate and storm duration of 100Yr + 40% climate change event would be 350m³. This would be a cellular storage tank which would be a size of 20m x 14.5m x 1.2m deep. The drainage system would also incorporate a non-return valve before discharging. This would ensure that flood water from the oversized culverts would not surcharge back into the new underground drainage system for the development. Water treatment would need to be provided prior to discharge and a petrol interceptor and a silt management system have been proposed. As such, the assessment concludes that from a flood risk and drainage assessment, the proposed development is acceptable.

- 6.21. Both the Environment Agency (EA) and the Lead Local Flood Authority (LLFA) originally objected to the proposed development however following amendments to the assessment and drainage strategy along with ongoing discussion, both parties have subsequently removed their objection subject to safeguarding conditions relating to sustainable drainage and the prior submission of a hydraulic flood risk model being attached to any approval. I concur with this approach and the relevant conditions are recommended below.

Ground Contamination

- 6.22. The application is also supported by a ground investigation report. The report identifies that the application site was remediated between 2008 and 2009. The remediation comprised turnover of the Site to 2.5m below existing ground level or natural strata whichever was first encountered, removal of obstructions to 2.5m begl, backfill of excavations to an engineering specification; the delineation, treatment and validation of contaminant hotspots in soils within the 2.5m turnover depth, ex situ treatment of petroleum hydrocarbon contaminated soils and groundwater remediation including the delineation and active recovery of free phase hydrocarbon product. A post-remediation ground investigation was undertaken in April 2019 to confirm ground conditions. Exploratory boreholes and trial pits, with chemical sampling and gas monitoring, was undertaken to confirm the current site conditions.
- 6.23. Six rounds of ground gas monitoring have been completed at ten locations. Based on the information gathered from the ground gas monitoring, measured carbon dioxide concentrations were below the limit of detection (<0.1%). Methane concentrations ranged from <0.1% to 3.9% v/v. A maximum flow rate of 4.5l/hr was recorded within WS503. Based on a worst-case flow rate of 4.5l/hr and a methane concentration of 3.9% v/v, a Gas Screening Value (GSV) of 0.175 was calculated. This value corresponds to Characteristic Situation 2 in accordance with CIRIA C665.
- 6.24. A total of 29no soil samples were collected from within the Site during the 2019 ground investigation; 28no samples were collected from within the Made Ground and 1no within the underlying natural deposits. All samples were tested for heavy metals, phenols, polycyclic aromatic hydrocarbons (PAH), total petroleum hydrocarbons (TPH), sulphate and asbestos. Ten samples were also tested for

volatile organic compounds (VOCs) and semi volatile organic compounds (SVOCs). The samples collected were assessed against S4ULs values for a commercial end use; no exceedances of threshold values were identified within the samples tested. Asbestos was identified within 15no of the 29no samples, mainly as loose fibres of chrysotile or amosite. Quantification analysis identified concentrations of between <0.001% and 0.005%; twelve of the fifteen samples contained asbestos below the limit of detection. One piece of asbestos containing material (ACM) was found to contain 1.61% asbestos bound in a cement matrix; when the soil sample was retested without visible ACM, it was found to contain <0.001%).

- 6.25. The majority of the Site is underlain by bedrock of the Chester Formation. The extreme eastern region of the Site may be underlain by bedrock of the Mercia Mudstone Group. The report notes that there may be the presence of superficial geology of Alluvium across the northern edge of the Site, assumed to be associated with the original alignment of the River Rea and that peat deposits may also be present. River Terrace Deposits are not shown to be present within the site boundary but may also be associated with the River Rea.
- 6.26. Regulatory Services have reviewed the submitted ground investigation report and have raised no objections to the proposed development. The document identifies that remedial measures are required and include a soil cover layer in all proposed landscaped areas and the installation of ground gas protection measures. As no specific details of the proposed remedial measures or a verification plan are submitted as part of the application, safeguarding conditions are sought. I concur with this view and the relevant safeguarding conditions are recommended below.

Sustainability

- 6.27. Policies TP3 and TP4 of the BDP address sustainable construction, energy generation and low carbon initiatives. TP3 states that “new development should be designed and constructed in ways to which will :
- Maximise energy efficiency and the use of low carbon energy,
 - Conserve water and reduce flood risk,
 - Consider the type and source of the materials used,
 - Minimise waste and maximise recycling during construction and operation,
 - Be flexible and adaptable to future occupier needs and
 - Incorporate measures to enhance biodiversity value”.
- Policy TP4 identifies that new developments will be expected to incorporate the provision of low and zero carbon forms of energy generation or connect into existing low and zero carbon energy generation networks where they exist.
- 6.28. The proposed development would meet the BREEAM Very Good standard. The supporting energy statement identifies that the use of passive design strategies have been integrated to help reduce energy consumption. The design takes advantage of the uninterrupted southern and eastern aspects, where the use of floor to ceiling glazing has been used to maximise natural light into the building. A horizontal brise soleil and splayed soffit and setting back of the façade to increase solar shading have been utilised to prevent excessive solar gain during the summer and reduce reliance on active heating and lighting during winter. The proportion of glazing to the north and west elevations would help reduce heat loss through the building fabric.
- 6.29. The supporting statement also identifies that the proposed building would exceed the requirements of Building Regulations as the U-values for floors, walls, roofs and

windows would surpass the Part L figures, with air tightness and use of LED high-efficiency zoned and sensed lighting systems being utilised. The building would also benefit from a heat recovery ventilation system; zoning of mechanical ventilation systems; use of low energy motors, variable speed pumps and fans and sub-metering.

- 6.30. The building is also located in a very sustainable location for public transport services and incorporates a large cycle storage facility within the building with accompanying lockers and showers. The building would also provide flexible space for its occupiers. I note that the building would not be connected to a combined heat and power facility however, this has previously been investigated for the redevelopment of Longbridge as a whole and was deemed as not being viable.
- 6.31. On the basis of the above, I consider that the proposal is sustainable and complies with the requirements of policies TP3 and TP4 of the BDP.

Other Issues

- 6.32. I note the comments raised by West Midlands Police and relevant conditions relating to CCTV, lighting and boundary details are recommended below. I have discussed the issue of guard railing to the roof with the applicant and architect, who have confirmed that the proposed building would have a parapet height of 1250mm above finished floor level around the entire roof level, which is above the minimum height of 1100mm required. As such, guard railing is not required.
- 6.33. I also note the comments received from Network Rail, who raises no objection, however the issues raised sit outside of planning remit.
- 6.34. The proposed development is not located within a CIL charging area and does not attract a CIL contribution.

7. Conclusion

- 7.1. The proposal is located within the District Centre boundary which supports the provision of B1a offices within the Centre under both the Longbridge Area Action Plan (AAP) and Policy GA10 of the BDP. Whilst the proposal would exceed the maximum B1a floor space threshold within the AAP, I do not consider that given the extensive changes that have occurred at Longbridge, many of which did not accord directly with policy, this would be sufficient to warrant a refusal of planning permission. The proposed development would provide continued investment along with local employment. As such, I consider this proposal to be acceptable.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide significant economic benefits, would continue to provide further local employment and knock-on social benefits and would not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

- 8.1. That planning permission is granted subject to the conditions listed below.

1	Requires the scheme to be in accordance with the listed approved plans
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- 2 Requires the agreed mobility access to be maintained
 - 3 Requires the prior submission of a contamination remediation scheme
 - 4 Requires the submission of a contaminated land verification report
 - 5 Requires the submission of unexpected contamination details if found
 - 6 Requires submission of hydraulic model
 - 7 Requires the prior submission of a sustainable drainage scheme
 - 8 Requires the prior submission of a drainage scheme
 - 9 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 10 Limits the noise levels for Plant and Machinery
 - 11 Requires the submission of hard and/or soft landscape details
 - 12 Requires the submission of boundary treatment details
 - 13 Requires the submission of a landscape management plan
 - 14 Requires the submission of a lighting scheme
 - 15 Requires the prior submission of a construction method statement/management plan
 - 16 Requires the submission of sample materials
 - 17 Requires the submission of a CCTV and alarm scheme
 - 18 Requires the submission of bin store and sub-station details
 - 19 Removes PD rights for telecom equipment
 - 20 Requires the provision of cycle parking prior to occupation
 - 21 Requires the provision of a vehicle charging point
 - 22 Implement within 3 years (Full)
-

Case Officer: Pam Brennan

Photo(s)

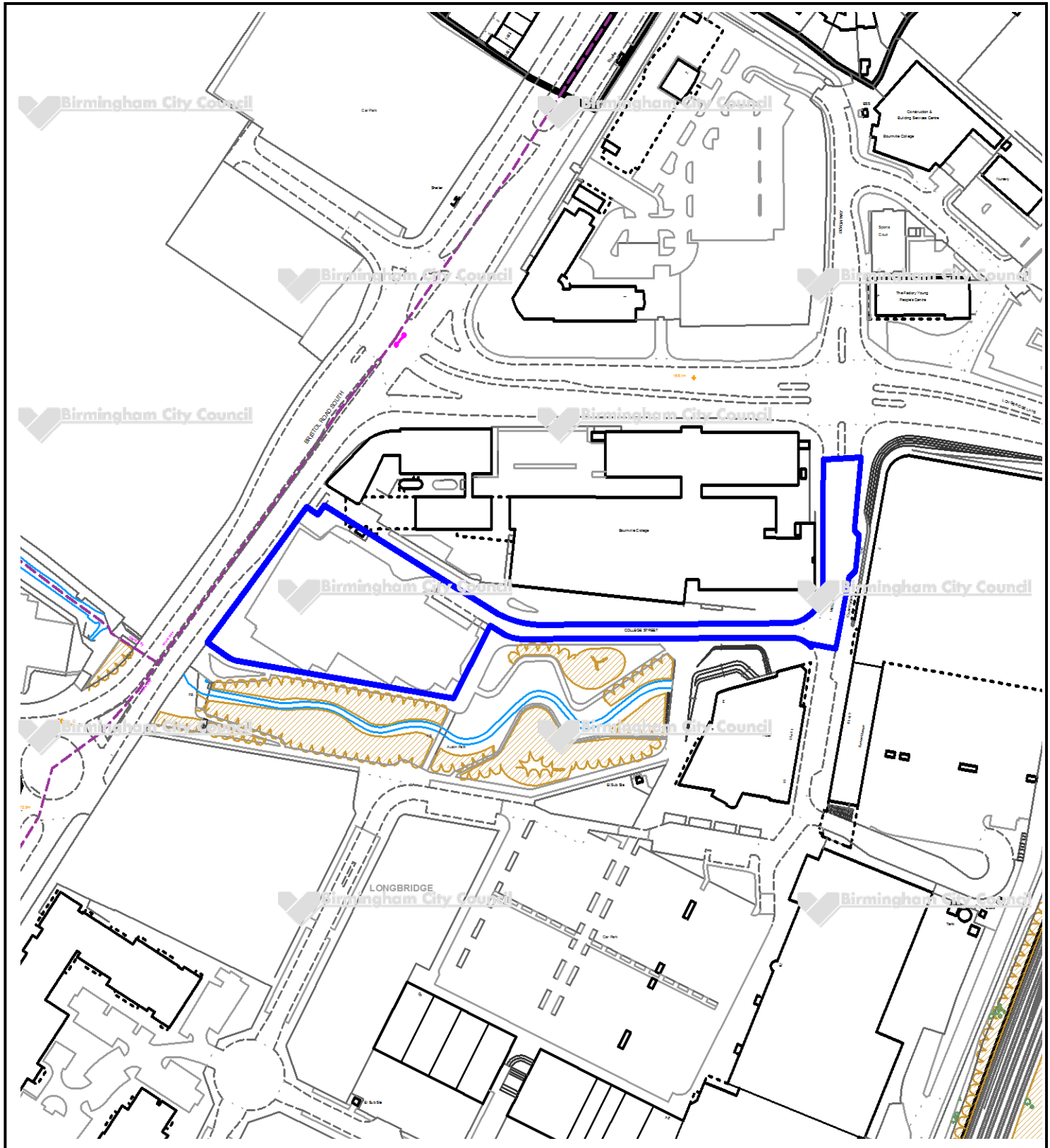


Photograph 1: View of existing car park site looking west



Photograph 2: View of application site looking south

Location Plan



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Birmingham City Council

Planning Committee

27 February 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	14	2019/03186/PA 51-61 Price Street Gun Quarter Birmingham B4 6JZ Outline planning application for demolition of existing buildings (apart from Gunsmith House), conversion of retained building and erection of new three-five storey buildings to provide up to 69 apartments with associated access, car parking and landscaping

Committee Date:	27/02/2020	Application Number:	2019/03186/PA
Accepted:	04/06/2019	Application Type:	Outline
Target Date:	14/04/2020		
Ward:	Newtown		

51-61 Price Street, Gun Quarter, Birmingham, B4 6JZ

Outline planning application for demolition of existing buildings (apart from Gunsmith House), conversion of retained building and erection of new three-five storey buildings to provide up to 69 apartments with associated access, car parking and landscaping

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1 This application seeks outline consent to redevelop a site currently occupied by a range of small businesses premises fronting Price Street within the Gun Quarter. It proposes to demolish all the existing buildings, apart from the locally listed Gunsmith House at No 51-54 Price Street and to redevelop the site for housing. In addition to the principle of redevelopment approval is also sought at this outline stage for scale, layout and access with the detailed appearance and landscaping being reserved for future determination.
- 1.2 The buildings proposed for demolition comprise a mix of small workshops (B1c) one to three storey high and storage units (B8) which front Price Street and occupy narrow plots which extend back from the street frontage. They range from traditional late 19th - early 20th century brick buildings on the eastern half of the site to a group of six small industrial units known as Partridge Court which occupy the western half of the site, and date from the early 1980's.



Figure 1: Plan showing buildings proposed for demolition in blue

- 1.3 These existing building would be replaced with 4-5 storey buildings fronting Price Street with two wings and a detached block to the rear having heights of 3-5 storeys

and are referred to as A, B and C on the site layout. Gunsmith House would be retained and converted into 3 apartments one on each floor. The layouts provided shows 69 apartments and duplex units with the mix being 34 x 1 bed units (49%) and 35 x 2 bed (51%). The apartment sizes would range from 49-52 sq.m for a one bed unit, 55-60 sq.m for a one bed duplex unit and 70–104 sq.m for a two bed unit. Following negotiations the applicant has agreed to the on-site provision of 15% (about 10 apartments) for low cost home ownership.

- 1.4 New building A is shown located at the western end of the site and would be 4 storeys high fronting Price Street with a wing of 4 storeys at the rear dropping down to 3 storeys on the boundary with the Comet Works. The rear wing would be dual aspect and face an existing courtyard on the neighbouring development to the west and face a new landscaped amenity area to the east. Due to the difference in levels part of the ground floor would have a partial basement used to accommodate plant and storage.



Figure 2: Plan showing proposed site layout and access

- 1.5 Building B is shown located on the street frontage between Building A and the retained Gunsmith House and would also have a wing to the rear. It would have five floors but part of the rear wing, would appear as 4 storeys at courtyard level on the west side due to the difference in site levels. Where the rear wing is 5 storeys it is proposed that the ground floor be used to provide 8 out of 10 residents parking spaces proposed. Building C would be a standalone block located in the site's north eastern corner to the rear of Gunsmith House and be 3 storeys in height

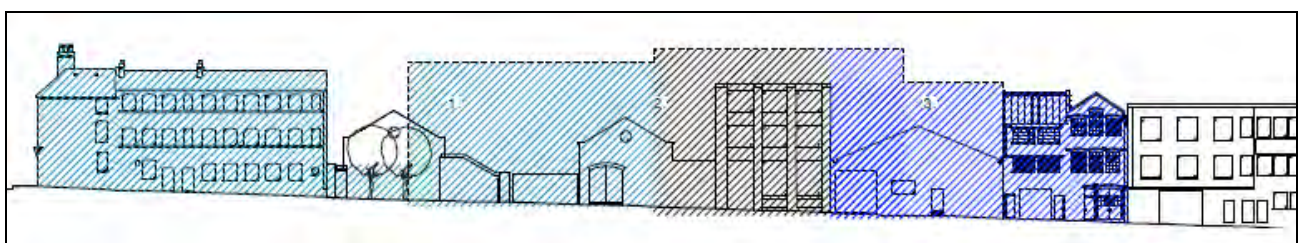


Figure 3: Existing and proposed building heights to Price Street

- 1.5 Although detailed design is reserved for subsequent consideration the illustrative street elevations and sections provided show the new buildings would have flat roofs and the duplex units would front the street. Gunsmith House would be refurbished including the replacement of the existing roller shutter with gates and additional glazing added to the ground floor openings facing Price Street.
- 1.6 Vehicular access to the new development is proposed via the existing access which runs under Gunsmith House. It would serve a parking area with 10 spaces, cycle storage and a refuse storage area. The application also proposes a new parking area to the west of Building A, with 11 spaces using the existing access from Loveday Street. These spaces are to be provided for the sole use of the adjoining retail and workshop units at No's 61-63 Price Street and No's 44A-49 Loveday Street which are also owned by the applicant.
- 1.7 The application is supported by a Heritage, Design and Access Statement, Planning Statement, Noise Report, Bat Inspection, Viability Assessment, SuDS Assessment, Transport Statement and Site Investigation. The Viability Assessment includes an offer of £78,400 towards public realm improvements.
- 1.8 [Link to Document](#)
- 2 Site & Surroundings
- 2.1 The site which has an area of 0.32 ha lies on the north side of Price Street. It is currently, occupied by a mix of single, two and three storey workshops several of which are occupied by gun makers involved in making various components for sporting guns. On the eastern half of the site is a range of traditional workshop type buildings which occupy most of the plot including the locally listed, Grade C, Gunsmith House which fronts the street. The western half of the site is occupied by Partridge Court a small light industrial estate with six units occupied by several small businesses which are arranged around a car parking courtyard. There is a difference in levels of about 2.4 meters across the site frontage.
- 2.2 Immediately to the west of the application site is a three storey range of traditional 3 storey workshops at 63 Price Street with wings to the rear arranged around a landscaped courtyard. These are locally listed grade B. Between these buildings and Partridge Court is a small landscaped area on the Price Street frontage with two well established trees. Attached to these locally listed buildings is a further terrace of late 18th Century three storey red brick single bay houses some with shops at no's 44A – 47 Loveday Street which are Grade II listed. These listed buildings are also arranged around an enclosed courtyard and on their north side is parking area accessed from Loveday Street. These buildings are also owned by the applicant and used as retail and workshop space for gun makers and are referred to in the supporting documents as the “New Buildings”.
- 2.3 The eastern boundary of the site adjoins Mayfair House a former three storey office that was converted to 18 apartments in 2008 and has parking area to the rear. The northern boundary adjoins a number of commercial buildings which front Princip Street. These include the Comet Works at no's 44-47 Princip Street which include a Grade II listed and locally listed building and have recently been altered and extended to provide 18 apartments. Adjacent to this and adjoining the eastern end of the application site is no's 48-52 Princip Street currently used as a warehouse and showroom but recently gained planning permission for a 3-4 storey development of 26 apartments and a retail unit under ref 2018/06374/PA.

- 2.4 There are other low rise industrial /warehouse buildings in the immediate vicinity and opposite the site frontage is a vacant plot used for car parking. Beyond this adjacent to Lancaster Circus a large high rise student development is under construction.
- 2.5 There are several other historic buildings nearby including The Bull Public House and adjoining corner house on Loveday Street/Price Street which are both grade II listed. No's 92-101 Bath Street is also Grade II listed and No 90 Lancaster Street which also has a frontage to Price Street is locally listed Grade B.
- 2.6 [Site Location](#)
- 3 [Planning History](#)
- 3.1 25/10/99 - 1999/01494/PA - Planning permission granted for part demolition and part change of use of Gunsmith House to provide servicing and parking for warehouse use.
- 3.2 22/4/82 - 05827008 – Planning permission granted for erection of six single storey workshops and associated parking and servicing, refurbishment of existing workshops and new access from Price Street
- 4 [Consultation/PP Responses](#)
- 4.1 Transportation - No objection subject to conditions requiring reinstatement of redundant footway crossings and provision of the cycle and car parking spaces prior to occupation.
- 4.2 Regulatory Services – No objection subject to a further noise assessment/detailed mitigation design being provided at the reserved matters stage and other conditions being imposed to require a construction method statement/management plan, lighting scheme, contamination remediation scheme and verification report and provision of vehicle charging points.
- 4.3 Lead Local Flood Authority – No objection subject to conditions requiring a detailed Sustainable Drainage Assessment and a Sustainable Drainage Operation and Maintenance Plan.
- 4.4 Local Services – No objections but as the application is for over 20 dwellings request a contribution of £140,400 for off-site provision in accordance with BDP policy for improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at St Georges Park, Tower Street Recreation Ground and Newtown POS within the Newtown Ward.
- 4.5 West Midlands Fire Service – Development would need to comply with national guidance for water supplies for firefighting and approval of Building Control will be required to Part B of the Building Regulations 2010.
- 4.6 Severn Trent Water – No objection subject to a drainage condition being imposed for the disposal of foul and surface water flows. Also comment that there may be a public sewer located within the application site which may not be built close to, directly over or be diverted without their consent.
- 4.7 West Midlands Police – No objection but has the following comments:-
- Recommend the development be built to the principles adopted in the Police Crime Reduction Initiative 'Secured by Design'.

- Pleased to see that this site offers car parking spaces.
 - Notes that cycle storage and additional cycles lockers are proposed that could also double up as general storage for the personal use for specific residents
 - Requests that all access/egress should be subject of access control with separate entrances provided for vehicles and pedestrians.
 - Supports the separate post-room for mail and parcels, as this prevents the need for delivery drivers/postal workers to access the whole
 - Asks whether there will be a site management and maintenance plan
 - Recommend CCTV is installed to cover entrance/egress, lifts and stairwells, car parking, cycle/bin storage and any shared amenity space.
- 4.8 Ward Councillors, MP, residents associations, local residents and businesses, notified of the application and site/press notices displayed. One letter received which supports the proposals and considers that the addition of the residential apartments will be beneficial for the area and enliven it after business hours. Hopes this will encourage use of the “New Building” retail units. Requests that efforts be made to keep the tree and planting on Price Street as it adds to the streetscape and softens it significantly. Also supports the planting within the internal courtyards and questions whether access to the cycle storage would be impeded by the parked cars.

5 Policy Context

- 5.1 Birmingham Development Plan 2017, Big City Plan, City Centre Canal Corridor Development Framework 2002, Places for Living SPG; Car Parking Guidelines SPD; Public Open Space in New Residential Development SPD; Loss of Industrial Land to Alternative Uses SPD, Affordable Housing SPG 2001 and National Planning Policy Framework 2019.

6. Planning Considerations

6.1 **Land Use Policy**

- 6.2 Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Birmingham Development Plan (BDP) sets out a number of objectives for the City until 2031 including the need to make provision for a significant increase in population. Policy PG1 quantifies this as the provision of 51,000 additional homes within the built up area of the City which should demonstrate high design quality, a strong sense of place, local distinctiveness and that creates a safe and attractive environments. Policy GA1 promotes the City Centre as the focus for a growing population and states that residential development will be continued to be supported where it provides well designed high quality environments.
- 6.3 The Birmingham Development Plan (BDP) identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. The site is within the Gun Quarter where the aim is to maintain the area’s important employment role but also to complement this with a mix of uses around the canal and improved connections to neighbouring areas.
- 6.4 The historic part of the Gun Quarter including the application site is covered by the City Centre Canal Corridor Development Framework which was prepared in 2002. It

seeks to realise the full potential of the canal corridor as a focus for regeneration and positive development. It states that the remnants of Birmingham's historic gun making trade are to be found in a few premises in the area including Loveday Street. It seeks to support existing industrial uses but also encourages a mixture of refurbishment, conversion, careful infilling and selective redevelopment where opportunities arise. It notes the Gun Quarter retains much of its fine urban grain with many small workshops and states that these represent an important opportunity, should existing operations cease, to introduce new uses which could include new housing, which respects the historic street pattern and enhances the environmental quality of the area.

- 6.5 The redevelopment of the site therefore offers an opportunity to contribute to the transformation of this part of the city and deliver additional housing on a brown field site close to the City Centre core. This process is already underway in Princip Street to the north of the site where the former Comet Works has been converted to apartments. Planning permission has also recently been granted for No's 37-38 Princip Street to be converted to residential units and for a residential redevelopment scheme at no's 48-52 Princip Street.
- 6.6 The site is currently being used as predominantly as workshop space and Policy TP20 of the BDP relating to the protection of employment land therefore needs to be considered. It states that as employment land and premises are a valuable resource to the Birmingham economy they will be protected. There is however recognition that within the City Centre a more flexible approach towards changes of use from industrial to residential may be required to support regeneration initiatives. Proposals involving the loss of industrial land may therefore be supported, where they lie in areas which have been identified in other planning policy documents approved by Birmingham City Council, as having potential for alternative uses.
- 6.7 The site is covered by the Canal Corridor Development Framework which encourages a wider mix of uses in the Princip Street area and the BDP also promotes the City Centre as the focus for new residential development. The Big City Plan also identifies the Gun Quarter as an area of opportunity with its central focus as a location for employment generating activities, but also with a greater mix of uses utilising its strong street grid pattern and remaining historic character. The site is therefore considered to be suitable for residential development and would provide an opportunity to regenerate this underused brown field site and add to the mix of uses in the area.
- 6.8 With regard to the existing businesses the agent states that there are currently 4 gun makers operating on the application site who are skilled craftsmen who benefit from being co-located with other gun makers. The remaining units are predominantly used for storage and B1(c) purposes. A number of other gun makers and gunsmiths also occupy some of the units within the 'New Buildings' located immediately to the west of the site also owned by the applicant. It is proposed to relocate the existing gun makers to the 'New Buildings' if planning permission is granted so that their skills are retained in the locality. The area can therefore continue to benefit from the skilled cluster of tradesmen that currently exists and the strong historical link to the City and Gun Quarter. They further advise that the New Buildings, which are listed, have been well maintained and offer suitable accommodation to accommodate the relocated tenants. It is also intended that the sale of the application site will enable the continued investment in maintaining the New Buildings, thereby helping to preserve and conserve this important heritage asset.

6.9 Demolition

- 6.10 The redevelopment of the application site will require the demolition of the existing workshop and storage units on the site none of which are listed or in a conservation area apart from Gunsmith House which is locally listed and would be retained. The buildings proposed for demolition are of various ages with the older ones dating from the late 19th to early 20th century having been adapted and altered over the years as function and need dictated. They are now outdated, some are in a poor structural condition and they have limited use due to their age and poor access. The industrial units in Partridge Court are more recent dating from about 1982 but have no architectural merit being constructed from steel frames with asbestos roofs and faced with brickwork. No objection is therefore raised to the demolition proposed.
- 6.11 The existing buildings have been inspected to assess whether they have been used by bats. Although they were found to display a low or negligible potential for bat roosts potential, the Council's ecologist has requested a dusk emergence or dawn return survey is carried out prior to demolition or refurbishment. Conditions are recommended to require this.

6.12 Layout and Scale

- 6.13 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. The revised NPPF in Para 124 states that good design is a key aspect of sustainable development and creates better places to live and work. Planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character including the surrounding built environment.
- 6.14 Although the design of the buildings is not under consideration the application seeks approval of the layout and scale. The proposal locates development fronting Price Street with two wings (Buildings A and B) and a detached Block (Building C) building at the rear. The separation distance between the rear blocks would vary between 9.9 and 16.7 metres which is considered to sufficient to avoid overlooking or overshadowing between blocks.
- 6.15 The Conservation Officer comments that the plan form and layout of the development introduces a back-of-pavement line to Price Street which is characteristic historically of this area and is acceptable as is the separation between locally listed 63 Price Street and Block A. The rear blocks A & B run north/south and are also well aligned and take account of the existing heritage assets and development to the rear at the Comet Works as well as the approved development at 48-52 Princip Street. The siting of the standalone Block C to the north east corner of the site being detached from the rear of Gunsmith House is also considered to be acceptable as is the refurbishment and conversion of Gunsmith House.
- 6.16 Comments have been received regarding the benefits of retaining the two trees on the street frontage adjacent to No 63. The submitted plans indicate that only one of these trees would be retained although the layout would incorporate a further 620 sq.m of landscaped courtyard spaces. Although one of the trees is indicated as being retained it would be very close to proposed Building A. In addition the submitted details state a new palisade fence will be installed atop a retaining wall along the boundary between the "New Buildings" and new development to ensure the security of the of the gun makers buildings. This would appear to be within the crown spread

of the retained tree. This type of security fencing would be unacceptable as a number of the apartments on Building A would face this boundary treatment and alternatives have been requested. However due to the need for a secure boundary and the position of Building A the landscape/tree officers consider that in the circumstances it would be better to lose both trees and provide replacement tree planting within the courtyards and conditions are therefore recommended requiring a revised boundary treatment and replacement tree planting.

- 6.17 In terms of scale the existing buildings on the Price Street frontage have 3 storeys of accommodation although both they have higher pitched roofs. The proposals are for the new buildings on this frontage to be 4 and 5 storeys with the higher 5 storey section being in the middle of the frontage so that the 4 storey elements are adjacent to the 3 storey locally listed buildings. This is considered to provide an acceptable scale of development and the conservation officer confirms that due to the topography of the street the proposed height of the buildings fronting Price Street can be accommodated visually. Proposed building C at the rear of the site would be 3 storeys in height which would be in keeping with the scale of neighbouring properties.
- 6.18 Proposed Building A would however be 3-4 storeys high and Building B is shown as 4-5 storeys which the conservation officer considers to be too high and as rear blocks were typically lower in height and scale than the front blocks and historically showed some subservience. She considers the massing of the rear blocks is too large and they would dominate the heritage assets to the rear and cause harm to their setting. She requests that rear blocks A & B be narrower, preferably four separate, thinner blocks rather than two large blocks to better reflect the historic characteristics of the area.
- 6.19 Whilst the comments of the Conservation Officer are noted the site is not in a Conservation Area and the Gun Quarter generally has more industrial sheds on single floorplates. The buildings proposed are more reflective of the type found in area including the new and proposed buildings adjacent to the site where the rear wings are the same height as the frontage elements. In this location there is no policy requirement to re-create a historic form or pattern of development although regard has to be had to the scale and form of neighbouring development to ensure it is in keeping and does not harm the setting and significance of the adjacent heritage assets.
- 6.20 In this regard, site sections have been provided showing the relationship of the development to the adjacent 2 and 3 storey buildings within the Comet Works scheme at the rear of the site. The proposed rear wings have been aligned with neighbouring development including the 4 storey apartments approved at No's 48-52 Princip Street. The immediately adjacent apartments have no windows in their end elevations on the boundary and the proposed height of the end section of Block A has been reduced to 3 storeys which would align with the parapet/roof level of the Comet Works scheme.
- 6.21 There is also a 2 storey former Mill Building within the Comet Works development which is located approximately 7.5 metres from the boundary and has windows in the gable end facing towards the site. It is at a lower level than the application site and currently faces a brick retaining wall with palisade fencing above and the side wall of an existing workshop unit. The rear wing of building B would be 5 storeys high but had been set back 5 metres from the boundary and aligned an angle to the Mill Building to reduce any overbearing impact. Although the proposed rear wings are dual aspect this arrangement allows greater separation distances to be provided between blocks and a more efficient layout.

- 6.22 Overall the proposals would result in slightly taller buildings at 3-5 storeys on the application site but it provides a transition from the lower Princip Street scale of development and the far greater building heights under construction on Vesey Street and Lancaster Street nearby. Where the proposed development adjoins Mayfair House on the eastern boundary the relationship with Gunmakers House would be as existing, although an external fire escape at the rear would be removed. Building C which is proposed to the rear of Gunsmith House would adjoin an existing car park area and no windows are indicated as being on the rear elevation to avoid any overlooking

6.23 Dwelling Mix

- 6.24 BDP policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhood and seeks high density schemes in the city centre. The overall mix indicated would provide 34 x 1 bed units (49%) and 35 x 2 bed (51%) and the units sizes indicated would comply with the nationally described space standards and show the majority of the 1 bed apartments would be 50 sq.m or above and the 2 bed would be 70 sq.m demonstrating that acceptable dwelling sizes can be provided. The applicant has agreed that 15% of the dwellings would be sold at a 25% discount on Market Value and based on the currently envisaged 69 units this equates to 10 one and two bed apartments. The final mix and detailed layouts would be secured at the reserved matters stage.
- 6.25 Regulatory Services have expressed some concerns about the impact of noise from nearby commercial/industrial sources on future residents but they note the general redevelopment taking place in the area for residential use. They request conditions to mitigate the noise impact from any neighbouring uses which are recommended.

6.26 Impact on Heritage Assets

- 6.27 Consideration needs to be given to the impact of the development on the setting of adjacent listed and locally listed buildings in the vicinity of the site. Any decisions where listed buildings and their settings are a factor are required to address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990) as well as the relevant policies in the development plan and the National Planning Policy Framework. The statutory test requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and clarifies setting as contributing to the significance of heritage assets, and how it can enable that significance to be appreciated.
- 6.28 The heritage assets adjacent to the site include the listed and locally listed "New Buildings" at 63 Price Street and No's 44a - 47 Loveday Street and the listed and locally listed buildings on the Comet Works site at 44 – 47 Princip Street. The impact of the scale of the proposed developments on these heritage assets are dealt with in paragraphs 6.17 - 6.21 above. In relation to the impact on the setting of the "New Buildings" buildings the applicants Heritage Statement comments that the proposals will not alter the buildings in any material way and they will continue to be used as a retail and manufacturing base for gun makers. The value of these building is within the external elevations and its place on the street scene and within the locality. It portrays the history of the area through their form, materiality and appearance. The proposed development will be visible within the setting of the buildings when viewed

from Price Street and through the driveway on Loveday Street. It would however be subservient as it sits behind the buildings and due to the topography of the area. The listed and locally listed buildings on the Comet Works site are primarily on the Princip Street frontage with the 3 storey building adjoining the site boundary being a recent addition and the existing boundary treatment between these sites is to be retained. Overall the development is not considered to cause harm to the significance of these Heritage Assets.

- 6.29 There are also several other historic buildings nearby including the Bull Public House and adjoining corner house on Loveday Street/Price Street, No's 92-101 Bath Street which are Grade II listed and No 90 Lancaster Street which has a frontage to Price Street and is locally listed Grade B. The value and significance of these buildings is their external elevations and location in the street scene. They also portray the history of the area within their form, materiality and appearance. Whilst the proposed development will be visible within the setting of the building when viewed from Price Street, Loveday Street and further afield it is not considered to cause any harm to the significance of these buildings because the elements of value are maintained.

6.30 Access and Parking

- 6.31 Access is for determination as part of this application and proposes to retain and use the existing cart way type access which runs under Gunsmith House for the development which would serve a parking area with 10 (14.5%) car spaces as well as cycle storage areas. The application also proposes to reconfigure the existing parking area that serve the "New Building" to the west of Building A to provide 11 spaces using the existing entrance onto Loveday Street. Transportation officers raise no objection to these proposals or parking provision as the site is in a highly accessible location. No objection is therefore raised to the development on highway grounds subject to suitable conditions.

6.32 Other Matters

- 6.33 The matters raised by West Midlands Police can be covered by conditions such as requiring a lighting scheme and CCTV but as the design is illustrative detailed design matters can be addressed at the reserved matters stage. So can the matter raised by a local resident regarding access to the cycle storage areas.

6.34 CIL and Section 106 Obligations

- 6.35 The proposed development does not attract a CIL contribution but given the number of proposed apartments the City Councils policies for Affordable Housing (which has a target of 35% provision) and Public Open Space in New Residential Development apply. The NPPF also states that at least 10% of homes should be available for affordable home ownership.
- 6.36 The applicant has submitted a viability statement which concludes that the development is not able to meet in full the affordable housing or off-site public open space requirements. This has been independently assessed by the City Council's consultants and an on-site provision of 15% affordable housing for low cost home ownership has been agreed. This would cover a mix of one and two bedroom units, to be sold at 25% discount on Market Value and based on the currently envisaged 69 units this equates to 10 affordable apartments. The final number of affordable units may be subject to change depending on the eventual number of apartments to be delivered although the percentage and discount would remain the same. This is

considered to be a fair and justifiable in these circumstances and to meet the necessity tests set out in the CIL regulations.

- 6.37 Requests have also been received for financial contributions towards off site public open space and the applicant has offered a contribution of £78,400 towards this. There is no public open space in the vicinity of the application site but Policy GA1.3 of the BDP, relating to the Gun Quarter seeks to improve its connections to neighbouring areas. It is therefore considered that the £78,400 offered would make a useful contribution to improving the public realm in the vicinity of the site and the applicants have no objection to the contribution being used for this purpose. This is considered to be a fair and justifiable and to meet the necessity tests set out in the CIL regulations.

7. Conclusion

- 7.1. The BDP encourages residential development in the City Centre where it provides well-designed high quality living environments and the City Centre Canal Corridor development framework SPD identifies this part of the Gun Quarter as a focus for regeneration and improvements. The proposed development would assist in this regeneration and provide further sustainable housing in the city centre and provides an opportunity to improve the character and appearance of the site.
- 7.2. The layout scale and access proposed are considered to be acceptable and although design and landscaping are reserved for subsequent determination it is considered that a suitable high quality development can be provided on the site and there would not be any unacceptable loss of amenity to neighbouring properties. There would also be no loss of significance to the heritage assets in the vicinity of the site or their setting. The application is therefore recommended for approval subject to securing the on-site low cost market dwellings and off-site contributions towards public realm improvements via legal agreements as below:-

8. Recommendation

- 8.1 That application 2019/03186/PA be APPROVED subject to the completion of a Section 106 legal agreement to secure:
- a) The on-site provision of 15% affordable housing for low cost home ownership as a proportionate mix of one and two bedroom units, to be sold at 25% discount on Market Value in perpetuity to qualifying purchasers.
 - b) The provision of £78,400 towards off site public realm improvements in the immediate area
 - c) Payment of a monitoring and administration fee associated with the legal agreement of £2,744
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 14 April 2020, planning permission be refused for the following reasons:
- 1. In the absence of a legal agreement to secure an onsite affordable housing, the proposal conflicts with Policy TP31 Affordable Housing of the Birmingham Development Plan 2017, the Affordable Housing SPG and the NPPF.

2. In the absence of a legal agreement to secure contributions towards off site public realm improvements the proposal conflicts with Policies GA1.3, PG3, TP39 and TP47 of the Birmingham Development Plan and the National Planning Policy Framework.

8.3 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

8.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by the 14 April 2020, planning permission for application 2019/03186/PA be APPROVED, subject to the conditions listed below:-

-
- 1 Requires the submission of reserved matter details following an outline approval
 - 2 Requires the submission of detailed internal layout plans
 - 3 Requires the access, scale and layout to be in accordance with the submitted plans.
 - 4 Requires the works to the locally listed building to be undertaken prior to first occupation of the development.
 - 5 Limits the number of dwellings to a maximum of 69 apartments
 - 6 Requires the prior submission of a contamination remediation scheme
 - 7 Requires the prior submission of an additional bat survey
 - 8 Requires the prior submission of a demolition and construction method statement/management plan
 - 9 Requires the submission of a contaminated land verification report
 - 10 Requires the prior submission of a sustainable drainage scheme
 - 11 Requires the submission prior to occupation of the properties of a Sustainable Drainage Drainage Operation and Maintenance Plan
 - 12 Requires the prior submission of level details
 - 13 Requires the submission of sample materials
 - 14 Requires the submission of sample brickwork
 - 15 Requires the submission of architectural details of windows.doors, gates and rainwater goods.
 - 16 Requires the submission of hard and/or soft landscape details
 - 17 Requires the replacement of any trees removed during construction.
 - 18 Requires the submission of boundary treatment details
 - 19 Requires the submission of a lighting scheme.
-

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- | | |
|----|---|
| 20 | Requires the submission of a CCTV scheme |
| 21 | Requires the submission of a scheme for ecological enhancement measures |
| 22 | Requires reinstatement of redundant footway crossings |
| 23 | Requires the submission of vehicle parking and turning details |
| 24 | Requires the provision of a vehicle charging points |
| 25 | Requires the submission of cycle storage details |
| 26 | Requires the submission of details of refuse storage |
| 27 | Secures noise and vibration levels for habitable rooms |
| 28 | Removes PD rights for installation on any roof top plant or equipment |
| 29 | Requires the scheme to be in accordance with the listed approved plans |
| 30 | Implement within 3 years (outline) |
-

Case Officer: Lesley Sheldrake

Photo(s)



Photo 1: Site frontage to Price Street



Photo 2: Access from Loveday Street Site and view of listed "New Building"



Photo 3: Buildings on Price Street to be demolished



Figure 4: Buildings in Partridge Court proposed for demolition

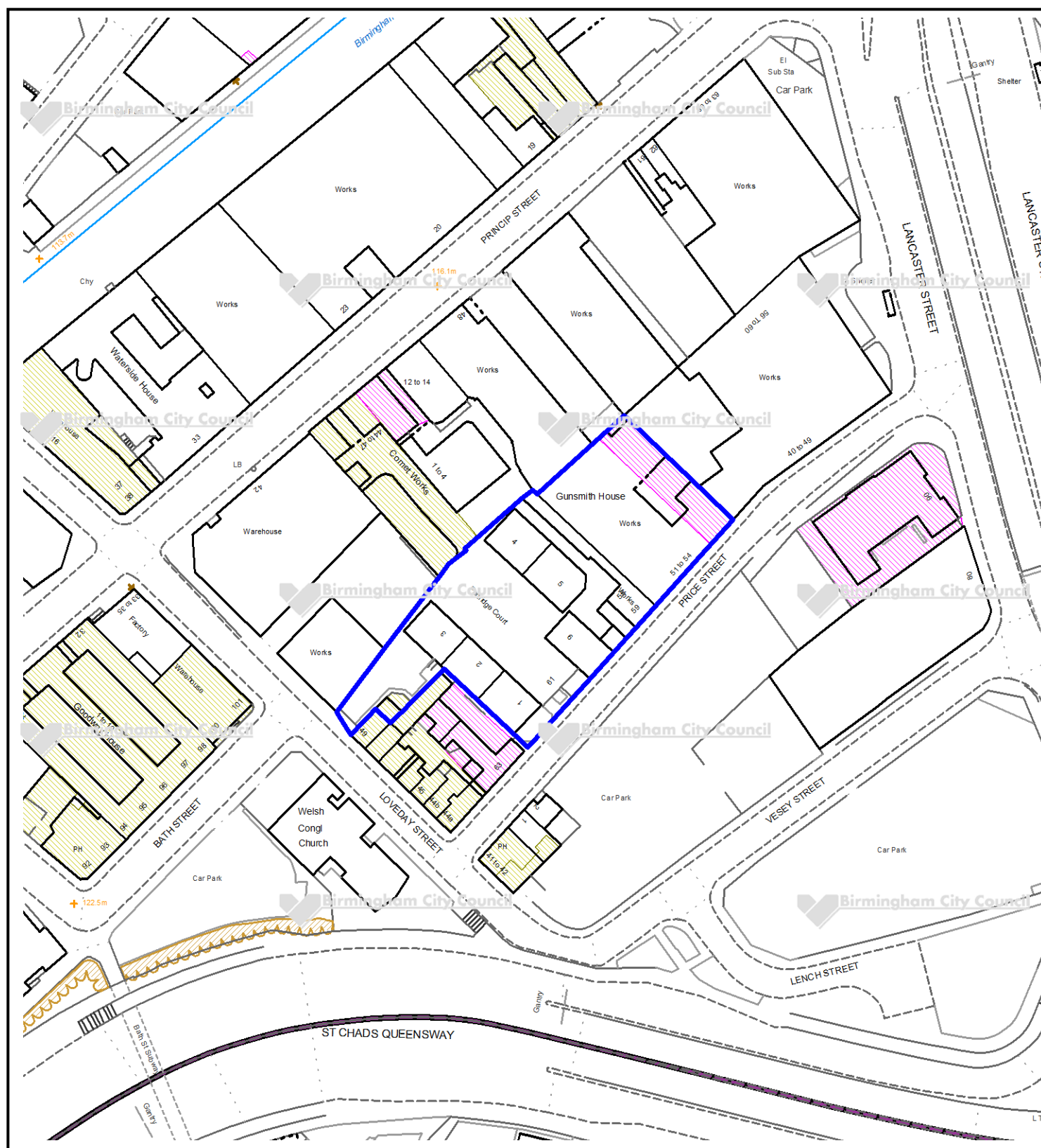


Photo 5: Gunsmith House proposed for retention and conversion



Figure 6: Rear boundary of the site with the Comet Works

Location Plan



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Birmingham City Council

Planning Committee

27 February 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	15	2019/08401/PA Tyseley Energy Park Phase 04 Hay Mills Birmingham B25 8DW Construction of industrial research space with a two storey office accommodation and associated car parking and landscaping.

Committee Date:	27/02/2020	Application Number:	2019/08401/pa
Accepted:	11/10/2019	Application Type:	Full Planning
Target Date:	10/01/2020		
Ward:	Tyseley & Hay Mills		

Tyseley Energy Park Phase 04, Hay Mills, Birmingham, B25 8DW

Construction of industrial research space with a two storey office accommodation and associated car parking and landscaping.

Recommendation

Approve subject to Conditions

1. Proposal

1.1. **Background**

- 1.2. This site is part of the Tyseley Environmental Enterprise District (TEED) and was established as an area for research and development into local energy and low carbon technologies. The site is part of the Tyseley Energy Park (TEP).
- 1.3. Originally part of the Webster and Horsfall site, the area was considered in context of what might be required and how the site could retain its historic context and relationship to the original factory, its mill pond with Hay Mills site.
- 1.4. The solution was to redefine the area as an energy park and re-evaluate the site and re-establish the existing businesses into one location, whilst providing a positive refurbishment and then to create a new access to open the remaining elements of the site to allow redevelopment.
- 1.5. Each phase is connected and links industrial uses to allow collaborative works for research and development into local energy and low carbon transport and technology. The aim is also to support business to encourage commercial activity into new energy technologies and upskill the local and wider workforce via apprenticeships and CPD.
- 1.6. This original concept and elements would not come forward in one go but in a phased format and would depend on the relocation of the original firm being amalgamated into the refurbished building (shown purple on plan over). This particular phase is now phase 4.
- 1.7. This application phase relates to the construction of The Tyseley Sustainable Energy Systems Research and Innovation Centre (TSESRIC). A purpose built industrial research space and innovation centre, combined with two storey office accommodation and associated car parking and landscaping areas.



Original TEP - Proposal site shown as Plot 2

- 1.8. The total proposed internal floor area of the centre will be 1240sqm. The majority of the accommodation is set over 3 floors, with the third floor allocated as Service plant space.
- 1.9. The ground floor will provide a large hangar space (734sqm), an entrance lobby with associated servicing/toilet facilities along with workshop spaces, meeting room and analytical labs with large breakout space.
- 1.10. Lift and stairs will provide access to the first floor and a large office and breakout space along with a smaller office and meeting rooms, along with associated toilet servicing facilities.
- 1.11. There are PV cells proposed on the roof of the research space building.
- 1.12. There are 34 parking spaces provided; 31 for vehicles and 3 disability spaces.
- 1.13. The proposal indicates that 30 part time staff will be employed at the site.
- 1.14. The application has been supported by a suite of plans and elevations together with:
 - Transport Assessment
 - Design/Planning Statement
 - Flood Risk Assessment

- Air Quality Statement
- Sustainability Statement
- Heritage and Archaeological Assessment

1.15. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is about 4km south east of Birmingham City Centre, within Tyseley. It covers 4.3ha and forms the southern part of the original wire and rope factory occupied by Webster and Horsfall Ltd and an associated company, Latch and Batchelor Ltd.
- 2.2. The original site comprised of several interconnecting sheds, subsidiary buildings and hard standings. It can be accessed via the Fordrough, Speedwell Road and from the main A45 when heading back towards the City from Heybarnes roundabout.
- 2.3. The site contains a private watercourse, 'the mill stream', which flows from the mill pond and runs north east towards and beneath St Cyprians Church before joining the River Cole. The topography for the majority of the site slopes gently downwards from south to north. The site is bounded by predominantly broadleaved woodland species such as sycamore, willow and ash.
- 2.4. The site is adjoined to the north by the remainder of the Webster and Horsfall / Latch and Bachelor site, including factory buildings, former workers housing on the Fordrough, a former schoolroom and the Grade II listed St Cyprian's Church, which are not directly affected by the redevelopment proposals.
- 2.5. Further to the north are industrial premises, a retail park fronting Heybarnes Circus roundabout and an ASDA supermarket. To the east, the site is adjoined by Kings Road Industrial Estate and residential properties fronting Speedwell Road. To the south is the Grand Union Canal, beyond which are further industrial premises. To the west, are the River Cole, the existing Tyseley Incinerator and A45 Coventry Road.
- 2.6. The site is located within the Tyseley Environmental Enterprise District.

2.7. [Site Location](#)

3. Planning History

Relevant History relating to the submission

- 3.1. 07.01.2010 – 2009/05541/PA - OUTLINE - site redevelopment for B1b (Research and Development), B2 and B8 uses- Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Transportation Development - No objection to the proposed development - Note that there is a "future development plot" within the red line – whilst details of this (future

plot) will no doubt progress to a formal submission for consideration, suggest a boundary detail condition is considered to ensure that adequate visibility is provided/protected for the currently proposed vehicle access.

- 4.2. Canal and River Trust - No significant visual impact. Site set well back from canal and separated by new development.
- 4.3. Environment Agency –Objection to original FRA. Revised FRA and modelling provided. Final comments awaited.
- 4.4. Regulatory services – Comments awaited.
- 4.5. West Mids Police – No objections.
- 4.6. LLFA - No objection subject to conditions to reflect FRA and SUD's drainage details.
- 4.7. Site notice and press notice posted. MPs, local councillors and neighbouring properties notified – No comments received.

5. Policy

- Birmingham Plan
- Saved Birmingham UDP Policies
- Places For All
- Car Parking SPD
- National Planning Policy Framework (NPPF 2019)

6. Planning Considerations

Principle

- 6.1. Members will be aware that the City holds a portfolio of employment land and premises split into different levels of quality and size as identified in policy TP17. This site is located within the Tyseley Environmental Enterprise District and in an area identified as a core employment area.
- 6.2. Policies TP19 and TP20 of the Birmingham Plan encourage the retention of employment uses within core employment areas. This application seeks an energy and technology and research and development (B1b uses) which will continue to positively support employment uses in this location which would be considered in accordance with policy TP19 of the Birmingham Plan

Design/Appearance

- 6.3. The project has been supported with a site analysis and scale and massing given the surrounding environs. The proposed building will be of a modern contemporary design with a distinct 'saw tooth' design to the roof slopes. The entrance space will be glazed. The lab works spaces will be separated by the internal core to the building before the opening into the large hangar storage space. The sloping roof design projecting over the office/lab space and over the hangar storage space.

- 6.4. The building will be a lightweight construction with 'sinusoidal' cladding panels in darker shades and contrast panels to define and articulate the building spaces and form.
- 6.5. City Design has commented on the proposed scheme and is supportive of the design, layout and appearance. Site analysis has been undertaken of the site and surrounding environs to inform the height of the proposed development to ensure that it continues to complement the wider area.

Access/parking

- 6.6. Access to the building is made from two main access points to the main car park and entrance to the building. One vehicular access is made from the A45 just off Heybarnes Circus from a westbound direction only. Speedwell Road will be the other access point; this access is suitable for all modes of transport including the primary entrance route for pedestrians.
- 6.7. Parking provision will be provided on the site which provides for 34 spaces, 3 of which would be suitable for people with disabilities.
- 6.8. Members will note that a full Transport Assessment (TA) has been provided to support the application. The development would result in no more than 40 vehicle movements during the day and the impact of this is considered acceptable subject to conditions to ensure satisfactory visibility into the site is achieved alongside the next phase of the redevelopment.
- 6.9. A proportion of the parking spaces will be suitable for electric vehicles and this may be adequately conditioned to ensure that EVCP's are provided across the scheme. This would ensure the development offers mixed and sustainable choice of means of travel. This may be further supplemented with a management/travel plan condition.
- 6.10. Transportation Development has commented on the TA and scheme and have raised no objection in principle to the works given the new access road was constructed to serve the wider outline site. Adequate parking levels have been provided in line with the adopted SPD and the provision of motorcycle and secure cycle storage will ensure the development continues to comply with policy TP44 of the Birmingham Plan. Conditions to secure these have been suggested in this instance and the Local Planning Authority considers this is a reasonable and acceptable approach.

Drainage/Flooding

- 6.11. The building is located within Flood Zones 2 and 3 and has an original mills stream which has potential to be at risk of flooding from the River Cole and its associated catchments. A Flood Risk Assessment has been provided and following objections raised by the EA, a revised FRA and modelling has been provided.
- 6.12. It is noted that this, being a previously developed site and contaminated surface, water drainage would need to be managed and retained on site to ensure a reduced flow rate into the surface water drainage system and/or river system. Comments have been received from the LLFA and they have raised no objections subject to the details provided and further conditions in relation to SUD's which is considered acceptable to ensure the development complies with policy TP6 of the Birmingham plan.

Impact on Heritage Assets/Archaeology

- 6.13. The site was originally part of the ecclesiastical parish of 'St Cyprian' forming part of the original Yardley Parish. Manufacturing has had a long history on the site dating back over 300 years with power from the River Cole, which was and formed part of Webster and Horsfall and Hay Mill.
- 6.14. The site itself has been fully cleared of buildings and levelled. The archaeological investigations have not raised any concerns in terms of any loss to archaeology and furthermore the distance of the proposal away from St Cyprian's and the original Horsfall Cottages ensure there is no detrimental impact on these heritage assets.
- 6.15. The Conservation officer is satisfied that there is no adverse impact to any archaeology or in fact to the setting of the heritage assets in the Fordrough (St Cyprian's and the Fordrough Cottages). This is due to the distance away from the development, therefore the LPA are satisfied that the development continues to comply with Policy TP12 of the Birmingham Plan.

Ecology/biodiversity/landscaping

- 6.16. The site has in effect been cleared of all development. In this instance, given this is a large site for redevelopment, the LPA would expect that a new development would play an important role in the improving the biodiversity and geodiversity of the site.
- 6.17. As such, a robust planting and landscape scheme would be required and measures to increase opportunities for biodiversity. This can be adequately conditioned and would include mature planting and a planting species rich mix, any grassed area being a RHS wild meadow mix along with the installation of bird and bat boxes.

Sustainability

- 6.18. Members will be aware of policies TP3 and TP4 of the Birmingham Plan which relates to low and zero carbon energy generation. Given the size of the site, the applicant would be expected to provide measures of low and zero carbon forms of energy generation. Whilst the applicant has not sought to provide a combined heat power generation/network (CHP), they have sought to address the sustainability of the development through consideration of how the building can achieve a BREEAM 'Very good' rating. This would be to incorporate energy efficiency measures to reduce the inherent energy demand and emissions from the building and to incorporate low and zero carbon technology solutions into the building design and functions and include the PV cells on the roof.
- 6.19. As members will be aware the development proposes a hangar style warehouse, specialist laboratory and writing space and plant area (top floor), some energy efficiencies can be achieved by an effective building form, orientation and design and proficient use of services.
- 6.20. Key achievements are proposed for the building and these will include thermal performance measures set out in Part I of Building Regulations and this includes natural daylight would be afforded to the building and solar reflectance to minimise summer solar gain. Other technologies include; low temperature flow and return hot water, hybrid heat recovery ventilation with automatic control strategy, zoning of mechanical ventilation systems, viable speed pumps and fans to promote lower costs, management of power use via sub metering and incorporated into the Building management systems and installation of PV cells.

- 6.21. In this instance, the LPA consider this is an acceptable approach and will help towards the goal of low or zero carbon technologies which are an aspiration for the City and would therefore comply with Policies TP3 and TP4 of the Birmingham plan.

Air Quality

- 6.22. The applicant has provided a detailed Air Quality Assessment as part of the application. In the assessment the applicant has provided an understanding of the current air quality situation and background supporting information as to current levels in regard to air quality. Following on from this the applicant has logically addressed the current and post development scenario including the construction phase of the development.
- 6.23. The City has declared that there the whole city is an Air Quality Management Area (AQMA). The report clearly indicates that the current site conditions do not currently exceed the respective air quality objectives.
- 6.24. Whilst there is an acknowledgement in respect to dust (low risk) and negligible risk to human health during the construction phase, this can be clearly mitigated /ameliorated through effective site management/practices as suggested.
- 6.25. Once the development is in place, the impacts are not considered to significantly impact on air quality. For these reasons the LPA consider the outcomes satisfactory, subject to safeguarding conditions.

7. Conclusion

- 7.1. The proposed development is an acceptable use of the land within the Tyseley TEED. The development can be adequately accessed and serviced and is considered acceptable in principle as originally approved for redevelopment in outline form. The form, layout, design and appearance of the building is considered acceptable. Furthermore the proposed development would have no detrimental impacts on the adjacent heritage assets.

8. Recommendation

Approve subject to conditions

-
- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of sample materials |
| 4 | Requires the submission of Architectural Details as required: |
| 5 | Requires the prior submission of a contamination remediation scheme |
| 6 | Requires the submission of a contaminated land verification report |
| 7 | Requires the prior submission of level details |
| 8 | Requires the submission of hard and/or soft landscape details |
-

-
- 9 Requires the submission of boundary treatment details
 - 10 Requires the submission of a lighting scheme
 - 11 Requires the submission of a landscape management plan
 - 12 Requires the prior submission of a construction method statement/management plan
 - 13 Requires the submission of a commercial travel plan
 - 14 Requires the submission of cycle storage details
 - 15 Requires the provision of a vehicle charging point
 - 16 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 17 The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment
 - 18 Requires a scheme for sustainable drainage
-

Case Officer: Sarah Willetts

Photo(s)



Figure 1 -View of wider site 9 Speedwell road to rear of building in view)



Figure 2 -View of wider site with incinerator to the rear

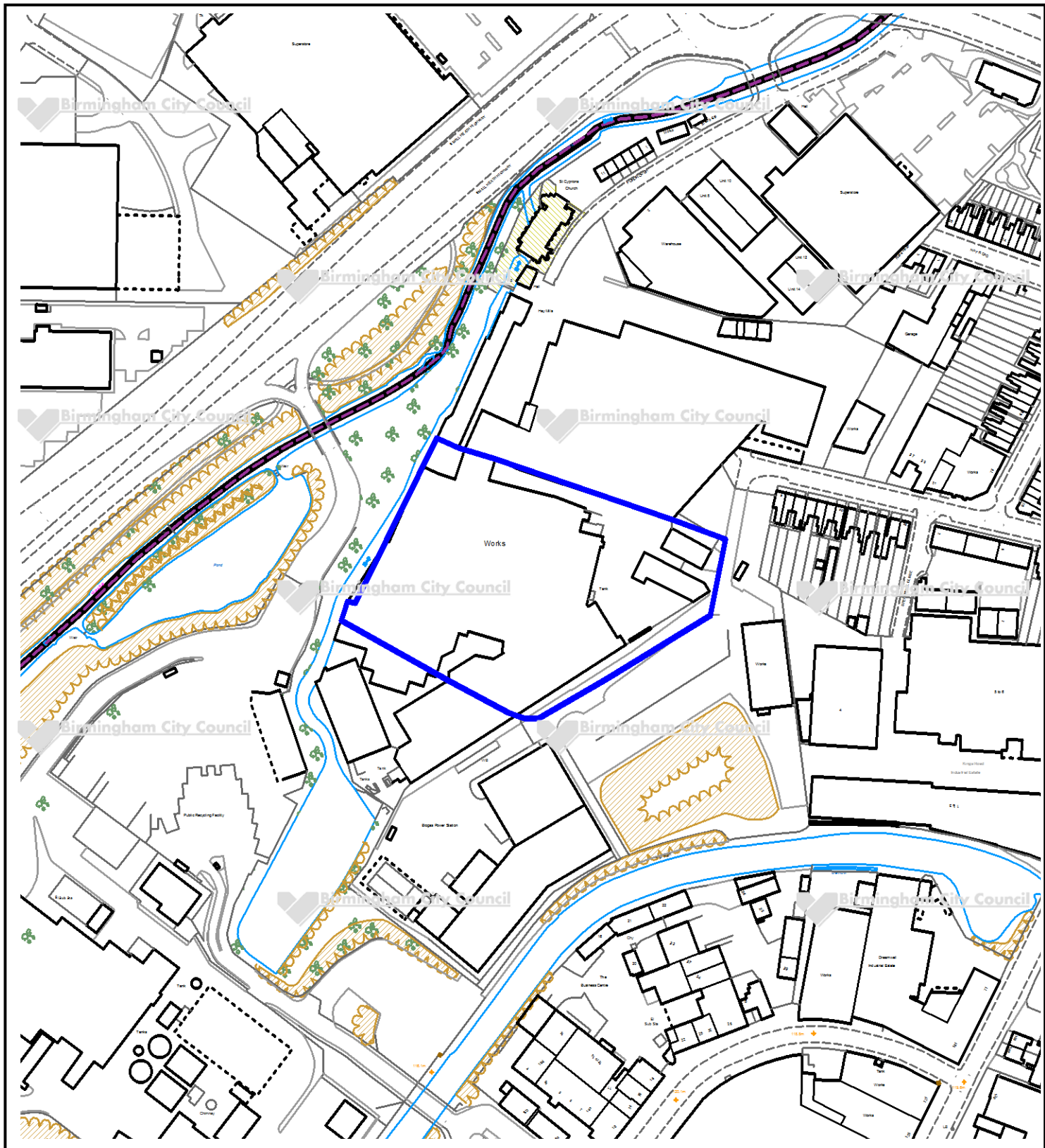


Figure 3 – View from the Fordrough (St Cyprian to the left) Source: Google



Figure 4 – View of new entrance from Speedwell Road Source: Google

Location Plan



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Birmingham City Council

Planning Committee

27 February 2020

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	16	2019/09194/PA Land adjacent 21 Kellett Road Nechells Birmingham B7 4NQ Erection of 10 dwellinghouses with associated landscaping and works
Approve - Conditions	17	2019/07375/PA Land on south side of junction of Sutton Oak Road and Chester Road North Sutton Coldfield Birmingham B73 6SR Proposed telecommunications upgrade to include installation of a Phase 7 monopole with wrapround cabinet at base and associated works
Determine	18	2019/02929/PA Wylde Green Public House site Birmingham Road Sutton Coldfield Birmingham B72 1DH Demolition of existing Wylde Green Public House and associated facilities and the erection of 57 no. extra-care apartments (Use Class C2) with communal facilities and associated parking provision.

Committee Date:	27/02/2020	Application Number:	2019/09194/PA
Accepted:	07/11/2019	Application Type:	Full Planning
Target Date:	28/02/2020		
Ward:	Nechells		

Land adjacent 21 Kellett Road, Nechells, Birmingham, B7 4NQ

Erection of 10 dwellinghouses with associated landscaping and works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application proposes the erection of 10 detached BMHT modular homes with associated landscaping and three parking spaces on land off Kellett Road, on the corner of Rupert Street and Nechells Parkway. As a BMHT scheme the proposal is for all 10 units to be affordable housing. Two different unit types are proposed on this development. Both are two bed, three person, dwellings. 8 are proposed with the majority of the windows in the end elevations of the buildings, the 2 dwellings on the Rupert Street end of the development will have their main elevations facing towards Rupert Street, overlooking the retained area of open space.
- 1.2. The houses will face Kellett Road, Rupert Street and Nechells Parkway with their rear elevations overlooking a shared internal courtyard area which will be enclosed with the buildings and a brick wall to create both private and shared amenity space for the residents. The private amenity spaces include areas for bin storage and a bike store for each dwelling. The shared amenity space has areas of hard and soft landscaping and a bin collection area on the outside edge. Part of the existing open space and trees will be retained and new trees planted. As noted above three parking spaces are proposed off Kellett Road and a new footpath is also to be created linking Kellett Road to Rupert Street.
- 1.3. All 10 dwellings will be two storeys in height and have a mono-pitched roof. They each include a living room with dining area, kitchen, WC and cloak/ plant room on the ground floor with one double bedroom, a single bedroom/ office, bathroom and store/ plant room on the first floor. The external materials would be brick slips in a red multi colour to the ground floor and copper coloured aluminium composite cladding to first floor and roof. The windows and doors would be aluminium double glazed units finished in black.
- 1.4. Modular homes are proposed to maximise the site. BMHT started the modular housing scheme on small garage sites, this has now been expanded onto other land which, in their opinion is "underused, a blight on neighbourhoods and a financial burden to the Council". The application has been submitted with the following supporting documents: Design and Access Statement, Open Space Assessment, Transport Statement, Travel Plan, Tree Survey and Flood Risk Assessment.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is 0.2ha which forms part of a larger area of open space. It is currently amenity grassland with scattered trees adjacent to an area of wooded open space (0.15ha). The land lies between Kellett Road, Rupert Street and Nechells Parkway in the Duddleston area. Kellett Road and Rupert Street are residential with two storey, red brick semi detached houses with pitched and hipped roofs. Further to the west are industrial units, the Middleway and the city centre. To the east and south of the site is Nechells Parkway with St Mathews school and St Vincent's Church opposite. Beyond these are mixed estate and tower block residential developments.

2.2. Site Location

3. Planning History

3.1. 1995/02154/PA - Demolition of existing multi-storey flats and construction of 83 dwelling-houses and 1 bungalow (Class C3) – Approved subject to conditions 6th February 1995

4. Consultation/PP Responses

4.1. Adjoining occupiers, local councillors and local MP notified as well as site and press notices displayed. 1 objection letter has been received raising the following concerns:

- Will result in loss of only green area left
- Need the grassed area for the children of Kellett Road
- No need for more houses

4.2. Transportation Development – Requested further information. Recommended a parking beat survey, amendments to the layout of the parking spaces, details of the service strip and footway on Rupert Street and confirmation from Waste Services that the bin collection point is acceptable.

4.3. LLFA – The LLFA have no objection to the proposed development as submitted subject to conditions to require a sustainable drainage scheme and management plan.

4.4. Severn Trent Water – No objections subject to a condition to require the details of the foul and surface water drainage for the site.

4.5. Regulatory Services – No objections, subject to conditions regarding contamination remediation, contamination verification and the submission of a noise and vibration assessment.

4.6. West Midland Police – No objections though raised concerns about the communal area and recommended increasing the private gardens.

4.7. West Midlands Fire Service – Provided standard advice in regard to fire fighting access.

5. Policy Context

5.1. The following policies are applicable:

- Birmingham Development Plan 2017
- Birmingham Unitary Development Plan (saved policies)
- Public Open Space in New Residential Development SPD
- Places for Living SPG
- Affordable Housing
- 45 Degree Code
- Car Parking Guidelines SPD
- National Planning Policy Framework 2019

6. Planning Considerations

6.1. The key issues are the principle of development on open space; the design and layout of the proposed scheme; the impact on the amenities of the existing residents and proposed residents; access, parking and highway matters; drainage; and the impact on ecology and trees.

Principle and loss of open space

- 6.2. The National Planning Framework (NPPF) supports sustainable economic development to deliver new homes and paragraph 62 highlights that residential development should reflect local demand and create mixed and balanced communities.
- 6.3. Policy TP27 of the BDP requires new housing to contribute to making sustainable places and Policy PG3 requires development to demonstrate high design quality to contribute to a sense of place. This is reiterated in the guidance provided in Places for Living and Places for All.
- 6.4. The site is set in a built up area which is predominantly residential, however it is currently open space. Both national and local policy seek to resist development on open space, within the city these areas are resources for people and wildlife. An Open Space Assessment has been submitted with the application to seek to justify the loss of the 0.2ha parcel of this larger area of open space.
- 6.5. The assessment notes that the application site and surrounding open space was created following the construction of Nechells Parkway and the redevelopment of the former tower block and industrial units. The space is amenity grassland and trees, it is irregular in shape and sloping. It does not have any formal play facilities, paths, benches or bins.
- 6.6. Within the wider context there are several other areas of amenity space, open space and recreation land. The assessment considers that these all have better facilities and are more usable spaces. These include the open space on Duddeston Manor Road, Bloomsbury Park and Barrack Street Park all of which are within 0.5km of Kellett Road. The open space provision within Nechells Ward is 2.03ha per 1,000 population. As such the provision exceeds the requirement within TP9 of the BDP for 2ha per 1,000.
- 6.7. As part of the development the scheme also proposes to enhance the areas of the site which are to be retained as open space by replanting some of the younger

trees, retaining the area with the mature trees and providing a path from Kellett Road to Rupert Street (and Nechells Parkway). The assessment concludes that the application site is open space which is surplus to requirements and that the development will improve the retained open space. As such the assessment considers that the development will comply with paragraph 97 of the NPPF and with TP9 of the BDP.

6.8. Furthermore, the scheme proposes new affordable housing which addresses local needs and my Policy advisor has also confirmed that the application site was identified in the strategic housing land availability assessment as a site available for housing development within the next 10 years.

6.9. Overall, although the development will result in the loss of open space, it has been proven that this parcel of land is surplus to requirements, there are better areas of open space within the local area and the development will provide housing and also improve the retained area of open space around the site. As such I consider that the principle of the development on this site is acceptable and complies with the national and local policies.

Design and layout

6.10. Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforce or create a positive sense of place and safe and attractive environments. Policy TP27 also has similar wording and seeks high design quality. The revised NPPF states that good design is a key aspect of sustainable development and creates better places to live and work but where proposed developments fail to take opportunities available for improving the character and quality of an area, they should be refused. Para 131 states that great weight should be given to innovative designs which promote high levels of sustainability or help raise the standard of design in the general area.

6.11. The proposed modular homes would have a bold contemporary design, utilising architectural features and modern materials that appear within innovative residential schemes. The surrounding housing is all of a similar age and design, however I consider that attempting to build houses which are of the same design as the surrounding on this site would not be appropriate. Although a development fronting Kellett Road could be designed the layout would not be the same as the existing estate and the overall number of houses built would be substantially less than what is proposed. Furthermore, such a layout would result in back garden fences onto the open space and wider area. Given that the loss of this parcel of open space is acceptable it is appropriate to make the most of the available land and the BMHT modular product provides this opportunity.

6.12. Three street drawings have been submitted with the application which show the proposed development in the context of the dwellings around the site. All three drawings; Nechells Parkway, Rupert Street and Kellett Road, show how the proposed housing will sit within the area. These drawings show that the new houses will be lower in height, therefore subservient to the surrounding built form. My City Design advisor considers that the contemporary appearance of the buildings complements the existing brick-built houses, creates a good level of visual interest and a sense of place.

6.13. In conclusion, although I acknowledge that the design of the BMHT modular houses is not the same as the surrounding houses this does not mean that the scheme is unacceptable. The proposal will not dominate the area or any street scene, the 10 houses will appear as a new group of properties within a wider context of mixed

housing and industrial development. The BMHT modular product is a high quality modern addition and this is an appropriate corner site. The materials chosen for this site, red brick and copper coloured cladding, are of a similar colour palette to the surrounding houses and as such would help to blend the new houses with the old ones.

Amenity (proposed and existing)

- 6.14. The site lies between existing residential dwellings on Kellett Road and Rupert Street. The houses on Rupert Street are all over 25m from the proposed dwellings and with secondary and non-habitable room windows facing towards the application site. Furthermore the road and retained open space lie in-between. As such the development will not have an impact on the amenities of the properties on Rupert Street.
- 6.15. 67 Kellett Road lies opposite plot 1 with the road separating them. These dwellings will sit approximately 16m apart from each other but due to the layout of the existing estate and the proposed dwellings all of the windows are at an angle to each other. The nearest windows are 17m apart and although this is a shortfall in the guidelines set out within Places for Living (21m between facing windows) the angles reduce the opportunity for direct overlooking.
- 6.16. 21 Kellett Road lies to the side of Plot 1 with its gable end facing over the site and a window, which appears to serve a landing. The new house proposed on plot 1 will be over 5m from this window and also at a lower height. As such the proposed development will protect the right to light for this existing property. 66 Heneage Street is the next closest with its rear elevation 15m from the proposed dwelling on plot 10. However, the side elevation of plot 10 will not have any habitable room windows facing towards this existing dwelling.
- 6.17. Overall the 10 dwellings proposed on this site will not cause unacceptable impacts on the amenities of the neighbouring residential properties.
- 6.18. With regard to the amenities of the future residents of the site the proposed houses have a floorspace of 70sqm (35sqm per floor) and internally provide 2 bedrooms, bathroom, living room, kitchen and storage. The bedrooms are 14sqm and 9.2sqm and therefore both the total floorspace and the bedrooms all meet the National Space Standards and provide adequate internal space for the future occupiers.
- 6.19. Each dwelling is provided with a small, defensible, area to the front and a small patio to the rear (which includes an area to store bins and bikes). Both areas are enclosed with low (900mm) railings to provide a space which is clearly privately owned whilst also retaining an open feel to the frontage and also to the shared courtyard. The courtyard is between the two rows of new houses and will provide an area of approximately 268sqm of hard and soft landscaping. This area is intended as private but shared amenity space for the residents of the new houses. It is enclosed by the proposed houses, the fence to the rear of the properties on Heneage Street and a brick wall.
- 6.20. The “gardens” for each dwelling are small with most having approximately 13sqm at the rear. These areas provide for external storage and drying clothes but are significantly below the recommended garden size for a family dwelling. However, with the shared courtyard area I consider that the lack of a garden for each house is not unacceptable and makes the best use of the site. The courtyard will be overlooked by the rear elevations of the new houses and provides space for play, relaxing and socialising. It will be managed and maintained by BMHT. On balance I

consider that the amenities of the future residents of this development will be provided for in the scheme as designed.

- 6.21. Regulatory Services have requested the submission of a noise and vibration assessment and consideration of the assessment in the design of the development. Due to the close proximity of Nechells Parkway I consider that this is reasonable and any adjustments required of the assessment can be made to the fabric of the building.

Access, parking and highway impact

- 6.22. A single point of access is proposed off Kellett Road to serve three parking spaces. Initially these were drawn parallel with Rupert Street, however, following advice from Transportation Development they have been turned so as to sit directly off Kellett Road. For 10 dwellings 3 parking spaces is 30% provision and Transportation Development have raised concerns that this will not provide for the residents and visitors, however the requirements of the Car Parking Guidelines SPD is a maximum of 2 spaces per dwelling. The SPD also allows for consideration of the size of the dwellings, the proximity of facilities, the availability of on-street parking and the availability of public transport.
- 6.23. A Transport Statement (TS) has been submitted with the application which seeks to justify the level of parking proposed. The TS notes that Kellett Road is a cul-de-sac with parking restrictions on both sides. However, the site is also within walking distance of a range of services and facilities, there are bus stops within 450m of the site and Duddeston train station is a 12 min walk. For this site and the proposed development (as BMHT modular homes) the TS predicts 6 vehicle trips per day which will not increase traffic on the highway to a noticeable level.
- 6.24. The submitted Travel Plan (TP) advises that, in the applicant's opinion, 3 parking spaces is sufficient for affordable housing in a location with good access to public transport and facilities within walking/ cycling distance. Limiting the level of car parking provided will encourage other means of travel and potential tenants will be made aware of the level of parking available (or not) before agreeing to take on the property. Furthermore, the TP recommends the provision of information packs to residents with details of public transport and local facilities. However, the TP also notes that there is on-street parking available in Kellett Road (outside of the hours restricted by the TRO).
- 6.25. Additional land could be provided for parking; however this would be at the detriment of the amount of open space retained around the proposed dwellings. The proposed dwellings are all two bed, three person units, the SPD sets maximum parking numbers, not minimums, and on street parking is available after the hours restricted in the TRO. The houses, and shared spaces, will be managed by BMHT and any issues or parking disrupting existing residents will be dealt with by BMHT.
- 6.26. As noted in section 4 above, Transportation Development have requested a parking beat survey to better understand the availability of on-street parking. I do not consider this is necessary for the scale of the development proposed. The TRO in the area restricts parking between 9am and 4pm and all of the existing houses on Kellett Road and Rupert Street have at least 1 off-street parking space each. The TRO is intended to prevent parking by people working in the wider area rather than for highway safety reasons. The TP has considered the availability of on-street parking.

- 6.27. Members are aware that these BMHT modular homes sites are constrained by their size and I consider that greater weight should be given to the provision of small houses. As such, although I note the concern of my Transportation Officer, I do not consider it is reasonable or appropriate to provide more parking within the site and that the level of parking proposed is both sufficient for the size of the dwellings and the area. Given the information provided in the submitted TS and TP and the availability of on-street parking outside the hours of the TRO I also consider that a parking beat survey is not necessary.
- 6.28. Each dwelling has space within the rear patio for storage of bins. An area is proposed on the outside edge of the courtyard wall for bins to be taken on collection day where the waste collection staff can then collect from one central point. The collection point is 26m from the furthest patio and approximately 32m from Kellett Road or 30m from Rupert Street.
- 6.29. Transportation Development also raised concerns that the distance between the highway and the bin collection point exceeds the recommended distance. BMHT have discussed this matter with Waste Services and submitted evidence to show that they have agreement from Waste Services to collect from this point. The other concerns raised by Transportation Development have also been overcome through the submission of amended plans. An updated response from Transportation Development is expected and will be reported to members at the committee meeting.

Drainage

- 6.30. The site is within flood zone 1. A Flood Risk Assessment (FRA) has been submitted with the application which notes that the existing site levels slope from 114.2m AOD to 116.14m AOD and that there are existing surface water and foul water drains within the immediate area. The FRA advises that the site is not at risk from any flooding sources and that surface water can be dealt with using two, below ground, infiltration tanks without increasing flood risk.
- 6.31. Both the LLFA and STW have responded with no objections and recommend conditions to require the details of the foul and surface water drainage to be submitted. The standard condition is appropriate in this regard and is recommended below.

Trees

- 6.32. An Arboricultural assessment has been carried out and submitted with the application due to the presence of a number of trees within and around the application site. None of the trees are protected through either Tree Preservation Orders or Conservation Area designation. The trees are a mix of ash, common lime, hornbeam, laburnum, London plane, Norway maple, silver birch, sycamore, whitebeam and wild cherry. There are five trees and four groups of trees. Of the five trees 2 are Category A (common lime and London plane), 2 are Category B (ash and common lime) and 1 is Category C (common lime). Of the four groups 2 are Category B and 2 are Category C.
- 6.33. The Category A and B trees in the southern section of the wider open space (the wooded area) are to be retained and fall outside of the application site. The Category C trees within the application site are mainly young species with lower value but the assessment notes that these could be translocated within the application site to the area of open space to be retained.

6.34. The layout proposed does allow for the retention of the higher value trees on site and the opportunity for replanting of the younger trees. In addition to this there is scope to plant new trees in the courtyard area of the new houses. The retained trees will be protected during the construction works with fencing and best practice principles including no-dig solutions for areas of car parking within root protection areas.

6.35. The Council Tree Officer initially raised concerns about the impact of the retaining wall on two trees. This has been resolved through negotiation and amended plans and the Tree Officer is now comfortable that the development will not detrimentally impact on the category A and B trees within the site.

S106 and CIL

6.36. All of the dwellings proposed on the site would be provided as affordable and as such the scheme is not liable to pay CIL.

7. Conclusion

7.1. The BMHT modular home is a product which is being successfully used to develop constrained sites with higher density, small, family houses which are affordable. It represents a step change in how smaller new homes can be delivered using high quality modular units built in a controlled factory environment. It is proposed to use the application site for the erection of ten modular homes.

7.2. The proposed development is in a highly sustainable location and can be adequately accessed and serviced. The proposal would deliver an innovative design which would provide a modern addition to the existing built environment on part of a wider area of open space which has been sufficiently justified as surplus to requirements. The retained open space will also be enhanced. The scheme will not have an adverse impact on the amenities of neighbouring residents or the retained trees and appropriate mitigation for ecology can be provided. Limited parking is proposed but this remains within the maximums required by adopted policy and, on balance, the provision of ten affordable houses is considered to outweigh the lack of parking. Accordingly the scheme complies with adopted policies in the BDP and UDP, the principles in the Council SPDs and the NPPF.

8. Recommendation

8.1. Approve subject to the following planning conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the submission of a contaminated land verification report |
| 4 | Secures noise and vibration levels for habitable rooms |
| 5 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 6 | Requires the submission of sample materials |
-

-
- 7 Requires the prior submission of level details
 - 8 Requires the hard and soft landscape details to be in accordance with the submitted plans
 - 9 Requires the implementation of tree protection
 - 10 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 11 Removes PD rights for new windows
 - 12 Removes PD rights for extensions
 - 13 Implement within 3 years (Full)
-

Case Officer: Karen Townend

Photo(s)

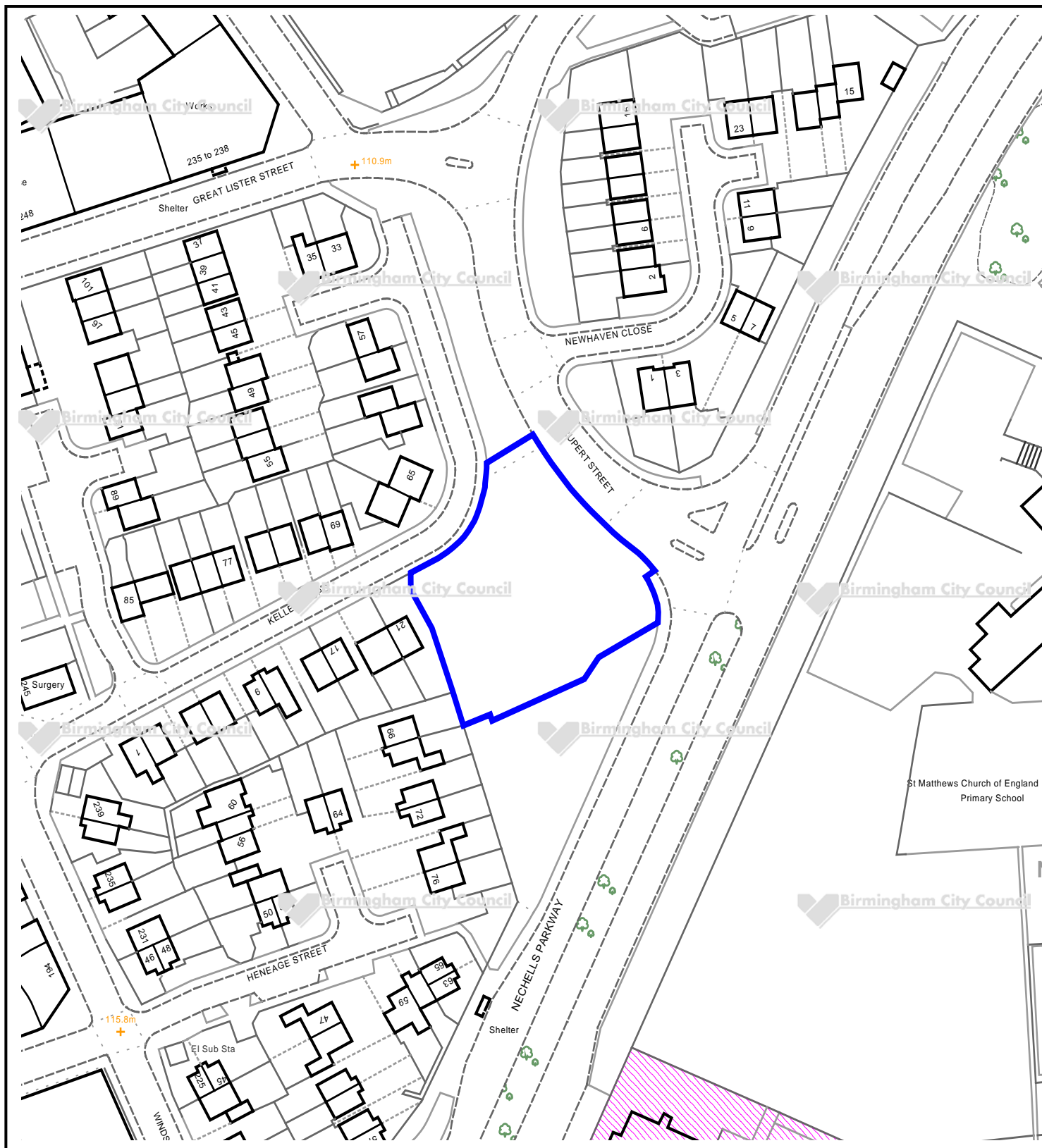


View towards Kellett Road



View between Rupert Street and Kellet Road

Location Plan



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Committee Date:	27/02/2020	Application Number:	2019/07375/PA
Accepted:	02/09/2019	Application Type:	Telecommunications Full PA
Target Date:	28/02/2020		
Ward:	Sutton Vesey		

Land on south side of junction of Sutton Oak Road and Chester Road North, Sutton Coldfield, Birmingham, B73 6SR

Proposed telecommunications upgrade to include installation of a Phase 7 monopole with wraparound cabinet at base and associated works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The proposal relates to the upgrade of existing telecommunications apparatus comprising the installation of a 20 metre high Phase 7 monopole with wrap around base cabinet to replace the existing 11.7 metre monopole on the site.
- 1.2. The proposed works have been put forward in order to facilitate an improved mobile signal in the area, including the provision of the new '5G' network. The site is currently shared by two operators (HG3 and EE) and the submission confirms that the Emergency Services Network also shares the EE network.
- 1.3. A Certificate confirming that the proposed equipment complies with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) has been submitted with the application.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises part of a grassed highway verge area on the south side of the junction of Sutton Oak Road and Chester Road North. The site is an existing telecommunications base which currently houses an 11.7 metre high monopole and 5 no. freestanding base cabinets.
- 2.2. The surrounding area is mixed, with residential properties to the west, northwest and southwest; commercial premises to the south and Sutton Park to the east. The area to the north of the site is essentially a road-scape, comprising the A452 / Chester Road North, which is dualled along this section with a grass verge in the centre.
- 2.3. The residential properties are predominantly two-storey detached and semi-detached dwellings set-back from the road behind front gardens. The commercial premises to the south comprise a GP's surgery directly adjacent to the site, beyond which is a pub / restaurant (Toby Carvery Streetly).
- 2.4. The site is situated within 30 metres of Sutton Park, which lies to the east of the site and is designated as a Grade 2 Registered Historic Park and Garden, a Site of

Special Scientific Interest and a National Nature Reserve. That part of the Park adjacent to the site is also designated as a Scheduled Ancient Monument (i.e. the Medieval Deer Park and other archaeological remains).

- 2.5. Directly to the south of the site is a pavement, beyond which is a high hedge that forms the northern boundary of the surgery site. There is a proliferation of street furniture in the vicinity, comprising street lights (10 metres high), a bus stop on the east side of Chester Road North (backing onto the Park), the existing base cabinets and various road signs and bollards etc.

2.6. [Site location](#)

3. [Planning History](#)

- 3.1. 1999/01934/PA – Erection of 10 metre high monopole in verge. No Prior Approval required. [This development also involved 2 base cabinets.]
- 3.2. 2012/05212/PA – Prior notification for the installation of 1 no. additional cabinet. Seen & noted by authority.
- 3.3. 2013/00053/PA – Prior notification for the installation an additional cabinet. Seen & noted by authority.
- 3.4. 2015/03221/PA – Prior notification for the installation of a replacement 11.7 metre high telecommunications mast and the installation of an additional equipment cabinet. No Prior Approval required.

4. [Consultation / PP Responses](#)

- 4.1. Ward Councillors, the local MP, the Banner's Gate Residents Association, SCRAM (Sutton Coldfield Residents Against Masts) and local residents were notified of the application and a site notice erected on the site.
- 4.2. 18 letters of representation were received from the occupiers of 10 local residential properties (including one from Ward Councillor Rob Pocock), which raise the issues outlined below. An email was also received from local MP Andrew Mitchell, who forwarded on comments received by him from local residents and requested that their concerns be considered in assessment of the application.

Visual impact

- The proposal is unsightly and will have a significant and detrimental impact on the visual amenities of the area.
- Existing cabinets and mast are an eyesore and the proposals are nearly double the height.
- Very prominent and open location which is unacceptable for a 20 metre high mast plus 9 cabinets.
- The proposal is for an industrial-scale facility (20 metre high mast and 12 cabinets) which is out of scale with the small plot and existing buildings and out of character with the area.
- The area is already cluttered with an excessive amount of street furniture as well as the existing mast and cabinets.

- The roof height of buildings in this location is less than 8 metres, therefore, a mast of 20 metres will be completely out of scale and character with the existing buildings and landscape of the area.
- The site is too small and over-developed and a new site should be found for the proposed development.
- The structure will be out of character with the size of houses and lamp posts and will have an adverse impact on visual amenities of the area.
- Proximity to and the adverse impact on views from residential properties.
- The 'Site Specific Supplementary Information' is incorrect stating that "the nearest property is located side on to the proposal and thus not directly overlooking it" whereas the front aspect of a whole row of residential homes directly overlook the mast and cabinets. The nearest residential property is 16 metres away and directly overlooks the proposed mast.

Impact on Sutton Park

- Nearby Sutton Park is a National Nature Reserve and Scheduled Ancient Monument, this further supports the case that the mast will be completely out of character with the landscape of the area. The remains of the old Roman Road (Ryknild Street) also lie within meters of the Park entrance near the site.
- It should be sited within Sutton Park screened from view, or on one of the numerous structures and buildings within the Park.
- Sutton Park is a breeding ground for vulnerable breeds of bats which include the noctule and the serotine bat, these animals rely on their sonar signals and a mast could be detrimental to them. It is also a breeding ground for kestrels.

Highway impacts

- No parking facilities for maintenance of the facility.
- The size and scale of the development will act as a dangerous distraction and road safety hazard for drivers at a very busy and awkward road junction. Accidents at the road junction occur at an alarming rate and further development can only exacerbate this problem.

Other issues

- The proposal is contrary to the Telecommunications Development Mobile Phone Infrastructure SPD.
- Untruths put forward by 3, EE, MBNL and WHP Telecoms.
- Adverse impact on value of nearby properties.
- The site is an established site for telecommunications facilities but that was not achieved with consent but by using permitted development rights.
- The position and proposed upgrade of the mast is a violation of the Human Rights Act 1998 – "the Act states that I should not be made to live in fear or perceived fear. With the mast staring me in the face every time I look through a window or go to my front door I am certainly suffering psychologically and potentially physically as well. This is a clear violation of my human rights."
- The submitted documents dated 3 September 2019 have the wrong address, making it a possibility that inaccurate surveying of the site has been carried out and that other potential locations have not been adequately considered.

- 4.3. Transportation Development – No objection subject to a condition requiring the proposed hedge to be maintained so as not to infringe on visibility splays.

- 4.4. Regulatory Services – No objection.
- 4.5. Historic England – No objection.
- 4.6. Town Council – Objection. “Members strongly object to this proposal. Committee feel that increasing the length of the already 20 metres unit is excessive in mass and is not typically seen in a residential area and therefore is out of keeping with the surrounding area.”

5. Policy Context

- 5.1. Birmingham Development Plan 2017; saved policies of the Birmingham Unitary Development Plan 2005; Places for All SPG 2001; Telecommunications Development Mobile Phone Infrastructure SPD 2008; and National Planning Policy Framework 2019.

6. Planning Considerations

- 6.1. The main issues for assessment are considered to be the principle of development; impact on the visual amenities of the area and the amenities of nearby residential properties; impact on heritage assets; and impact on the highway network.

Principle of development

- 6.2. Paragraph 112 of the National Planning Policy Framework 2019 (‘the NPPF’) recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and advises that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology. Paragraph 113 advises that “the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion”; that “use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged”; and that “where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate”.
- 6.3. Policy TP46 (Digital communications) of the Birmingham Development Plan 2017 (‘the BDP’) recognises that technology developments and access to digital services such as the internet are critical to Birmingham’s economic, environmental and social development.
- 6.4. The saved policies of the Birmingham Unitary Development Plan 2005 (‘the UDP’) and the Telecommunications Development Mobile Phone Infrastructure SPD 2008 (‘the Telecommunications SPD’) state that a modern and comprehensive telecommunications system is an essential element in the life of the local community and the economy of the City but that in assessing applications for such equipment, account will be taken of the impact of masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties. The SPD also provides guidance on the location of new facilities. As stated above, the application site is not a ‘new’ telecommunications site and is a material consideration in the assessment of the current application.

- 6.5. In considering whether the site is suitable for further telecommunications development the locational advice set out in the Telecommunications SPD is a material consideration. With regard to the 'more sensitive locations' listed in the SPD, the application site is not located close to a listed building, or within or close to a designated Conservation Area. In addition, whilst it is situated *adjacent* to some of the following, it is not located *within* a Registered Park and Garden, the Green Belt, a Site of Importance to Nature Conservation (SINCS), a Site of Local Importance for Nature Conservation (SLINCS), a Site of Special Scientific Interest (SSSI), or a Scheduled Ancient Monument / area containing archaeological remains. It is also not located within or adjacent to the grounds of an education institution; it is, however, potentially located adjacent to the grounds of a 'health institution', i.e. the GP's surgery (although it is noted that what constitutes a 'health institution' is not defined in the SPD). On this issue, the SPD states that "locations within or adjacent to the grounds of education or health institutions will only be acceptable where the applicant can demonstrate compliance with the precautionary approach adopted in PPG8...". The advice contained in PPG8 however, has since been withdrawn from use. With regard to potential impacts on public health however, the SPD itself states that "the Government does not believe that the planning system should determine health safeguards" and that "the Government considers that if a mobile phone base station meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure it should not be necessary for the LPA to consider further the health aspects and concerns about them" (page 15). This issue is also touched on at paragraph 116 of the NPPF, which states that "local planning authorities must determine applications on planning grounds only" and "should not ... set health safeguards different from the International Commission guidelines for public exposure". As stated above, the current application is accompanied by an ICNIRP compliance certificate and on this basis and taking into account the above guidance, the potential health impacts of the proposed equipment is not an issue for consideration.
- 6.6. With regard to 'residential areas and high quality open spaces', the Telecommunications SPD states that "areas that are predominantly residential can be very sensitive from the point of view of residents who may perceive the installation of telecommunications equipment to be a significant visual intrusion if they are close to and visible from within their homes or from their gardens"; that "residential areas should be avoided, particularly locations immediately in front of habitable room windows wherever possible"; that "where applications are submitted in such areas, the City Council will require them to be accompanied by evidence confirming that no reasonable alternatives exist"; and that "in all cases, equipment should be designed to minimise its impact on the visual amenity of the area".
- 6.7. Whilst it is noted that the submission itself considers that the area is residential in nature and that there are residential properties in the vicinity of the site, the context of the site, as outlined at paragraph 2.2 above, is not considered to be 'primarily residential'. In this respect, residential properties only exist on one side of the site, with other uses existing to the north, south and east. Furthermore, in terms of the proximity of residential properties, the closest dwelling (12 Sutton Oak Road) is situated approximately 38 metres away from the proposed pole, with others, to its north and south, being situated further away.
- 6.8. On the basis that the area is not 'predominantly residential', it is not considered strictly necessary to require the applicants to demonstrate that no other reasonable alternative site exists. However, the submission explains that due to the lack of high buildings in the area, which could otherwise have potentially accommodated the equipment at the height required, there are no sequentially preferable locations within

the defined site search area for the installation. The submission also points out that as the current proposal is for an upgrade of an existing facility, the most sequentially preferable option has been progressed.

- 6.9. The Telecommunications SPD advises that “unless a site is in one of the defined ‘more sensitive areas’ or in a residential area or area of high quality open space, it will be in an area where the installation of telecommunications equipment is more likely to be acceptable”. Of the ‘less sensitive locations’ listed in the SPD, the following are considered to apply to the application site – “existing ground based masts and sites specifically developed for telecommunications” and “large road intersections, particularly islands, where they can be located away from residential and education buildings”.
- 6.10. Taking into account all of the above, in particular, the existing use of the site and the locational guidance set out in the Telecommunications SPD, it is not considered that the proposed development is unacceptable in principle in the location proposed.

Visual and residential impact

- 6.11. Paragraph 113 of the NPPF advises that new telecommunications equipment should be sympathetically designed and camouflaged where appropriate.
- 6.12. Policy PG3 (Place making) of the BDP advises that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place, with new development reinforcing or creating a positive sense of place and local distinctiveness. The policy also states that new development should ensure that streets and public spaces are attractive, functional and inclusive.
- 6.13. The Telecommunications SPD states that when assessing applications for telecommunications equipment account will be taken of its impact on existing landscapes, buildings and the outlook from neighbouring properties. It also advises that ground-based masts should avoid open and street locations and make the most of existing screening and backdrops / be mitigated by landscaping. With specific regard to landscaping, it acknowledges that because of the heights of masts, it will not be possible to screen them completely but that landscaping and planting can make a significant contribution to reducing visual impact closer to the site by providing screening around the base station compound.
- 6.14. The site is situated in a street location that is generally open in character, comprising the junction of two main roads, including a wide section of road (dual carriageway) to the north of the site. Given the open aspect of the junction and the location of the site at the point at which the two roads converge, the site is particularly prominent when viewed from the north. The proposed pole is to replace the existing one on the site and is to be situated further to the east – i.e. closer to the Park / further away from the nearby dwellings. The proposed pole is larger in all respects than the existing one, the most notable increase being in its height. Photomontages have been submitted in support of the application.
- 6.15. The proposal would result in a more isolated and uncharacteristically high feature within the streetscape compared to the existing installation. However it is recognised that it has a relatively slender profile and within the context of a wide road junction containing a significant amount of existing street furniture (including lighting poles).
- 6.16. The two dwellings most affected by the proposals are 10 and 12 Sutton Oak Road, which are situated directly facing the proposed pole with their front elevations

approximately 38 metres away from it. Taking into account this distance and the increased width and height of the proposed pole, it is considered that the structure would appear more prominent than the existing installation when viewed from those properties, or from any of the other dwellings to their north and south, which are located further away from and would have a more oblique view of the pole.

- 6.17. The advice contained in paragraph 113 of the NPPF and Policy PG3 are noted, however, as stated above, it is not possible to place the antennae on an existing high structure in the area, or screen the pole in any meaningful way due to its sheer height and lack of high buildings in the locality. As stated in the submission, the pole design has been selected to minimise its visual impact and is put forward as the least visually intrusive option available.
- 6.18. In line with the advice in the Telecommunications SPD, the applicant was asked to provide a hedge around the base cabinets to help improve the visual amenities of the area. In this respect, revised plans have been received that indicate the provision of a hedge along the western boundary of the site and partially along its north and eastern sides. It is noted that it is not possible to provide a full wrap-around hedge due to the requirement to maintain visibility at the junction. To ensure that this hedge is delivered as part of the development a condition is proposed requiring full details of it to be submitted for approval prior to the commencement of development, for it to be installed within 1 month of the facility first coming into use and for it to be subsequently retained and maintained at a minimum height of 1.8 metres (the height of the tallest base cabinet).

Heritage impact

- 6.19. The site itself does not contain any heritage assets; however, it is situated close to and is therefore considered to be located within the setting of the Grade 2 Registered Historic Park and Garden of Sutton Park and the Medieval Deer Park within the Park, which is a Scheduled Ancient Monument.
- 6.20. Policy TP12 (Historic environment) of the BDP states that great weight will be given to the conservation of the City's heritage assets and that proposals for new development affecting a designated asset or its setting will be determined in accordance with national policy. The relevant national policy is set out at paragraphs 189 – 202 of the NPPF.
- 6.21. Historic England has assessed the proposals and has raised no objection in principle. In their comments, they note that where the mast would be visible in views out of Sutton Park and the Medieval Deer Park it could impact upon their settings but that given the nature of the assets and the size and shape of the proposed mast, such impact is unlikely to result in any notable harm to their overall significance. In noting that there will be some potential visual impact, they recommend that opportunities be taken to minimise this through the use of materials and colour and by ensuring that height and bulk are kept to the minimum required.
- 6.22. The Conservation Officer has also raised no objection to the proposals but recommends that more work be done to reduce the cluttered appearance of the cabinets around the base of the mast. In terms of impact on heritage assets, the Conservation Officer concludes that whilst the mast would be visible from within and thus have a harmful impact on the setting of Sutton Park, the level of harm would be very low and no more than numerous other features already located on the surrounding roads and urban area.

- 6.23. In summary, both Historic England and the Conservation Officer consider that whilst the proposal will result in some harm to the setting of nearby heritage assets, the level of harm will not be substantial. Officers concur with this view. Paragraph 196 states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”. In this instance, the low level of harm is considered to be outweighed by the public benefits of the proposals, which will deliver improved telecommunications infrastructure to the City, in accordance with the advice contained within the NPPF and in line with the objectives of Policy TP46 of the BDP.

Highway impact

- 6.24. Policy TP44 (Traffic and congestion management) of the BPD seeks to promote the efficient, effective and safe use of the existing transport network.
- 6.25. The comments of local residents on this issue (outlined at paragraph 4.2 above) are noted. However, Transportation Development have assessed the proposals and have raised no objection subject to a condition requiring the proposed hedge to be maintained so as not infringe the visibility splays shown on the proposed site plan. It is considered that such a condition is necessary and reasonable in order to maintain highway safety and is therefore proposed.
- 6.26. On the basis of the Transportation Development Officer's assessment, it is not considered that the proposal would have a demonstrable detrimental impact on highway safety.

Other issues

- 6.27. One of the letters of representation advises that Sutton Park is a breeding ground for kestrels and also for vulnerable breeds of bats that rely on sonar signals that could be affected by the proposals. The Council's Ecologist has reviewed the proposals and considers that despite its proximity to Sutton Park the site is unlikely to be a favourable commuting route for bats due to its location in the middle of a busy main road with high light levels, with bats being more likely to commute further up the road where there is a denser mix of trees leading to mature gardens. On this basis, the Ecologist concludes that bat signals in the area would not be adversely affected by the replacement pole. With regard to kestrels, again, it is not considered that they would be directly adversely affected by the proposed development.
- 6.28. The ‘untruths put forward by 3, EE, MBNL and WHP Telecoms’ are not specified, however, it is noted that other representation letters refer to the submitted ‘Site Specific Supplementary Information’ as being incorrect, inasmuch as it states that the nearest property is located side on to the proposal. The location and relationship of dwellings in the vicinity of the site have been accurately detailed in this report.
- 6.29. It is noted that a local resident considers that the proposal development would have an adverse impact on their human rights in the context of the Human Rights Act 1998. In response, the Planning System respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision making process to assess the effects that a proposal will have on individuals and weigh this against the wider public interest in determining whether development should be allowed to proceed.

- 6.30. The documents submitted with the application wrongly stated the address of the site as 'Junction of Sutton Oak Road & Chester Road' with the wrong postcode (B74 2DE). As a result, the initial consultation letters and site notice contained the wrong site address. The address was subsequently corrected to that in the header to this report, following which all consultation letters were re-issued and a new site notice erected on the site.
- 6.31. The potential impact of the development on the value of nearby properties is not a planning consideration.

7. Conclusion

- 7.1. In undertaking the planning balance exercise, this is a finely balanced recommendation. Whilst it is recognised that the proposal would have an impact on the visual amenities of the area, which holds significant weight, the provision of high quality telecommunications infrastructure also holds significant weight.
- 7.2. In light of the factors detailed above, including it being an existing telecommunications site, the technical requirements of the installations (e.g. its height) as well as the lack of suitable alternative location
- 7.3. it is not considered that it would have a significantly adverse impact on the character of the area, residential amenities, or nearby heritage assets and this, along with the improvement to the streetscape to be delivered through the provision of the screening hedge and the strong policy objective, at both national and local level, in favour of delivering high quality telecommunications infrastructure, weighs heavily in favour of the proposal. Given the technical requirements of the installation (i.e. its height) and the relatively low-level character of the area, options for the provision of the equipment elsewhere are limited and, on balance, taking into account all issues discussed in this report, it is considered that the proposal is acceptable subject to the conditions outlined below.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission of hedge details |
| 4 | Requires the submission of colour finish |
| 5 | Requires vehicular visibility splays to be maintained |
| 6 | Requires removal of existing monopole |
-

Case Officer: Lydia Hall

Photo(s)

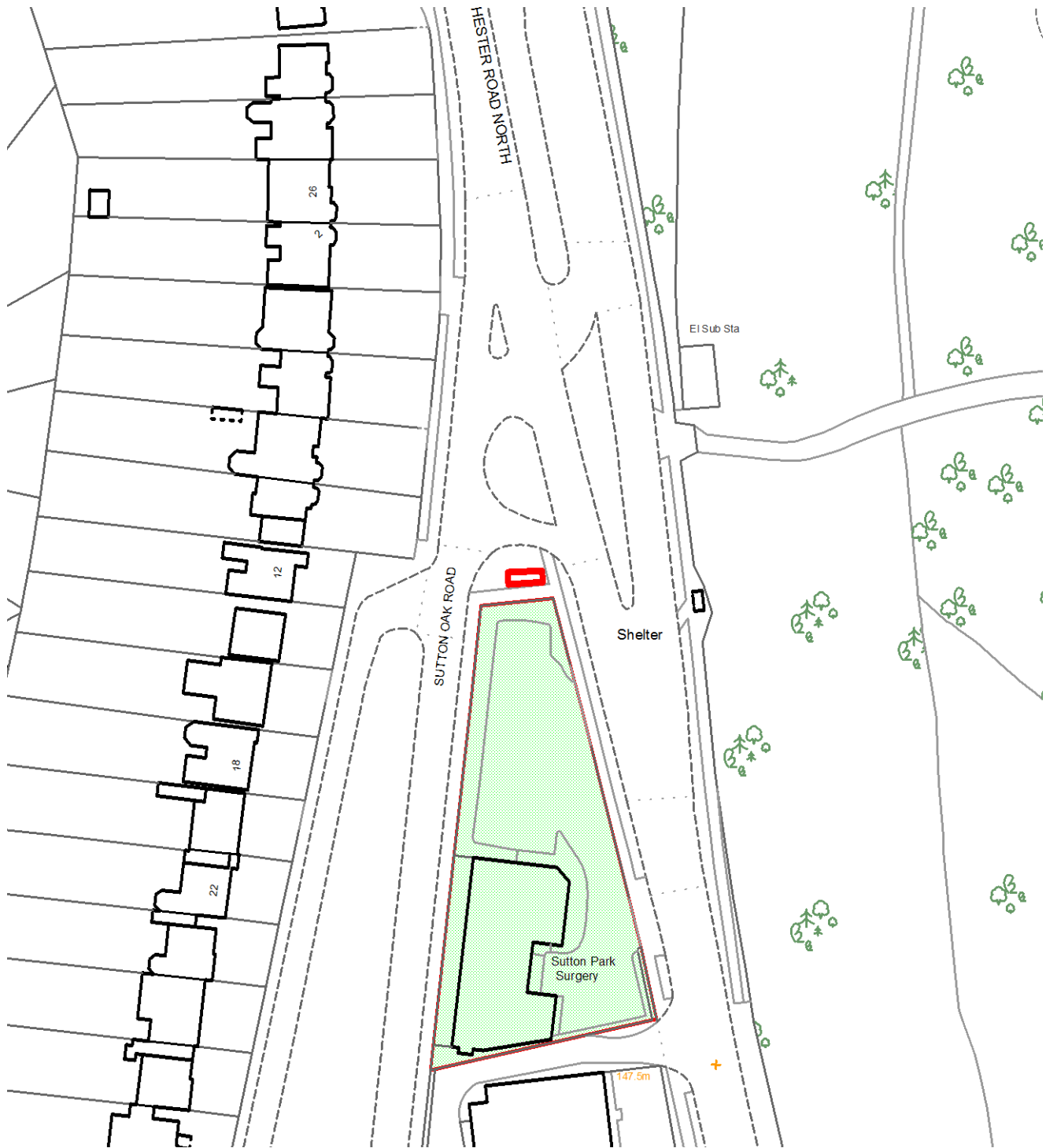


The existing pole as viewed from the north along Chester Road North



Photomontage with the proposed telecommunications installation

Location Plan



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Committee Date:	27/02/2020	Application Number:	2019/02929/PA
Accepted:	05/04/2019	Application Type:	Full Planning
Target Date:	21/02/2020		
Ward:	Sutton Wylde Green		

Wylde Green Public House site, Birmingham Road, Sutton Coldfield, Birmingham, B72 1DH

Demolition of existing Wylde Green Public House and associated facilities and the erection of 57 no. extra-care apartments (Use Class C2) with communal facilities and associated parking provision.

Recommendation
Determine

Report Back

Members deferred this application at the 13th February 2020 Planning Committee, minded to refuse planning permission on the grounds of scale/massing and highway safety. These are reflected in two reasons for refusal given below. With regard to the second reason for refusal relating to highway safety, in light of the proposal meeting parking standards for a care home facility, the evidence submitted in support of the application, no objection from Transportation Development and the highway improvements to be secured by a Section 106 Agreement, officers have serious concerns that this would be extremely difficult to defend at an appeal. Furthermore, as the proposal would require a section 106 Agreement, without such an agreement a third reason for refusal is advised.

- 1) The scale of the proposal, by reason of the elongated nature of its frontage to Birmingham Road and the elongated nature and height of the rear wing would be out of context with the surrounding properties and would be unduly dominant. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017 and saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
- 2) The proposal would result in an increased demand for on-street parking as well as an increase in pedestrian and vehicular movements associated with the site to the detriment of pedestrian and highway safety. As such it would be contrary to Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- 3) In the absence of any suitable legal agreement to secure a financial contribution related to the loss of the bowling green and to maintain highway safety the proposal would be contrary to TP9, TP27 and TP39 of the Birmingham Development Plan and NPPF.

Original Report

1. Proposal

- 1.1. This planning application seeks consent for the erection of a new building complex to provide 57 no. apartments with care and associated communal facilities (Use Class C2). The proposal also includes car parking, revised vehicular and pedestrian accesses from Birmingham Road, private amenity space and landscaping and associated engineering works within the site.
- 1.2. The complex consists of a variety of communal facilities for resident's use which would comprise of a reception, residents lounge, cinema room, guest suite, bistro/restaurant with kitchen, hair salon/therapy room, meeting rooms, activities suite, internal mobility scooter store and a spa suite with assisted bathing. The scheme would comprise of 20 no. one bed units, 33 no. two bed units and 4 no. 3 bed units. The one bed units would provide between 54.3sq.m and 60sq.m of internal floorspace whilst the two bed units would provide between 75sq.m and 86.5sq.m of internal floorspace.
- 1.3. The site is generally rectangular in nature with the building proposed to be arranged in a 'T' shape format encompassing a large proportion of the site with the proposed private amenity space and car parking space sat either side of the building. The building would be set in from the rear boundary with the building designed with a variety of building scales increasing in height as it moves away from that boundary. The front 'principal' elevation of the building would face onto Birmingham Road and form the main public facing entrance for residents and visitors alike with a further, secondary entrance to the side elevation so that residents/staff/visitors can access the building from the car park.
- 1.4. The site's car park would be accessed from Birmingham Road in a similar location to the existing car park access with associated onsite car parking totalling 37 no. spaces within a surface level arrangement. 5 no. of these would be disabled bays along with a loading/pull in area located near to the building's main and secondary entrances.
- 1.5. In terms of design and architecture, the proposal would consist of 1 no. building encompassing a footprint of approx. 2000sq.m in a 'T' shaped building (approx. maximum width of 70m and depth of 55m) with a maximum of 3 storeys with additional accommodation within the pitched roof space facing towards Birmingham Road (max height of 12.6m) and which would appear as a 4 storey building to the northern and southern elevations stepping down to a 3 storey structure with a flat roof and then two storey with a flat roof design as it advances closer to the rearmost boundary with the site topography sloping downwards towards the rear of Arden Drive and Henley Close dwellings. The external façade of the building would be mixture of brick and render with a pitched, tiled roof to the front elevation along with a variety of balcony types, constructed from a variety of materials including brick, glazing and steel.
- 1.6. All apartments would be served by lift access to each floor. The applicants consider that the activities (i.e. care home and senior living apartments) would fall within the C2 use class with domiciliary care services being provided/available 24 hours a day, 7 days a week to all residents. All residents would have access to services such as personal care (dressing/washing etc.), medical care, and provision of meals, security services, chiropody, hair/beauty, laundry, housekeeping, maintenance services, IT assistance, social activities and concierge. The applicant has indicated that the proposal offers an alternative to 'traditional' residential care for older people by combining high quality, self-contained and secure accommodation (apartments) with the provision of flexible care services on a day to day basis that sits between sheltered housing and a 'traditional' residential care home. The flexibility offered by

the care provision allows residents to move in with limited care needs but with the ability to expand their care provision as their needs change without moving from their apartment. The applicant has also indicated that in order for potential residents to qualify to purchase a leasehold apartment, they would need to be aged at least 55 years of age and assessed to be in need of care provision.



Image of proposal from Birmingham Road looking northwest

1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site currently contains a vacant public house building (the Wylde Green Public House) which was closed in mid-2019. The building occupies a large proportion of the site with the remainder given over to a hard surfaced car park that served the public house along with a bowling green and clubhouse that was in use until September 2019.
- 2.2. The application site is located within the suburb of Wylde Green in northwest Birmingham and measures approx. 0.7ha. The site sits alongside Birmingham Road to its eastern boundary which is a main route between Birmingham City Centre to the south (along with other local centres such as Wylde Green and Erdington) and Sutton Coldfield to the north. The site is bounded to the south by larger detached residential properties and a variety of commercial uses such as a hotel and nursey (pre-school). The site is also bounded to its northern boundary by residential accommodation in the form of a three storey apartment block and detached residential dwellings known as 'The Gardens'.
- 2.3. Properties to the west of the site are residential in character with their rear gardens backing onto the site's western boundary. These properties are two storey residential dwellings that front onto both Arden Drive and Henley Close. This boundary is made up of wooden fencing and mature hedging (approx. 4m tall in places). It is noted that the site is located on a gradient with the highest portion of the site located on the Birmingham Road frontage and which slopes downwards towards the rear gardens of Arden Drive and Henley Close dwellings with an approx. level change of 1.5m.

2.4. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. 2019/02563/PA – Prior Notification of proposed demolition of existing public house – Withdrawn – 13/05/19.

4. [Consultation/PP Responses](#)

- 4.1. Residents, Resident Associations, Councillors, MP consulted. Site notice erected, Press notice posted.

- 4.2. 84 no. letters of objection and a petition of 214 no. signatures objecting to the proposal have been received from local residents on the following points;

- Area is already saturated with similar developments.
- Overlooking and loss of privacy.
- Potential for loss of light and shading.
- Increase in parking and traffic congestion.
- Out of character to other properties in the area.
- Front elevation projects beyond existing building line.
- Scale and height of development is too great for a residential area.
- This proposal will add to the already overstretched services, water & sewerage, electricity, gas, doctor's surgeries.
- Increase in noise and disturbance, smells, dust and vibration.
- Adverse impacts upon property values.
- Loss of privacy to existing surrounding residents.
- Loss of a longstanding local amenity in terms of the public house and bowling green.
- The removal of healthy trees and shrubs is a concern.

- 4.3. 2 no. letters of support have been received from local residents on the following points;

- The proposed development and its use is very sensible in principle, but I will leave your Officers to exercise their expertise in addressing the details.
- It is an appropriate use of the site in a geographical area which includes an ageing population.
- The use of the public house prior to its closure was not as well used as other residents may state, a view the owners clearly recognised.

- 4.4. Cllr Alex Yip – Following comments received;

- The developers have been very supportive with consultation and I have had productive meetings with them, been kept fully apprised of developments and they have been very supportive of the Wylde Green Bowling Club and their relocation. I appreciate their openness and being frank with their intentions for the site.
- As the local representative of residents in the Ward I must however lodge my objections to the plans in their current form and ask that the objections by the many residents who have written in to the current scale are taken into consideration. The overwhelming number of comments from residents have been in objection to the plans and I ask that this be given due weight.

- Scale: The frontage of the forward facing façade is too imposing along the high street and so completely out of keeping with the rest of the road and the area. Most of the houses are single detached set back from the road by long driveways and screened by trees and foliage. Properties are also separated from each other by some distance giving gaps and space. The current plans create one long structure very close to the front of the road completely not in keeping with the rest of the road and the area as a whole. There is no structure anywhere near this scale or domination anywhere in the entire ward.
Height- I appreciate that the height of the building may well be very similar to the neighbouring properties however it is my opinion that the length of the main structure will overly dominate the road because of its proximity to the road.
- The revised scheme marks a substantial improvement on the original submission so far as residential impact and amenity are concerned. It is also welcome that local residents will have access to certain amenities within the new site. It will be helpful if it can be clarified, or conditions set, as to the nature of this access, times of day, security etc.
- There will be a significant amount of traffic generated into the site, and also the risk of resident or visitor parking in neighbouring roads. It will be essential for a traffic management and parking scheme to be implemented as part of the development, to mitigate the risk of excessive vehicle movements into and out of the site and parking on the public highway surrounding the site. This needs to ensure that residents, visitors, staff and deliveries use the onsite parking provision and do not adversely impact upon local residents.

4.5. Sutton Coldfield Town Council – Object on the following points;

- The proposal is out of character and not in keeping with neighbouring properties and the surrounding area.
- Plans are out of proportion in the vicinity, creating a dominant skyline.
- The proposed size and siting of the development, the loss of privacy and light to properties on Henley Close and Arden Drive will have a detrimental impact on their quality of life
- Concerns regarding the loss of trees to this site to facilitate the development proposal.
- Concerns regarding the additional cars this development will generate and the highways impact for access routes.
- May set a precedent for future applications.
- Committee note that whilst plans were revised to provide 53 care apartments rather than 58, new plans show that the provision is for 57 care apartments.
- Committee are concerned that the layout and density of the development indicates that the building separation with respect to houses in Henley Close breaches Birmingham City Council's Place for Living 2001 guidelines.

4.6. Wylde Green Neighbourhood Forum – Object on the following points;

- Residents and the Forum feel very strongly and continue to have grave reservations about the size of the proposed building; is too large and will be out of character along the Birmingham Road.
- It will also seriously encroach upon the privacy and outlook to the houses at the back of the development in a totally unacceptable manner.
- Traffic congestion, the proposed development has insufficient parking spaces, to cater for apartment residents, staff and visitors. Many elderly people do continue to drive; many will have visitors who will certainly drive. The residential roads

near to the development are already straining under the existing parking pressures.

- We do however recognise that the development is very well situated for public transport. While it is hoped that owners will benefit and make use of the public transport system for local short journeys they will more than likely still have a vehicle to park.
- Much has been said in the application about the use of bus travel for residents to access various points within a certain radius; it therefore needs to be stated that whilst the bus stops are well situated to the proposed site it will be extremely difficult for elderly people to cross the road with fast moving traffic, therefore rendering bus travel high high impossible. The developers should be asked to ensure crossing facilities are installed.

4.7. Sport England – No formal comments to make.

4.8. Transportation Development – If mindful to approve, the following conditions should be imposed.

- Appropriate conditions to restrict the proposed use as C2 accommodation only and for the age restriction for the residents.
- Necessary highway works to be carried out at the applicant's expense to highway authority specification.
- Applicant to fund (£40,000) provision of a pedestrian crossing.
- Applicant to fund (£10,000) to fund the review / implementation of Traffic Regulation Orders (TRO) to regulate/prohibit waiting.
- Financial contribution (£5,000) for a driver feedback sign on Birmingham Road.
- Pedestrian visibility splays.
- Vehicular visibility splays.
- Car park management plan/strategy.
- Construction traffic management plan.
- Secure and covered cycle storage.
- Travel Plan to be finalised and sign up to 'Stars for'.
- Mini-bus provision and parking details.

4.9. Regulatory Services – No objection subject to conditions;

- Extraction and odour control details,
- Noise Levels for plant and machinery,
- Noise insulation scheme,
- Contamination remediation scheme,
- Contaminated land verification report,
- Vehicle charging points.

4.10. Severn Trent Water – No objection, subject to condition to secure appropriate foul and surface water drainage details.

4.11. Lead Local Flood Authority (LLFA) – No objection, subject to conditions;

- Prior submission of a sustainable drainage scheme for surface water.
- Prior submission of a sustainable drainage operation and maintenance plan.

4.12. West Midlands Police – No objection and outlines the proposals ability to obtain 'Secure By Design Accreditation New Homes'.

4.13. Leisure Services – Objects to the development due to the loss of the bowling green. Notwithstanding the objection, should the application be deemed by others to be acceptable approval should not be granted without a compensation sum of £75,000 being made in compensation for the loss of the Bowling Green. The monies would be directed towards the provision of replacement Bowling Green facilities within the vicinity of the development and/or improvements to sport, recreation and community facilities in Sutton Coldfield Constituency including Mere Green and Tudor Road sports grounds and the maintenance thereof.

4.14. West Midlands Fire Service – Following comments received.

- Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes.
- Turning facilities should be provided in any dead-end access route that is more than 20m long.
- It is anticipated that fire mains will be provided.
- Blocks of flats not fitted with fire mains should have vehicle access for a fire appliance not more than 45m from all points within each dwelling, measured on a route suitable for laying hose. The direct distance is reduced to two thirds to allow for internal layout. If this cannot be met a fire main should be provided.
- Where fire mains are provided in the building there should be access to the riser inlet for a pumping appliance to within 18 metres of each fire main inlet connection point, typically on the face of the building and each inlet should be clearly visible from the appliance.

4.15. Environment Agency – No objection.

5. Policy Context

5.1. Birmingham Development Plan (2017), Birmingham UDP (saved policies 2005); Car Parking Guidelines (2012) SPD. Mature Suburbs (SPD). Places for Living (SPG). Specific Needs Residential Uses (SPG). 45 Degree Code. Development Involving Public Houses (SPG). National Planning Policy Framework (2019).

6. Planning Considerations

Principle of Development

6.1. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. Recently the NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new development, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed (brown-field) sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling.

C2 Use Class

- 6.2. The application is described as a C2 use. It is noted that the scheme seeks to provide 57 no. 'apartments with care' which allow residents to live independently but with the ability to have care provision tailored to their needs within their own home. The applicants have provided evidence within their submission that the offering would fall within the C2 use class. The applicant has identified that the site would be operated by 'Methodist Homes' who are an established provider of care facilities and operate similar sites throughout the UK. They state that care would be available to all occupants of the apartments through a domiciliary care service and that all occupiers would have to meet a 'needs assessment' by the operator to ensure that they meet the qualifying criteria to purchase an apartment. These restrictions would also include a minimum age restriction, for the units to be made available for leasehold purchase only and for the occupants to have a need for care. The applicant has indicated its acceptance for the proposal to be subject to conditions to restrict occupants to 55 years of age and above.
- 6.3. Furthermore, the applicant has indicated that the majority of its occupants of care homes, and senior living apartments are much older than this. The applicant has also offered that the requirement, for occupier's care needs to be assessed on entry, could be secured by condition to ensure they properly qualify for entry. The applicants have stated that the development proposal, as a whole, forms one distinct planning unit and that the apartments offer a choice of care accommodation.
- 6.4. Previous legal advice provided on similar schemes throughout the city along with recent appeal decisions take the view that for similar activities (i.e. apartments with care), the Local Planning Authority should consider the balance between C3 and C2 uses and have identified that for a use to fall within Class C2, Local Planning Authorities (LPA's) generally require developers/care providers to provide a minimum number of hours of personal care per week for occupiers of the apartments with care, often in the region of a minimum of 2 hours per week. It would appear that that where apartments with care where all residents have to be meet minimum age requirements (in this case 55 years old or more) and are required to pay care charges for services beyond those available to 'traditional' residential dwellings, they can comprise C2 use accommodation. Furthermore, previous legal advice on the matter has concluded that the use of conditions to limit the use is appropriate if officers are satisfied that sufficient care would be offered.
- 6.5. In this case, the applicant has stated that all apartments would be subject to a specific needs care package which would include (but would not be limited to) assistance with feeding, bathing, dressing, non-physical care and emotional and psychological support and any other matters that the residents need assistance with (i.e. the care plan would be personal to the individual). The applicants have also offered for the LPA to include conditions that ensure the units would be made available for leasehold only (avoiding potential open market sale to non C2 use) and that a minimum age limit of 55 years old be applied. I consider that the nature of the care provided, the layout of the site and the facilities offered to all residents (i.e. cinema suite, library, gym, bistro, lounges, etc.) would create a facility that would function in a fully integrated manner as one planning unit. I am satisfied that the use would fall within the C2 use class, subject to the minimum age and care provision conditions. As such I do not consider that affordable housing policy or public open space policy, associated with C3 dwellings, would be necessary in this case.
- 6.6. Saved policy paragraph 8.28-8.30 regarding care homes, of the UDP, provides policy on Residential Homes falling within the C2 Use Class and identifies that proposals should not cause demonstrable harm to residential amenity of nearby

occupiers through noise and disturbance. The policy also states that *“proposals should not prejudice the safety and free flow of traffic in the adjoining highway. The provision made for access for service and emergency vehicles and car parking facilities for staff, residents, and visitors will be taken into account, but these factors will be considered in conjunction with issues such as the retention of adequate outdoor amenity space and site features which contribute to the character and appearance of the area.”* It also requires care homes to provide a minimum of 16sqm of outdoor amenity space per resident.

Loss of Public House

- 6.7. The development proposal would result in the loss of the Wylde Green Public House. Whilst the public house itself has now closed, in planning terms the authorised use is still that of a public house and is therefore assessed on this basis.
- 6.8. As such, the loss of the public house has been assessed against the policy provision within the 'Planning Guidelines for Development Involving Public Houses SPG'. The policy states that the impact the loss of a public house would have upon the local population should be assessed and that account needs to be taken of the number of and degree of accessibility of alternative premises including not just the distance but also the effect of local topography and any physical barriers such as the need to cross a major road or railway line. Furthermore, Criteria 6 of the SPG specifies that in cases where the local area is adequately served by other public houses, favourable consideration will normally be given to proposals for residential use.
- 6.9. The application submission has been submitted with an assessment, compiled by Pegasus, which suggests that there are 17 no. public houses within a 2km catchment area (the same catchment as used to assess both open space and loss of bowling green assessments) which is considered to be a reasonable walking distance from the application site. It is also noted that the public houses contained within the assessment have a variety of offerings and facilities, (i.e. some that are purely drinking, food offerings, outdoor sports facilities and car parking) which I believe accurately reflects the offering in the local area and is comparable to what was offered at the Wylde Green PH.
- 6.10. Objections have also been put forward by local residents on the basis that the existing business was allowed to suffer by the previous owner in the run up to its sale to the current owner. This in itself is not a material planning consideration in the determination of the planning application. However, the applicant has sought to address this point by stating that the wider brewery, Greene King, who owned the site, were (and are continuing to) undertaking a reconfiguration of the business, reducing staff numbers and disposing poorly performing sites, of which they identified the Wylde Green site as being one.
- 6.11. Criteria 8 of the SPG also goes on to say that in the case of sites which include outdoor amenity facilities such as bowling greens and children's play areas, which is the case here, the applicant should be encouraged to retain these facilities as part of redevelopment proposals. The loss of the bowling green is discussed in more detail below whilst the applicant has indicated that the retention of the children's indoor soft play area, an ancillary facility to the public house offering which was a pay to access facility, cannot be retained on site due to its incompatibility with the residential with care nature of the proposed scheme which the LPA agrees with.
- 6.12. As such, whilst the loss of the existing public house offering is regrettable, it is considered that the existing facilities located elsewhere in the local area would not

deprive local residents of the facilities and local amenity value provided for by the Wylde Green PH and is therefore acceptable in this regard.

Loss of Bowling Green

- 6.13. The NPPF (2019) (paragraph 96) recognises that “access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities”. It adds that “planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required”. Furthermore, the NPPF (paragraph 97) adds that “existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or
 - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss”.
- 6.14. Policy TP11 advises that “the provision and availability of facilities for people to take part in formal and informal activity, that contributes to healthier lifestyles and can provide a ‘stepping stone’ into more formal sport will be supported and promoted”. The policy goes on to state that “Sports and physical activity facilities will be protected from development, unless it can be demonstrated that they are surplus to requirements through a robust and up to date assessment of need. Where there is identified need for particular sports and physical recreation facilities, the loss of existing sports facilities for these sports will not be allowed unless equivalent or better quantity and quality replacement provision is provided”.
- 6.15. The applicant has acknowledged that the proposal will result in the loss of open space and the loss of a bowling green which was, at the time of application submission, being used by the Wylde Green Bowling Club. The applicant has provided a report, compiled by Pegasus Planning, to demonstrate how the loss of these facilities can be addressed and mitigated.
- 6.16. In the first instance the applicant states that there are no set standards for assessing demand for bowling greens and has put forward their own assessment and methodology which the LPA has assessed and raises no objection to the methodology used. The submitted loss of bowling green assessment has looked at the provision of bowling green facilities within a 2km radius of the application site with a differentiation between both Crown Green and Flat Green bowling greens provided. In this case, the application site currently has a Crown Green which is an outdoor pitch that is an uneven surface whilst a flat green is a flat surface which can be played both indoor and outdoor.
- 6.17. The applicant has indicated within their submission that there are 13 no. bowling greens located across 11 no. sites within 2km of the application site with the nearest being 0.76km away and the furthest 1.95km away. It is also noted that 3 no. of those

greens are flat greens with the remaining 10 no. being crown greens (i.e. the same as the application site). The applicant goes on to say that all of the Crown Greens within the catchment area are affiliated with specific bowling clubs or sports clubs and are of a high maintained standard and there are further public greens (e.g. Pype Hayes, Tudor Road, etc.) within 2.5km of the site.

- 6.18. The loss of the Wylde Green PH crown bowling green would reduce this to 9 no. crown greens and based upon the participation rates identified within the submitted assessment, to which the LPA raises no objection too, the reduction in greens would result in an average of 73 no. people per bowling green, an increase of 7 no. people per green over existing provision which the LPA considers can be met within the remaining provision with it noted that the Wylde Green Bowls Club has relocated temporarily to a site elsewhere in Sutton Coldfield for which capacity is available. It is noted that the Leisure Services and Parks team have objected to the proposal due to the loss of the bowling green. They have however, stated that should the application be approved that a compensation sum of £75,000 for the loss of the Bowling Green should be sought and directed towards the provision of replacement Bowling Green facilities within the vicinity of the development and/or improvements to sport, recreation and community facilities in Sutton Coldfield Constituency including Mere Green and Tudor Road sports grounds and the maintenance thereof.
- 6.19. Therefore, whilst the LPA agrees that there is sufficient alternative bowling green provision in the local area (i.e. within 2km) the loss of the Bowling Green still needs to be addressed through the provision of either an onsite or offsite replacement or financial contribution for provision elsewhere. In this case, the proposed scheme does not include the provision of a bowling green on site. However, the applicant has agreed to provide a financial contribution of £75,000, to be secured by a S.106 agreement, by way of compensation for the loss of the green in accordance with the comments from the Leisure Services team.
- 6.20. Subject to the securing of financial compensation to the sum of £75,000 for the loss of the Bowling Green, it is considered that the development proposal is acceptable in this regard.

Loss of Open Space

- 6.21. Policy TP9 of the Birmingham Development Plan (2017) advises that “planning permission will not normally be granted for development on open space except where:
- It can be shown by an up to date assessment of need that the open space is surplus taking account of a minimum standard of 2 ha per 1000 population and the accessibility and quality criteria listed below.
 - The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size.
 - Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a smaller part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.

Playing fields will be protected and will only be considered for development where they are either shown to be surplus for playing field use, taking into account the

minimum standard of 1.2 ha per 1,000 population, through a robust and up to date assessment and are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size”.

- 6.22. The existing bowling green does not fall within the definition of a ‘playing pitch’ as outlined within the Development Management Procedure (England) Order 2015. Furthermore, Sport England is not a statutory consultee when dealing with the loss of bowling greens. However, they have been consulted on the current proposal and have stated that they have no formal comments to make. However, the proposal does require assessment in relation to Policy TP9 of the Birmingham Development Plan on the basis that it relates to the loss of open space provision. The applicant has undertaken an assessment (including playing fields and pitches, larger equipped play areas, publicly accessible parks, allotments, golf courses, bowling greens, cemeteries and woodlands) to demonstrate that the local area, which again uses the same 2km buffer as used within the loss of bowling green assessment, has sufficient open space and that the loss of the bowling green as open space would not reduce this to detrimental levels.
- 6.23. The submitted open space assessment outlines that the catchment area has a surplus of 219.6ha of open space within it (excluding Sutton Park) and that without the open space provision at the Wylde Green PH the minimum standard of 2ha per 1,000 population is exceeded with a figure of 6.15ha per 1,000 population. With regard to the loss of open space, the LPA consider this assessment to be sound and my development planning (policy) colleagues raise no objection in this regard. Therefore, the proposal is considered to be acceptable regarding the loss of open space.
- 6.24. It is considered that the principle of residential accommodation in the form of apartments with care is acceptable given the site’s sustainable location subject to detailed consideration of design, highway impacts, residential amenity impacts, ecological impacts and securing appropriate compensation regarding the loss of the Bowling Green as discussed above.

Design, Scale and Layout

- 6.25. Policy PG3, of the BDP, seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments, make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, saved policy 3.14 of the UDP, identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context. Paragraph 124 of the NPPF (2019) states that “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities.”
- 6.26. The proposed vehicular and pedestrian accesses along with a significant proportion of apartments and communal facilities would overlook and be taken from Birmingham Road, providing a high level of natural surveillance and creating interest and activity around the frontages. Furthermore, the ground floor apartments would also benefit from their own private ‘front gardens/terraces’ along with balconies at upper floors which further reinforces this aspect and is generally supported. It is noted that concerns have been raised within objections received regarding the

usability of terraces and balconies on the Birmingham Road frontage given potential air quality and noise issues. Ultimately the development proposal provides other communal space elsewhere on site for residents to use whilst the option of private space associated with each apartment is welcomed whether residents chose to use it or not.

- 6.27. The building itself consists of a 'T' shaped block development which primarily addresses Birmingham Road with the narrowest point of the building addressing the rear elevations of Henley Close and Arden Drive. The height of the building along Birmingham Road has been reduced from predominantly 4 no. storeys to 3 no. storeys, which is considered appropriate in relation to the scale of existing buildings when viewed along Birmingham Road. In addition, the scale and massing of the rear wing of the proposed building has been amended in order to try to address visual and overlooking impacts upon residents of Arden Drive and Henley Close. This has resulted in the height of the rearmost wing being moved further away from the rear boundary to a distance of 11.4m (and 21.8m from the rear elevations of dwellings) and has also been reduced to 2 storeys at its closest point with the roof associated with it amended to a flat rather than pitched design. I am of the view, a view shared by my city design officer that the potential impacts upon existing residents have been significantly reduced and, although the proposed rear building elevation would ideally be a bit further away from the site boundary, this is considered acceptable and would not support a reason for refusal.
- 6.28. During the course of the current application a number of amendments have been made to the appearance of the building, predominantly to the Birmingham Road frontage, which has resulted in positive changes including introducing a more irregular rhythm to the projecting gables and making the balconies more integral to the building design, introducing more glazing to communal areas (e.g. lounge, coffee bar and restaurant), the addition of part dormer windows which I consider adds variety to the roof eaves along with and that the provision of a front door facing the street within increased prominence with a larger glazed area and projecting canopy which I consider adds to the active frontage of the building into the public realm. Furthermore, variation in the roof scales and heights when combined with the protruding gable detail and variation in building setbacks further breaks up the elongated nature of the buildings Birmingham Road frontage which is supported.
- 6.29. The proposed materials, focussing on brick and render with roof tiles to the pitched roof element would suit the local variety of architectural styles in the local area and help to add interest and variety to the design which is also supported. Overall, myself and my city design officer consider that the proposed building offers a suitable design proposal within the streetscene which adds to the variety of buildings, in terms of scale, massing and architectural design, along Birmingham Road. My city design officer has recommended that a number of planning conditions are imposed should consent be granted to secure appropriate landscaping and boundary details, sample materials to be used on the external façade of the building, finished site levels and architectural details associated with the building detailing (e.g. windows, doors, façade and roof, rainwater goods). I agree with such an approach and consider that securing such details will ensure the building achieves a high design standard that positive impacts upon the public realm.



Streetscene of proposal along Birmingham Road elevation.

Residential Amenity

- 6.30. The scheme would replace the public house building, Bowling Green with club house and car park and garden areas, the highest structure being the main public house which is situated towards the Birmingham Road elevation of the site and is two storey in nature. I also note that the majority of car parking on site would be positioned in a similar location to that of the public house's existing car parking, which would also be a surface level car park, so as to reduce residential amenity impacts in terms of noise and disturbance from relocating such activities. Furthermore, boundary treatments and landscape strips would either be retained or provided further providing a buffer to nearby residential dwellings.
- 6.31. The application has been submitted with a Noise Assessment, and whilst my Regulatory Services Officer is of the view that that the assessment does not fully accord with their approach, the data obtained from it when assessed with existing data held by the council suggests that any noise impacts can be adequately addressed through appropriate mitigation. In this case, maximum noise levels for plant and machinery and to ensure that all windows, any other glazed areas and external doors to habitable rooms provide sufficient sound reduction. However, based upon the authority's noise mapping data my Regulatory Services officer considers the standard of glazing should be much higher than that proposed within the application submission, particularly on the Birmingham Road frontage to achieving a weighted sound reduction of at least 38dB and that any ventilation on this elevation to habitable rooms shall achieve weighted element normalised level difference ($D_{n,e,w} + C_{tr}$) of at least 44dB. I consider this appropriate and which can be secured by planning condition.
- 6.32. The submission has also been accompanied by a Phase 1 Geo-Environmental Report which has characterised the site as being considered to present a low to moderate contamination risk associated with the current and historic use of the site. It goes on to say that a phase 2 ground investigation should be undertaken to characterise the site, with respect to environmental and geotechnical abnormalities post-planning. My Regulatory Services officer has assessed the document and considers it appropriate to secure a contamination remediation scheme and verification report by planning condition. I agree with such an approach.
- 6.33. In addition, it is noted that the proposed scheme offers a number of communal facilities which contain a number of cooking facilities (e.g. café, restaurant) (not including kitchens within each of the apartments) along with general communal infrastructure, such as air conditioning systems. My Regulatory Services officer has requested the imposition of conditions to ensure that the noise and odour do not adversely impact upon surrounding residential occupiers along with future occupiers of the proposed scheme. The conditions sought relate to securing full extraction and odour control details and specifying maximum noise levels (shall not exceed 5dB

below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises) for plant and machinery. I agree with such an approach.

- 6.34. Furthermore, my Regulatory Services officer has requested that a planning condition securing the provision of vehicle charging points on site (no fewer than 10% of non-dedicated parking spaces) be imposed. I consider such a request appropriate in this case given the communal nature of parking provision on site. Also, such provision would also seek to reduce CO2 emissions and would accord with policy TP43 of the Birmingham Development Plan 2017.
- 6.35. In terms of separation distances, the proposal has been subject to a number of design amendments during the current planning application (which residents have been consulted upon) following concerns raised regarding insufficient separation distances and the potential for overlooking to the rear gardens of properties associated with Arden Drive and Henley Close. A number of residents remain concerned regarding the separation distance and the relationship of the proposed building with the existing residential dwellings to the rearmost site boundary in terms of overlooking/loss of privacy and the overbearing nature of the building itself in this location.
- 6.36. The current submission results in the rearmost portion of the building reduced in height to 2 storeys with no habitable windows to the gable end elevation (facing towards the rear gardens of Arden Drive/Henley Close). In addition, the rear of the building has reduced in depth and now sits a minimum of 11.4m away from the site boundary and at a distance of 21.8m between the rear of dwellings associated with Arden Drive/Henley Close and the rearmost portion of the proposed building. It should be noted that there is a level change difference sloping down towards the rear boundary fence line of approx. 1.5m. I am of the view that the proposal meets the minimum separation distances as specified within Places for Living SPD, taking into account the level change and the fact that no habitable windows are proposed to the rear most flank wall but rather dummy windows and obscure glazed bedroom windows.
- 6.37. In addition, the proposal meets the minimum 12.5m separation distance between windowed elevations and a 2 storey flank wall plus the an addition 2m distance taking into account the level change. Furthermore, the applicant has indicated on the elevation and cross section drawings submitted, privacy screens to the terrace and balconies associated with apartments to the northern and southern elevations that may have longer distance side views at first and second floor levels into the rear gardens of Arden Drive/Henley Close Dwellings. This is welcomed and the details of the design and positioning can be secured by planning condition. On this basis, I am content that the proposal would not adversely impact upon residential amenity in this regard.



2 Section BB - East / West site section
1:200

Cross-section showing proposed ground levels between the proposal and existing housing on Henley Close

- 6.38. The separation distance between building fronts along the Birmingham Road frontage is approx. 44m and is far in excess of the minimum required as specified within Places for Living SPG. Furthermore, I am of the view that the proposal broadly reflects the established building line along Birmingham Road apart from the projecting gable detailing which at points sits slightly forward of the line (2m). However, I am of the view that the main portion of the building is read as sitting within the building line and is supported in this regard.
- 6.39. The proposed refuse store and site substation are shown as being located adjacent to the site's entrance (for ease of access and maintenance) and the boundary of properties associated with 'The Gardens'. Whilst I raise no issues to their location, I do consider it appropriate to secure external finish materials in relation to these pieces of infrastructure given their prominent location adjacent to the site's access point onto Birmingham Road.
- 6.40. In terms of outdoor amenity space I note that the scheme would provide approx. 1900sq.m of communal landscaped gardens for residents to enjoy. Such provision amounts to a total provision of approx. 33sq.m per apartment and exceeds both the required 30sq.m minimum outlined in Places for Living SPG for residential apartments and 16sq.m as outlined in Specific Residential Needs SPD16. In addition, the majority of the apartments would have access to a semi-private patio (at ground floor level) or balconies at the upper floor levels offering further outdoor space for residents to enjoy. I am satisfied that this space is adequate for the needs of the residents as it would be well located in safe, quiet areas of the site and would also offer a variety of garden areas to enjoy, including sitting areas, paths for walking and a 'working garden' area for residents to garden if they wish.
- 6.41. Internally the proposed building would provide 57 no. apartments with a range of 1, 2 and 3 bed units (20 no. one bed units, 33 no. two bed units and 4 no. 3 bed units.) the apartments would range in size from approx. 55.4sq.m to 99sq.m (excluding external space) and would all meet the minimum size thresholds as outlined in the Nationally Described Space Standards document. Also, each of the apartments are well designed with regular shaped, usable space and with access to either private or communal outdoor space which is supported.

Transportation and Parking

- 6.42. The NPPF states that "when setting parking levels LPA's should take into account the accessibility of the site, the type, mix and use, access to public transport, local car ownership and the overall need to reduce high emission vehicles". It is considered that the site is situated in a sustainable location with good access to public transport options, with bus stops directly outside of the application site on Birmingham Road, which provides access to both Sutton Coldfield town centre and Birmingham city centre whilst Wyld Green neighbourhood centre is within a level walking distance of the site (approx. 550m along Birmingham Road to the south).
- 6.43. A number of objections have been made by local residents, many of which raise concerns for the proposed parking provision being insufficient which might result into overspill parking on neighbouring residential roads, construction/demolition traffic/vehicles, lack of formal pedestrian crossing facility in the vicinity of the site, current excessive vehicular speed on Birmingham Road within vicinity of the

application site and how future residents would cross this busy road with speeding vehicles.

- 6.44. The applicant has submitted a Transport Statement (TS) including a traffic study and amended parking statement (October 2019) for the proposal. The traffic study includes the survey data of traffic to/from the four similar existing extra care apartments operated by the applicant and the average trip rates have been applied to the proposed 57 no. extra care apartments at the site. As per the submitted TS, the level of traffic generated by the proposed extra care apartments would unlikely to be significant to have severe impact on surrounding highways.
- 6.45. The applicant is proposing a new bell-mouthed vehicular access off Birmingham Road close to the northern end of the site. The applicant has undertaken a speed survey along this part of Birmingham Road, according to which the observed vehicular speed is greater than 30 mph speed limit and the applicant has designed the revised access to provide the required visibility for the recorded speeds which is supported.
- 6.46. However, in light of the observed vehicular speeds along Birmingham Road and the anticipated elderly/infirm/mobility restricted residents residing on site, it is considered appropriate to firstly seek to introduce speed reduction measures in the form of driver feedback signage and to also provide a safe pedestrian crossing point in close proximity to the site so as residents can make use of public transport options on both sides of Birmingham Road. My transportation officer has confirmed that the provision of a 'zebra' pedestrian crossing would cost £40,000 and the provision of the driver feedback signage would cost £5,000 and has requested that such measures are secured should planning consent be granted. I agree with this approach in that it would ensure that residents are able to fully access the local community and the facilities it has to offer and consider securing the financial contributions outlined above via a S.106 agreement to be the most appropriate way of securing the works which would then be undertaken by the local highway authority on behalf of the developer. In addition, the existing wide footway crossing/vehicular access would become redundant and will be reinstated with full height kerbs whilst the TS states that the servicing of the site would be carried out from within the site and it includes a tracking analysis demonstrating manoeuvring of a refuse vehicle within the site and to/from the highway which is supported.
- 6.47. The submitted 'parking statement' refers to the proposal as "the development of apartments with care (C2 use)" and that "the proposed retirement apartments with care are only to be occupied by residents over 55 years of age." Birmingham City Council's current parking guidelines specifies parking provision of 1 no. space per two units and 1 no. space per 3 no. of staff for Sheltered Housing whilst Nursing and Specialist Care equates to 1 no. space per 3 no. bed spaces. Therefore, as per the car parking guidelines if the parking standards are applied for Sheltered Housing and Care Home, the specified parking provision for the scheme would be 37 no. spaces and 32 no. spaces respectively.
- 6.48. The applicant is proposing 37 no. spaces including 5 no. disabled parking spaces within the site and the parking study also refers to an 'Adlington Traffic Study', for which surveys were carried out for trip rates and car park occupation levels 24 hours a day over a 7 day period for four completed schemes, similar in nature to that proposed in the areas (nationally) with similar levels of car ownership levels to Sutton Coldfield. All of the similar schemes within the study state a parking provision ratio of 0.41 spaces – 0.56 spaces per apartment which is less than what is proposed for the current proposal which is 0.65 spaces per apartment. The study

goes on to demonstrate that maximum car occupancy levels for all of the completed scheme were less than 100% (apart from one (Portishead) scheme where maximum car occupancy level was reached to 104% for a short duration for a period of up to just 15-minutes two days of the survey) which demonstrates that the proposed parking provision for the Wylde Green scheme is sufficient.

- 6.49. However, I note that some local residents are particularly concerned about parking generally, particularly as parking along Birmingham Road, directly outside of the site, is very difficult given the busy and arterial nature of Birmingham Road. As has been outlined above, the concerns that the proposal may result in overspill parking elsewhere it is considered appropriate in this case, given the very limited on-street parking provision immediately adjacent to the site that a financial contribution to the sum of £10,000 is secured through a S.106 agreement, so as to allow the highway authority to undertake a review of, and implement if required, a Traffic Regulation Order (e.g. double yellow lines, no waiting, etc.) on surrounding roads in the vicinity of the application site so as to reduce/remove potential adverse impacts upon the free flow of traffic along Birmingham Road.
- 6.50. It is also noted that the submitted parking statement states that an 8 seater minibus and driver will be made available in a similar way to other completed Adlington sites to transport residents when needed. However, the parking layout does not show parking for a mini-bus therefore the transportation officer has requested further details, i.e. where it would be parked, how it would operate, etc. to be secured by planning condition. I agree with such a viewpoint. My transportation officer has also requested that a number of other planning conditions are imposed in order to make the development acceptable in highway safety terms. These conditions relate to the provision of pedestrian and vehicular visibility, the provision of a car park management plan/strategy to ensure that the use of the car park does not adversely impact upon the free flow of traffic on the surrounding road network, a construction traffic management plan, to provide appropriate secure and covered cycle storage and that a travel plan is undertaken and finalised so as to reduce reliance for both staff and residents upon the private car. I agree with such an approach and recommended that such conditions are imposed.
- 6.51. Regulatory Services have requested that electric vehicle charging points are provided onsite, with no fewer than 10% of non-dedicated parking spaces to be provided with electric vehicle charging points for electric/low emission vehicles so as to reduce CO2 emissions and in accordance with policies TP5 and TP43 of the BDP 2017. I consider such a request to be appropriate in this case.

Trees & Ecology

- 6.52. Policy TP7, of the BDP, reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains. Whilst the application site is not the subject of a tree preservation order (TPO), a site directly adjacent to the northern boundary the site (forming part of The Gardens), is the subject of TPO 928. However, the proposed works would not adversely impact on any existing protected trees within this TPO given that the majority of the main building works would take place centrally within the site away from the site's northern boundary.
- 6.53. The Tree Officer has stated that the increased landscaping to the Birmingham Road frontage is welcomed and that those trees internal to the site are not in good condition (majority are category C and U with 1 category B tree) and in many cases having been improperly pruned in such a way as to reduce their normal lifespan.

Furthermore, the tree officer has assessed the submitted tree survey and undertaken a site visit and agrees with the general findings of the survey.

- 6.54. Overall, the tree officer has raised no objection to the proposed scheme but has requested that a number of planning conditions are imposed so as to secure no-dig systems around the retained trees on site and adjacent offsite trees, pre-defined tree protection areas and that tree pruning works are carried out in accordance with the relevant British Standard. I agree with such an approach and recommend that such conditions are imposed.
- 6.55. The NPPF, at paragraph 170, requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline whilst policy TP8 of the Birmingham Development Plan requires all development, where relevant, to contribute to enhancing Birmingham's natural environment.
- 6.56. It is noted that the site currently comprises of the public house building and a number of existing trees and vegetation. The city ecologist has noted that the submitted bat surveys recorded two different bat species foraging and commuting across the site and that new lighting associated with the development proposal should ensure that it is kept to a minimum and directed away from boundary features to maintain dark areas and corridors. They have requested that such measures should be secured through the imposition of a planning condition to secure a lighting strategy for biodiversity.
- 6.57. In addition, the ecologist has recommended that habitat mitigation and ecological enhancements, in line with the NPPF should be provided so as to enhance the site for bats, such as through the provision of bat boxes on a variety of elevations and the planting of habitats which would be of value to wildlife. With this in mind, my ecologists have raised no objection to the proposal subject to a number of planning conditions to secure such habitat mitigation. I agree with such an approach.

Flooding and Drainage

- 6.58. The application site is located within flood zone 1 (least likely to flood) and is not located within close proximity (in excess of 500m) to local watercourses. The application has been submitted with a Drainage Strategy and Surface Water Management Pro-forma. The overall scheme has been assessed by the Lead Local Flood Authority (LLFA) who has raised no objection subject to conditions to require a sustainable drainage scheme for foul and surface water and a Sustainable Drainage Operation and Maintenance Plan. I concur with these findings.

Other Matters

- 6.59. I note that the Fire Service has commented that the scheme would require a sprinkler system as there is not access for a pump appliance to within 45m of all points of the building. The specifics of this would be designed and agreed in discussion through a Building Regulation application and therefore beyond the scope of the planning application.
- 6.60. Concerns have been raised by local residents that the area is already saturated with similar developments. However, the proposal is assessed, as are all development proposals, on a site specific basis and how they positively contribute to overall planning policy aims both locally and across the city. Furthermore, comments have been received from local residents who are concerned that the proposal would result

in a reduction of property values. This also falls outside the remit of the planning application assessment.

- 6.61. A number of comments have been made regarding restrictions/covenants associated with the land that prohibit it from being used as anything other than a public house. Whilst this is something for the applicant to consider, this does not form a material planning consideration and falls outside the remit of this planning application.
- 6.62. The proposal has been submitted with a sustainable energy statement (contained within the design and access statement) that has looked at a variety of methods to be incorporated within the building design in order to reduce its energy consumption and its carbon footprint both at construction stage and when occupied. The applicant has indicated that in addition to a number of features within the building, including increased insulation, smart meters, timer switches and user guides for residents on achieving low carbon outputs, that the provision of solar photovoltaic panels upon the roof would be the most suitable way of reducing the developments carbon footprint and would allow electricity generated on site to be consumed by the development and its residents which is supported. However, whilst the proposal makes reference to this within the submission along with indicative locations for the placement of panels within the submitted drawings, full details of the solar PV specifications and its potential energy generation have not been submitted for consideration at this stage. As such, it is considered appropriate to secure such details by planning condition.

Community Infrastructure Levy

- 6.63. The Council has adopted CIL charging. However, the proposed apartments with care as a C2 use class would attribute a zero charge in this case.

7. Conclusion

- 7.1. The proposal, for apartments with care, is acceptable. The scheme would provide dedicated housing for residents requiring varying levels of care in a high quality facility providing a range of communal facilities. The site is well located and represents sustainable development in a predominantly residential location well served by public transport and addresses the public realm with a suitable, contemporary solution.
- 7.2. The loss of the public house and bowling green and open space, whilst regrettable has been satisfactorily addressed and subject to securing financial contribution in regard to the loss of the bowling green and highway safety improvements, consider the overall scheme to be acceptable subject to a number of planning conditions.

8. Recommendation

- 8.1.1 That consideration of planning application 2019/02929/PA be deferred pending the completion of a planning obligation agreement to secure the following;
- a) A financial contribution of £75,000 to compensate for the loss of the Wylde Green Public House Bowling Green to be spent on new and/or improved sports and recreation facilities within Sutton Coldfield constituency.
 - b) A financial contribution of £40,000 towards the provision of a pedestrian crossing at Birmingham Road in vicinity of the development site.

- c) A financial contribution of £10,000 to provide a review of and implementation (if required) of a traffic regulation order on surrounding roads within the development site's vicinity.
 - d) A financial contribution of £5,000 to provide a driver feedback sign at Birmingham Road in close proximity to the development site.
 - e) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% up to a maximum of £10,000.
- 8.2. In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 31st March 2020 the planning permission be refused for the following reason:
- a) In the absence of any suitable legal agreement to secure a financial contribution related to the loss of the bowling green and to maintain highway safety the proposal would be contrary to TP9, TP27 and TP39 of the Birmingham Development Plan and NPPF.
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 31st March 2020, favourable consideration be given to this application subject to the conditions listed below.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Prevents the use from changing within the use class |
| 3 | Sets a minimum age of residents |
| 4 | Apartments to be occupied by approved occupier (occupant in receipt of onsite care provision) |
| 5 | Requires the prior submission of a contamination remediation scheme |
| 6 | Requires the submission of a contaminated land verification report |
| 7 | The development hereby permitted should not commence (excluding demolition) until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. |
| 8 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 9 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
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| 10 | Requires the prior submission of details of bird/bat boxes |
| 11 | Requires tree pruning protection |
| 12 | No-Dig Specification required |
| 13 | Arboricultural Method Statement - Submission Required |
| 14 | Requires the implementation of tree protection |
| 15 | Requirements within pre-defined tree protection areas |
| 16 | Requires the submission of hard and/or soft landscape details |
| 17 | Requires the submission of boundary treatment details |
| 18 | Lighting Strategy for Biodiversity |
| 19 | Requires the submission of extraction and odour control details |
| 20 | Requires the submission of a Noise Insulation Scheme |
| 21 | Limits the noise levels for Plant and Machinery |
| 22 | Requires the submission of sample materials |
| 23 | Provision of Architectural Details Required |
| 24 | Requires the submission of a parking management strategy |
| 25 | Requires the prior submission of a construction method statement/management plan |
| 26 | Requires the parking area to be laid out prior to use |
| 27 | Requires the submission of cycle storage details |
| 28 | Requires the submission and completion of works for the S278/TRO Agreement |
| 29 | Requires the provision of vehicle charging points |
| 30 | Requires the submission of a residential travel plan |
| 31 | Requires pedestrian visibility splays to be provided |
| 32 | Requires vehicular visibility splays to be provided |
| 33 | Requires the submission of details of refuse storage |
| 34 | Requires the submission of details of sub-station |
| 35 | Requires provision of privacy screens |
| 36 | Requires obscure glazing for specific areas of the approved building |
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37 Requires the submission of a solar PV panel scheme

38 Implement within 3 years (Full)

Case Officer: Christopher Wentworth

Photo(s)



Fig 1. View of front elevation of public house from Birmingham Road.



Fig 2. View of building's side elevation and rear boundary with Arden Drive/Henley Close.



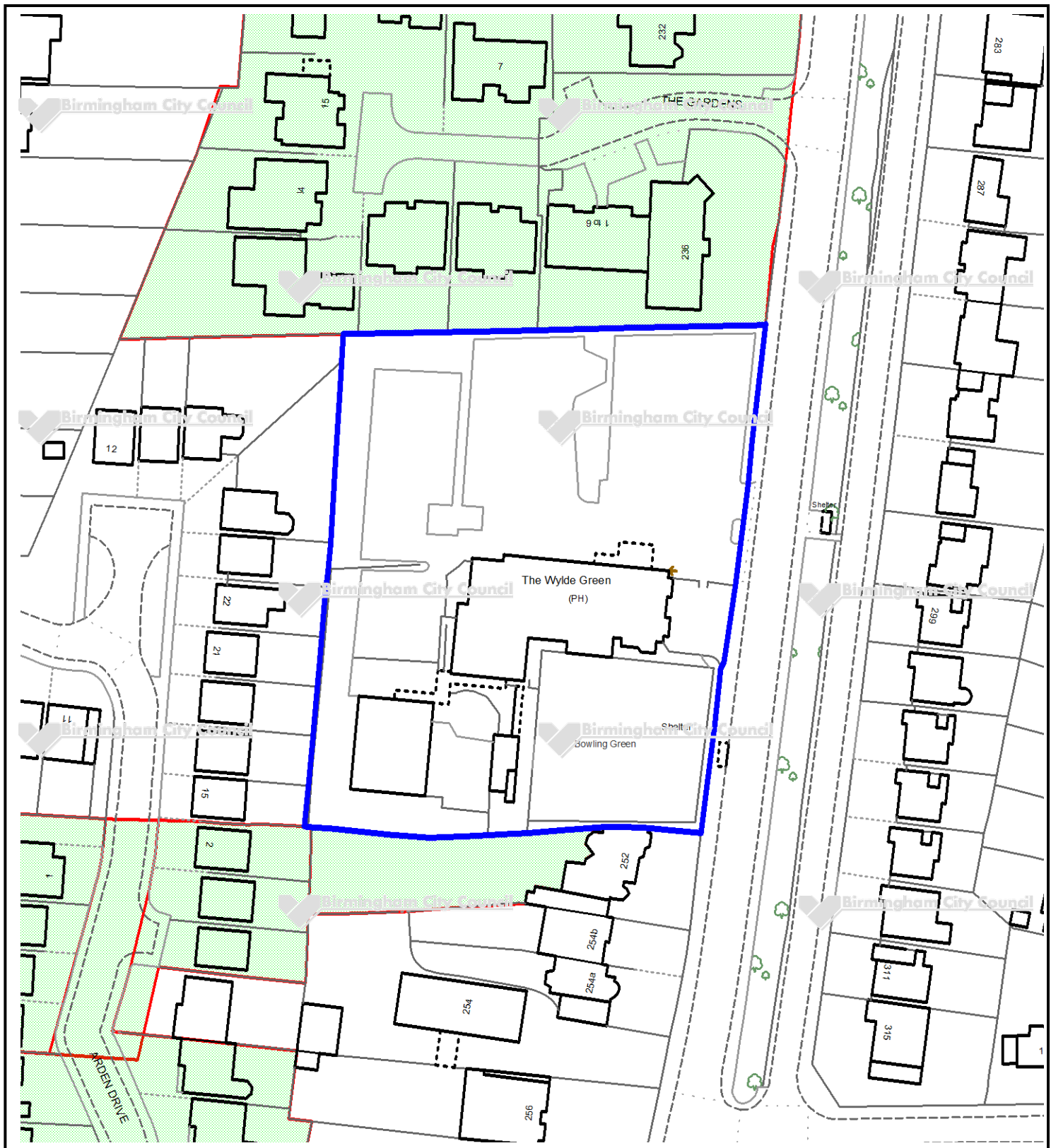
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Fig 3. View of Bowling Green onsite and adjacent building fronting Birmingham Road.



Fig 4. View of adjacent apartment block (The Gardens) to sites northern boundary.

Location Plan



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Birmingham City Council
Planning Committee 27 February 2020

Appeal Decisions Received from the Planning Inspectorate in January 2020

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	69 Church Road, Moseley	Without planning permission, the material change of use from a dwelling house to 8 No. self contained flats. 2016/0148/ENF	Allowed (see note 1 attached)	Enf	Hearing
Householder	4 Varden Croft, Edgbaston	Erection of single storey rear extension. 2019/02631/PA	Dismissed	Delegated	Written Representations
Householder	224 Moor End Lane, Erdington	Erection of first floor rear extension and rear dormer. 2019/05843/PA	Allowed (see note 2 attached)	Delegated	Written Representations
Householder	33 Cottage Lane, Minworth	Erection of two storey side and single storey side and rear extensions. 2019/03744/PA	Dismissed	Delegated	Written Representations
Householder	8 Metchley Park Road, Harborne	Retrospective application for Installation of front boundary railings and gate to front boundaries. 2019/06464/PA	Dismissed	Delegated	Written Representations
Advertisement	M&M SteelStockHolders, Haertlands Parkway, Near Corner of Aston Church Road	Display of 2 internally illuminated digital screens. 2019/03248/PA	Dismissed	Delegated	Written Representations
A3/A5 Uses	1 Grange Farm Drive, Kings Norton	Change of use of part of existing retail unit (Use Class A1) to hot food take-away (Use Class A5) and installation of extraction system and flue. 2019/05982/PA	Dismissed	Delegated	Written Representations
Residential	Land at 10 Beaton Road, Sutton Coldfield	Outline application for erection of 1 dwelling house with access to be determined and all other matters to be reserved for future consideration. 2019/03662/PA	Dismissed	Non-determine	Written Representations

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<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Residential	12-18 Lonsdale Road, Harborne	Demolition of existing buildings and erection of 4no. three storey town houses. 2019/01828/PA	Dismissed	Non-determine	Written Representations
Retail	126 Stoney Lane, Sparkbrook	Erection of single storey rear extension to accommodate 2 Class A1 retail shops. 2019/01277/PA	Dismissed	Delegated	Written Representations
Other	191 Sheldon Heath Road, Sheldon	Change of use of former police station (Sui Generis) to Supported Living Centre (Use Class C2)	Dismissed	Committee	Written Representations

Total - 11 Decisions: 9 Dismissed (82%), 2 Allowed

Cumulative total from 1 April 2019 - 169 Decisions: 140 Dismissed (83%), 25 Allowed, 4 Part Allowed

Notes relating to appeal decisions received in January 2020

Note 1: (69 Church Road)

Enforcement Notice issued because the loss of a lawful, large dwelling house C3 use is unacceptable given the demonstrated local and city-wide need and demand for this type of accommodation, and sets an unacceptable precedent for similar such dwelling house losses in the wider area.

Appeal allowed because the Inspector concluded that the development would not result in unacceptable harm to the provision of large family-sized dwellings in Moseley or the wider area and each application/appeal must be determined on its own individual merits.

The Council's application for costs was refused.

Note 2: (224 Moor End Lane)

Application refused because the proposal fails to provide to provide adequate distance separation between the proposed rear dormer and the gardens of dwellings on Arthur Road, therefore leading to a loss of privacy at those properties.

Appeal allowed because the Inspector concluded that the layout and design of the proposal would ensure that any overlooking to neighbouring gardens would be limited and would not result in significant loss of privacy.