

Birmingham City Council

Planning Committee

12 October 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Endorse	8	2017/06231/PA Former Hardy Spicer Sports Ground and Land between Signal Hayes Road and Weaver Avenue Walmley Sutton Coldfield Birmingham B76 2QA. Deed of Variation to the Section 106 Legal Agreement attached to Outline Planning Approval 2009/04661/PA for a youth/community facility, grass pitch, public open space and residential use.
Approve – Conditions Endorse	9	2017/07183/pa Land bounded by Ventnor Avenue / Melbourne Avenue / Wheeler Street (Former Wheeler Tavern) Newtown Birmingham B19 Erection of 8 dwelling houses with associated car parking and landscaping
Approve – Conditions	10	2017/06759/PA 81-89 Water Orton Lane Land between Sutton Coldfield Birmingham B76 9BD Erection of 6 semi-detached dwellings with associated access, parking, landscaping and garages

Approve – Conditions	11	<p>2017/05130/PA</p> <p>378 Boldmere Road Sutton Coldfield Birmingham B73 5EZ</p> <p>Alterations to existing rear wing and erection of new rear extension to create a one-bed self-contained flat</p>
Approve – Conditions	12	<p>2017/06546/PA</p> <p>2 Grounds Drive Land Adjacent Sutton Coldfield Birmingham B74 4SD</p> <p>Erection of one dormer bungalow</p>

Committee Date:	12/10/2017	Application Number:	2017/06231/PA
Accepted:	13/07/2017	Application Type:	Outline
Target Date:	07/09/2017		
Ward:	Sutton New Hall		

Former Hardy Spicer Sports Ground, and Land between Signal Hayes Road, and Weaver Avenue, Walmley, Sutton Coldfield, B76 2QA.

Deed of Variation to the Section 106 Legal Agreement attached to Outline Planning Approval 2009/04661/PA for a youth/community facility, grass pitch, public open space and residential use.

Applicant:	Kier Ventures Limited, Rubery Owen Holdings Limited c/o Agent
Agent:	Savills Wytham Court, 11 West Way, Oxford, OX2 0QL

Recommendation
Endorse

1. Proposal

- 1.1. The proposed Deed of Variation to the Section 106 Agreement attached to planning approval 2009/04661/PA is submitted under Section 106A(1)(a) of the Town and Country Planning Act 1990 following a financial reappraisal of the scheme and would remove the obligation on the owner (Kier/Rubery Owen) to construct and transfer the approved youth/community facility and sports pitch to the YMCA prior to the commencement of construction of more than 75 dwellings.
- 1.2. It would be replaced by an obligation which requires the owner (Kier/Rubery Owen) to submit a commuted sum of £3.5 million to Birmingham City Council together with transfer of the land allocated for the community facility and sports pitch to enable the Council to develop a community facility and sports pitch on the land within 7 years of the completion of the Deed of Variation. Any surplus from the commuted sum following the completion of the community facility and sports pitch would be put towards the provision or improvement of leisure or community facilities within the Sutton Newhall Ward.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located off Weaver Avenue and Horsfall Drive, Walmley and forms part of the wider site comprising the former Hardy Spicer Sports Ground and land off Signal Hayes Road, and Weaver Avenue, part of which is currently being developed for residential use by Taylor Wimpey. The site is currently open land bounded by hedgerows and the new residential development. The surrounding area is predominantly residential in nature

2.2. [Site Location and Street View](#)

3. [Planning History](#)

- 3.1. 09/05/2011. 2009/04661/PA. Outline application for a youth/community facility, grass pitch, public open space and residential use. All matters reserved apart from means of access (to be via Squires Croft, Weaver Avenue and Signal Hayes Road). Approved subject to condition with Section 106 agreement securing 16 affordable housing units (a mix of intermediate rent and shared ownership), provision of 0.106ha public open space (Thimble End Park extension), an education contribution of £164,000, provision of a community facility (YMCA) with community access agreement, a highway contribution of £116,000 and ecological enhancements within the woodland area (Enhanced Wildlife Habitat area). Approved with conditions.
- 3.2. 17/04/2014. 2014/00399/PA. Reserved Matters application for appearance, landscaping, layout and scale in accordance with Condition No. 2 attached to Outline planning approval 2009/04661/PA for a youth/community facility, grass pitch, public open space and residential use. Approved with conditions.
- 3.3. 17/12/2015. 2015/07790/PA. Variation of condition 1 (plans schedule) attached to reserved matters planning approval 2014/00399/PA to allow for substitution of house types and minor alterations to site layout. Approved with conditions.
- 3.4. 05/05/2016. Deed of variation relating to Section 106 Agreement dated 9th May 2011 (attached to planning approval 2009/04661/PA) relating to Land at Former Hardy Spicer Sports Ground/Land off Squires Croft and land between Signal Hayes Road and Weaver Avenue, Walmley, Sutton Coldfield, Birmingham. The Deed allowed for a variation to the trigger points for commencing development on the community facility and playing pitch prior to the commencement of construction of no more than 30% (33 units) and its transfer to the YMCA prior to the commencement of construction of no more than 68% (75 units) of the residential units.

4. [Consultation/PP Responses](#)

- 4.1. MP, Local Councillors, Royal Sutton Coldfield Town Council, Residents Associations, YMCA and nearby occupiers notified.
- 4.2. Councillor David Barrie supports the proposed Deed of Variation and writes on behalf of 13 local residents who also support the proposed Deed. 2 petitions of support have been received, 1 with 199 signatures and another with 86 signatures wishing to see a community garden and exercise area on the site of the unwanted YMCA
- 4.3. 5 further letters of support have been received.
- 4.4. 4 letters making the following comments have been received;
 - The developers have not yet provided the woodland area.
 - Site of community centre should be left as it is.
 - Area would be better if it was landscaped to attract birds and animals with some benches.
 - Could a skate park be provided.
- 4.5. 33 letters have been received objecting to the proposal on the following grounds;

- Deed only represents the economic interests of the developer.
- No requirement for a further community centre in Walmley.
- Land should be retained as open space and landscaped with benches.
- Youth centre would lead to noise and disturbance,
- Planning application too vague and would like to put objections to the Planning Committee.
- Nothing in the Deed to guarantee the facility would be built.
- Deed will delay the delivery of the community centre.
- Statement put out by Ward Councillors is influencing residents.
- No explanation why the current agreement should not go ahead.
- New community centre will cause traffic problems.
- New plans may impact on residential amenity.
- Developer took on responsibility of building Community Centre and is going back on that promise, Kier/Rubery Owen should be made to fulfil their obligation.
- In these times of financial cutbacks elsewhere, it is very important that the City Council insist on these agreements being enforced when there is little opportunity for other funding streams to make available facilities for young people with disabilities.
- This firm of builders is deliberately trying to manipulate the planning process and is concerned only with its profit. Supporting the lack of a facility for young people is only encouraging problems to move onto neighbourhood streets and cause disruption elsewhere.
- YMCA is a charity and not intent on making a profit, facilities are desperately needed for young people in the community.
- The area is well served by community facilities and it is not appropriate to put the building next to residential properties, new purchasers were not made aware of this.
- People who are objecting to the YMCA not being constructed do not live in the area.
- Young people have few places where they can go and socialise and participate in leisure activities which is safe, this is a much needed facility for youngsters in our community.
- Developers are trying to buy off the Council and local community.
- It is wrong that a centre that was promised to a charity as part of a legal agreement can be taken away not only from the residents but also from disadvantaged children that would benefit from the YMCA services.

4.6. The YMCA have requested a copy of the draft Deed which they have been sent and have contacted the Interim Chief Executive, Councillors, members of the Planning Committee and the Royal Sutton Coldfield Town Council. Their main objections can be summarised as;

- YMCA has provided support to services and the North Birmingham Community for 117 years and for the last 10 years have been involved in the promotion of a Community Centre in Walmley encouraged by Birmingham City Council and Sport England.
- Planning permission was granted through an “Enabling Planning Application” with the 110 houses funding the community facility. Without the community facility, residential development would be unacceptable in policy terms.
- Guidance on enabling development given by Historic England states that requests by developers to relax S106 obligations on viability grounds should be

resisted. Developer profit should be set to reflect risks and public benefits, partly securing here the community facility which provides the rationale for the enabling development.

- Rubery Owen and Kier are at 75% of building the homes they informed the YMCA they can no longer afford to build the facility and transfer the land to the YMCA and are seeking a Deed of Variation at the expense of the YMCA. This will lead to the provision of a smaller community facility and then they will apply to build more houses making more profit. The original land was designated community land and playing fields for the former Hardy Spicer Sports ground. Sport England also has an interest and the playing field and sports hall was agreed with them.
 - Our own financial assessment concluded that the enabling development is clearly viable and can fund the cost of the community facility. Land value paid by Taylor Wimpey can easily fund the community facility still leaving a significant profit for the developer. Developer profit should not be enhanced at the Community's expense.
 - YMCA have been advised that they retain a legal interest in the land and an interest in seeing the obligations in the S106 Agreement are honoured. Rather than being excluded from the process the YMCA contends that it should be immediately invited to lead the detailed design of the community facility as originally planned. YMCA would be prepared for Kier and Rubery Owen to transfer the land and full cost of the Community Centre to the Council and we would then work with the Council to deliver the Centre
 - The YMCA request that the City Council do the correct thing and ensure the wealthy landowners do not make more profit but build what they promised the local community and especially the children with disabilities that the YMCA work with that have already seen services cut by the Council due to budgets.
 - The YMCA do not want to put their charity and the City Council through an expensive judicial review.
- 4.7. The Walmley Residents Association have commented that at a meeting to discuss the proposed Deed of Variation attended by some 40 residents, the vast majority expressed in favour of the Deed of Variation.
- 4.8. Sport England – have submitted a holding objection on the basis that the proposed variation is not precise, leaves it uncertain whether a pitch and sports hall will be delivered and it is not clear on what specification the sports facilities will be and where they will be located. The spending of any surplus is also unprecise as it is not specified what this will be spent on. Sport England request details of what the community facility will comprise, where it will be located and how it will be managed, details of the pitch, how a future planning application will be obtained, what certainty will it be approved and details of the facilities any surplus will be spent on.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, UDP 2005 (saved policies), National Planning Policy Framework 2012.

6. Planning Considerations

- 6.1 **Background** - Outline planning permission (2009/04661/PA) was granted on 9th May 2011 for 110 dwelling houses, a youth/community facility (YMCA), a playing pitch, an extension to Thimble End Park and a habitat area with all matters reserved apart from means of access (to be via Squires Croft, Weaver Avenue and Signal Hayes Road). Without the community facility and playing pitch elements of the scheme, residential development of the site would have been unacceptable in planning policy terms. As part of the outline permission the applicants entered into a Section 106 Legal Agreement requiring the provision of 16 affordable housing units, provision of 0.106ha of public open space, provision of a community facility accessible to local residents, ecological enhancements to the woodland area, an education contribution of £164,000 and a highway improvement contribution of £116,500.
- 6.2. As well as these contributions, the cost of the youth/community facility and playing pitch was estimated at £3.3 million at the time. The Section 106 Legal Agreement also contained trigger points for the commencement of development of the youth/community facility and playing pitch prior to the commencement of construction of no more than 25%, (27 units) of the residential units and its transfer to the YMCA prior to the commencement of construction of no more than 49% (54 units) of the residential units.
- 6.3. Following the granting of Outline planning permission, 2 Village Green applications in respect of the application site were made by local residents including a judicial review to the High Court and a formal public inquiry. This process lasted 4 years and led to a considerable delay in the development of the site and costs to the applicants. The Inspector at the public inquiry recommended that Birmingham City Council did not register either of the two parcels of land as village greens and this recommendation was endorsed by the Licensing Committee on 18th March 2015.
- 6.4. The reserved matters application (2014/00399/PA) for appearance, landscaping, layout and scale in accordance with Condition 2 attached to the Outline planning approval 2009/04661/PA was approved by your Committee on 17th April 2014 and included a detailed design for the youth/community facility and playing pitch.
- 6.5. Subsequent to the approval of the reserved matters application in April 2014, part of the site was acquired by Taylor Wimpey and amendments including the substitution of house types, minor alterations to the layout and associated alterations to the landscape scheme as a result of amendments to the layout were approved.
- 6.6. A Deed of Variation to the Section 106 Agreement was agreed in May 2016 under delegated powers to extend the trigger points in relation to the commencement of development of the youth/community facility and playing pitch prior to the commencement of construction of no more than 30% (33 units) and its transfer to the YMCA prior to the commencement of construction of no more than 68% (75 units) of the residential units. This was to allow for continuity of development and secure the residential element of the scheme which had been delayed as a result of the unsuccessful Village Green application whilst giving more time for the applicants and the YMCA to develop the youth/community facility and the playing pitch element of the scheme. The residential development has commenced with phase 1 (up to 33 units) nearing completion and phase 2 (Up to 75 units) underway. Phase 2 is allowed to proceed on the basis of a material start being made on the construction of the youth/community and playing pitch by the insertion of a hammerhead at the access point. Legal Services have confirmed these works constitute a material start

and Taylor Wimpey are permitted to proceed with phase 2 of the development.

- 6.7. Subsequent to the Deed of Variation agreed in May 2016, the applicants have requested a further Deed of Variation which is the subject of this report. They have advised that following a financial reappraisal of the scheme they cannot afford to construct the youth/community facility in its approved form, the costing of which would be £5.9 million as opposed to £3.3 million at the time of the planning approval in 2011. Prior to the formal submission of the Deed, the applicants were requested to submit a financial appraisal of the cost of the construction of the youth/community facility and the wider scheme which they have done and this appraisal has been independently assessed, the conclusions of which are discussed below.
- 6.8. A consequence of the current proposed Deed of Variation is that the applicants are no longer working in partnership with the YMCA who although being joint applicants on the original application were not a signatory to the Section 106 Legal Agreement. The YMCA have been consulted by the City Council on the proposed Deed of Variation although they have not been involved in any of the negotiations between the City Council and the applicants.
- 6.9. **The Deed of Variation** – The Deed of Variation proposed by the applicants would remove the obligation for them to construct and transfer the youth/community facility to the YMCA and be replaced by a commuted sum of £3.5 million to enable the City Council to develop the community facility and playing pitch within a 7 year time frame. The Deed of Variation is accompanied by an Option Agreement to enable the land to be transferred to the City Council at the appropriate time. Your Committee agreeing to the proposed Deed of Variation would enable the applicants to sell the remaining land to Taylor Wimpey and for them to proceed with phase 3 (75-110 units) of the residential development.
- 6.10. The commuted sum of £3.5 million offered by the applicants is based on the original costing of the proposed youth/community facility in 2011 and the viability of the residential element of the scheme. The applicants have submitted a financial appraisal in support of the Deed of Variation which looks at the viability of the wider residential element of the proposal as well as the costings of the delivery of the youth/community facility in 2011 and at present.
- 6.11. The independent assessment of the financial appraisal was based on a residual approach taking into account the sale price of the land, reasonable development costs and other factors such as the cost of the Village Green application which significantly delayed the development of the site from 2011 to 2015 and professional fees.
- 6.12. The independent assessment concludes that after the inclusion of the proposed commuted sum of £3.5 million the developer's profits are considered well below the target level of return usually expected and that any greater cost liability would prejudice the schemes viability and the delivery of the final phase of development. Thus, by agreeing to the proposed Deed of Variation, the Council can ensure that the final phase of development will come forward. Failing to agree to the Deed could credibly result in the final phase not coming forward and were this to happen neither the residential development nor the commuted sum would be provided for. Accordingly, agreeing to the proposed Deed of Variation clearly serves a planning purpose – ie. ensuring the delivery of the scheme (albeit in an amended form).
- 6.13. **Planning Considerations** – The original outline planning approval was granted on the basis that the residential element of the scheme would subsidise the delivery of

the youth/community facility and playing pitch and would also compensate for the loss of private playing fields (former Hardy Spicer Sports Ground). The provision of the youth/community facility and playing pitch made the proposal policy compliant. It is evident from discussions with the applicants that for reasons outlined above and included in the financial appraisal that the youth/community facility cannot be delivered by the owners in its approved form and transferred to the YMCA as originally intended. This has led to the breakdown of the partnership between the applicants and the YMCA.

- 6.14. The Deed of Variation is submitted under Section 106A(1)(a) of the Town and Country Planning Act 1990 and the test for whether it should be allowed is whether it serves a useful planning purpose. The key planning purpose of the proposed Deed of Variation is that it would ensure the delivery of the scheme. The conclusion of the independent assessment of the viability appraisal submitted by the applicant is that if your Committee do not agree to the proposed deed there is a credible risk that phase 3 of the residential development will not come forward which in turn would result in there being no delivery of a community facility and playing pitch. The proposed Deed of Variation ensures that phase 3 of the residential development will enable a community facility and playing pitch to be delivered in some form, thus serving a legitimate planning purpose.
- 6.15. In response to the comments made by Sport England, the nature of the revised community facility will be determined in consultation with the local community and Sport England and will be subject to a new full planning application. Leisure Services have confirmed that they consider an appropriate community centre including sports facilities can be provided for £3.5 million within the required timeframe and are fully supportive of the proposed Deed of Variation. It is not possible to be more precise about the specification of the revised community facility at this stage and the proposed Deed of Variation is clear that the commuted sum would be spent on the community facility and playing pitch and only if there is any surplus would this be spent on providing or improving other leisure and recreational facilities within the Sutton Newhall Ward.
- 6.16. The above approach is fully supported by paragraph 205 of the NPPF which states that "Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development being stalled".
- 6.17. The YMCA have objected to the Deed of Variation and the methodology used for assessing the viability appraisal on the basis that, as the residential development is enabling development, current viability issues should not be considered as a reason for accepting the proposed Deed. They make reference to Historic England guidance which states that viability issues should not be taken into account in relation to enabling development. The YMCA also state that they have a legal interest in the land.
- 6.18. Whilst I would not argue against the view that the residential element of the scheme is enabling development, the Historic England guidance is not relevant in this instance as the scheme does not relate to a heritage asset. It is clear from the above Government advice that changes in the viability of delivering a scheme are required to be taken into account in assessing the merits of reviews to planning obligations. Ultimately, the decision whether to accept the deed of variation should be based on whether this is being exercised to further the aims of the statutory scheme, that is to say for planning purposes, and must not be exercised in a manner that is irrational. The decision to accept the deed clearly does satisfy a planning

purpose, namely that it would ensure delivery of the entire scheme. Indeed, even if the more stringent test suggested by Historic England were applied, as suggested by the YMCA (ie. that variations to a s.106 should normally be resisted), the test would still be satisfied. Indeed, absent the deed, the community facility (ie. the development being 'enabled') would not come to fruition. Thus, allowing the deed is seemingly the only mechanism to realistically ensure the deliverability of the scheme (as amended).

- 6.19. As stated earlier in this report (paragraphs 6.11-6.12), the viability of the development has been robustly and independently assessed with the conclusion that the scheme cannot accommodate a greater cost liability than the £3.5 million on offer.
- 6.20. In response to the YMCA's claim that they have a legal interest in the land, the applicants have sent written confirmation via their solicitors that the YMCA do not have any legal interest in the land allocated for the community facility and playing pitch which would be transferred to City Council through the Option Agreement attached to the Deed of Variation.
- 6.21. Counsel's advice has been sought on the above issue and confirmation received that consideration of viability issues is inherent to determining whether the proposed Deed serves a legitimate planning purpose and thus, it can be relied upon as a justification for the Council entering into the proposed Deed.

7. Conclusion

- 7.1. I therefore conclude, that the proposed Deed of Variation is the best way forward in ensuring the community facility and playing pitch are delivered and new housing secured. The City Council will have 7 years in which to develop the facility and playing pitch with any surplus sum being used to provide or improve leisure facilities within the Sutton Newhall Ward. Any new scheme for the community facility will require a new full planning application and any scheme would be developed in conjunction with consultation with the local community and Sport England.
- 7.2. Counsel's advice confirms that the proposed Deed of Variation is lawful.

8. Recommendation

- 8.1. That your Committee endorse the Deed of Variation to the existing S106 Legal Agreement.

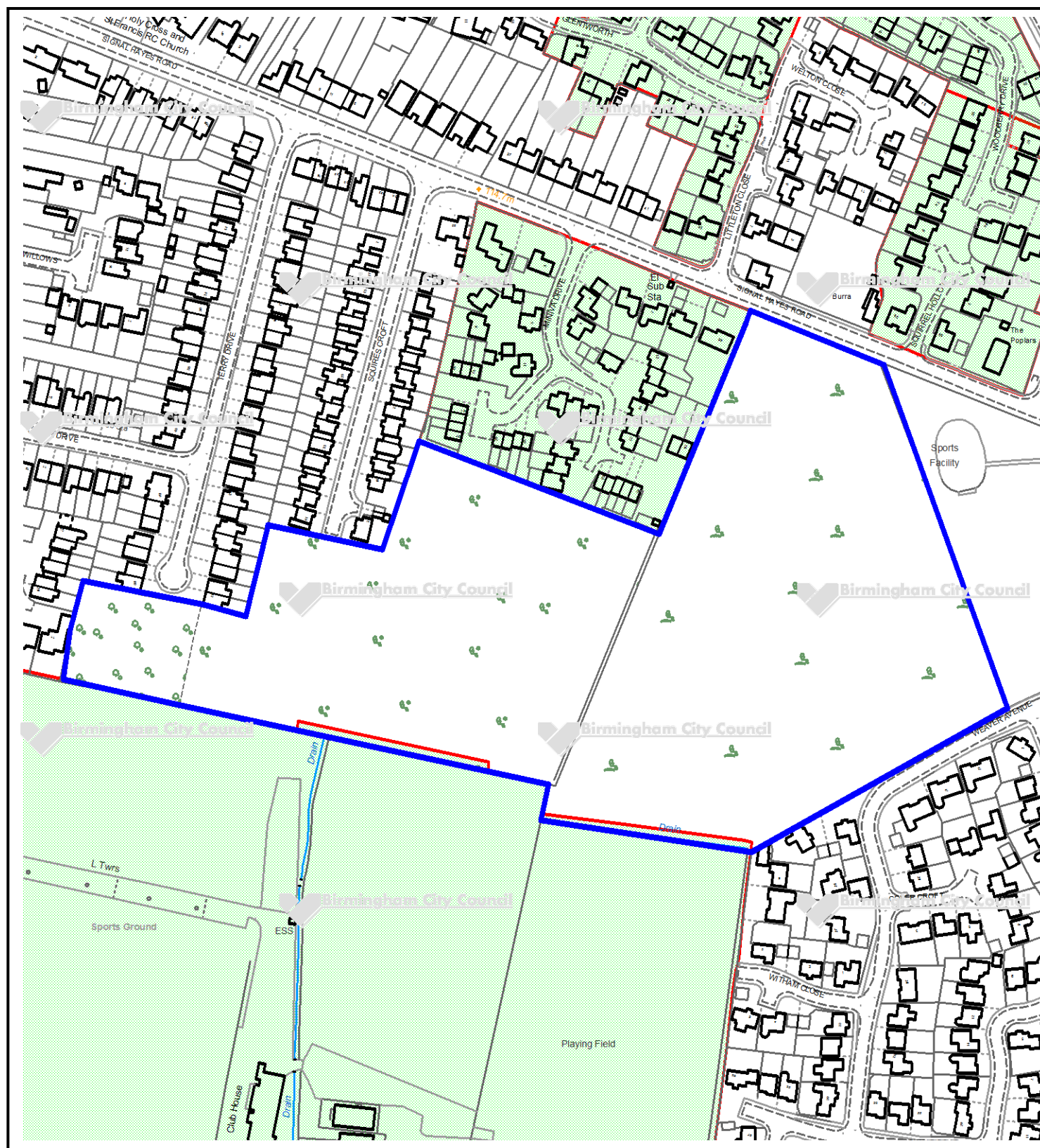
Case Officer: John Davies

Photo(s)



Figure 1 – Site of proposed community centre and playing pitch

Location Plan



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Committee Date:	12/10/2017	Application Number:	2017/07183/PA
Accepted:	15/08/2017	Application Type:	Full Planning
Target Date:	12/10/2017		
Ward:	Aston		

Land bounded by Ventnor Avenue / Melbourne Avenue / Wheeler Street, (Former Wheeler Tavern), Newtown, Birmingham, B19

Erection of 8 dwelling houses with associated car parking and landscaping

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

Recommendation

Approve Subject To Conditions

2. Endorse

1. Proposal

- 1.1. This planning application relates to the proposed erection of eight dwellings for affordable rent as part of the Birmingham Municipal Housing Trust (BMHT) programme on a vacant, overgrown plot located at the junction of Ventnor Avenue, Melbourne Avenue and Wheeler Street, Newtown.
- 1.2. The tenure of the development as affordable rent is proposed in response to identified unmet local need with regard to existing social housing waiting lists in the Aston Ward. The proposals are made having regard to the Birmingham Strategic Housing Market Assessment and seeking to address this established need.
- 1.3. The dwellings would comprise seven two storey detached, semi-detached and terraced two bedroom dwellings and one two storey detached three bedroom dwelling. Each of the dwellings would be outward facing onto the three surrounding roads, and would benefit from on-plot parking as well as a private rear garden.
- 1.4. The two bedroom dwellings relate to three different house types – the Moseley, the Weoley and the Walmley. These dwellings would comprise of a kitchen / diner, store, WC, living room and external store (or internal utility room) at ground floor with two double bedrooms, store and a family bathroom at first floor. The two bedroom dwellings would measure a minimum of 80.4sqm and a maximum of 81.2sqm. The bedrooms would measure between 11.5sqm and 14.6sqm. Each of the two bedroom dwellings would be a two bedroom, two person dwelling.
- 1.5. The three bedroom dwelling would be the Highgate house type and would comprise of a kitchen / diner, store, WC and living room at ground floor with two double bedrooms, one single bedroom, store and a family bathroom at first floor. The three bedroom dwelling would measure 94sqm in floorspace. The bedrooms would measure between 7.5sqm (single) and 12.7sqm. The three bedroom dwelling would be a three bedroom, five person dwelling.

- 1.6. The proposed dwellings would be designed to incorporate a mix of projecting gables, doorway canopies and large feature windows with pitched roofs. The dwellings would be constructed of cladding and facing brickwork and tiled roofs, with grey framed windows.
- 1.7. The proposed rear private gardens would be accessible from the rear of the property and a side access secured by a gate at the frontage of the dwelling plot. The rear gardens measure between 62sqm for a 2 bedroom house up to a maximum of 137sqm for the 3 bedroom house. The gardens would each have a garden shed and bin store provided. Fruit trees and an area of lawn and hardstanding would be provided within each garden.
- 1.8. Each of the proposed dwellings would have driveway parking associated with the plot, except plots 5 and 6 which would benefit from car port parking. 100% parking provision is proposed for the 2 bedroom dwellings with 200% parking provision proposed for the 3 bedroom dwelling. The access arrangements to each of the parking spaces would be via dropped kerbs from Wheeler Street, Melbourne Avenue and Ventnor Avenue.
- 1.9. The public realm associated with the development would comprise landscaped frontages of the dwelling plots, incorporating trees, shrubs and hedges.
- 1.10. The proposed residential density would be approximately 47 dwellings per hectare.
- 1.11. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a vacant and overgrown plot which was previously occupied by The Wheeler Public House. The public house was demolished around 2005 and the site has since been left in a state of disrepair. The site slopes up to the north, with the residential properties to the north at a much higher level.
- 2.2. Immediately to the west of the site lies an electricity substation. The site has two existing footways crossings, one off Melbourne Avenue and one off Wheeler Street. There are traffic calming measures in the form of speed cushions on Ventnor Avenue, Melbourne Avenue and Wheeler St. The site measures an area of 0.17 hectares.
- 2.3. The surroundings are residential in character with a mix of terraced and semi-detached housing which was mostly constructed as Council housing in the mid-1970s. The site is located within Newtown, approximately 1 mile from Birmingham City Centre. The site is within close proximity to the recently redeveloped North East Newtown and a short walk from the new Holte & Lozells School. Public transport links are available from Wheeler Street.
- 2.4. [Site Location](#)

3. Planning History

- 3.1. None relevant.

4. Consultation/PP Responses

- 4.1. Transportation Development – no objection subject to conditions to secure the necessary highway works (including construction of footway crossing; reinstatement of redundant footway crossings; proposed relocation including associated design, public consultation etc. of the existing speed cushions on Ventnor Avenue and Melbourne Avenue; and any work relating to any street furniture), pedestrian visibility splays and restricting the provision of gates to car ports.
- 4.2. Regulatory Services – no comments provided.
- 4.3. West Midlands Police – seek to secure a boundary treatment condition to improve security on northern boundary.
- 4.4. Site Notice posted. MP, Ward Members and neighbours notified. No representations received.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2017); Places for Living SPG (2001); Car Parking Guidelines SPD (2012); DCLG Technical Housing Standards – Nationally Described Spatial Standard (2015); Affordable Housing SPG (2001); Aston, Newtown and Lozells Area Action Plan (2017)

6. Planning Considerations

- 6.1. **Principle of Development** – The application site is located within a predominantly residential area which is subject to a mix of residential styles, however largely forms social and Council housing stock. The prevailing character of the area is therefore overwhelming residential alongside the presence of local facilities and amenities.
- 6.2. The application site comprises a brownfield site in a sustainable location. The proposed development is reflective of the residential character of the surrounding area.
- 6.3. The NPPF states at paragraph 49 that planning applications to deliver housing should be considered in the context of the presumption in favour of sustainable development (paragraph 14).
- 6.4. Policies TP27 and TP28 of the Birmingham Development Plan relate to sustainable neighbourhoods and the location of new residential development. Policy TP27 states that all new residential development will need to demonstrate that it is meeting the requirements of creating a sustainable neighbourhood, characterised by: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources; attractive, safe and multifunctional public spaces; and long-term management of buildings, public spaces, waste facilities and other infrastructure.

- 6.5. Policy TP28 goes on to state that new residential development should: be located outside flood zones 2, 3a and 3b; be adequately serviced by existing or new infrastructure which should be in place before the new housing for which it is required; be accessible to jobs, shops and services by modes of transport other than the car; be capable of remediation in the event of any serious physical constraints, such as contamination or instability; and be sympathetic to historic, cultural or natural assets.
- 6.6. Policy TP30 of the BDP indicates that new housing should be provided at a target density responding to its context. The density of the proposed development at 47 dwellings per hectare is considered acceptable. The site is well served by public transport, with a number of bus services available within a short walking distance of the application site.
- 6.7. Policy TP32 of the BDP relates to housing regeneration which promotes the regeneration and renewal of existing housing areas to ensure that high quality accommodation is provided to comply with the principles of sustainable neighbourhoods, of which Newtown is identified as a priority. The policy goes on to state that in redeveloping cleared sites, development would also need to identify and provide opportunities to improve open space provision amongst other community facilities, and improving the general quality of the environment. The application proposals seek to redevelop a vacant and disused site which has been subject to previous instances of anti-social behaviour.
- 6.8. The proposals comprise a mix of dwellings, which seek to meet a range of housing needs. Additionally, the site is identified within the Aston, Newtown and Lozells Area Action Plan (AAP) as an area for housing regeneration. The objective set out within the AAP seeks to deliver around 1,730 dwellings and to diversify the type, size and tenure of housing, including affordable housing to meet local community needs. Whilst the application site is not specifically allocated, the principle for residential development within this area is considered to be accepted.
- 6.9. The application site is located within a sustainable location with reasonable access to public transport, and a number of public services accessible within a reasonable distance. The site is unconstrained in respect of flood risk or protected trees.
- 6.10. I consider that the application proposals are acceptable in principle, being compliant with relevant adopted planning policy.
- 6.11. **Layout and Design** – The application proposals comprise the development of 8no. two storey terraced, semi-detached and detached houses. The proposed houses would be outward facing on to the respective streets (Ventnor Avenue, Melbourne Avenue and Wheeler Street) and would form an active frontage to the site. The proposed layout is considered to be a well arranged approach to the positive regeneration of a vacant and derelict site.
- 6.12. The proposed design of the dwellings is contemporary with a strong aesthetic appearance which would have a positive impact on the current vernacular of the area. The dwellings are of a high quality design, of an appropriate scale and mass for the area.
- 6.13. The landscaping proposals for the development would have an overwhelmingly positive impact on the current appearance and visual amenity of the site, which is at present overgrown and derelict. The proposed development would make a positive

contribution towards the appearance and general environment of the surrounding area.

- 6.14. I consider that the application proposals would meet the principles of good urban design and would have an acceptable impact on visual amenity. A condition to secure the detail of the materials of the proposed dwellings is recommended in order to ensure the high quality of the development.
- 6.15. **Residential Amenity** – The application proposals seek to deliver 8no. residential dwellings for affordable rent. The proposed dwellings comply with the Nationally Described Spatial Standards, exceeding the minimum floorspaces for the total dwelling and meeting the bedroom standards set out within the document. Furthermore, I am of the view that the indicative layouts of the dwellings, supplemented by furniture layouts, would be functional and would be conducive to the creation of a good living environment and an acceptable standard of residential amenity.
- 6.16. The proposed garden sizes exceed the guidelines set out within Places for Living SPG of a minimum of 52sqm for 2 bedroom dwellings and a minimum of 70sqm for larger dwellings, and would provide an acceptable external amenity space for recreation and functional activities, with dedicated bin store space and storage sheds supplied. Boundary treatments are proposed to secure the privacy of residents, which are considered appropriate and consistent with the surrounding residential character of the area.
- 6.17. Places for Living SPG sets out the recommended separation distances between residential dwellings, requiring 21m between windowed elevations and 12.5m between windowed elevations and flank walls. Gardens should be a minimum length of 10m. All plots achieve the minimum separation distances required. Plot 1 has a garden depth of 5.2m, with the distance separation between the windowed elevation and the garden boundary of the nearest dwelling being 7.45m. Whilst the minimum separation distance would normally be 10 metres, taking into account the orientation arrangement and level differences, I consider the relationship to be acceptable.
- 6.18. With regard to neighbouring residential amenity, the proposed orientation of the dwellings would not breach the 45 Degree Code to the existing residential properties to the north of the application site. The proposed development would not have an adverse impact on outlook, overlooking or loss of privacy, particularly given that the existing properties to the north of the site are at a significantly higher level, rendering overlooking almost impossible.
- 6.19. I consider that the application proposals would secure a good level of residential amenity for prospective residents and would be unlikely to have an adverse impact on neighbouring residential amenity. In order to maintain a good level of residential amenity, a condition is recommended to secure the installation of the recommended glazing specification as detailed within the Noise Impact Assessment submitted in support of the planning application.
- 6.20. **Highway Safety** – Car Parking Guidelines SPD specify a maximum parking provision of 2 spaces per residential unit, totalling 16 spaces for the proposal. The proposals comprise 9no. parking spaces (one space per dwelling for plots 1 – 7 and 2 spaces for plot 8) including two car ports for individual plots 5 and 6.

- 6.21. Transportation Development anticipate that the proposal would be unlikely to cater fully for residents and visitors parking demand on site and would be likely to result in an increase in on-street parking demand. However, the surrounding roads in the vicinity of the site are largely unrestricted and on-street parking demand is relatively low in the vicinity of the site. Furthermore, the site also has a good level of accessibility to public transport with frequent bus services accessible from Wheeler Street. It is therefore concluded that the proposals would be unlikely to have an adverse impact on the free flow of traffic, and no objection has been raised.
- 6.22. Transportation Development raises concerns in respect of the insufficient length of the car ports and suggest amendments to secure appropriate depth. It has however since been agreed that as plots 5 and 6 seek to provide only one parking space per dwelling, the depth of the car port alongside the driveway access would not have an adverse impact on the function of the parking space. I do not consider that the requested amendments are therefore necessary.
- 6.23. With regard to the application proposals, new vehicular accesses and footway crossings are proposed to facilitate the development, and it is recommended that conditions are attached to any grant of planning permission to secure the completion of such works at the applicant's expense. A condition to secure pedestrian visibility splays is recommended alongside this. I would concur that such conditions would be reasonable and necessary in this instance.
- 6.24. **Other Matters** – Due to the scale of the application proposals, the scheme does not generate a requirement for affordable housing under Policy TP31 of the BDP or public open space contribution under Policy TP9 of the BDP. The application site is located within a low residential value area and accordingly no CIL contribution is required.
- 6.25. As a result of the application proposals, the stopping-up of a highway link between Ventnor Avenue and properties to the rear of Wheeler Street is required. A resolution to secure the stopping up of this highway link is therefore recommended as part of the determination of the application.

7. Conclusion

- 7.1. The application proposals seek to secure the provision of 8no. houses available for affordable rent through the Birmingham Municipal Housing Trust programme. The proposals are acceptable in principle and would result good quality residential living accommodation. The proposals would be unlikely to have an adverse impact on highway safety. For the reasons set out above, I recommend that the application should be approved subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.
- 8.2. That no objection be raised to the stopping-up of a highway link between Ventnor Avenue and properties to the rear of Wheeler Street and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

-
- 1 Requires the prior submission of sample materials
 - 2 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 3 Requires pedestrian visibility splays to be provided
 - 4 Requires compliance with the submitted Noise Impact Assessment to establish residential acoustic protection
 - 5 Removes PD rights for extensions
 - 6 Removes PD rights for new windows
 - 7 Requires the scheme to be in accordance with the listed approved plans
 - 8 Implement within 3 years (Full)
-

Case Officer: Claudia Clemente

Photo(s)

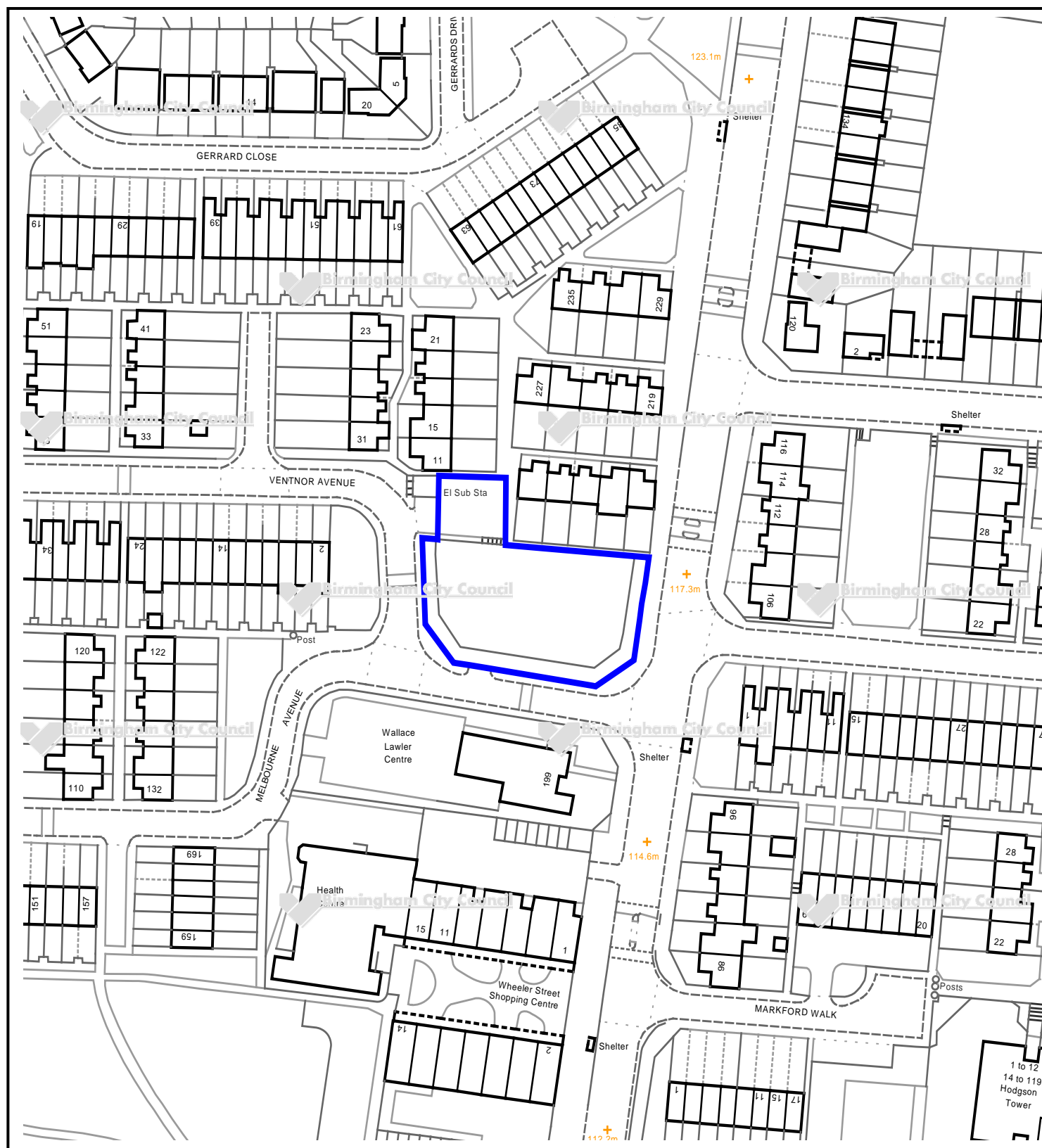


Figure 1: Application site



Figure 2: Application site surroundings

Location Plan



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Committee Date:	12/10/2017	Application Number:	2017/06759/PA
Accepted:	03/08/2017	Application Type:	Full Planning
Target Date:	28/09/2017		
Ward:	Sutton New Hall		

81-89 Water Orton Lane, Land between, Sutton Coldfield, Birmingham, B76 9BD

Erection of 6 semi-detached dwellings with associated access, parking, landscaping and garages

Applicant:	Marckis Investments Ltd
	c/o agent
Agent:	C & S Architects
	11 St Pauls Square, Birmingham, B3 1RB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1 Planning consent is sought for the erection of 6 no. two storey dwellings on land between 81-89 Water Orton Lane. The proposed dwellings would comprise of 3 no. blocks of semi-detached dwellings each providing 3 no. bedrooms, front and rear garden and off road parking provision.
- 1.2 The proposal also includes a new access from Water Orton Lane to a new rear access road that would provide rear garage space to the rear of each property in addition to the front driveway for each property with 2 no. spaces per dwelling proposed. The proposed houses would provide a small front garden set back from the public highway along with a rear garden and access for each property with the house itself providing a living room, kitchen/diner and W/C at ground floor level and three no. bedrooms and two no. bathrooms (1 no. en-suite) at first floor level.
- 1.3 The proposed dwellings would be two storey units comprising of 3 no. buildings in a semi-detached formation, each constructed from a combination of facing brickwork and render panels with glazed window units to the front and rear along with a tiled, steep pitched roof with a gable fronted elevation design which provides a contemporary take upon the existing houses in the locality.
- 1.4 All garden areas for the proposed dwellings exceed the minimum 70sq.m required for 3 no. bed units as stipulated within Places for Living SPG whilst the proposed bedroom sizes comply with or exceed the size thresholds contained within the Technical Housing Standards – Nationally Described Space Standards with the proposal representing a density of approximately 29 dwellings per hectare.

1.5 [Link to Documents](#)

2 Site & Surroundings

- 2.1 The application site is currently vacant and overgrown and previously accommodated residential development that was demolished several decades ago. The application site is set back from Water Orton Lane at its junction with Park Lane approximately 300m south of Minworth village centre. The site can currently be accessed from its frontage with Water Orton Lane and via a rear access road that serves the rear of existing residential dwellings along Water Orton Lane.
- 2.2 The application site is located within a predominantly residential area with a variety of housing styles, such as mid-20th century single and two storey dwellings and late 20th century two storey dwellings in detached, semi-detached and terraced formations. The site is bounded to the rear by open land beyond which lies Minworth Parkway and Minworth Sewage Treatment Works. Adjacent to the sites northern and southern boundaries (side elevations) are semi-detached residential dwellings that front onto the public highway with further residential dwellings beyond along Water Orton Lane and Park Lane.
- 2.3 [Site Location](#)
- 3 [Planning History](#)
- 3.1 None relevant.
- 4 [Consultation/PP Responses](#)
- 4.1 Site notice posted on site. MP, ward members, local residents and residents associations were notified with 8 no. objections/comments received from local residents on the following points;
- Development is not in keeping with the area – too contemporary and out of scale.
 - Overdevelopment of site.
 - Increase in traffic and congestion and associated noise.
 - Adjacent to hazardous road junction.
 - Traffic & speed survey not supplied.
- 4.2 Sutton Coldfield Town Council (Planning Committee) – Object to the proposal as the layout and density of the development is not in keeping with the area.
- 4.3 Transportation Development – No objection, subject to conditions;
- Pedestrian Visibility Splays (3.3m x 3.3m x 600mm desirable)
 - Vehicular Visibility Splays (2.4m x 4.3m x 600mm),
 - Construction Management Plan,
 - S.278 works to secure alterations to footway crossings and relocation of existing street furniture at applicant's expense.
- 4.4 Regulatory Services – No objection, subject to the following conditions;
- Provision of electric vehicle charging points,
 - Noise insulation to windows & doors fronting Water Orton Lane,
 - Land contamination assessment and verification report.
- 4.5 West Midlands Police – No objection.

4.6 Environment Agency – Unlikely that there is significant contamination present at the site and considering its known history, its location and size the risk to Controlled Waters is likely to be low. Developer should follow risk management framework provided by the EA.

4.7 Severn Trent Water – No objection, subject to the provision of a foul and surface water drainage detail condition.

5 Policy Context

5.1 NPPF (2012), Birmingham Development Plan (2017), Birmingham UDP (Saved Policies), Places for Living SPG, Car Parking Guidelines SPD, Technical Housing Standards – Nationally Described Space Standards (2015).

6 Planning Considerations

6.1 The NPPF advocates boosting housing supply and delivering a wide choice of high quality homes. The golden thread of the NPPF is the presumption in favour of sustainable development. However, it recognises that development which is in conflict with local planning policy should be refused unless other material considerations indicate otherwise. A key aim is the delivery of a wide choice of high quality homes. However it does note that development should not harm the local area. The framework attaches great importance to the design of the built environment stating that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to make places better for people. It requires new development to be of a good design which positively contributes to making places for people. Development needs to respond to the local character and promote local distinctiveness. Planning permission should be refused for poorly designed development.

6.2 The Birmingham Development Plan recognises that the existing dense, built up character of Birmingham presents challenges in identifying sites to accommodate growth. It also recognises the importance of improving the built environment to strengthen local distinctiveness with high architectural standards. Policy TP26 states that sustainable neighbourhoods include a wide choice of housing to cater for all parts of the community whilst policy PG3 expects that new development will be designed to a high standard and will reinforce a strong sense of place and local distinctiveness and should create a safe environment, ensure attractive and functional private and public spaces and utilise sustainable design elements whilst saved paragraphs 3.14A-D of the Birmingham UDP relate specifically to design quality and guidance within SPD's to ensure that new development seeks to protect and enhance what is good in the urban realm.

Design/Visual Amenity

6.3 The application site is located within a predominantly residential area that comprises of a variety of housing styles, such as mid-20th century single and two storey dwellings cottage style dwellings with steep pitched roofs and later 20th century two storey brick construction dwellings in detached, semi-detached and terraced formations. The proposed dwellings would be of a contemporary nature with simple detailing and brickwork and cream render panels and a forward facing gable detail providing a strong, cohesive design throughout the scheme which is welcomed. The proposal seeks to provide 6 no. dwellings following pre-application discussions with the applicant regarding layout and design which resulted in a reduction from an initial 8 no. dwellings. This has resulted in a density of approximately 29 dwellings per

hectare. Concerns have been raised within objections received that the proposal represents an over intensive use or an overdevelopment of the site when compared to the sites previous residential development which contained up to 3 no. dwellings and which were demolished several decades ago. However, I consider that the proposal represents an efficient use of the site and accords with the principles outlined within the Places for Living SPG.

- 6.4 The proposed layout has been designed with the surrounding built form and context in mind with the existing building line maintained, pairs of dwellings grouped so as to mirror those along this section of Water Orton Lane and to provide plot shapes and size similar to existing, adjacent dwellings. I note that concerns have been raised by a number of local residents and Sutton Coldfield Town Council regarding the scale and contemporary nature of the proposed dwellings which they consider are not in keeping with the surrounding area. Whilst the proposed dwellings represent a 700mm increase in height when compared to adjacent dwellings, the area is made up of a number of differing house types with both single and two storeys of different designs and is therefore not a uniform approach. As such, I consider that the height of the proposed dwellings is acceptable in this case.
- 6.5 I note that concerns have been raised by local residents and Sutton Coldfield Town Council regarding the contemporary nature of the proposed dwellings and that they are not in keeping with the general area. I am of the view that the contemporary nature of the proposed dwellings, in conjunction with their scale and siting, is an appropriate design response in this location. Furthermore, the proposed dwellings, whilst contemporary in nature, do take design cues from surrounding dwellings, such as the provision of the front elevation gable roof detailing which is a prominent feature of adjacent dwellings.
- 6.6 The City Design Officer has been consulted on the proposal and raises no objection and comments that the proposed scheme is a good response to the site. They have recommended that plot frontages should be enclosed by timber fence and hedging rather than the provision of metal railings so as to fit better within the local street character. I agree with this response and recommend that appropriate boundary treatment and landscaping conditions are imposed.

Residential Amenity

- 6.7 The proposed residential accommodation would provide 3 no. bedrooms per unit (2 no. double and 1 no. single bedrooms) along with 2 no. bathrooms (one of which is an en-suite) per unit along with living space and kitchens with internal accommodation at 106sq.m exceeding the minimum size threshold of 93sq.m as stated within Technical Housing Standards – Nationally Described Space Standards (2015). Externally, the rear garden areas would exceed the required 70sq.m for 3 bed dwellings as stipulated within Places for Living SPG. I consider that all of the spaces proposed would be of a useable shape and size and it is therefore considered that the proposed dwellings are acceptable in this regard.
- 6.8 Places for Living SPG stipulates minimum setback for residential development of 5m per storey (10m for a two storey building) from residential boundaries where main windows of new development overlook private amenity space and this has been achieved with the proposed dwellings. The siting would comply with the 45 degree code in relation to existing adjacent dwellings and minimum separation guidance within Places for Living SPG.

- 6.9 Regulatory Services have been consulted on the proposal and have raised no objections subject to the provision of a number of planning conditions including noise insulation to habitable room windows and doors that face onto the public highway and the provision of a contamination report with remediation and verification of such should site contamination be found. I concur with this viewpoint. However, a request for the provision of electric vehicle charging points has also been made by Regulatory Services for each of the dwellings. I do not consider this necessary to render the proposal acceptable as each unit would have its own dedicated off road parking space and separate garage with the ability for future occupiers to install such infrastructure should they wish.
- 6.10 Severn Trent Water and the Environment Agency have been consulted on the proposal and have raised no objections to the proposal subject to the provision of a condition securing drainage details for foul and surface water requested by Severn Trent Water. I concur with this viewpoint.

Highway Impacts

- 6.11 The application site is located approximately 300m south of Minworth village centre which provides a number of local facilities (e.g. shop, public house, school) within walking distance and is located on a bus route that provides services to Castle Bromwich and beyond and considered to be sustainable location for the provision of new residential development. The proposal provides 200% parking provision, which I consider to be acceptable.
- 6.12 Concerns have been raised by local residents regarding the increase in vehicular activity along Water Orton Lane, particularly access onto the public highway adjacent to an existing road junction and the increase in traffic and congestion. Transportation Development has raised no objections to the principle of the use in this location or the proposed layout and level of onsite parking provision. They have requested that a number of planning conditions be imposed, related to the provision of both pedestrian and visibility splays for driveways and rear access points and a construction management plan so as to minimise impacts upon the local highway network during construction works.
- 6.13 In addition, I note that works within the public highway are proposed, including the provision of new footway crossings, new bell mouth onto Water Orton Lane, the relocation of speed calming measures and a telegraph pole and Transportation Development request that such works are secured by condition. Whilst I concur with the imposition of the suggested planning conditions, I consider that given the small scale nature of the proposal and its location upon an existing public highway, it is not considered necessary to impose a construction management plan condition in this case. Subject to the imposition of the other suggested conditions the proposal to not adversely impact upon highway safety or the through flow of traffic along the local road network.

7. Conclusion

- 7.1 The proposed residential scheme would provide good quality residential accommodation and is considered to be acceptable in regard to both national and local planning policy and responds positively in terms of design, scale and siting to local context. Subject to the provision of planning conditions the proposal would not adversely impact upon local character and would not harm the free flow of traffic on the adjoining highway network or neighbour amenity.

8. Recommendation

8.1 Approve, Subject to conditions.

-
- | | |
|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the prior submission of level details |
| 4 | Requires the prior submission of hard and/or soft landscape details |
| 5 | Requires the prior submission of boundary treatment details |
| 6 | Prevents occupation until the turning and parking area has been constructed |
| 7 | Requires vehicular visibility splays to be provided |
| 8 | Requires pedestrian visibility splays to be provided |
| 9 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 10 | Requires the prior submission of a drainage scheme for foul and surface water |
| 11 | Requires the prior submission of a contamination remediation scheme |
| 12 | Requires the prior submission of a contaminated land verification report |
| 13 | Requires the prior submission a noise study to establish residential acoustic protection |
| 14 | Implement within 3 years (Full) |
-

Case Officer: Mohammed Nasser

Photo(s)

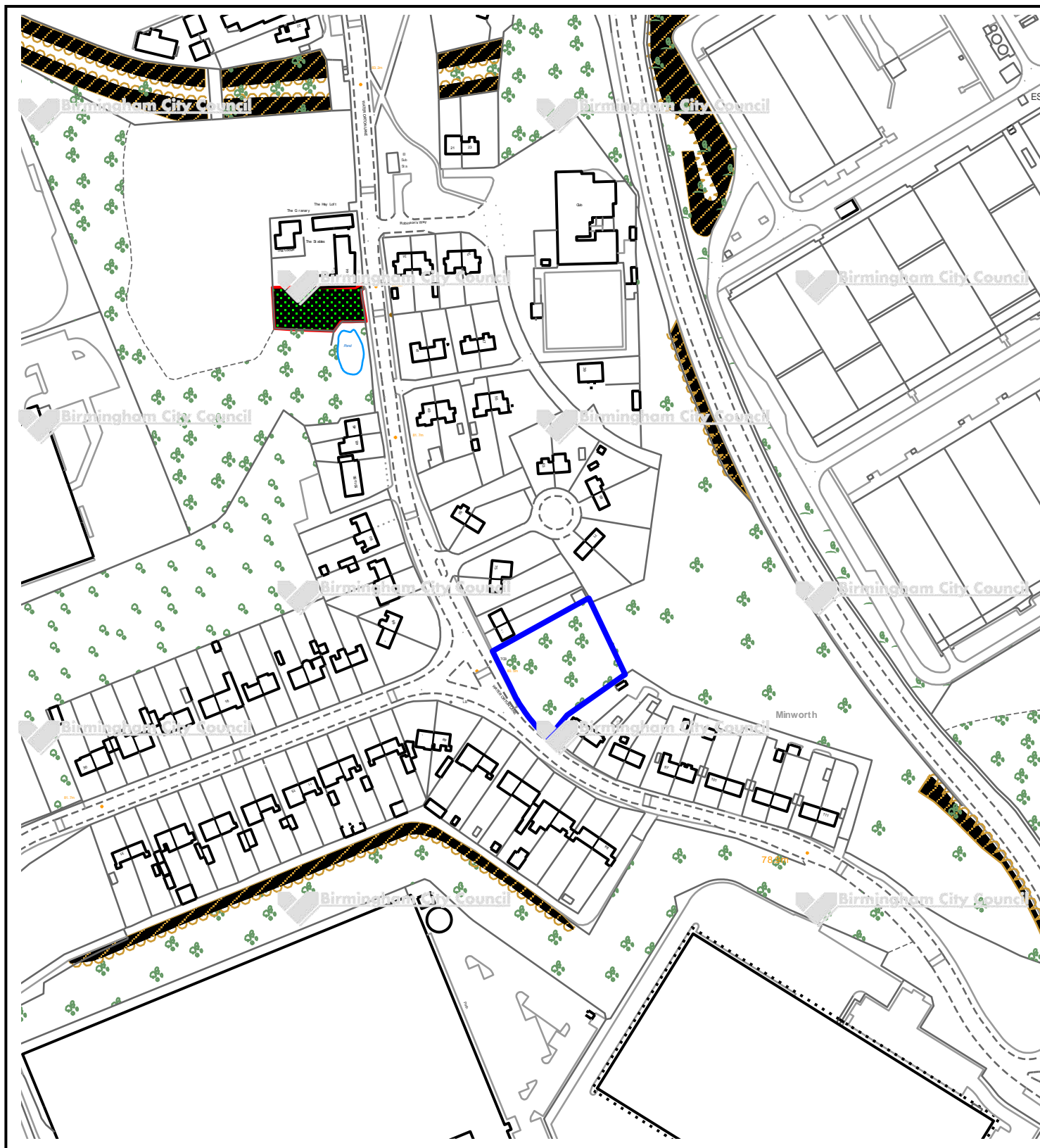
Fig 1 – Application site viewed from Water Orton Lane.



Fig 2 – Water Orton Lane street scene.



Location Plan



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Committee Date:	12/10/2017	Application Number:	2017/05130/PA
Accepted:	28/06/2017	Application Type:	Full Planning
Target Date:	13/10/2017		
Ward:	Sutton Vesey		

378 Boldmere Road, Sutton Coldfield, Birmingham, B73 5EZ

Alterations to existing rear wing and erection of new rear extension to create a one-bed self-contained flat

Applicant:	Mr G Johnson 378 Boldmere Road, Sutton Coldfield, Birmingham, B73 5EZ
Agent:	Palmer Design The Studio, 261 Little Aston Road, Aldridge, Walsall, West Midlands, WS9 0PB

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Planning permission is sought to alter the existing rear wing and erect a single storey rear extension in order to provide a one-bed flat with outdoor amenity space and new entrance to the existing first floor flat.
 - 1.2. The application originally proposed to change the rear ancillary store rooms into a house of multiple occupation (HMO) for up to six occupiers, however, during the application amendments have been received to change the proposed scheme to a new one-bed flat in an attempt to overcome my Officer's concerns about the standard of amenity being proposed.
 - 1.3. The proposed scheme seeks to remove the roof to the existing rear wing store/WC rooms and reduce the height of the side and rear walls to the existing store to 2 metres in height, and the retained walls would be finished with brick on edge coping. It is also proposed to erect a new rear extension that would measure 12.64m in length x 5m in width x 3.8m in ridge height (2m in eaves height) and would be constructed in brickwork to match the appearance of the original two-storey building and dark grey slated roof tiles. Side windows and rear door are proposed. A new rear entrance to the original two-storey building would be provided, which would provide independent access to the existing first floor flat via a new internal staircase.
 - 1.4. The internal layout of the flat would comprise a hallway, bathroom, bedroom (measuring 13.3sqm) and a combined kitchen, dining and sitting room. The remaining part of the rear yard would provide a garden area (45sqm) and external access from the side gate, located to the front of the rear wing.
 - 1.5. No off-street car parking provision is proposed.
 - 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application relates to a two-storey mid-terrace property with a single storey rear wing, which extends across the entire rear yard and is located on the west side of Boldmere Road, close to the junction with Chester Road North and forms part of a small shopping parade that serves the local community. The property currently contains a vacant ground floor retail shop with ancillary offices and store rooms to the rear and a self-contained one bed flat at first floor. The site includes a shared passageway, which provides pedestrian access to the rear offices/store rooms and it also provides access to the first floor flat at 380 Boldmere Road. The shared passageway is inadequate in height and width for vehicular access, although I note that it is served by a footway crossing on Boldmere Road.
- 2.1. The surrounding area is characterised by a mixture of commercial and residential uses. The site has good accessibility to public transport services including regular bus services and railway services from Wylde Green Train Station.

2.2. Site Location

3. Planning History

- 3.1. There have been numerous planning applications relating to this site, with the most relevant being:
- 3.2. 11 March 1993 - 1992/04727/PA - Reconstruction of covered yard, approved subject to conditions.
- 3.3. 8 August 2000 - 2000/02935/PA - Installation of new shop front and new flat entrance door, approved subject to conditions.
- 3.4. 6 September 2001 - 2001/03411/PA - Change of use from office/storeroom to restaurant, refused.
- 3.5. 26 August 2016 - 2016/05558/PA - Change of use of part of ground floor retail shop (Use Class A1) to a one-bed flat (Use Class C3) and alterations of rear wing to create a two-bed flat, refused planning permission on the grounds that the proposed development would lead to an unacceptable living environment for future occupiers, by virtue of the proposed size of the residential units and unsatisfactory levels of daylight and outlook, contrary to policies 3.8, 3.10 and 8.27 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 3.6. 16 November 2016 - 2016/07972/PA - Change of use of part of ground floor and alterations to the rear storage rooms including erection of new side and rear elevations and replacement roof to create two self-contained one-bed flats (Use Class C3), refused planning permission on the grounds that the proposed development would provide cramped and inadequate living conditions for future occupiers of the proposed flats in terms of insufficient size, daylight and outlook. As such the proposal would provide a poor standard of amenity for future occupiers and would be contrary to Paragraphs 3.8, 3.10, 3.14c and 8.27 of the Birmingham UDP 2005, the Draft Birmingham Development Plan and the National Planning Policy Framework.
- 3.7. Recent Enforcement case

- 3.8. 5 July 2017 - 2017/0709/ENF - Alleged unauthorised HMO, case closed on 31 July 2017 as owner confirmed that only repair works were being carried out and therefore it was decided by my Officers that there was no breach in planning.
4. Consultation/PP Responses
- 4.1. Ward Councillors, M.P, Residents Associations and adjoining occupiers were notified. Site Notice displayed outside site.
- 4.2. Initial comments received for proposed alterations and creation of HMO for up to 6 people:
- a) Sutton Coldfield Town Council - Objects to the application because of insufficient car parking and provision for refuse collection. Also, the HMO occupation is inconsistent with prevailing occupancy patterns in the area.
 - b) A Petition with 50 signatures was submitted by Councillor Pocock against the development, objecting to the application on the grounds that it would result in a large number of unsuitable bed-sit flats which are of an over-intensive design, and out of keeping with the principal residential character of the area.
 - c) 31 letters of objection received from nearby occupiers stating the following:
 - Unacceptable as it is going to be a youth offenders place, which residents in the area have already experienced problems with about 12 years ago.
 - Insufficient space for waste and recycling provision, which would lead to a significant environmental waste hazard and pest issue.
 - Lack of details about the retail shop and it is suspected that the applicant has no intentions to go through with the proposed retail section.
 - The shared passageway is not owned by the applicant and there is only occasional pedestrian access for the site, not shared vehicular access. If the shared passageway is shared then it puts other residents at risk and affects their privacy and safety, especially children living in the adjoining flats and those playing in the adjoining gardens.
 - Noise disturbance.
 - High density and over-development of the site.
 - Out of keeping with the area.
 - At odds with this residential area.
 - Detrimental impact to other shops and businesses as it would make the area unattractive and result in less parking and less people shopping in the area.
 - It will change the nature of the shopping centre.
 - Restrict the future use of the property as a commercial premise.
 - Lack of parking would be detrimental on local businesses and neighbourhood.
 - Increase road safety issues.
 - Increase in anti-social problems and crime, which has been a problem in the past.
 - No windows to the bedrooms would create a poor standard of living for residents.
 - Inadequate outdoor living space.
 - Works have commenced already without permission.
- 4.3. Following receipt of the amended scheme for alterations to the rear wing to create a one bed flat, local Ward Councillors, Residents Associations, nearby occupiers and consultees were re-consulted for 10 days and no additional comments have been received.

- 4.4. Transportation Development - Awaiting comments for the amended scheme.
- 4.5. West Midlands Police - No objection to the amended scheme.
- 4.6. Regulatory Services - No objection subject to conditions to require a scheme of noise insulation between the commercial and residential premises and to require adequate bin stores.
- 5. Policy Context
- 5.1. National Planning Policy Framework (2012), Unitary Development Plan (2005) (saved policies), Places for All SPG (2001) and Birmingham Development Plan (2017).
- 6. Planning Considerations
- 6.1. The main considerations are whether the proposed development would be acceptable in principle, and if so, whether the development would be acceptable in terms of design, highway safety and the standard of amenity for future occupiers.
- 6.2. Policy Context
- 6.3. The National Planning Policy Framework (NPPF) contains a presumption in favour of sustainable development and states that all planning decisions should require good design and a good standard of amenity for all existing and future occupiers. Paragraph 50 of the NPPF promotes the delivery of a wide choice of quality homes and creation of sustainable, inclusive and mixed communities.
- 6.4. Policy PG3 for the Birmingham Development Plan (BDP) 2017 advises that all new development would be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy. Policy TP27 of the BDP also promotes a wide choice of housing to ensure balanced communities, with good access to shops, schools, leisure, work opportunities and public transport. TP24 promotes a diversity of uses within centres.
- 6.5. Saved Policies 8.26 and 8.27 of the adopted UDP apply to the subdivision or conversion of properties into self-contained dwelling units. They advise that proposals should not have an unduly adverse effect on the residential amenities of adjoining occupiers. Generally, semi-detached properties may be considered suitable but the potential effect on adjoining occupiers would need to be assessed particularly carefully. It also emphasises that properties should be of sufficient size to permit the creation of individual dwelling units of a satisfactory size and layout and that proposals should not prejudice the safety and free flow of pedestrians and traffic in the adjoining highway.
- 6.6. Principle of Development
- 6.7. The application site forms part of a small shopping parade, which is well served by regular bus services and is located within walking distance (0.7km) to Wylde Green railway station. The proposed alterations and redevelopment of the rear wing to create a new one-bed flat would contribute to the mix of housing available locally and would ensure the retention of the retail shop. I therefore consider that the

principle of development is acceptable and would accord with local and national planning policies, subject to the following site specific considerations.

- 6.8. Design
- 6.9. The proposed alterations and redevelopment of a smaller rear wing would be acceptable in terms of design and the scale of the new rear wing would be lower in height than the existing rear wing. The new rear wing would be constructed in brick with a tile roof and a condition is attached, if mindful to approve, to ensure the brick and tile materials are in keeping with the external appearance of the two storey main building.
- 6.10. Impact on Highway Safety
- 6.11. The proposed scheme would not provide off-street parking provision, however, the site is located in a sustainable location close to shops and services, including good accessibility to public transport services. There are also 11 unrestricted on-street parking spaces available during the evenings and in the weekends directly fronting this shopping parade on Boldmere Road. I therefore consider that the proposals would not result in a significant increase in parking demand to cause a detrimental impact on highway safety. Transportation Development raises no objection.
- 6.12. Standard of Amenity for Future Occupiers
- 6.13. This application follows two refused applications that involved alterations and rebuilding of the existing rear wing and conversion into two flats with the only differences between the two refused applications relating to the number of bedrooms within each flat. The applications were refused on grounds that the development would not create satisfactory living environments in terms of room sizes, natural daylight and outlook.
- 6.14. The current application originally proposed to create a house in multiple occupation (HMO) for up to 6 people within a newly constructed rear wing, however, my Officers and West Midlands Police were concerned that the living accommodation proposed was inadequate and would result in a detrimental impact on the amenity of the neighbouring first floor flat at 380 Boldmere Road, in terms of noise and disturbance and an increase in crime and anti-social behaviour due to a number of people using the shared passageway located between 378 and 380 Boldmere Road to access the HMO. Following the concerns raised by my Officers, the applicant has amended the proposed scheme and seeks to create a one-bed flat in the proposed rear wing.
- 6.15. The proposed one-bed flat would measure 57.9sqm in gross internal floor areas and the bedroom size of 13.3sqm would meet the Nationally Described Space Standards for a new one bed, two person residential unit. I am satisfied that the proposed flat is acceptable in terms of size and layout. The flat would also have natural light to the hallway, bedroom and combined kitchen/dining and sitting area and although the outlook from the bedroom would be limited due to the 2m high boundary wall, I do not consider that it would be a reason for refusal given that residents would have a good outlook from the main habitable rooms. The rear garden has been enlarged compared to the previous refused applications and would exceed the minimum guidelines by 15sqm as recommended by Places for Living SPG.
- 6.16. Therefore, I consider that the proposed one-bed flat would provide a good standard of amenity for future occupiers, in accordance with the Saved Policy 8.27 of the UDP, PG3 of the BDP and the National Planning Policy Framework.

6.17. Community Infrastructure Levy (CIL)

6.18. The submitted application forms specify that the floor area of the development would be 57.9sqm GIA and this would equate to a payment of 3,991.00.

7. Conclusion

7.1. I consider that the proposed development would be acceptable in terms of design and a condition is attached to ensure the materials match the external appearance of the existing building. The proposed flat would provide an acceptable living environment for future occupiers, with a satisfactory size, layout and outlook and would be located in a suitable location for new residential accommodation, close to shops and services. The development would therefore achieve sustainable development, in accordance with relevant local and national planning policies and guidance.

8. Recommendation

8.1. I recommend approval subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the prior submission of details of refuse storage |
| 2 | Requires that the materials used match the main building |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Implement within 3 years (Full) |
-

Case Officer: Helen Hawkes

Photo(s)

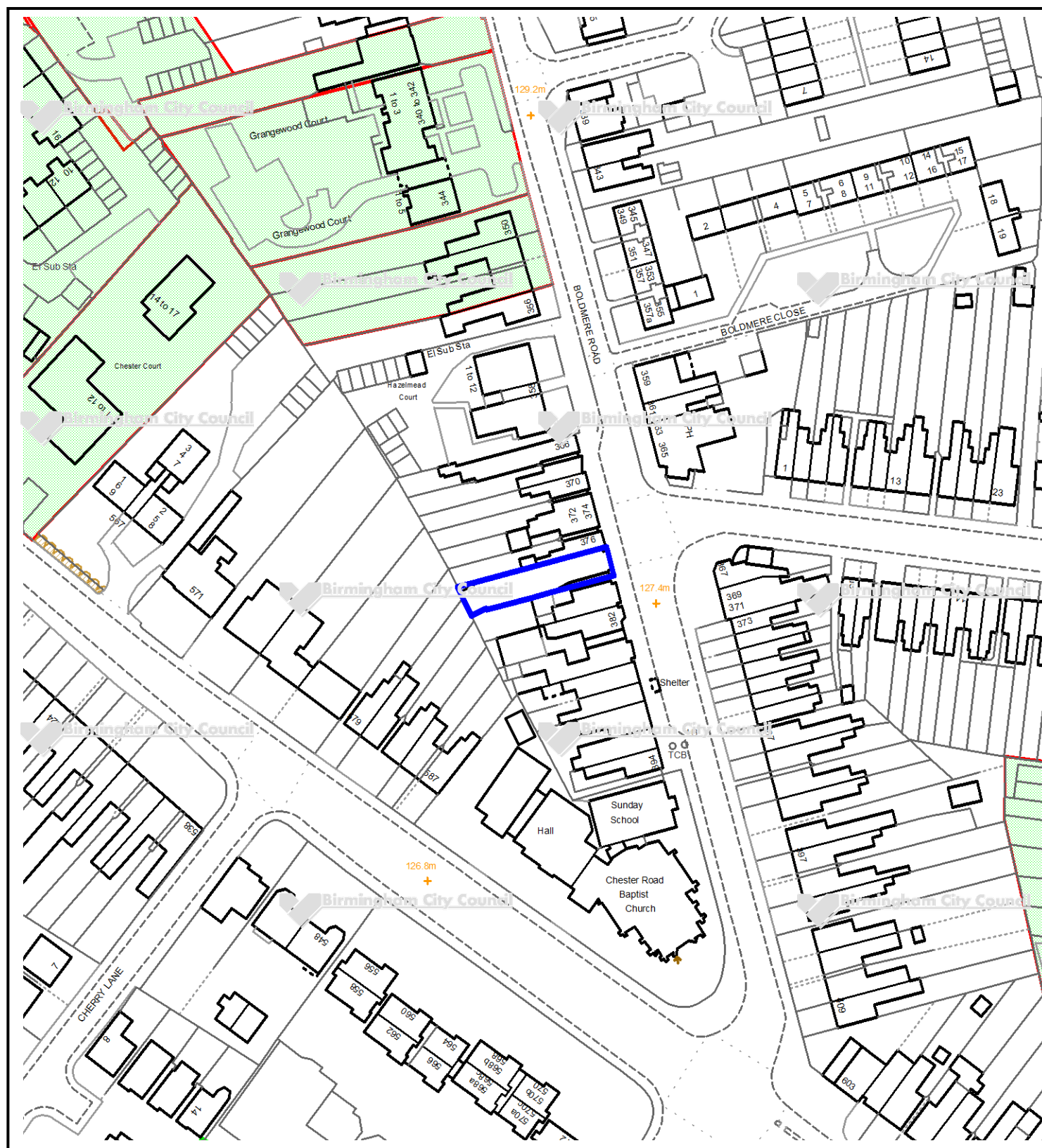


Application Site



Shared side passageway located between 378 and 380 Boldmere Road

Location Plan



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Committee Date:	12/10/2017	Application Number:	2017/06546/PA
Accepted:	28/07/2017	Application Type:	Full Planning
Target Date:	22/09/2017		
Ward:	Sutton Four Oaks		

2 Grounds Drive, Land Adjacent, Sutton Coldfield, Birmingham, B74 4SD

Erection of one dormer bungalow

Applicant:	A and P Property 38 Vesey Road, Sutton Coldfield, Birmingham, B73
Agent:	S and S Architecture Limited 27 Emmanuel Road, Sutton Coldfield, Birmingham, B73 5LY

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for the erection of a dormer bungalow on the side garden land adjacent to no. 2 Grounds Drive which would be attached to no.2 and form a terrace of 3 bungalows together with no. 4 Grounds Drive. The bungalow would have a hipped roof with front and rear dormers to enable accommodation to be provided at first floor. The bungalow would have a front ground floor bay to match no's 2 and 4 Grounds Drive.
- 1.2. Accommodation would comprise a lounge, bathroom and kitchen/dining room, bathroom and store at ground floor with a double bedroom, single bedroom and store in the roofspace.
- 1.3. 2 tandem car parking spaces would be provided on the site frontage. A garage would be retained at the rear with access off Grounds Drive for no. 2 Grounds Drive and, 2 replacement tandem parking spaces would be provided for no. 2 Grounds Drive in the front garden area.
- 1.4. A rear garden area of 59sq.m would be provided for the proposed bungalow and 66sq.m retained for no. 2 Grounds Drive.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises the side garden area/driveway of 2 Grounds Drive, a semi-detached bungalow with a side boundary to Grounds Road. Grounds Drive comprises 6 pairs of semi-detached bungalows. Grounds Road comprises a mix of detached dwelling houses and semi-detached bungalows.

2.2. [Site Location and Street View](#)

3. [Planning History](#)

- 3.1. 06/07/2017. 2017/04418/PA. Erection of 1 bungalow. Refused on the grounds that the proposal would result in a cramped form of development with an inappropriate roof design, inadequate plot size and inadequate separation which is out of character with the surrounding area and the proposed bungalow would have inadequate external private amenity space.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objections subject to conditions.
- 4.2. Regulatory Services – No objections.
- 4.3. West Midlands Police – No objections.
- 4.4. Councillors, Residents Associations, nearby occupiers notified. 6 letters have been received objecting to the proposal on the following grounds.
- Intensity of development. Concerned about the inappropriate cramming of a dormer bungalow into the side garden of the existing property at 2 Grounds Drive. The current configuration of properties in Grounds Drive is of semi-detached bungalows set on generous plots. Some of these properties have been extended but believe that the insertion of a dormer bungalow will look out of place in the road.
 - The building of this property will substantially reduce the gap between the buildings on Grounds Drive and Grounds Road.
 - Parking. Grounds Drive is very narrow and this development will reduce the limited on street parking opportunities. If there is parking on both sides, this could cause issues for emergency vehicles. The lower part of Grounds Road already suffers from parking problems from cars parked on both sides severely narrowing the road and causing driveway access problems.
 - Style of the proposed bungalow is not consistent with the other properties in the road. The roof of the proposed development is a gable style whereas the other properties all have a hipped roof.
 - The plans misrepresent the roof profile for the existing properties.
 - The front of the property has a different style of door/porch to the other properties in the road.
 - The rear of the property does not maintain the line of the other properties as it extends further than the original building foot print.
 - None of the bungalows on this side of Grounds Drive have dormers at the front or rear and so the proposed dormer windows will be out of place compared to these properties. It will also create a privacy issue for adjacent properties including our property as the high side window on the wall of the proposed property adjacent to Grounds Road will look into our lounge and so we will be overlooked when we were not before.
 - Developer has undertaken work, specifically the removal of trees and shrubs from the property, prior to the granting of planning permission.
 - Loss of light, privacy and outlook.
 - The newly proposed development will be the smallest residence within Grounds Road/Grounds Drive to the extent that the ground floor bungalow footprint cannot actually accommodate any bedrooms.

- The existing bungalow will have to be altered by way of a removal of a (bay) window which also marginally reduces the footprint of the current dwelling at 2 Grounds Drive.
- This dwelling is detached with a particularly narrow front elevation compared to any property along Grounds Drive or Grounds Road.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, UDP (2005), saved policies, Places for Living SPG, NPPF (2012).

6. Planning Considerations

- 6.1. **Policy** - 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 developments should reinforce or create a positive sense of place and local distinctiveness that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.
- 6.2. Paragraph 3.14C of the UDP states that development should have regard to the development guidelines set out in “Places for Living” and Paragraph 3.14D outlines a number of good urban design principles against which new development will be assessed. In particular this includes the impact a proposal would have on the local character of an area, including topography, building lines, scale, massing, views, open spaces, landscape, boundary treatments and neighbouring uses. The scale and design of new and extended buildings should generally respect the area surrounding them and reinforce and evolve any local characteristics.
- 6.3. Places for Living SPG also highlights that responding to the local context can ensure the unique identity of a place is not harmed as well as avoid any potential adverse impact on neighbouring buildings, landscape and uses. It identifies numerical guidelines for garden, bedroom sizes and separation distances for new residential developments
- 6.4. The National Planning Policy Framework states that all Housing applications should be considered in the context of the presumption in favour of sustainable development. Developments should respond to local character and reflect the identity of local surroundings and materials. It is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character of an area and the way it functions.
- 6.5. **Background** – A previous application for a detached bungalow with a gable roof was refused planning permission in August on the grounds that the proposal would result in a cramped form of development with an inappropriate roof design, inadequate plot size and inadequate separation which is out of character with the surrounding area and the proposed bungalow would have inadequate external private amenity space.
- 6.6. **Design and Character** – This revised proposal has been submitted following discussions with officers. I acknowledge that Grounds Drive consists of 6 pairs of semi-detached properties and the proposal would result in the creation of a terrace of 3 bungalows, however, the built form would be similar in appearance to no’s 1

and 3 Grounds Drive. No. 1 Grounds Drive has been extended at the side with a large extension with a hipped roof that extends almost up to the boundary with Grounds Road and also contains front dormers. For this reason I consider it would hard to justify refusal of planning permission on the grounds that the proposal is out of character with the area.

- 6.7. I consider the design of the proposed bungalow is acceptable and now incorporates a hipped roof as opposed to the previous gable roof and is more in keeping with the design of existing properties in Grounds Drive as opposed to the previously refused scheme. Other properties in Grounds Drive also have front dormer windows.
- 6.8. The plot width and size of the proposed and host dwelling remain slightly narrower and smaller than the existing properties in Grounds Drive but not to an extent which would be noticeably out of character with the area and warrant the refusal of planning permission.
- 6.9. **Residential Standards** – Bedroom sizes and general internal floor area exceeds minimum standards in the nationally described space standards (Technical housing standards). Separation distances to existing dwellings also comply with minimum guidelines contained in Places for Living SPG.
- 6.10. Adequate private amenity space is provided for the proposed bungalow and the existing bungalow which is in excess of the minimum guideline of 52sq.m for a 2 bedroom dwelling as set out in Places for Living SPG.
- 6.11. **Highways and Parking** – 2 car parking spaces would be provided for the proposed bungalow and 2 car parking spaces would be created for no.2 Grounds Drive on the front lawn. A garage with access off Grounds Road would be retained for no.2 Grounds Drive. I consider that parking provision is acceptable. Transportation Development raise no objection.
- 6.12. **Community Infrastructure Levy** – The proposal is liable for CIL. New floor space is 96sq.m GIA. CIL is £6,624.

7. Conclusion

- 7.1. I consider that, on balance, the proposed dormer bungalow is acceptable in design terms and would not adversely impact on the character or the visual amenities of the area.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- 1 Requires the prior submission of a drainage scheme
 - 2 Requires the prior submission of hard and/or soft landscape details
 - 3 Requires the prior submission of hard surfacing materials
 - 4 Requires the prior submission of boundary treatment details
-

-
- 5 Requires the prior submission of sample materials
 - 6 Requires the prior submission of level details
 - 7 Requires pedestrian visibility splays to be provided
 - 8 Removes PD rights for extensions
 - 9 Requires the scheme to be in accordance with the listed approved plans
 - 10 Implement within 3 years (Full)
-

Case Officer: John Davies

Photo(s)



Figure 1 – Application site

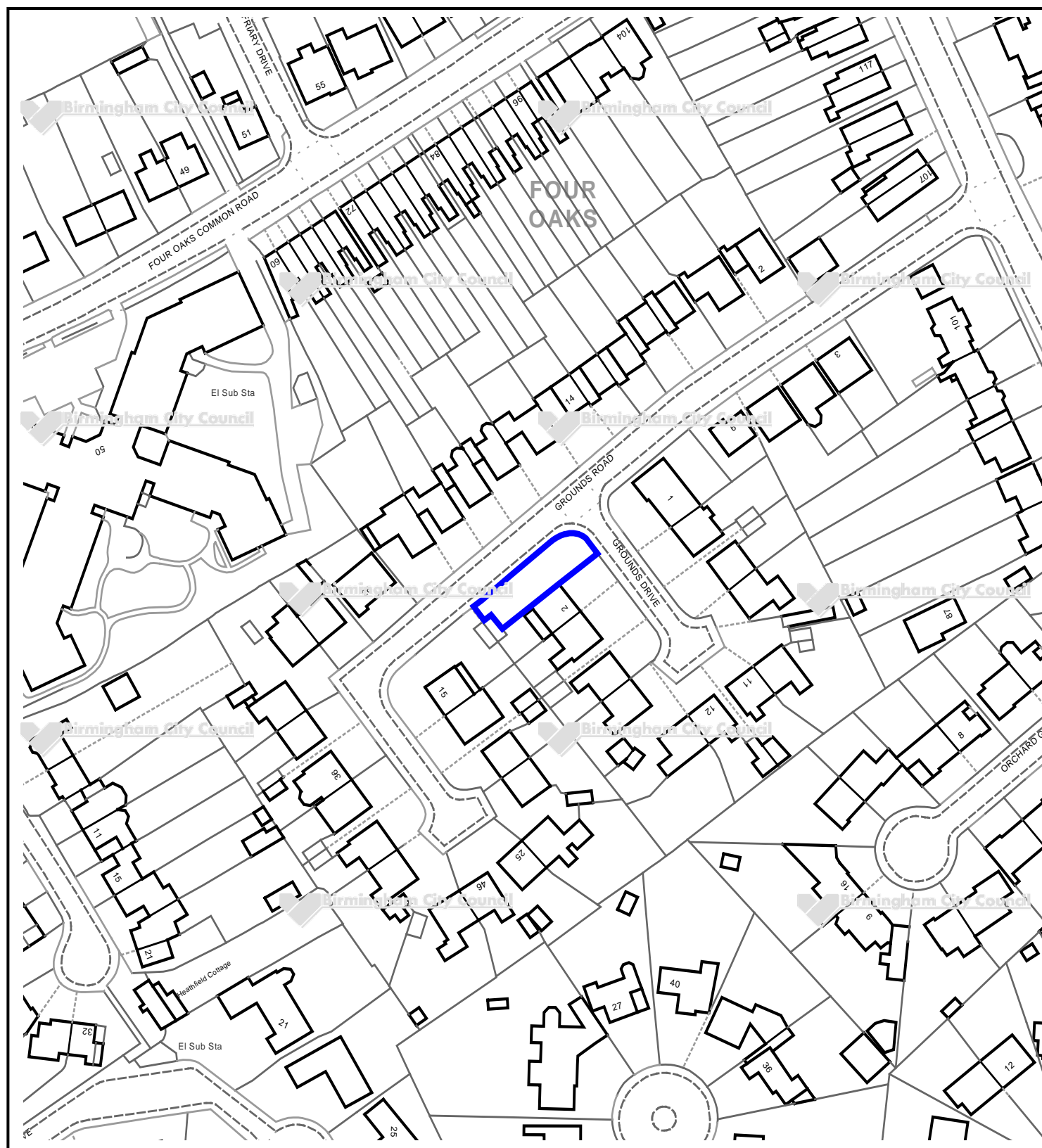


Figure 2 – No's 2 and 4 Grounds Drive



Figure 3 – Extended property opposite at 1 Grounds Drive

Location Plan



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Birmingham City Council

Planning Committee

12 October 2017

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	13	2017/06473/PA 17a Norfolk Road Edgbaston Birmingham B15 3PZ Erection of two storey front extension, porch, increase in roof height of property and installation of 3 No. Juliette style balconies to front and rear.
Approve - Conditions	14	2017/05529/PA Burnel Road Weoley Castle Birmingham B29 5TD Erection of ten residential dwelling houses
Approve - Conditions	15	2017/07286/PA Units 7-8 Selly Oak Industrial Estate Elliott Road Birmingham B29 6LR Change of use from business/industrial (Use Classes B1/B2) to a gymnastics venue (Use Class D2)
Approve - Conditions	16	2017/07118/PA 93 Alcester Road Moseley Birmingham B13 8DD Variation of condition 1 attached to planning approval 2006/01321/PA to allow opening hours from 09:00am on Fridays until 01:00am on Saturdays, and from 09:00am on Saturdays until 01:00am on Sundays

Approve - Conditions	17	2017/05518/PA Land to rear of 30 Frederick Road Edgbaston Birmingham B15 1JN Erection of dwellinghouse with associated access, parking and landscaping.
Endorse	18	2003/04585/pa Queen Elizabeth Hospital Mindelsohn Way Edgbaston Deed of variation

Committee Date:	12/10/2017	Application Number:	2017/06473/PA
Accepted:	24/07/2017	Application Type:	Householder
Target Date:	18/09/2017		
Ward:	Edgbaston		

17a Norfolk Road, Edgbaston, Birmingham, B15 3PZ

Erection of two storey front extension, porch, increase in roof height of property and installation of 3 No. Juliette style balconies to front and rear.

Applicant:	Mr Surjit Bindra
	17a Norfolk Road, Edgbaston, Birmingham, B15 3PZ
Agent:	Khoury Architects
	42 New Road, Stourbridge, DY8 1PA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Erection of a two storey front extension, porch, increase in the roof height of the property and installation of 3 No. Juliette style balconies to the front and rear elevations.
- 1.2. The proposed development would involve the near-total reconfiguration of the internal space of the property. At ground floor level a new family room and study would be provided. The existing kitchen, garage and hallway would be enlarged. The existing downstairs WC and shower room would be relocated within the ground floor layout as would be the main staircase.
- 1.3. At first floor level there are currently seven bedrooms, two bathrooms and an en-suite. The first floor layout would now consist of six larger bedrooms, three of which would have en-suites, and a single family bathroom.
- 1.4. The proposed two storey forward extension adjacent to the boundary with No.17 Norfolk Road would have a depth of 4.45m and a width of 5.2m. To the northern end of the frontage of the dwelling, adjacent to the boundary with No.18, the property would be extended at two storey level by 1m. The two forward extensions would be in line with each other and would have a symmetrical appearance with hipped roof designs and first floor Juliette style balconies. In between the two forward extensions would be a two storey section recessed by 1.8m. This section of the proposal would project forward of the existing frontage of the property by a maximum of 5m. A central porch with a flat roof design would be positioned forward of this element of the proposal with a depth of 1.2m, a width of 2.6m and a height of 2.1m.
- 1.5. The proposed works would involve the removal of the original gable end roof of the property and a simplified crown roof design being incorporated which would overall increase the ridge height of the property by 400mm.

- 1.6. As part of the proposed works three first floor Juliette style balconies would also be installed to the rear elevation of the dwelling.

1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a detached property with a gable end roof and two storey forward extensions and a canopy and pillars to the front. The property is located within a predominantly residential area with a mix of designs in the street. The ground level of the street rises in a northerly direction. The front boundary of the site consists of a brick boundary wall which varies in height as the ground level changes with railings above and two sets of decorative gates which are in excess of 2m in height. The rear amenity area of the site is partially paved. There are a number of mature conifers to the rear of the site.

2.2. [Site Location](#)

3. Planning History

- 3.1. 14/11/1996 – 1996/01972/PA – Permission granted for new two-storey side elevation extension. New first floor extension to garage block. Internal alterations and driveway.
- 3.2. 17/08/2016 – 2016/03468/PA – Permission granted for erection of two storey front, single storey side and single storey rear extensions.
- 3.3. 24/04/2017 – 2017/01815/PA – Permission refused for erection of two storey front, side and rear extensions, single storey rear extension, forward porch extension, increase in height of roof and installation of dormer window and 2 no. Juliette balconies to rear.
- No.18 Norfolk Road:
- 3.4. 25/08/2017 – 2017/06474/PA – Permission granted for erection of two storey forward extension including 3 No. Juliette style balconies and installation of 2 No. Juliette style balconies to rear.

4. Consultation/PP Responses

- 4.1. Neighbours and local ward councillors were consulted for the statutory period of 21 days. A letter of objection has been received from the owner of No.17 Norfolk Road on the following grounds:
- Loss of light.
 - Loss of privacy.
 - The scale of the proposed development and the resulting impact upon the appearance of their property.
 - The property has already been heavily extended and the proposal would be an over-development of the plot.
 - Encroachment and boundary issues.

- 4.2. A letter of support for the application has been received from Preet Gill MP.
- 4.3. Councillor Deirdre Alden has requested that the application be determined by the Planning Committee.

5. Policy Context

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

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale, design and siting of the proposed development, and the impact on the architectural appearance of the property, the general street scene and neighbouring properties amenities.
- 6.2. A previous scheme (reference 2016/03468/PA) was approved in August 2016 for the proposed erection of a two storey front, single storey side and single storey rear extensions and the increase in the roof height of the dwelling by 400mm. This scheme has not been implemented. A further application (reference 2017/01815/PA) was then refused earlier this year for the proposed erection of a two storey front, side and rear extensions, single storey rear extension, forward porch extension, increase in height of roof and the installation of dormer window and 2 no. Juliette style balconies to the rear. This second scheme was significantly greater in footprint than the previously approved development and was refused on the grounds of an inappropriate scale and design.
- 6.3. A new scheme has now been submitted which is a re-design of both previous developments which have been put forward for consideration. The previously approved side and rear extensions have been removed from the scheme so any new development would be located to the front of the property aside from the proposed increase in roof height which has already previously been granted planning consent in 2016.
- 6.4. The proposal complies with your Committee's 45 Degree Code policy and therefore would not have an adverse impact upon the occupiers of adjacent dwellings in terms of loss of light.
- 6.5. The proposed secondary, first-floor bedroom windows facing south to no. 17 can be conditioned to be fitted with obscure glazing in order to protect the privacy of the occupiers of the adjacent dwelling.
- 6.6. The scale, mass and design of the proposal is acceptable. It is acknowledged that the proposed development is generous in size. However, I do not consider that the refusal of such a scheme could be sustained on appeal. The appearance of the

frontage of the dwelling has already been significantly altered following previous forward extensions which were built following planning permission 1996/01972/PA. Consent was granted for further alterations to the front of the dwelling last year although these have not been implemented. In view of this I do not consider that the proposed development could be seen to be significantly altering the original character of the dwelling as previous works carried out on site have already done this.

- 6.7. The overall footprint of the resulting property at ground floor level would be less than that which was approved under application reference 2016/03468/PA, with the previously proposed rear extensions and orangery being omitted from the scheme. This section of Norfolk Road is characterised by properties of varying ages, sizes and designs. Whilst the resulting appearance of the property would be different from its original design, due to the lack of uniformity within this particular sector of Norfolk Road I do not consider that this would harm the character and appearance of the street scene.
- 6.8. When taking all of the factors into account, I do not consider that the overall impact of the alterations to the front of the property would be harmful to the visual quality of this building. The property is of limited architectural merit. The historical changes that have taken place mean that the property is already significantly different in appearance to the other dwellings which lie to the north of the application site along this section of Norfolk Road. Although the overall size of cumulative extensions to the property would be very generous in size, there are a number of far larger properties within Norfolk Road and I do not consider that the resulting dwelling would be incongruous with the context of the street scene. In view of these issues I consider that the proposed development would have a neutral impact upon the character of the surrounding area and therefore recommend that approval is granted.
- 6.9. The owner of No.17 Norfolk Road has raised concerns regarding boundary/encroachment issues. However, the agent has signed Certificate A on the application form stating that all land relating to the application is within the ownership of the applicant. In addition, the proposed plans show the entire development being contained within the application site. Any boundary disputes between the two property owners are a civil issue and are not a material planning consideration.

7. Conclusion

- 7.1. Notwithstanding the objections raised by the neighbouring occupiers, I consider that there are no sustainable grounds upon which to recommend refusal of the application.

8. Recommendation

- 8.1. Approval is recommended subject to the following conditions:

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- | | |
|---|---|
| 1 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 2 | Requires the Juliette balconies to be inward opening |
-

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

Case Officer: George Baker

Photo(s)

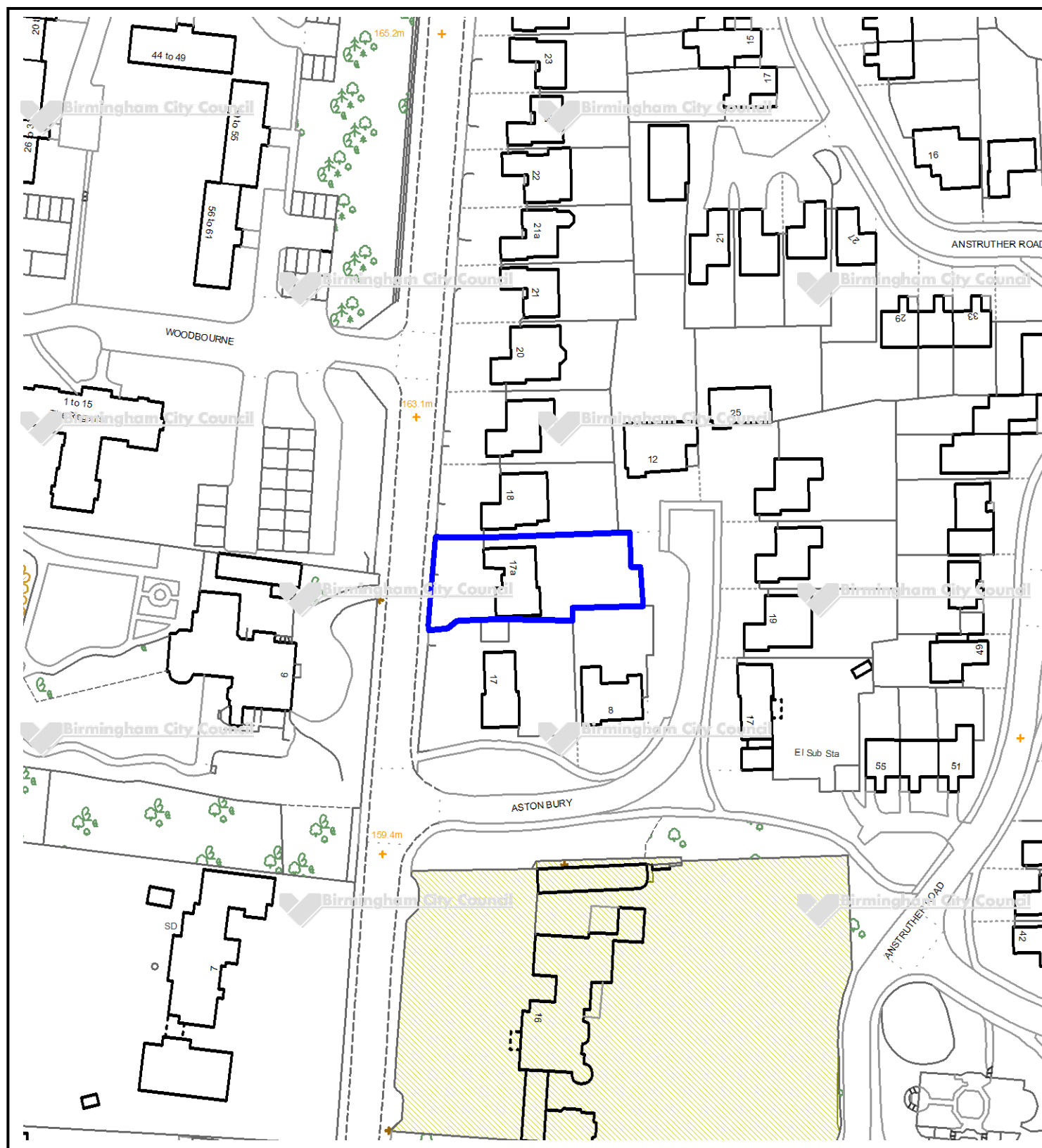


Fig.1 – Front of No.17a Norfolk Road



Fig.2 – Street scene viewed in a northern direction

Location Plan



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Committee Date:	12/10/2017	Application Number:	2017/05529/PA
Accepted:	22/06/2017	Application Type:	Full Planning
Target Date:	20/10/2017		
Ward:	Weoley		

Burnel Road, Weoley Castle, Birmingham, B29 5TD

Erection of ten residential dwelling houses

Applicant:	Birmingham Municipal Housing Trust 1 Lancaster Circus, Queensway, Birmingham, B4 7DG,
Agent:	Acivico 92-93 Edward Street, Louisa House, City Centre, Birmingham, B2 2AQ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The application is for the erection of 10no. residential units on land owned by the City Council at Burnel Road, Weoley Castle. It is proposed to develop the site as part of the Council's Stock Replacement Programme, on behalf of Birmingham Municipal Housing Trust (BMHT), for Social Rent tenure.
- 1.2. The site is situated between 122 and 144 Burnel Road and the development would consist of 10no (5no three bed and 5no two bed) two storey dwellings. The properties would be laid out in a row fronting Burnel Road.
- 1.3. The houses would generally comprise: – kitchen, dining room, living room, WC at ground floor with either two or three bedrooms and a bathroom at first floor.
- 1.4. The houses would have generously sized gardens in excess of 90sqm (in accordance with 'Places for Living')
- 1.5. All houses would have in-curtilage parking provision – 100% for the 2 beds units and 200% for the 3 bed units.
- 1.6. The properties would be of a traditional design, within the 'family' design of other BMHT sites elsewhere in the city. They would be constructed in brick with tiled roofs and incorporating features characteristic of properties in the surrounding area, including porch canopies, and solid brick coursing between ground and first floor windows.
- 1.7. The development would necessitate the removal of 7no. trees, (one Category B & two Category C Sycamore; one Category B Maple; one Category B Ash; one Category C Cherry and one Category U Willow); along with three groups of self-seeded sycamore and ash trees. 37 new trees are shown across the site.
- 1.8. Site area 0.25 hectares. Density 40 dwellings per hectare.

- 1.9. The following information has been submitted in support of the application: Design and Access Statement, Ecological Assessment; Ground Condition Desk Study and Tree Survey.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is 0.25 hectares of brownfield but cleared land, consisting of grassed areas, with a number of self-set trees, with a small wooden trip rail at the back edge of the footpath. The site is flat being approximately 38m in depth to the boundary with a large area of woodland situated to the south (rear) of the site, which has the Stonehouse Brook flowing through it.
- 2.2. Opposite the site to the north are residential properties and there are further residential properties to the east and west set out in linear rows fronting onto Burnel Road. The surrounding area is wholly residential in character, with a local shop on the corner of Burnel Road and Bottetourt Road to the west.
- 2.3. The site is a former commercial sand pit and has some signs of contamination.

[Location map](#)

3. Planning History

- 3.1. There is no relevant planning history associated with this site.

4. Consultation/PP Responses

- 4.1. Transportation – No objection subject to conditions in respect of the provision of pedestrian visibility.
- 4.2. Regulatory Services – No objection subject to noise insulation and contaminated land conditions.
- 4.3. Severn Trent – No objection, subject to a condition in respect of drainage details.
- 4.4. West Midlands Police – No objection. Recommend the development be built to enhanced security standards as advised by Police crime reduction initiative 'Secured by Design'
- 4.5. Education – No objection or comments.
- 4.5. LLFA (Lead Local Flooding Authority) – Note, that the proposed development is in close proximity to the Stonehouse Brook and recommend that a suitable drainage condition is added to any approval.
- 4.6. Letters of notification have been sent to surrounding occupiers, local residents associations, local Ward Councillors, MP and the Lapal Canal Trust. A site and press notice have also been posted.
- 4.7. One letter of objection have been received from nearby occupier, objecting to the application on the following grounds.

- Site is not suitable for so many houses.
- More houses will bring more cars and traffic to the road.
- Increase in anti-social behaviour.

5. Policy Context

- 5.1. The following local policies are relevant.
- Birmingham Development Plan (BDP) (2017);
 - The Birmingham Unitary Development Plan (UDP) (2005) (saved policies)
 - Places for Living SPG (2001);
- 5.2. The following national policy is relevant.
- The National Planning Policy Framework (2012)

6. Planning Considerations

Background

- 6.1. The proposal is for 10 new residential units on a plot to be developed for Birmingham Municipal Housing Trust (BMHT). The scheme is part of the Council's ongoing initiative to provide new high quality housing development in the City through BMHT.
- 6.2. The initiative would result in the Council receiving 10 new houses for social rent purposes.

Principle

- 6.3. 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 brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.4. Policy TP27 of the Birmingham Development Plan also states that *"new housing in Birmingham is expected to contribute to making sustainable places...All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods"*. Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that *"proposals should be accessible to jobs, shops and services by modes of transport other than the car"*.
- 6.5. Saved Paragraphs 3.14D and 3.14E of the UDP identify that new housing development should be designed in accordance with good urban design principles. In addition, 'Places for Living' SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and makes reference to minimum design and amenity guidance. Particular emphasis is given to assessing context and responding positively to local character
- 6.6. The principle of redeveloping this site for residential purposes would be a positive step in line with national and local policy. The site is within an established,

predominantly residential area, close to public transport links and with easy access to local services. The proposed development would deliver a choice of homes through the effective re-use of this site.

- 6.7. The proposed density of 40 units per hectare is in accordance with the normal policy guidance of 40 dwellings per hectare and would reflect the character of this location and allow for the provision of a wider mix of house-types, to meet the needs of different groups in the community.

Layout and Design

- 6.8. The residential properties on Burnel Road are sited in rows set back from the road with an established building line. The position/width of these proposed dwellings would not appear out of context. In fact, the proposal fills a gap which is uncharacteristic of this area. In light of this, I do not consider the proposed dwellings would have a harmful impact on the characteristic pattern of development in the surrounding area.
- 6.9. The dwellings would be of an appropriate scale and design that would reflect the character of dwellings in the surrounding area. The eaves of the proposed houses would sit at similar heights of neighbouring properties. All dwellings would be brick built with plain tiled roof, with canopies over the entrances. In the light of the above, I consider that the design of the proposal would enable the creation of a high quality residential environment that would sit comfortably within its surroundings.
- 6.10. The Council's Places for Living SPG recommends a series of numerical separation standards to ensure existing and future occupiers privacy and outlook. In this instance, the development has been designed so that the main habitable room windows of the proposed houses are orientated away from existing properties. Windows to habitable rooms are either to the front or rear. All are provided with an appropriate set back from boundaries (10m for two storey development) and 21m is provided between windowed elevations to the front. As such, I consider that there would not be any overlooking of adjacent properties significant to warrant refusal of the application.
- 6.11. The layout shows that all rear gardens would provide in excess of 90sqm of private amenity space which exceeds the minimum guideline of 70sqm as advocated in "Places for Living".
- 6.12. The properties would exceed the National Technical Housing Standards minimums: the three bedroomed being 102 sqm and the two-bedroomed being 88 sqm, while the guidelines are 93 and 79 sqm respectively. The homes would provide an internal layout of suitable size, with bedrooms in the 2 bed properties all being 13.4sqm and 13.7sqm and in the three bed being 8.6sq, 11.5sqm and 12.6sqm. All bedrooms would be in accordance with the national standards, which are not adopted by the Local Planning Authority but provide a suitable benchmark.

Impact on residential amenity

- 6.13. Applying the 45 degree code, it is noted that the properties would not breach the code, to any neighbouring property. Therefore, I do not consider there would be any undue loss of light or outlook to any adjacent property. I note that there are side windows to the side of both 122 and 144 Burnel Road. These are windows serving non-habitable rooms. As such, I do not consider there would be any detriment in terms of privacy or loss of light to occupiers.

Transportation

- 6.14. No objection has been raised by Transportation, who are satisfied that the proposed level of parking is adequate and that there would be no unacceptable impact on the surrounding road network. An overall 150% parking is provided and all spaces are frontage driveway parking directly off Burnel Road. Beyond the site, parking on street is unrestricted and there are regular buses running within reasonable walking distance of this site throughout the day. Conditions are recommended to reflect the requirements of Transportation in respect of pedestrian visibility.

Trees and Landscaping

- 6.15. The development would necessitate the removal of 7no. trees, (one Category B & two Category C Sycamores; one Category B Maple; one Category B Ash; one Category C Cherry and one Category U Willow); along with three groups of self-seeded sycamore and ash trees. 37 new trees are shown across the site and all other existing trees would be retained. The Tree Officer raises no objection to this scheme subject to conditions including an arboricultural method statement and general good arboricultural working practice.

Ecology

- 6.16. An Ecological Assessment submitted with the application notes that the site offers limited ecological value and the Council's Ecologist is satisfied that there appears to be no significant ecological constraints associated with the proposed development. A number of enhancement measures are recommended including the provision of replacement trees and soft landscaping with species of high value to wildlife and the creation of Hedgehog access points which can be secured through appropriate planning conditions. It is also requested that an advisory note be added to ensure site clearance is carried out at an appropriate time of the year.

Drainage

- 6.17. Severn Trent Water has not objected to the application subject to a suitable drainage condition. The Lead Local Flood Authority (LLFA) note that the proposed development is in close proximity to the Stonehouse Brook. Overall, the LLFA are in acceptance of the principles within proposed surface water drainage strategy, subject to conditions requiring additional information on the final drainage proposals.

Contamination

- 6.18. The application is supported by a ground condition desk top assessment. The Assessment notes that the ground on this site is made with materials generally consisting of a layer of topsoil overlaying loose clayey gravelly sands or soft sandy gravelly clays. Tests undertaken have confirmed the presence of chemically contaminated soils and as such remediation will be required. The Council Regulatory Services officer (Contaminated Land) therefore recommends that a condition for a remediation strategy and verification report is provided. I am satisfied that these conditions would adequately address this matter.

Other matters

- 6.19 I do not consider it necessary to impose the condition for noise insulation to windows made by Regulatory Services – this residential area has no unusual noise source to

warrant noise attenuation above the normal required by Building Regulations. I have passed on the Police's recommendation for enhanced security measures to the Applicant. The line of the former Lapal Canal runs along the southern boundary of the site, just outside the site. I do not consider the canal's possible future reinstatement would be affected by this housing development.

Community Infrastructure Levy

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

7. Conclusion

- 7.1. The development of the site for housing accords with both national and local policy. The development would constitute sustainable development, and add to the Council's stock of social rented housing for which there is a significant need. The proposed mix, layout and design are appropriate for the area and can be accommodated without any adverse impact on existing residents or the local highway network. The proposals would provide a high quality development, which I consider would make a positive contribution to the area.

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 scheme for ecological/biodiversity/enhancement measures |
| 3 | Requires the prior submission of hard and/or soft landscape details |
| 4 | Requires the prior submission of boundary treatment details |
| 5 | Requires the prior submission of sample materials |
| 6 | Requires pedestrian visibility splays to be provided |
| 7 | Arboricultural Method Statement - Submission Required |
| 8 | Requires tree pruning protection |
| 9 | Requires the prior submission of a contamination remediation scheme |
| 10 | Requires the prior submission of a contaminated land verification report |
| 11 | Requires the prior submission of a sustainable drainage scheme |
| 12 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 13 | Implement within 3 years (Full) |
-

Case Officer: James Mead

Photo(s)

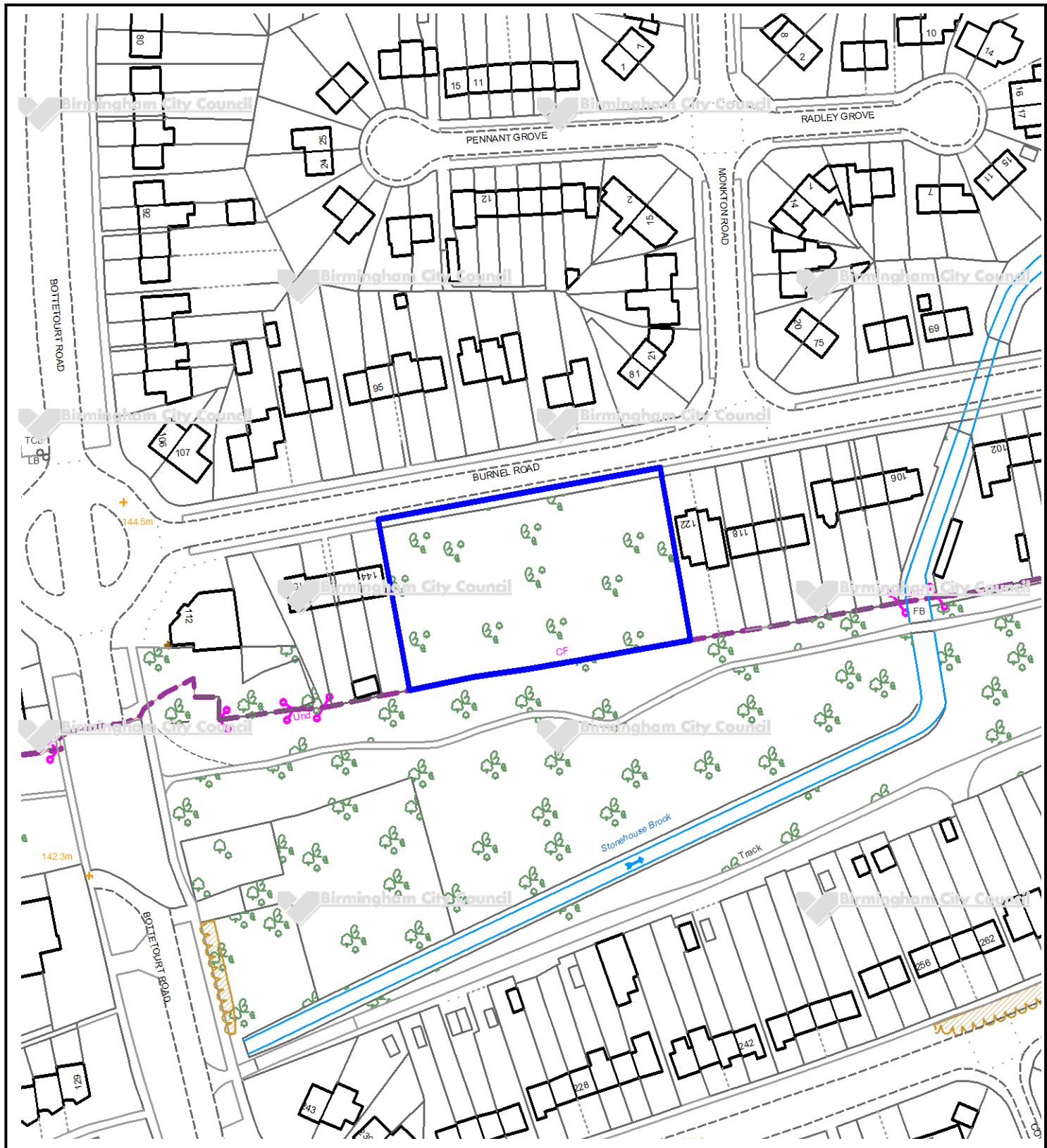


Photograph 1: View south west from north east corner of site



Photograph 2: View south east from north west corner of the site

Location Plan



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Committee Date:	12/10/2017	Application Number:	2017/07286/PA
Accepted:	22/08/2017	Application Type:	Full Planning
Target Date:	17/10/2017		
Ward:	Selly Oak		

Units 7-8 Selly Oak Industrial Estate, Elliott Road, Birmingham, B29 6LR

Change of use from business/industrial (Use Classes B1/B2) to a gymnastics venue (Use Class D2)

Applicant:	Revolution Gymnastics Club 105 Rea Valley Drive, Northfield, Birmingham, B31 3XN
Agent:	D P Design 130 Bromford Road , West Bromwich, B70 7JB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for the change of use of the existing building at Units 7-8 Selly Oak Industrial Estate from business and general industry (Use Classes B1/B2) to a venue for occupation by a gymnastics club (Use Class D2).
- 1.2. No additional floorspace or external alterations are proposed to the building.
- 1.3. The unit would retain its full internal height and floor area (2784sqm) to accommodate the very specific requirements of the Club, including minimum clear height of 5.5m for high bar/rings/asymmetric bars/trampoline and rebound equipment; floor area, pommel horse and parallel bars, and the creation of 2m deep pits for dismount from apparatus. Office space, coffee bar, and other ancillary facilities including toilets, and changing rooms would also be provided.
- 1.4. A schedule of classes indicates a range of activities taking place throughout the day with the number of participants dependant on the activity (maximum 28 participants at any one time within a class).
- 1.5. 34 existing car parking spaces would be available for use by the Club, with a proposed additional 24 car parking spaces proposed be created, providing a total of 58 spaces.
- 1.6. The proposed use as expanded would provide an additional 3 full-time job opportunities and 17 part-time job opportunities.
- 1.7. Proposed opening hours would be 9am to 11pm Monday to Friday, and 9am to 8pm weekends and Bank Holidays.

- 1.8. The application is supported by a 'Sequential Site Assessment and Leisure Impact Assessment' and 'Statements of Support' from professionals within the sport and community (including British Gymnastics and the University of Birmingham).

- 1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application relates to Units 7-8, which are 1970's built industrial units located on Selly Oak Industrial Estate. There are 14 units located on the Estate, the units being located on either side of a centrally located vehicular access, which is itself off Elliott Road. Many of these units have been amalgamated into larger units. Unit 9, which immediately adjoins the application premises to the north east, and Units 10-14 located opposite, are occupied by Zodiac Stainless Products. Units 5-6, which immediately adjoins the applications premises to the south-west, are currently unoccupied.

- 2.2. Other than the small Industrial Estate, the surrounding area is residential in character. The Worcester and Birmingham Canal immediately adjoins the Estate to the north east. Selly Oak District Centre and Selly Oak Railway Station are located within easy walking distance of the site.

- 2.3. There are car parking spaces located in front of units on the Estate, and also adjacent to the Canal.

- 2.4. [Site Location Map](#)

3. Planning History

- 3.1. No relevant planning history relating to this site

Unit 5 Avery Dell Trading Estate, Stirchley

- 3.2. 2nd March 2017 – 2016/09468/PA - Change Of Use from business and general industry (Use Classes B1/ B2) to gymnastics club (Use Class D2 assembly and leisure) and creation of parking spaces – Approved-conditions

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection – Subject to cycle storage condition
- 4.2. Regulatory Services – No objection – Subject to condition on restricting hours of use
- 4.3. Letters of notification have been sent to surrounding occupiers; local residents associations and local Ward Councillors. A site notice has also been displayed.

One letter of support received from Councillors Francis, D. Alden and J. Alden raising the following:

- Club serves a large number of children and young people from the local area
- Club urgently needs a new home for its elite and recreational competitive gymnasts

- The Selly Oak unit is perfect for The Club's needs. It is accessible by bus and car. It is a large space which can be equipped to suit the gymnasts' needs. Because the building would not be shared with any other organisation, there would be vastly increased training time available, which would benefit the gymnasts
- If Metchley Lane training facility is lost and change of use is not granted for the Selly Oak unit, there will be nowhere for non-competitive gymnasts to go. 7 years of building up the Club as a thriving local small business, employing local coaches and administrative staff, and contributing to the Birmingham economy, would be wiped out overnight. The non-competitive gymnasts would lose not just the health and social benefits, but the Club which they love, and which many have attended for years. The Club is not just a sports club, but a community, and change of use of the Selly Oak unit to community use will permit that community to grow and thrive.

One letter of objection has been received from a nearby commercial occupier, objecting to the proposal for the following reasons:

- Would require assurances regarding security
- Our business is industrial (i.e. using heavy industrial equipment and transportation/trucks) and site is now likely to be frequented by many members of the general public, adults and children alike
- "Proposed" parking spaces as detailed would also need clarification and agreement
- Very congested and dangerous parking endemic in the area - specifically along Elliott Road. Would be made worse

5. Policy Context

5.1. The following local policies are relevant.

- Birmingham Development Plan (BDP) 2017.
- Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
- SPD: Loss of Industrial Land to Alternative Uses (2006)
- SPD: Car Parking Guidelines (2012)

5.2. The following national policy is relevant.

- The National Planning Policy Framework (2012)

6. Planning Considerations

Background

6.1. The Applicant (Revolution Gymnastics Club) is a non-for-profit sports club, providing gymnastics experiences to all ages and levels of ability (including multi-sports and disabilities). The Club has over 1350 paying members and has produced 3 British champions, with 9 squad members selected for the GB national team. The Club currently operates on a temporary basis from Metchley Lane Gymnastics Centre in Harborne, having previously been based at the Munrow Sports Centre (University of Birmingham) until July 2017 when the building closed pending its demolition, following your Committee's approval of the wider master plan for the wider

University campus - creating an urgent need for space to ensure the continued operation of the Club and business.

- 6.2. Policy TP11 of the BDP deals with the provision and availability of sports facilities and notes the contribution such facilities can make to healthy lifestyles. The policy seeks to protect existing facilities from development (unless it can be demonstrated that they are surplus to requirements) and states that proposals for new facilities, in accessible locations, will be supported subject to compliance with other relevant policies.
- 6.3. The application proposal is for a leisure use in an edge-of-centre location, within an existing unit on a small industrial estate, most recently occupied for B1/B2 purposes associated with storage for the NHS. As such, issues of principle for consideration include the loss of the existing industrial premises and the acceptability of the site for leisure in sequential terms.

Sequential Test – Main Town Centre Uses

- 6.4. Policy TP21 of the BDP supports the positive promotion and enhancement of existing shopping centres. Policy TP24 identifies that wherever possible proposals for new leisure development should be accommodated within local centres. This policy also acknowledges that there may be exceptional circumstances where this is not possible and in such circumstances support could be given provided that a sequential approach has been undertaken.
- 6.5. The National Planning Policy Framework at Annex 2 defines leisure uses as 'main town centre uses' and establishes circumstances in which it is sequentially acceptable for them to be located in locations outside of a local centre. The application premises immediately adjoins the Primary Shopping Area of Selly Oak District Centre, the boundary of the Centre being immediately adjacent to the north west (rear) elevation of the application premises. This is therefore an edge-of-centre site.
- 6.6. Paragraph 24 of the NPPF identifies that a sequential approach should be taken for main town centre uses that are not in a local centre. When considering edge and out of centre sites, preference should be given to accessible sites that are well connected to the town centre.
- 6.7. The application is supported by a Sequential Assessment. This demonstrates that a significant number of other sites have been considered within Birmingham, but concludes that no other suitable site is available, largely due to the very specific requirements of the proposed operator. These requirements include premises of specific dimensions (scale, height and layout, such as a minimum clear height of 5.5m for high bar/rings/asymmetric bars/trampoline and rebound equipment; floor area from 800sqm upwards; and ability to create 2m deep pits for dismount from apparatus). In addition, it is essential for the viable operation of the Club that the premises remain located in the City Centre or South Birmingham and that the site has adequate parking facilities, with good road and rail links.
- 6.8. The submission shows that more than 60 sites in and around South Birmingham have been appraised. Only 6 units made it past the initial stages of meeting the criteria and being accepted for change of use by the vendors - all were lost out due to other companies taking on the leases, with one design and build opportunity changing from industrial to house build schemes. A premises was found in 2016 at Unit 5 on the Avery Dell Industrial Estate, Stirchley and your Committee approved

the change of use of these premises in March 2017 for use by the Applicant (under 2017/09468/PA). Unfortunately the site was sold to another party shortly after the approval had been granted.

- 6.9. I consider the approach outlined above is consistent with the requirements of the NPPF for a sequential assessment. A gymnastics club by its nature has very specific requirements in terms of ceiling heights etc., which are not to be found in retail units within centres. As such, I am satisfied that the application provides sufficient justification for an out-of-centre location.

Loss of Industrial Land

- 6.10. The NPPF emphasises the importance of planning in supporting sustainable economic growth in order to create jobs and prosperity. It recommends that local planning authorities have strategies in place to support businesses and to meet anticipated needs. Notwithstanding this, it also advises, at Paragraph 22, that *“planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”*.
- 6.11. The BDP sets out the principles on which industrial land release policies are based, at Policy TP17. The policy requires provision of a portfolio of ‘readily available’ employment land (categorised as ‘best quality’, ‘good quality’ and ‘other quality’), with a 5 year minimum reservoir of 96ha to be maintained throughout the plan period (including 31ha of ‘good quality’ land, which the application site is considered to be).
- 6.12. TP20 (Protection of employment land) notes that employment land and premises are a valuable resource to the Birmingham economy and will be protected where they contribute to the portfolio of employment land and are needed to meet the longer term employment land requirements. Outside Regional Investment Sites and Core Employment Areas there may be occasions where employment land has become obsolete and can no longer make a contribution towards the portfolio of employment land. In such cases change of use proposals from employment land to other uses will be permitted where it can be demonstrated that either:
- The site is considered a non-conforming use; or
 - The site is no longer attractive for employment development having been actively marketed, normally for a minimum of two years, at a price which accords with other property of a similar type in the area
- 6.13. The City’s ‘Loss of Industrial Land to Alternative Uses’ SPD highlights the pressure on industrial land from other activities and emphasises the need to ensure a balance of uses to meet the City’s economic and other aspirations. Section 5 of the SPD sets out the information required when submitting a planning application involving the loss of industrial land. Three criteria are identified. The first (non-conforming uses) and third (where high redevelopment costs make industrial development commercially unviable) are not arguments put forward in this case. The second, ‘Active Marketing’, applies where lack of demand for a particular industrial site is being argued, as is the case here. Paragraph 5.3 sets out the form such marketing should take. The fundamental requirement is active marketing for a reasonable period (normally a minimum of 2 years).
- 6.14. The Applicant has provided a history of the application premises, noting that the Unit was marketed in January 2016 due to a 6 month notice served by the previous tenant to vacate in July 2016. The Applicant has advised that since instructed, the

marketing agents have implemented a comprehensive marketing campaign, including a marketing brochure, marketing boards, web advertising and target mail shots to industrial and warehouse occupiers in the region. The premises has therefore been actively marketed for a year and nine months, but not quite the two years required by policy.

- 6.15. No formal comments have been received from my Strategic Employment Land Advisor. He has informally raised concerns relating to the fact that the recent marketing period that has taken place equates to one year and 9 months, and the point of the two year test is to demonstrate that an appropriate period of marketing has shown the site to not be of interest to the market. This means that the proposal does not comply with Policy TP20 of the BDP and the Loss of Industrial Land SPD, but only by a period of three months I note.
- 6.16. Notwithstanding the above, it is considered that there are exceptional circumstances in this instance. The Club has specific requirements that this building provides for including: a concrete floor, 6m eaves height, 43m length, has capacity for 3 foam filled landing pits and 2 pits for specialised sunken equipment - all of which could not be provided in a space that is rented from another Club, or a school hall, or in most buildings of a non-industrial nature.
- 6.17. The Club's role in UK wide gymnastics is also noted, with a number of Club members competing on a national and international level, in addition to its wider community provision for all ages/abilities, with associated health benefits. The Applicant's submission is accompanied by letters of support from the University of Birmingham, British Gymnastics and others. The Club faces an uncertain future if alternative premises are not secured, which would be a loss to the local community and the wider sport.
- 6.18. The current facility employs 49 personnel; 7 on a full time basis, 42 on a part-time or casual basis. The loss of the Munrow Sports Centre will terminate 20 jobs, where the proposed new facility would retain the current personnel list and increase by at least 20 more personnel. Therefore the proposal would be employment generating.
- 6.19. Although the Applicant has not quite demonstrated two years active marketing; the site is not within any strategic area for industrial purposes and, on balance, I consider that the proposal would deliver wider social, economic and environmental benefits that would outweigh harm caused by the loss of industrial land. It is considered that given the very special circumstances in this case, that a condition of any approval be that the permission is personal to the Applicant.

Impact on Residential Amenity

- 6.20. The application premises is an existing vacant industrial unit located on an Industrial Estate. The nearest residential property is located 48m away to the south west at No. 2 Winnie Road, beyond Elliott Road. I consider this would be a sufficient distance away for there to be no noise and disturbance issues that would harm the amenity of these residential occupiers. Regulatory Services have raised no objection to the proposed development.

Traffic and Parking

- 6.21. A total 58 parking spaces are to be provided within the Estate for the proposed use. Beyond the site there are unrestricted on-street parking options, although demand is typically very high. There are very good public transport links at this location, with

regular buses and trains running throughout the day, within short walking distance of this site.

- 6.22. The Applicant has confirmed that they would schedule 10 minute gaps between classes to allow for a crossover period and that a class would only have a maximum of 28 participants. During the daytimes, the Applicant has confirmed that classes would be capped at 20 participants. The majority of staff are University of Birmingham students who live in Selly Oak and would walk or cycle to the premises. It is unlikely that all users would arrive individually (it is likely that many would travel with more than 1 visitor per vehicle, including mini-buses for some classes), and older participants are often dropped off/picked up without the need for a parking space to be used.
- 6.23. Transportation Development have raised no objection to the proposal and given the above, they advise that the provision of 58 spaces for this use should be adequate to meet the demands generated, with the 10 minute gap separating sessions. They advise that whilst traffic and parking demand generated by the proposed use may increase it is not considered this would be significant. It is noted that the Applicant has offered staff the cycle to work programme and actively encourages staff where possible to car share. Transportation advise that secure and sheltered cycle storage spaces should be provided by way of condition to encourage both staff and visitors to consider this alternative mode.
- 6.24. I note the objection from the business on the Estate in respect of parking issues. Reference is made to parking problems within the local area, along Elliott Road and beyond. Whilst this is acknowledged, it is expected that parking associated with the proposed use would be contained within this private Estate.

Other Issues

- 6.25. I note the concerns raised by the adjoining business on the Estate in respect of security. The Applicant has confirmed that the security of the application premises itself would be important as specialist gymnastic equipment would be housed within the facility. They confirm that security grilles to all ground floor windows would be retained, that all exits would have contact alarms fitted, and internal motion detectors would protect the open spaces within the building. They advise that CCTV would provide coverage of both the rear escape doors (along Selly Wharf) as well as the front entrance and parking area, and this would be linked back to a 24hr monitoring station. It would remain as existing that the palisade security fencing and gates to Elliott Road are secured at night (by the last person leaving). The existing palisade security fencing and gates on to Selly Wharf are generally locked all the time. I note the industrial occupier's comments about the nature of their business and safety for users of the gymnastic club, though this is a matter the club will be well aware of and will need to consider carefully outside the planning system, probably in conjunction with the site owner and other occupiers.

7. Conclusion

- 7.1. The proposed development would make use of a vacant premises in a sustainable location, promote employment and health, and the use of the property as a gymnastics club would not have any detrimental impact on the amenities of surrounding residents or the existing traffic and parking situation. Given the special circumstances, there is no objection to the loss of industrial land and the proposal

meets the sequential policy tests. Therefore, on balance, it is recommended that the application be approved subject to the attached conditions.

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 cycle storage details |
| 3 | Prevents the use from changing within the use class |
| 4 | Permission to the Applicant only |
| 5 | Implement within 3 years (Full) |
-

Case Officer: Andrew Conroy

Photo(s)

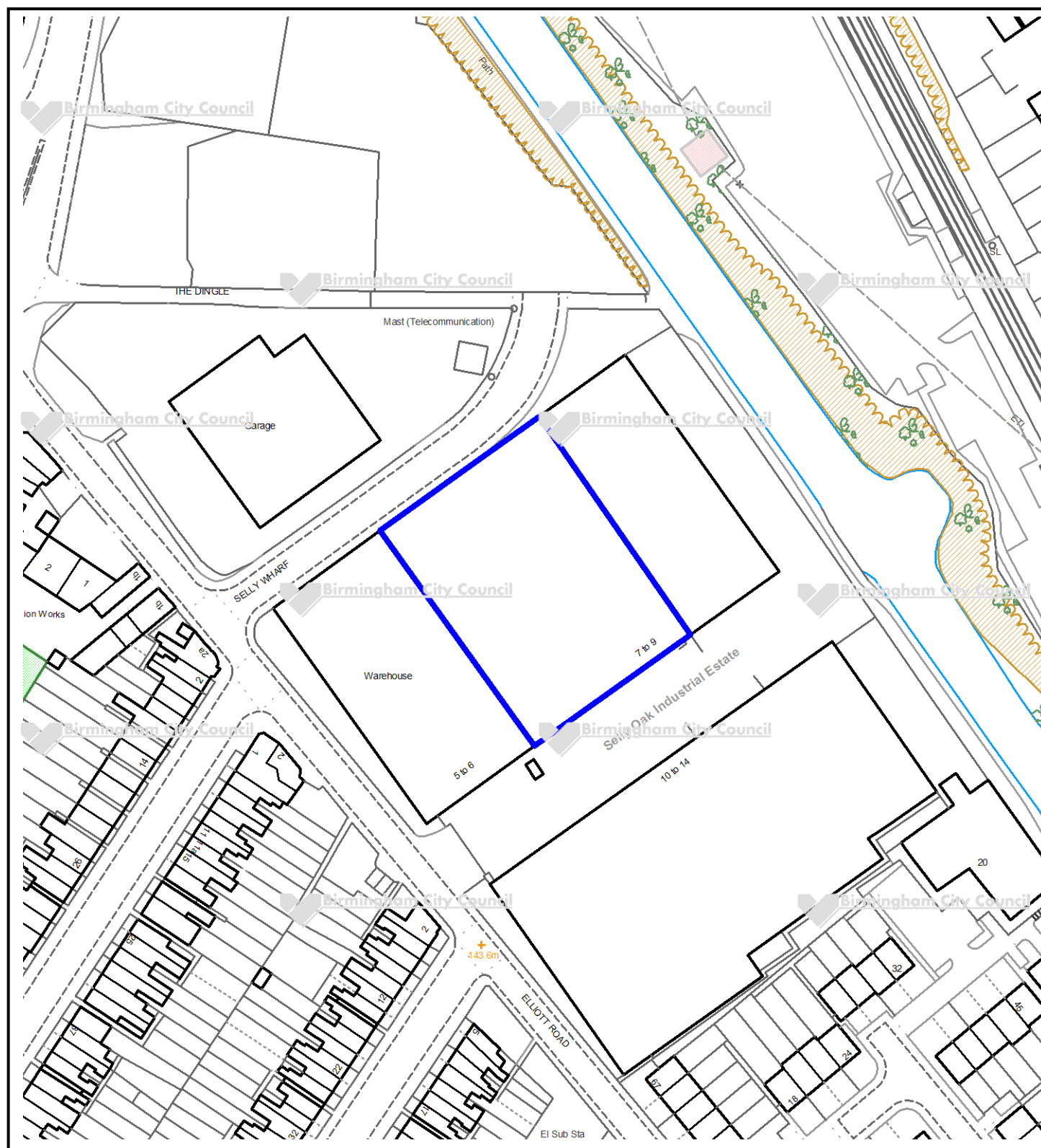


Figure 1 – Units 7-8 (centre and right)



Figure 2 – View of Selly Oak Industrial Estate entrance off Elliott Road (Units 7-8 on left at rear-centre)

Location Plan



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Committee Date:	12/10/2017	Application Number:	2017/07118/PA
Accepted:	11/08/2017	Application Type:	Variation of Condition
Target Date:	06/10/2017		
Ward:	Moseley and Kings Heath		

93 Alcester Road, Moseley, Birmingham, B13 8DD

Variation of condition 1 attached to planning approval 2006/01321/PA to allow opening hours from 09:00am on Fridays until 01:00am on Saturdays, and from 09:00am on Saturdays until 01:00am on Sundays

Applicant:	Mitchells and Butlers Retail Ltd 27 Fleet Street, Birmingham, B3 1JP
Agent:	The JTS Partnership LLP Number One, The Drive, Great Warley, Brentwood, CM13 3DJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning consent is sought for the extension of hours at the 'One Trip Pony Club' premises. The application proposes the variation of Condition 1 attached to Planning Permission 2006/01321/PA to allow opening hours from 9am on Fridays until 1am on Friday nights/Saturday mornings, and from 9am on Saturdays until 1am on Saturday nights/Sunday mornings. The proposal would result in extended evening opening of one and a half hours on a permanent basis on Friday and Saturday nights. Opening hours the rest of the week would remain as existing: from 9am til 11.30pm Mondays to Thursdays, and 9am til 11pm Sundays.
- 1.2. This follows on from a one year temporary planning permission granted by your Committee on 1st September 2016 for the above hours under Planning Permission 2016/04042/PA. A temporary consent was granted in order to allow an appropriate period within which to ascertain the effect of the extended hours upon neighbours' amenities.
- 1.3. The Applicant has clarified that they are seeking consent for extended evening opening hours on Friday and Saturday evenings only, rather than for seven days a week as stated in their application submission.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application premises is a two and three storey public house (Use Class A4) which faces on to Alcester Road, and has a long single storey element to the rear beyond which is a small, enclosed external seating area. The main access to the building is from Alcester Road.

- 2.2. The application premises are located on the western side of Alcester Road near its junction with Chantry Road. The site lies within the Primary Shopping Area of Moseley Neighbourhood Centre. It is also located within Moseley Conservation Area.
- 2.3. There are commercial premises immediately adjoining to the north (No. 91a is a restaurant), to the south (No. 93a is currently vacant but has recently had consent for a restaurant) and opposite. Immediately adjoining to the west of the site is Moseley Park, and to the north west the rear garden of No. 64 Chantry Road, which is a residential road.
- 2.4. [Site Location Map](#)
3. Planning History
- 3.1. 16th September 1997 - 1996/04461/PA - Proposed change of use from A1 (furniture store) to A3 (public house) including an extension to the rear installation of replacement shop front and other internal/general alterations. Approved-conditions
- 3.2. 8th November 2003 - 2003/05908/PA - Variation of condition C4 of planning permission S/04461/96/FUL to permit the opening times until 12 midnight on Thursdays to Saturdays. Refused (on grounds of noise and disturbance to occupiers in vicinity)
- 3.3. 23rd February 2005 - 2005/00122/PA - Variation of condition C4 attached to planning permission S/04461/96/FUL to extend opening hours to 0900 - midnight Mondays to Wednesdays, 0900 - 0100 Thursdays - Saturdays, and 0900 - midnight on Sundays. Refused (on grounds of noise and disturbance to occupiers in vicinity)
- 3.4. 21st April 2005 - 2005/01537/PA - Variation of condition C4 attached to application S/04461/96/FUL to extend opening hours to 2330 Mondays-Saturdays and 2300 on Sundays. Approved-Temporary (for one year)
- 3.5. 27th April 2006 - 2006/01321/PA - Planning consent is sought for the variation of condition C1 attached to application S/01537/05/FUL to allow opening hours to 2330 Mondays-Saturdays and 2300 on Sundays permanently – Approved-conditions
- 3.6. 1st September 2016 - 2016/04042/PA - Variation of Condition 1 attached to planning approval 2006/01321/PA to allow opening hours from 09:00am on Fridays until 01:00am on Saturdays, and from 09:00am on Saturdays until 01:00am on Sundays – Approved-Temporary (for one year)
4. Consultation/PP Responses
- 4.1. Transportation Development – No objection
- 4.2. Regulatory Services – No objection – Not aware of any issues arising from the temporary extended hours, therefore we have no objection to this application
- 4.3. West Midlands Police – No objection

4.4. Local residents, Ward Councillors and Residents/Business Associations notified. One letter of objection received from the Moseley Society, one letter of objection received from Church Avenue and Stanley Place Residents Association, and 8 letters of objection received from local residents (mainly in Chantry Road). The following relevant concerns were raised as summarised:

- Already noise and disturbance for residents from patrons coming/going to parked cars late at night and disrupting sleep e.g. loud talking/shouting, music from cars, car doors slamming etc. This would further increase
- Already noise from music/use of beer garden at premises extremely intrusive at rear of house in summer months until 11pm
- Increase in drunken/anti-social behaviour e.g. already incidents of empty glasses/bottles deposited in front gardens, rubbish bins disturbed, wing mirrors ripped off, graffiti daubed on car window
- LPA should act in unison with Licensing, given Special Policy Area for Moseley
- Chantry Road is residential in character and loss of quality of life
- Too many similar venues in Moseley. Would set precedent for other businesses to open late – cumulative adverse impact on residential amenity
- Threatens character and charm of Moseley Village – balance between residential and vibrant evening economy needs to be maintained
- Weekend inconveniences are acceptable trade-off for good quality of life of Moseley residents
- Increase in crime
- Parking by patrons on residential roads and blocking in of driveways is an issue which would be exacerbated further

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan 2031
- Birmingham Unitary Development Plan Saved Policies
- Moseley SPD
- Shopping and Local Centres SPD
- Moseley Conservation Area Character Appraisal SPG

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

6.1. The NPPF contains a presumption in favour of sustainable development. It seeks to promote competitive town centre environments that provide customer choice and a diverse retail offer which reflects the individuality of town centres. One of the NPPF's core planning principles is that planning should *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"* (Paragraph 17).

6.2. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and that decisions should aim to mitigate and reduce to a

minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

- 6.3. Policy PG3 of the Birmingham Development Plan explains that *“All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.”* Amongst other things new development should: *“Create safe environments that design out crime and make provision for people with disabilities through carefully considered site layouts, designing buildings and open spaces that promote positive social interaction and natural surveillance”* and *“Ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term.”*
- 6.4. Policy EA7 of the Moseley SPD states that where planning permission is required for A3/A4/A5 uses, Applicants will need to demonstrate that the proposals will have no significant adverse impact on residential amenity and that any parking implications have been considered.
- 6.5. Paragraph 1.3.3 of the Moseley SPD acknowledges that one of the special characteristics of Moseley is *“it is one of the region’s leading destinations for a night out, with a collection of well renowned bars, pubs and restaurants.”* Paragraph 1.3.9 also explains that *“There is a cluster of pubs, bars, restaurants and fast food outlets in the centre. This attracts many people from outside the area on weekend evenings and makes for a buoyant night-time economy. There is potential to build on this success, to further diversify the evening economy and to develop complementary daytime activity.”* Paragraph 1.3.4 recognises the difficulty of striking the right balance between attracting new investment, whilst retaining the area’s character and quality of life.
- 6.6. Whilst all the above policies generally relate to new A3/A4/A5 uses, rather than an extension of opening hours of an existing A4 use, they are nonetheless useful in reinforcing that the key consideration of any application to extend opening hours should be the impact on residential amenity from any noise and disturbance.
- 6.7. Since planning permission was granted for an A4 use at the premises in 1997, there have been a number of subsequent planning applications/variation of condition applications to extend evening opening hours until the current time of 11.30pm Mondays to Saturdays and 11pm on Sundays (as restricted by Condition 1 of 2006/01321/PA). The most recent approval given by your Committee in September 2016 was for a one year temporary consent in order to assess the impact that late evening opening until 1am on Friday and Saturday evenings would have on residential amenity.
- 6.8. The current Licence at the premises (approved in November 2016) allows operating hours of Mondays – Thursdays 10am-11.30pm, Fridays/Saturdays 10am-1am and Sundays 10am-11pm. The proposed permanent operating hours sought under this current planning application would tie in with these recently approved Licensing hours.
- 6.9. I consider it useful in assessing this application to understand what planning restrictions there currently are on other public houses in Moseley, and the immediately adjoining premises, in relation to opening hours and set these out below accordingly:

- *Application Premises*

*0900-2330 Mon-Sat
0900-2300 Sun*

	<i>2300 rear external Mon-Sat</i>
	<i>2230 rear external Sun</i>
• 91A Alcester Rd (Prezzo)	0700-2330
• 93A Alcester Rd (Pizza Express)	0700-2330
• 145-147 Alcester Rd (Dark Horse)	1000-2330 Sun-Thurs
	1000-0030 Fri/Sat
	1000-2300 forecourt
• 12 St. Mary's Row (Elizabeth of York)	0700-2330 Sun-Thurs
	0700-0100 Fri/Sat
• 97-99 Alcester Rd (proposed Dares)	1000-2330 Mon-Thurs
	0930-0100 Fri/Sat
	0930-2330 Sun/BH
	2000 rear external daily
• The Bulls Head, St. Mary's Row	No restrictions
• The Patrick Kavanagh, Woodbridge Rd	No restrictions
• The Prince of Wales, Alcester Rd	No restrictions
• Bohemian, Alcester Rd	No restrictions
• The Fighting Cocks, St. Mary's Row	No restrictions

- 6.10. Your Committee granted planning permission earlier this year for the Elizabeth of York to operate until 1am on Friday and Saturday evenings. In addition, I note that The Bull's Head, The Dark Horse and Bohemian (which do not have any planning restrictions) are licensed to sell alcohol until 2am on Friday and Saturday evenings, and The Patrick Kavanagh, Prince of Wales and Elizabeth of York are licensed to sell alcohol until 12.30am on Friday and Saturday evenings. Many of these public houses also have operating hours consented by Licensing which extend beyond the hours in which they are allowed to sell alcohol, in effect giving staff/patrons time to drink up/leave the premises after last orders.
- 6.11. I consider the proposed extended opening hours would appear to be reasonable, and generally consistent with the current weekend opening hours of other public houses in Moseley. In approving a License for extended opening hours in November 2016 consideration would also have been given to the impact of extended opening hours on residential amenity under that license application.
- 6.12. For the past year the application premises has been operating until 1am on Friday and Saturdays evenings. Regulatory Services have raised no objection to this continuing on a permanent basis, given they have not received any noise complaints from local residents in the past year. In addition the LPA has received no noise complaints relating to the premises over the past year.
- 6.13. Whilst noting the objections received from local residents and amenity societies, mainly on the grounds of increased noise and disturbance, the majority of these objections relate to the originally proposed seven day a week extended evening opening until 1am. The Applicant has clarified that the proposed 1am closing time is for Friday and Saturday nights only, *not* all week. Many objectors noted that they accepted, and lived with, noise and disturbance at weekends, often as a trade-off for living close to a vibrant area and on balance enjoying a good quality of life.
- 6.14. I note the concerns of adjoining occupiers in respect of increased noise/music emanating from the rear beer garden. However, the use of this external area would still be restricted (under Condition 2 of 2006/01321/PA) to 11pm Mondays to

Saturdays and 10.30pm on Sundays. The Applicant is not applying to vary this condition.

- 6.15. I note concerns raised by local objectors in respect of parking by patrons on residential roads being an issue that would be further exacerbated by the proposal. However, Transportation Development have raised no objection to the proposal (noting that there are parking bays situated on Alcester Road which allow unrestricted parking into the evening and overnight) and I do not consider that the proposal would have a material adverse impact on parking or highway safety on the nearest residential roads during night time hours.
- 6.16. West Midlands Police have raised no objection to the proposal and I do not consider that the proposed extension in evening opening hours of the application premises on Friday/Saturday evenings could be attributed with any certainty to any increase in anti-social behaviour or criminal behaviour.
- 6.17. I note the concerns of local objectors in respect of the proposal threatening the character and charm of Moseley Village. However, the Moseley SPD recognises that part of the character of the Village is its vibrant evening economy at weekends.

7. Conclusion

- 7.1. The one year temporary trial period of extended evening opening hours at the application premises on Friday/Saturday evenings did not result in any noise complaints being received by either the LPA or Regulatory Services in that period, prior to the receipt of this current application. Therefore I am satisfied that the continuation of these hours on a permanent basis would maintain a buoyant weekend night-time economy and would unlikely cause demonstrable harm to the residential amenities of nearby occupiers.

8. Recommendation

- 8.1. Approve Subject to Conditions

-
- 1 Limits the use to 0900-2330 hours Mondays to Thursdays, 0900 Fridays to 0100 hours Saturdays, 0900 Saturday to 0100 hours Sundays, and 0900-2300 hours Sundays and Bank Holidays
 - 2 Requires external areas to be cleared of customers by 2300 hours Monday to Saturday and by 2230 hours Sundays.
 - 3 Implement within 3 years (Full)
-

Case Officer: Andrew Conroy

Photo(s)

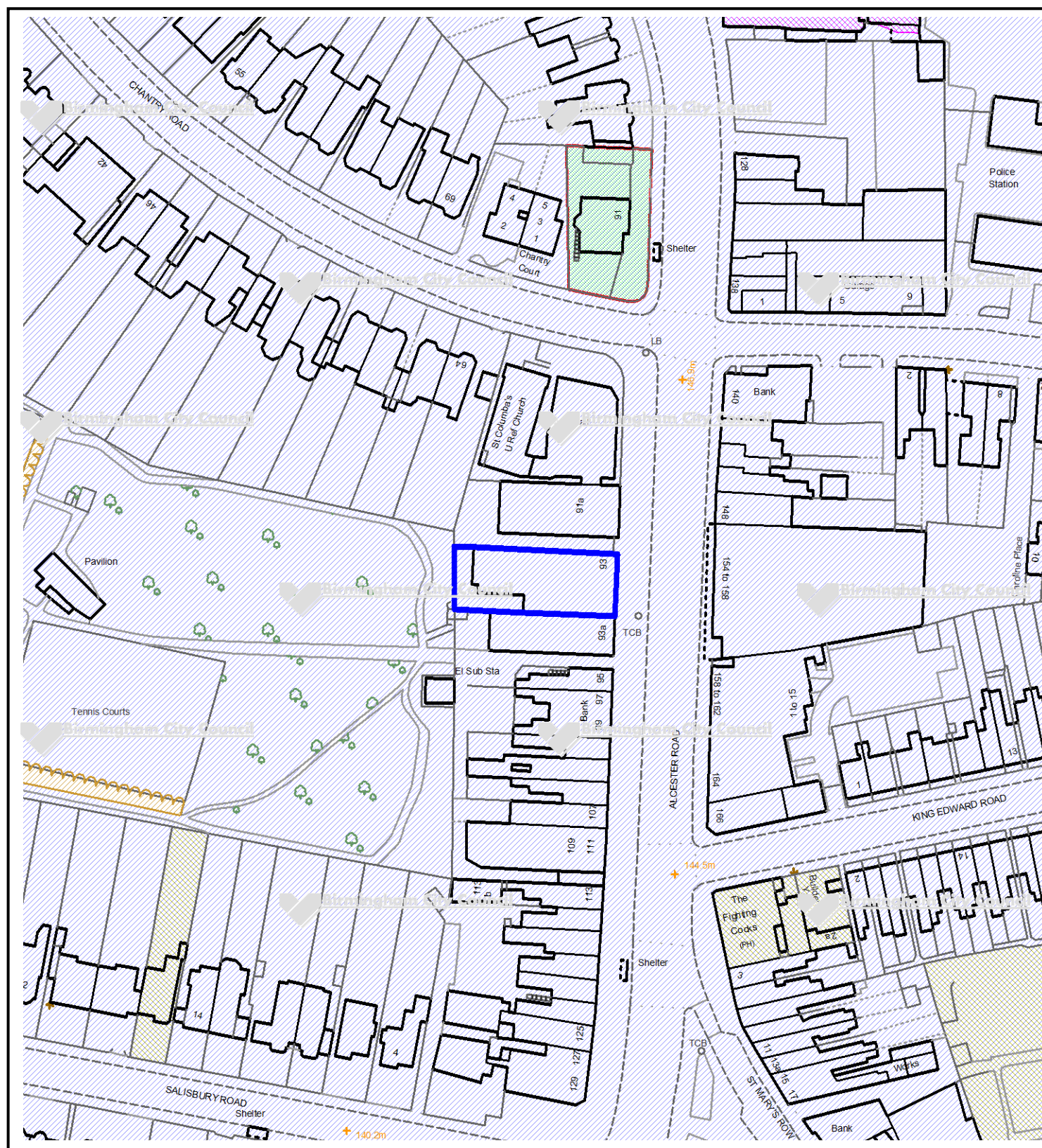


Figure 1 - Front elevation of application premises (right) with No. 93a (left)



Figure 2 – Rear beer garden

Location Plan



Committee Date:	12/10/2017	Application Number:	2017/05518/PA
Accepted:	26/06/2017	Application Type:	Full Planning
Target Date:	31/08/2017		
Ward:	Edgbaston		

Land to rear of 30 Frederick Road, Edgbaston, Birmingham, B15 1JN

Erection of dwellinghouse with associated access, parking and landscaping.

Applicant:	Mr L Bushell c/o Agent
Agent:	Maddox and Associates Ltd 7-10 Bateman's Row, London, EC2A 7BB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The application is for planning permission for the erection of a five bedroom dwelling on land to the rear (south) of 30 Frederick Road.
- 1.2. The proposed dwelling would be sited in the south-west/central part of the roughly rectangular 0.4ha plot. The two storey flat roofed dwelling would extend from a point 6m from the southern boundary to a point 22m from the boundary with 30 Frederick Road and would be sited between 13m and 16m from the western boundary. The proposed dwelling would have a footprint of 451m².
- 1.3. The proposed dwelling would be of a roughly rectilinear form measuring 41m x 12m at its widest on a North / South axis. The site slopes down from a high point to the North West to a low point at the South East by approximately 1.5m. The ground floor would step down from a high point to the North to a lower point in the South by 1m. The first floor would be level and the roofline would rise by 1.2m from North to South resulting in a roof height above ground level of 6.6m to the north and 8.8m to the south.
- 1.4. The accommodation would comprise;
 - The basement with a 42m² garage space with car lift to the ground floor and a utility / garage area with stairs to the ground floor.
 - The ground floor of 400m² (Internal Area) comprising (from north to south) a garage area (with car lift) a study, utility area / WC and lobby, playroom, staircase (and single person lift) a second WC and a boot room, a lobby area with steps leading down to a kitchen / lounge / dining area and further steps down to a living room.
 - The first floor of 400m² comprising (from north to south) two ensuite bedrooms a lounge area a large bathroom overlooking a terrace, the staircase / lift and a library, a further two (larger) ensuite bedrooms and study area and the master

bedroom overlooking a second terrace with two walk in wardrobes and a large bathroom leading to a separate WC.

- 1.5. The proposed dwelling would be of timber shuttered concrete with areas of zinc cladding and full height glazing with slim-line black metal frames. A green sedum roof would be included and would have oak soffits with zinc capping.
- 1.6. The site would be approached via a shared single track drive / right of way (with 1-5 The Paddocks) at the southern end of Frederick Road. Following amendments during the course of the application, the site would have one vehicular access point, towards its north-eastern corner. A relatively short, narrow drive would lead to the north of the house, where there would be a 'car lift' for two cars, and a 'car bay' adjacent, both integral to the building rather than being detached.
- 1.7. Fifteen trees and some shrubs would be removed in the proposed development. Trees T2, T3, T4, T5 & T6 (a mix of U grade Ash and Sycamore in the Eastern boundary hedge) would be removed to allow access to the site. Ten category B and C grade trees would also be removed to facilitate development:
 - Category B; T16 (Bird Cherry) and T22 (Horse Chestnut)
 - Category C; G17 (Cherry Laurel), T18 (Sycamore), T23 (Horse Chestnut), T24 (Ash), T31 (Sycamore) and three Apple trees (T59, T60 & T61).

The application is supported by a Design & Access Statement, a Planning Statement, Heritage Statement, Tree Survey, Ecology statement (including separate bat and reptile studies).

Site area (excluding shared access) c. 0.46 ha, density c. 2.17 dwellings per hectare.

- 1.8. [Link to Documents](#)

- 1.9. [Site Location](#)

2. Site & Surroundings

- 2.1. The site is located at the southern end of Frederick Road, a long cul-de-sac of mostly large houses, although some at the northern end are in office and other commercial uses. The road is within the Calthorpe Estate and the Edgbaston Conservation Area.
- 2.2. The application site was once part of the garden (informal) of No. 30 Frederick Road, a Grade A locally listed dwelling to the north, although it appears that it has not been tended for some time. The site is broadly rectangular, with a number of trees and with a pond just north of the centre of the site (although this was dry at the time of the site visit in mid-July). The access way runs to the east of the site with three dwellings (1, 3 and 5 The Paddocks) beyond it. The site is at a lower level than the retained gardens of No. 30 and slopes down to the south.

3. Planning History

- 3.1 24/08/2000 - 1999/05435/PA –Erection of 3, detached 5-bedroomed dwellings, garages, new access road and associated works. – Refused - Reasons: detract from the essential historical character and appearance of the surrounding area, including

Calthorpe Fields; loss of trees; and it could set a precedent for further development of land within or adjoining Calthorpe Fields, which would further erode its historical character.

- 3.2 28/01/2004 – 2003/01305/PA –Erection of one new dwelling and garage outbuilding – Refused - Reasons: detrimental to character and appearance of the Conservation Area, including Calthorpe Fields, and the setting of listed buildings; detrimental impact on trees and landscaping; and could set a precedent for further development within Calthorpe Fields, which would detract from the character and appearance of the Conservation Area.
- 3.3 26/03/2012 - 2012/00617/PA - Erection of 2, 5 bedroom detached dwelling houses. Refused. Appeal dismissed: extent of hard-surfacing, proximity to pond, setting & significance of Locally Listed Building, badgers. No objection to the principle of development.
- 3.4 05/12/2016 2016/09370/PA - Pre-application enquiry for the erection of one or two, two storey dwellings with associated access and landscaping. Officer response: *chosen design solution has merit and a single dwelling reflects the proposed design principles that would be likely to be supported in principle.*

4. Consultation/PP Responses

- 4.1. Local residents, residents groups, Calthorpe Estates, Local Councillors and MP notified Site Notice posted. Councillor Deirdre Alden and Councillor Bennett support residents' objections and request that the application be determined by Planning Committee
- 4.2. Eighteen letters of objection received from neighbours with comments summarised below
- Does not respect the built form of the conservation area or preserve and enhance the heritage significance of the area. This second field was never built upon. Historic links with No 30 used as part of garden area (until 1998 when subdivided by sale of No 30). Loss of views of No 30 an 'eyecatcher' building Harm to views from Calthorpe Fields Out of scale and out of keeping architecturally. Use of materials out of keeping with the area. Degree of hard surfacing proposed. A permanent and irreversible negative environmental impact on Frederick Road. A monstrous warehouse styled house
 - Impacts on the setting of No 30 (grade A locally listed)
 - Disputes description of "Land to the Rear" as the primary elevation of No 30 overlooks the application site.
 - The proposal ignores the Planning Inspectors report on the appeal for 2012/00617/PA
 - Removal of protected trees, Belief that tree protection measures will not be followed
 - Disregards the ecological and amenity value of this green area in the Conservation Area. Loss of habitat, retained green areas not large enough or coherent enough to support local ecology, Disturbance of wildlife
 - Questions on the veracity of the consultation undertaken by the applicant (and agents) prior to application.
 - Disagreement with the description as a 'low lying' property
 - Impacts on the privacy and amenity of the Paddocks and 30 Fredrick Road.
 - Impact on the shared access lane at the north of the site
 - Scale of the access road and 'delivery / service area

- Disruption during construction period from construction traffic and parking. Access for Construction traffic and damage to the shared driveway.
 - Over development of site resulting in increased risk of flooding to The Paddocks. Questions over drainage plans and lack of supplied detail
 - Headlights shining into windows at the side of No 1 The Paddocks
 - Loss of the “country lane” access
- 4.3. Six letters of support received, comments summarised below.
- Modern landmark building, complement and enhance the natural beauty of the plot, spectacular development, welcome addition to the mainly old buildings in the area, architectural first and a positive sign of the times.
 - very much what the Victorian city developers had in mind for this exceptional building plot, fits well with the character of Frederick Road, respectful of the surrounding housing.
 - Enhance property values,
 - Need for development on the site, unreasonable to simply hope that the land will remain vacant.
- 4.4. Preet Kaur Gill MP – Objection – Questions extent of public consultation, and her not being included initially. Questions the quality of the public consultation held by the developer and the presentation of the proposal in a “*complicated and inaccessible manner*”. Amount of hard surfacing. Lack of detail on drainage. Lack of detail measurements, and concerns over impacts of, access road. Requests extended period of consultation.
- 4.5. Transportation Development – no objection
- 4.6. Regulatory Services – no objection subject to conditions of sound insulation of windows and installation of an electric vehicle charging point.
- 4.7. West Midlands Police – no objection but advocate the use of ‘secured by design’ principles.
- 4.8. Severn Trent – no response received.
- 4.9. Victorian Society – Objection “In our view the proposed new house adjacent to 30 Frederick Road will neither preserve nor enhance the character of this part of the Edgbaston Conservation area, and in fact will cause significant harm.”
5. Policy Context
- 5.1. National Policy
- National Planning Policy Framework
 - Planning (Listed Buildings and Conservation Areas) Act 1990
- Local Policy
- Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
 - Places for Living SPG
 - Mature Suburbs SPD
 - Edgbaston Conservation Area Character Appraisal
6. Planning Considerations

- 6.1. The main considerations are the principle of residential development of the site, the impact on the conservation area and the setting of 30 Frederick Road, occupiers' living conditions, Residential amenity, Ecology, trees, and Parking and Highway Safety. Although a previous application was refused in 2012 and the appeal dismissed in 2013, the Inspector did not object to the principle of development, and the applicants have addressed the areas of concern the Inspector did have.

Principle of residential development

- 6.2. The application site is at the end of Fredrick Road adjacent to existing residential development to the east - a relatively recent infill development of three dwellings, The Paddocks. This development in the 1990s has set a certain precedent to the expansion of the residential area to the north. I note that the Inspector's report for the appeal against 2012/00617/PA (for two dwellings) had concerns on the details of the development of this site (and badgers) rather than the principle of development, drawing the conclusion that the site would provide a highly sustainable location for residential development. As such the concept of the addition of a single dwelling (rather than the two of the previous scheme) to an established residential area can be considered.

Impact on the Conservation Area

- 6.3. The NPPF in Paragraph 17 seeks to conserve heritage assets in a manner appropriate to their significance. It states (para 65) that Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits). It states that in conserving and enhancing the historic environment that Local Authorities should take into account the desirability of new development making a positive contribution to local character and distinctiveness (para 126 & 131) and to avoid or minimise conflict between a heritage asset's conservation and any aspect of the proposal (para 129).
- 6.4. The Planning (Listed Buildings and Conservation) Act 1990 [The 1990 Act] includes the statutory instruments to guide the process of planning applications affecting listed buildings and conservation areas. Section 72, of the Act, states that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." Section 66 states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. These requirements have been carried into the Birmingham Development Plan through Policy TP12
- 6.5. Policy TP12 of the BDP recognises the importance of heritage assets and states that Conservation Area Character Appraisals will be a material consideration. Policy TP3 supports sustainable construction techniques. Policy PG3 requires that new development demonstrates high quality design contributing to a strong sense of place and local distinctiveness with an appropriate use of innovation in design.
- 6.6. The application site is situated South of Frederick Road along a narrow shared driveway to the Paddocks and St George's School playing fields. The site is at a

lower level than the end of Frederick Road and slopes down to the playing fields to the south. The proposed dwelling would be sited to the south west in an area approximately 2m lower than the top of the shared driveway and approximately 2.5m below the ground level of No 30. The change of levels, narrow access at the Frederick Road end and garden wall to No 30 would restrict views of the proposed dwelling from Fredrick Road. This is reflected in the Inspector's report on the appeal for 2012/00617/PA (para 6). However, the proposed dwelling would be more clearly seen from No 30 to the north than from the rear garden of No1 The Paddocks (where it would be obscured by the boundary screening). The southern elevation is relatively close to the boundary with the playing fields and with its scale and design (glazed) could appear dominant from this area. However, it is flat-roofed and its presence would be mitigated by retention / enhancement of the mature southern boundary planting, and conditions I have attached will address this.

- 6.7. The proposed construction techniques of timber shuttered concrete with areas of zinc cladding and full height glazing with slim-line black metal frames with a green sedum roof would represent a contemporary addition to the Conservation Area. These techniques would not be out of place when considered against the context of the wider Conservation Area, which the character appraisal describes, as having *"a range of architectural styles from the early nineteenth century to the late twentieth"* and *"perhaps the most complete history of changing fashions in domestic architectural designs in Birmingham"*. I consider that the proposed dwelling would become a positive contribution to this catalogue of changing domestic fashion providing that design details / materials are secured by conditions to ensure a high quality of design and construction technique.
- 6.8. The building lines of the northern extent of Frederick Road are not replicated in the area around the application site in that No 29 (and the Coach House to the North), 30, 30a and 1-3 the Paddocks all vary from the orientation of the dwellings further north in a more eclectic street pattern, as such I have no objection to the proposed layout of the site.
- 6.9. A number of comments have been made by objectors as to the loss of the "Country Lane" feel of the shared access way and I note that the area associated with the application site is not visible from the public highway or from the playing fields to the rear. However I do note the sylvan aspect of the view from the end of Frederick Road, which is highlighted in the conservation area character appraisal, with its relevance to the 18th century urban plan (p12) and agree that the loss of the "semi-rural" feel of this lane would be to the detriment of the Conservation Area. My trees officer notes that the Arboricultural reports intend to trim back the laurel hedge to the east and has no concerns over this minimal intervention. He considers (and I concur) that conditions requiring a Construction Method Statement / Management Plan with reinstatement clauses for planting on the western side and methods to ensure the protection of the garden wall to No 30 to be sufficient to protect this rural aspect of the access lane.
- 6.10. I note concerns expressed by residents over the degree of hard standing on the site with various estimates around 60%. Calculation of these areas including the dwelling footprint, driveway paving, decking and gravelled path amounting to 1.256m² or 27% of the plot (reduced from an initial 1,683m² or 36%). This figure is lower than the immediate neighbours; with the Paddocks and their shared frontage at 36%, No 30 at 34% with its large drive to the north and patio to the south, No 30a estimated at 39% (due to tree cover on the aerial photographs) with No 20 being an exception at 21%. The proposed building foot print and combined hard standing are also 250m² (17%) less than that proposed for 2012/00617/PA where the inspector queried the

amount of hard standing proposed. This proposal would see nearly three quarters of the site (73%) of the site retained as wild garden and lawn with the additional consideration of over 500m² of green roof playing a positive ecological role. Given the concerns raised by the Inspector over the degree of hard standing in the previous application, I consider it reasonable and not over-onerous to apply a condition removing Permitted Development rights for new hard standing or other development (extensions / outbuildings etc).

- 6.11. Some objection comments note the issue of no. 30 being an 'eye-catcher' plot, i.e. with important views of it from Calthorpe fields to the south. The 2013 Inspector was not persuaded on this point.

Setting of a locally listed building

- 6.12. Having established the built form of the proposed as acceptable and a positive contribution to the evolution of the conservation there is, however, the potential issue of the impacts of No 30. As previously noted, due to the land form and boundary wall of No 30, the proposed dwelling would not be visible from the public highway to the north of the site in conjunction with No 30. The boundary to the west and south would tend to mask the buildings from view from St Georges School and the playing fields allowing only glimpses of the proposed dwelling to be seen between the trees. Siting the proposed dwelling to the west-centre of the site allows for views across the application land to the rear of No 30 in much the same way as present thus minimising any potential impact to views from offsite, minimising the impact on the listed building. The only direct, measurable, impact would therefore be to the historic views to the south from No 30. With the orientation of the proposed dwelling being north-south, the residents of no. 30 would only clearly see the northern elevation and part of the eastern one with the most southern half hidden by the gently z shaped form, with the view out across the application land largely preserved due to the orientation and position of the proposed dwelling.
- 6.13. With respect to other comments made by the Inspector in 2013, I note the proposed dwelling is further away from no.30 than the 2012 Plot 2, and has a lower roof (flat-roofed), while the two dwellings proposed in 2012 both had pitched roofs. As such, I consider the Inspector's concerns about proximity and scale with respect to no. 30 have been satisfactorily addressed.
- 6.14. The Conservation Officer considers the design of the house "...has moved in the right direction". He notes the importance of design, materials, landscaping, for a house of this scale and design to be convincing. I am satisfied with design and scale, subject to the range of conditions I attach which will secure further important details on these matters.
- 6.15. In conclusion with respect to heritage matters, I consider that the proposal would preserve the character and appearance of the Conservation Area and the setting of the locally listed building to the north, in accordance with local and national policy.

Living Conditions

- 6.16. The proposed dwelling with a GIA of over 800m² and bedrooms varying between 16m² and 34m² all with ensuite shower or bathrooms and in the case of the south facing master bedroom two dressing rooms as well would provide a good standard of living for the occupants. The amenity value of the garden in this 0.4ha plot would be high with large areas of lawn and wildflower meadows proposed with the remaining tree cover adding to the feel of an established garden area.

Impacts on Residential Amenity

- 6.17. The proposed dwelling would be well set back within the plot away from the north and east boundaries achieving separation distances of 53m to No 30 and 42m to No 1 The Paddocks these separation distances being greater than those set out in Places for Living SPG. A number of public participation responses suggest an impact on the amenity of the residents of No 1 The Paddocks from the headlights of vehicles leaving the site shining into side windows. However, an amendment to the scheme (removing the drive around three sides of the dwelling) reduces the potential impact and the alignment of the drive would ensure that the headlights of vehicles leaving the site would be directed towards the circulation areas in front of The Paddocks instead and would at any rate be diffused by the boundary treatment of No 1.

Ecology

- 6.18. I note concerns from local residents about the presence of bats and badgers onsite, this is echoed in the Inspector's report of the 2013 appeal. The supplied Ecological appraisal, bat and reptile surveys found no evidence of badgers using the site and no active bat roosts. These reports have been studied by our planning ecologist and they have no objection to the proposal subject to controls on the timing of works to avoid site clearance during the bird nesting season and in accordance with a method statement provided to avoid harm to any reptiles onsite. The Ecologists require pre-commencement conditions for an Ecological Enhancement Strategy and measures to reduce the impacts of construction on the ecology. These measures to include, details of the plant species for the green roof, wildflower meadows pond buffer areas and soft landscaping, the introduction of bat boxes (with details of numbers, locations and types), details of external lighting (with lux levels) and the adoption of the supplied method statement for a precautionary approach to site clearance. I consider this to be reasonable and necessary to secure the ecological potential of the site.
- 6.19. Distinct from the time of the previous application and appeal, information on badgers is now complete, and deemed acceptable by my Ecologist. The last of the Inspector's concerns related to the proximity of the Plot 2 house to the pond. I consider this pressure is now reduced, as the principal rooms in the new dwelling are sited further away from this landscape feature compared to previously.

Trees

- 6.20. The proposed development would require the removal of a number of trees both to access the site and enable development and I note the concerns of local residents regarding the loss of trees. The site is within the boundary of a Tree Protection Order from 2004 (TPO 1017) this lists a row of 5 lime trees to the boundary of 29 – 30 outside the application site. None of the trees within the site are covered by this order but are protected as they are within the Conservation Area. My Trees Officer has been previously consulted at Pre Application stage and considers the loss of the trees to be acceptable and not have a detrimental impact on the Conservation Area due to their locations within the plot and that given the supplied Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) show the remaining trees would not be adversely affected. I concur with this view and propose to secure the measures within the AMS and TPP by condition.

Highways and Parking

- 6.21. Our transportation officers have no concerns over the addition of a 5 bed property in this location and any potential additional impacts on the highway system. I note the concerns of neighbours regarding site and construction traffic however I consider that the Construction Method Statement / Management Plan will address these concerns with requirements to control site deliveries to minimise the impacts on the residents of Frederick Road.

Other matters

- 6.22. I note the point raised by the planning consultant commissioned by some of the neighbours regarding the site description as 'Land to the *Rear* of 30 Frederick Road'. However, I would contest this view regarding the historic orientation of the property. Whilst I concur that the 1880 Ordnance Survey map shows an access drive to the south elevation of the property (also shown in 1914 maps) the 1938 revision of the Ordnance Survey map (Warwickshire XIII.12) clearly shows that this approach has ceased, in the intervening years, with the dwelling now accessed from the north making this the primary elevation for at least 80 years. In any event, the application plans clearly show the proposed location of the new dwelling.
- 6.23. Preet Kaur Gill MP expressed concerns over certain matters. Initial consultation errors were rectified during the course of the application, and plenty of time has been available for any party to make their comments. I consider issues of drainage, hard-surfacing and access have been addressed in my report and/or by condition. Lastly, Regulatory Services requested conditions for sound insulation of windows and installation of an electric vehicle charging point, but neither are necessary.

7. Conclusion

- 7.1. The proposed dwelling is considered to be appropriate in principle, mindful of the Inspector's comments, and would meet best design expectations in this sensitive location. It would make a small contribution to the city's housing supply. The proposal consequently would enhance the character of the Conservation Area and respect the setting of the Locally Listed building. The proposal would also fully address ecological and arboricultural considerations and have no impact on residential amenity. As such the scheme represents sustainable development.

8. Recommendation

- 8.1. Approve with conditions

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of level details |
| 3 | Requires the prior submission of roof materials |
| 4 | Requires the prior submission of window frame details |
| 5 | Requires the prior submission of external doors/garage doors |
| 6 | Requires the prior submission of details of balconies |
| 7 | Requires the prior submission of external fixtures and fittings details |
-

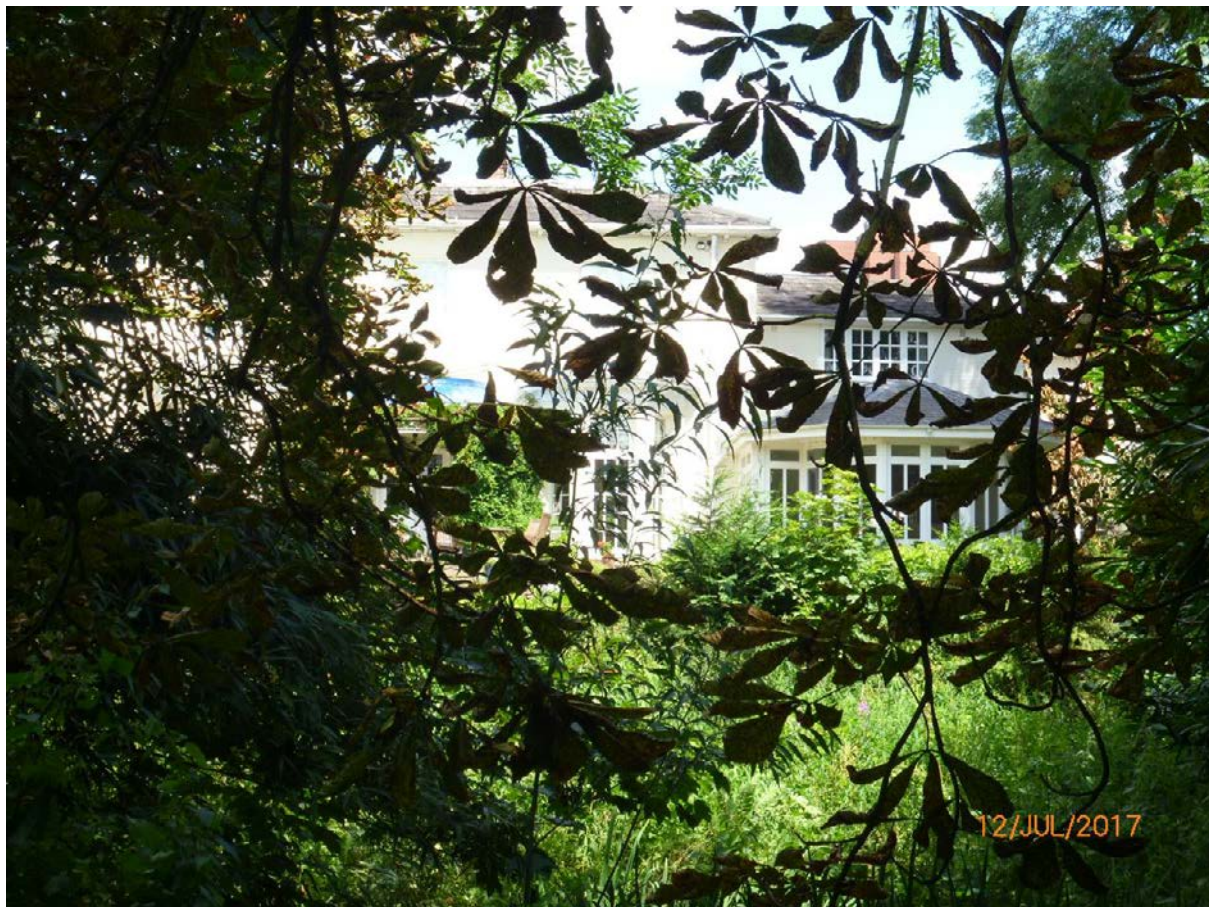
8	Requires the prior submission of details of all cladding / construction materials
9	Requires the prior submission of sample materials
10	Requires the prior submission of hard and/or soft landscape details
11	Requires the prior submission of boundary treatment details
12	Requires the prior submission of a landscape management plan
13	Requires the prior submission of hard surfacing materials
14	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
15	Requires the prior submission of a construction ecological mitigation plan
16	Requires the prior submission of a construction method statement/management plan
17	Arboricultural Method Statement and Tree Protection Plan - Implementation
18	Removes PD Rgths for extensions and or outbuildings
19	Removes PD Rights for additional hard surfacing
20	Requires the prior submission of a sustainable drainage scheme
21	Implement within 3 years (Full)

Case Officer: John Richardson

Photo(s)



Access from Frederick Road, looking south (Garden wall to 30 Fredrick Road on the right)



South elevation of No 30 (from onsite)

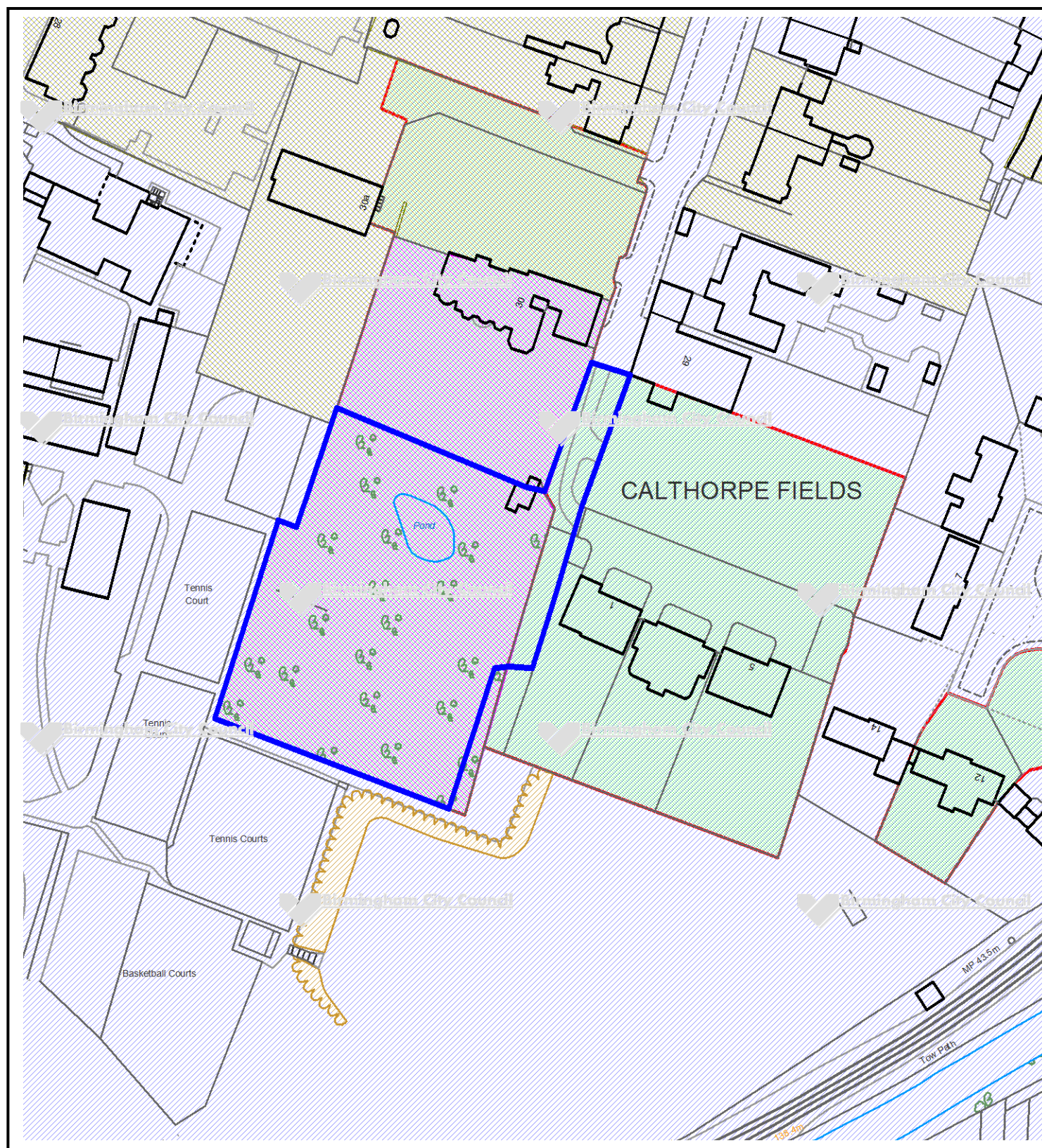


Centre of site, looking south-west



Access way to St Georges Playing Fields, facing south

Location Plan



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BIRMINGHAM CITY COUNCIL**REPORT OF CORPORATE DIRECTOR, ECONOMY****PLANNING COMMITTEE**

12 October 2017

Queen Elizabeth Hospital, Mindelsohn Way, Edgbaston**Section 106 Agreement associated with planning approval 2003/04585/PA**

Outline planning permission for the redevelopment of existing health care facilities with new single site hospital buildings including access, car parking and associated works (Use Class C2). Approved subject to Section 106 to secure; highway contribution, Green Travel Plan, Car Parking Strategy, environmental and archaeological measures and to require prior agreement of the local planning authority for re-use of the existing hospital buildings

1.0 Subject and Brief Summary of Proposals

- 1.1 The Section 106 agreement (7th Schedule) for the new hospital required prior agreement of the Local Planning Authority for any re-occupation of the retained hospital estate on Hospital Drive (mainly North, West and East blocks) comprising 39,008sq.m. The main reason for this was to enable the parking, highway and other transport impacts to be considered.
- 1.2 The S106 (3rd Schedule) also sought a robust Green Travel Plan for the whole site. The Green Travel Plan was produced in 2005 and the planning condition related to this was discharged. However the process requires the plan to be regularly monitored, reviewed and updated.
- 1.3 An application submitted in 2013 (ref 2013/07947/PA) sought to convert 59% of the retained estate to a combination of clinical and ancillary/office uses, the Institute of Translational Medicine (ITM), and associated physical works. An updated Green Travel Plan was also submitted with the application. On 12th December 2013 Committee approved the physical works, however, Members said that the Green Travel Plan did not go far enough, and were particularly concerned about car parking in surrounding residential areas.
- 1.4 A comprehensive update to the Green Travel Plan was subsequently submitted and reported to Committee on 19th February 2015. Committee noted the improvements and progress made, but was unable to endorse the Travel Plan. Members wanted a further report to address car parking and traffic issues in the vicinity of the hospital.
- 1.5 Following further extensive discussions, the following information has now been submitted:
 - A proposed package of car parking management measures to address car parking problems in surrounding residential areas and an implementation strategy.
 - A further update to the Green Travel Plan, and
 - Revised proposals for occupation of the whole of the retained estate for a combination of ITM use, clinical use, offices, training and storage uses.
 These are detailed in the report below.
- 1.6 This report also outlines other measures to address the Committee's concerns:

- The recently established Green Travel District Association
- The work underway on the Hospital and University Master Plan. This intends to address existing highway problems and plan for future educational and healthcare developments which will require further infrastructure provision including new public transport and sustainable transport measures.

2.0 Proposals for the retained estate

- 2.1 The retained estate building has a floorspace of 39,008sq.m. Since 2013 the majority of the building has been occupied (37,474 sq.m.) in contravention of the S106 agreement. The Trust now seeks approval to use the whole of the building as set out in the table below.

Use	Floorspace in use sq.m.	Floorspace use (%)
Institute of Translational medicine	4,171	11%
Healthcare- clinical wards	7,916	20%
Offices	6,461 (990)	17%
Medical and equipment storage	9,260 (430)	24%
Hot desking, training	1,583 (114)	4%
Plant	977	3%
Circulation space (lifts, corridors etc)	8,640	22%
Total Floorspace	39,008	100%

Numbers in brackets are floor areas yet to be occupied

- 2.2 Approximately 720 staff currently work in the building, (although the majority of these have transferred from elsewhere on the campus). The total number of staff working in the building once it is fully occupied is expected to be approx. 860.
- 2.3 A 2016 travel survey of staff working in the building shows 47.1% drive to the site, 28.5% arrive by public transport, 13.5% walk or cycle/scooter, 4% were car passengers and 7.0% did not disclose their mode of transport. No additional car parking is proposed, however an updated Green Travel Plan has been submitted. In addition, a package of car parking measures for surrounding residential areas has been prepared and The Trust has also offered a Section 106 contribution towards their implementation. These are outlined below

3.0 Assessment of proposals

Context

- 3.1 The new QE Hospital provides excellent health services, quality local jobs and many spin off benefits to the local area. It is recognised as one of the top teaching hospitals in Europe, a leading centre for research and development, and brings significant health, economic and other benefits to the city and region as a whole. The ITM opened in 2015 and has quickly become one of the city's great success stories. It uses pioneering science to accelerate the delivery of personalised healthcare, and has the potential to become the region's focal point for Life Sciences.
- 3.2 The hospital Trust predicted in 2005 that by 2015 they would cater for around 650,000 patients and 6,000 staff. Due to the significant increase in demand by patients choosing to be treated at the QE, by 2014 this had, in fact, increased to over 8,000 staff and 800,000 patients. More recent evidence shows there are now around 8,800

staff (although around 500 of these are based at Trust buildings elsewhere in the city), and nearly a million patients.

- 3.3 As demand on the new hospital has increased the Trust has needed to re-open some clinical and associated ancillary services within the retained hospital estate. The ITM has also been accommodated within the retained estate.
- 3.4 It is recognised that the success of the new QE has resulted in increased numbers of staff, visitors, and patients leading to an increase in car trips to the site and associated demand for car parking.

On site car parking provision and management

- 3.5 At present a total of 3,501 parking spaces exist on site of which 1,686 are currently reserved for QEHB staff, 1,186 are available for visitors from all 3 trusts on the site, and 629 are available for staff from the other hospital trusts. The Trust also has an agreement to use up to 200 spaces at Edgbaston Cricket Ground (review of this contract is due in Jan 2018).
- 3.6 In 2016 the Trust conducted a staff travel survey across all staff on the whole QE site. This found that between 4,038 and 4,380 staff would normally be in attendance at work during the daytime on a typical work day (taking into account shift work, sickness holidays etc). Of these 46.2% drive to work alone, approximately 4.5% drive with a passenger and others occasionally drive to work. Car parking demand by staff is therefore likely to be between 2219 and 2406 spaces on a normal working day.
- 3.7 The Trust has taken a number of **measures to reduce numbers of staff driving** to the site;
- Measures to increase attractiveness of sustainable means of travel as outlined in paras 3.15-3.18 below.
 - In 2015 the Trust introduced eligibility criteria for allocation of staff parking permits. Those staff who worked core hours and had less than a 30 minute travel time by public transport are no longer eligible to park on site (affecting 319 staff).
 - An increased monthly charge to staff for parking on site was introduced in January 2016.
 - Other measures include moving approximately 400 office staff to new Trust premises at Five Ways.
- 3.8 The growth in visitor and patient numbers has increased pressure on visitor spaces, and at some times of the day has resulted in queues waiting for visitor spaces to become available. The Trust has recently extended visiting hours to help address this problem. Other measures include the proposed release of 60 spaces (used by contractors) in the visitors' car park.

Parking on street

- 3.9 The Section 106 agreement attached to the outline approval for the hospital gave significant funding for parking control measures in surrounding residential roads. This has been spent on a range of on-street parking and traffic management measures, - including Controlled Parking Zones (residents only parking) and parking restrictions (single and double yellow lines)- in local roads to the north and west of the hospital including the Roman Way estate, Dale Road area, Woodleigh Avenue area, and Humphery Middlemore Drive area.
- 3.10 However, there are ongoing concerns from local residents and members about parking pressures in residential areas around the hospital and university. Issues

raised include an increase in the number of cars seeking to park, with problems being experienced further afield as more cars seek spaces. Those parking on street are likely to include hospital and university staff and visitors, students, local residents and people parking up and catching the train.

- 3.11 In order to help address these concerns a car parking management study has been prepared by consultants employed by the council, and funded by the Trust, at a cost of £20,000. The study proposes that a **comprehensive package of parking management measures** be implemented within a 20 minute walking time from the hospitals and university. The key aims are to reduce the parking pressures on residential streets, address safety problems, and support the Green Travel District by helping to reduce the number of car trips to the area.
- 3.12 The study identifies those areas closest to the hospital and university that experience the highest level of parking demand and other problems caused by on street parking (such as safety, congestion and impacts on residents). It defines 9 areas that should be prioritised and these are shown at appendix 1. The measures proposed vary from area to area, depending on factors such as the character of the area and needs of adjoining residents for on street parking. The measures comprise a mix of TRO's (single and double yellow lines and waiting restrictions) and Pay and Display operation. The study recommends that these 9 areas are prioritised as a first phase and that future schemes are rolled out across the wider area within a 20 minute walk zone. The latter will also address any knock on effects of implementation of the first phase and will be worked up in future. The first phase has been costed at approximately £320,000 (including costs of public consultation).
- 3.13 The Trust has offered a S106 contribution of £65,700 (in addition to the £20,000 funding contribution already paid for the car parking management study) towards implementation of the first phase. This will be combined with S106 monies available from other nearby developments (such as at the former Battery site and the University).
- 3.14 My Transportation officer considers that the S106 sum provides a reasonable contribution towards the on street parking mitigation measures. Alongside this the measures outlined in the updated Green Travel Plan and the emerging Hospital and University Master Plan will provide strong incentives to increase use of sustainable transport modes.

Progress to date with Green Travel Plan

- 3.15 The original Green Travel Plan (GTP) was produced in 2005. Since then several reviews and updates have been submitted.
- 3.16 The 2013 application for conversion of part of the retained estate for clinical and ancillary/office uses and ITM was accompanied by an updated GTP. This outlined **measures to promote sustainable transport modes** including review of parking permits, promotion of car sharing, travel discounts, shuttle bus around the site and marketing of public transport. It stated that since 2003 a significant modal shift from single private car use had been achieved: in 2003 71.7% of staff travelled to work by car alone, but by 2013 this had fallen to 51.9% (despite greater total numbers of staff). However, Members were concerned that this did not go far enough, and wanted to see a new GTP, and measures to address car parking problems both on and off the site.

- 3.17 Work was done in 2014 to update the GTP. This included initiatives including safer cycling campaign, enhanced cycle storage and security, setting up a bike pool, and ongoing discussions with bus operators to improve services and real time information. However members still felt that their concerns had not been adequately addressed.
- 3.18 A further comprehensive update to the GTP was submitted in July 2017. This identifies additional measures including a new car sharing scheme, further improvements to cycle storage and a new cycle pool/hub whereby staff can borrow a bike. This also incorporates the results of the staff Travel Survey -undertaken in July 2016 across the whole hospital campus -which shows a further positive shift downwards for car use- with single occupancy car journeys falling to 46.2%. My Transportation officer considers that the work on the GTP represents good progress towards creating a more sustainable transport system.

4.0 Other measures to address transport and parking issues

- 4.1 A number of strategic initiatives are being progressed to address problems of traffic congestion, car parking, and promote sustainable transport and ensure that new development is supported by adequate infrastructure. These are outlined below.

Proposed Hospital and University Master Plan

- 4.2 The wider Selly Oak and South Edgbaston area contributes to the city's economic and social prosperity and further growth would add to this. There is potential to create a world class 21st century Life Sciences cluster that will attract foreign direct investment. In addition, there are opportunities for further investment in healthcare, and the Birmingham Children's Hospital (BCH) is considering options for merging with or co-locating alongside the Women's Hospital, which would further develop the area as a centre of healthcare excellence. Finally, the University of Birmingham needs to continue to invest in improving its education and research in order to realise its full potential and thrive in an increasingly competitive education market.
- 4.3 These and other developments pose a number of challenges. In order for development to proceed appropriate investment in high quality infrastructure will need to be secured, and impacts on surrounding areas addressed. The University Hospitals Birmingham NHS Foundation Trust, University of Birmingham, Birmingham Women's and Children's NHS Foundation Trust, Birmingham and Solihull Mental Health NHS Foundation Trust, and the City Council are therefore working together to prepare a Master Plan for the campuses and surrounding area. The aims are:
- To realise the potential of the area as a local, national, and internationally important destination for education, research and healthcare, and to maximise the health and economic benefits of development and investment;
 - To minimise impacts on, and secure better integration with surrounding local neighbourhoods;
 - To establish the scale of the opportunity and the principles that will be applied in considering proposals for new development.
 - To ensure that adequate infrastructure and environmental improvements are provided alongside new development.
- 4.4 The Master Plan will set out a clear set of land use, urban design and transport principles and proposals to guide development. This will include a Sustainable Access Strategy and Strategic Transport Assessment comprising:
- A package of significant measures to improve use of sustainable transport modes including bus, SPRINT (bus based rapid transit), rail, walking and cycling. A key

strand will be an assessment of options for University station leading to a deliverable proposal for significant high quality improvements.

- A set of appropriate traffic and highways improvements on local roads to address road safety and traffic capacity issues.

The car parking management measures for surrounding residential roads- described in section 3 above- has been designed to complement the emerging proposals in the Master Plan.

- 4.5 The proposals for the retained estate are being taken into account in preparing the Master Plan.
- 4.6 The Master Plan is likely to be ready early next year. It will give an up to date and robust context for assessing future planning applications. It will also address many of the concerns being raised by your Committee about car parking and transport. Although it will not be a statutory planning document, local stakeholders will be involved wherever possible, and their feedback sought prior to finalising the Plan. as the Master Plan concerns future developments, I respectfully note that its progression should not delay a decision on the proposals outlined above for the Retained Estate.

Selly Oak and Life Sciences Green Travel District Association (GTDA)

- 4.7 The Hospital Trust is actively involved in the GTDA, working with the city council and other partners (including UoB). Established in late 2015, this is one of several proposed for the city; its aim is to secure a continued positive modal shift away from single-car occupancy.
- 4.8 The GTDA's strength comes from being able to support initiatives that would not be possible by organisations acting individually. Progress to date has included the appointment of a Green Travel District Co-ordinator and sustainable transport initiatives including a campus-wide car sharing scheme. The GTDA is currently defining priorities for action and identifying potential funding sources.
- 4.9 The regular review of the Travel Plans for the Hospitals and University is now to be taken forward as part of the work of the GTDA. This will enable GTDA members to adopt a consistent and co-ordinated approach to travel planning across the area. The GTDA will also have a key role in delivering the implementation of the sustainable transport measures in the master plan.

5.0 Conclusion

- 5.1 It is evident that the area continues to attract growth and investment, and that this is important to the future success of the city. This report has outlined proposals for the introduction of an area-wide package of on-street car parking management measures to address problems in residential roads around the hospital and university. It has also outlined a wide package of measures being promoted by the Trust as part of its Green Travel Plan to promote sustainable transport. These are to be welcomed and will help to address the parking and traffic issues raised by your Committee. Other measures including the Master Plan and GTDA will also help to address the parking and traffic issues and promote sustainable transport modes and ensure new investment is supported by transport infrastructure improvements.
- 5.2 The Section 106 contribution from the Trust towards car parking measures in adjoining residential areas is supported as this will fund the first phase of the car park management measures. Future phases can be funded through contributions from the developments outlined in the Masterplan.

- 5.3 I am satisfied that the current proposals set out in this report represent a sustainable approach. It is recommended that Members endorse the updated GTP and enable the local planning authority to provide written approval that the S106 Agreement has been satisfied for the re-occupation of the whole of the retained estate, subject to payment of the S106 contribution.

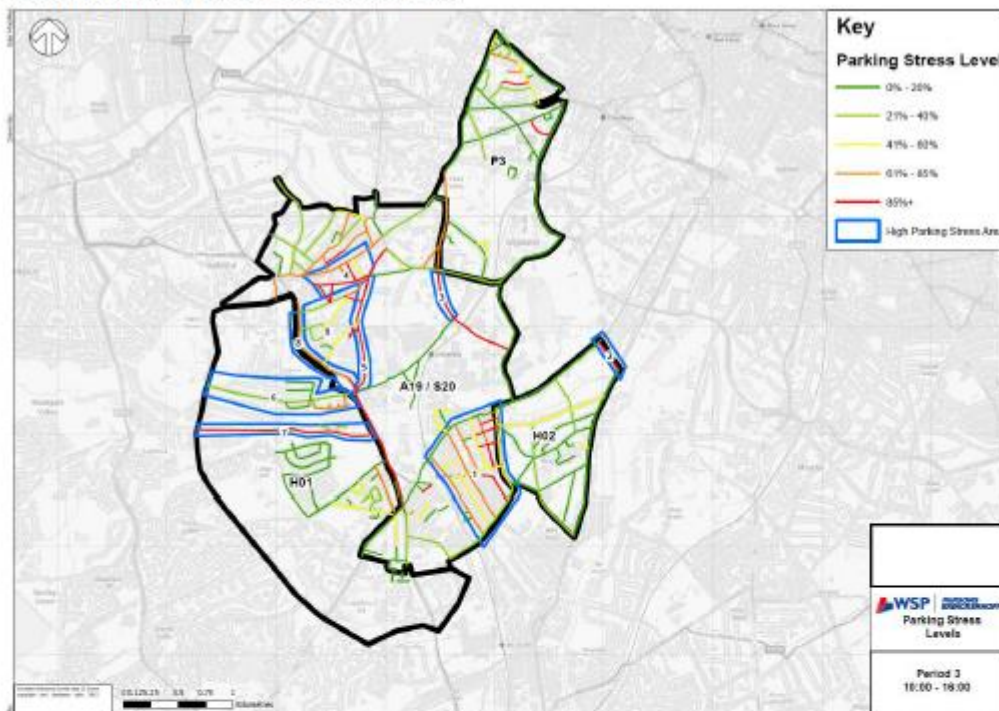
6.0 Recommendation

That Planning Committee:

1. Concurs that the University Hospital Birmingham NHS Foundation Trust has met its obligation set out in the 7th Schedule of the S106 agreement attached to 2003/04585/PA in respect of the retained estate, and that use of the whole of the retained estate at North, West and East Blocks for a combination of clinical use, associated office uses, the Institute of Translational Medicine (ITM), storage, training, plant and circulation space is permitted, subject to:
 - A deed of variation requiring payment of a further sum of £65,700 in the form of a S106 contribution towards the implementation of on street car parking management measures in adjoining residential areas.
2. Endorses the updated Green Travel Plan dated July 2017

Appendix 1

Daytime parking stress areas above 85%



Areas that have been identified for scheme development and recommendations include:

- Area 1: Selly Oak between Bournbrook Road and Heeley Road
- Area 2: Pebble Mill Road
- Area 3: Pritchatts Road
- Area 4: Roads south of Harborne High Street
- Area 5: Metchley Lane
- Area 6: Quinton Road and roads adjacent
- Area 7: Reservoir Road
- Area 8: Harborne Park Road
- Area 9: Roads between Harborne Park Road, St Marys Road, and Metchley Lane

The following areas have been excluded from the assessment:

- Areas where there is insufficient data available upon which to base recommendations;
- Roads internal to the University and Hospital Campuses;
- Private Roads;
- Roads where parking stress is observed to be low and there are no other parking related issues known to be of concern;
- Roads subject to existing controlled parking zone schemes.
- Areas where levels of on-street parking are heavily influenced by local centres including Harborne and Selly Oak.

Birmingham City Council

Planning Committee

12 October 2017

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 – Temporary	19	2017/07027/PA Warstone Lane Birmingham B18 6NL Display of 10 no. non-illuminated banner signs on existing lamp posts

Committee Date:	12/10/2017	Application Number:	2017/07027/PA
Accepted:	22/08/2017	Application Type:	Advertisement
Target Date:	17/10/2017		
Ward:	Ladywood		

Warstone Lane, Jewellery Quarter , Birmingham, B18 6NL

Display of 10 no. non-illuminated banner signs on existing lamp posts

Applicant: Birmingham City Council
10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent: Bay Media Limited
18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

Recommendation
Approve Temporary

1. Proposal

- 1.1. This application seeks advertisement consent for the display of 10 non-illuminated advertisement banners on lampposts along Warstone Lane.
- 1.2. The banners would be attached to the existing lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m in width. The banners would be made of PVC which would be affixed top and bottom to arms attached to the lamppost column.
- 1.3. The applicants state that the adverts are to be for promoting city events including gallery openings, theatre productions, sporting events and festivals and also for limited commercial content, overseen by the City's Corporate Strategy Team.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 10 lampposts, 6 located on the north side of Warstone Lane and 4 located on the south side between the junctions of Icknield Street and Spencer Street. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The site is located in the Jewellery Quarter Conservation Area along one of the main retail streets in this area.

[Site Location](#)

3. Planning History

- 3.1. None relevant.

4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management, Jewellery Business Improvement District and Jewellery Quarter Development Trust notified. Press and site notices posted. No response received.
- 4.2. Transportation Development – No objections.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; Jewellery Quarter Conservation Area Character Appraisal and Supplementary Planning Policies, Birmingham Unitary Development Plan 2005 (Saved Policies) and the National Planning Policy Framework.

6. Planning Considerations

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building to their surroundings should be subject to a Local Authority's detailed assessment. Finally, it states that cumulative impact should be considered.
- 6.3. The number of proposed adverts has been reduced from 19 to 10. They are considered to be in scale with the existing street scene and would not dominate the highway environment or the character of the Jewellery Quarter Conservation Area in this location. The banners would be situated at appropriate locations and would not over-burden the street with advertising. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I do not consider that these proposed banner advertisements would constitute clutter within the street scene and consider that the scale of the proposed signs is acceptable.
- 6.4. I therefore raise no objection to the proposed adverts on the grounds of amenity.

PUBLIC SAFETY

- 6.5. The proposed advertisement banners would form part of the highway environment and an appropriate level of forward visibility is provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction.
- 6.6. Transportation Development have raised no objection but has noted that a license would be required. I concur with this view and have attached an informative to make the applicant aware that the appropriate license is required.
- 6.7. I therefore raise no objection to the proposals on public safety grounds.

7. Conclusion

- 7.1. I consider that these adverts are acceptable in terms of impact upon the visual amenity of the area and are satisfactory in terms of public safety. The proposal therefore accords with policies of the Birmingham Development Plan and the NPPF.

8. Recommendation

8.1. Approve Temporary

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

2 Limits the approval to 5 years (advert)

Case Officer: Anh Do

Photo(s)

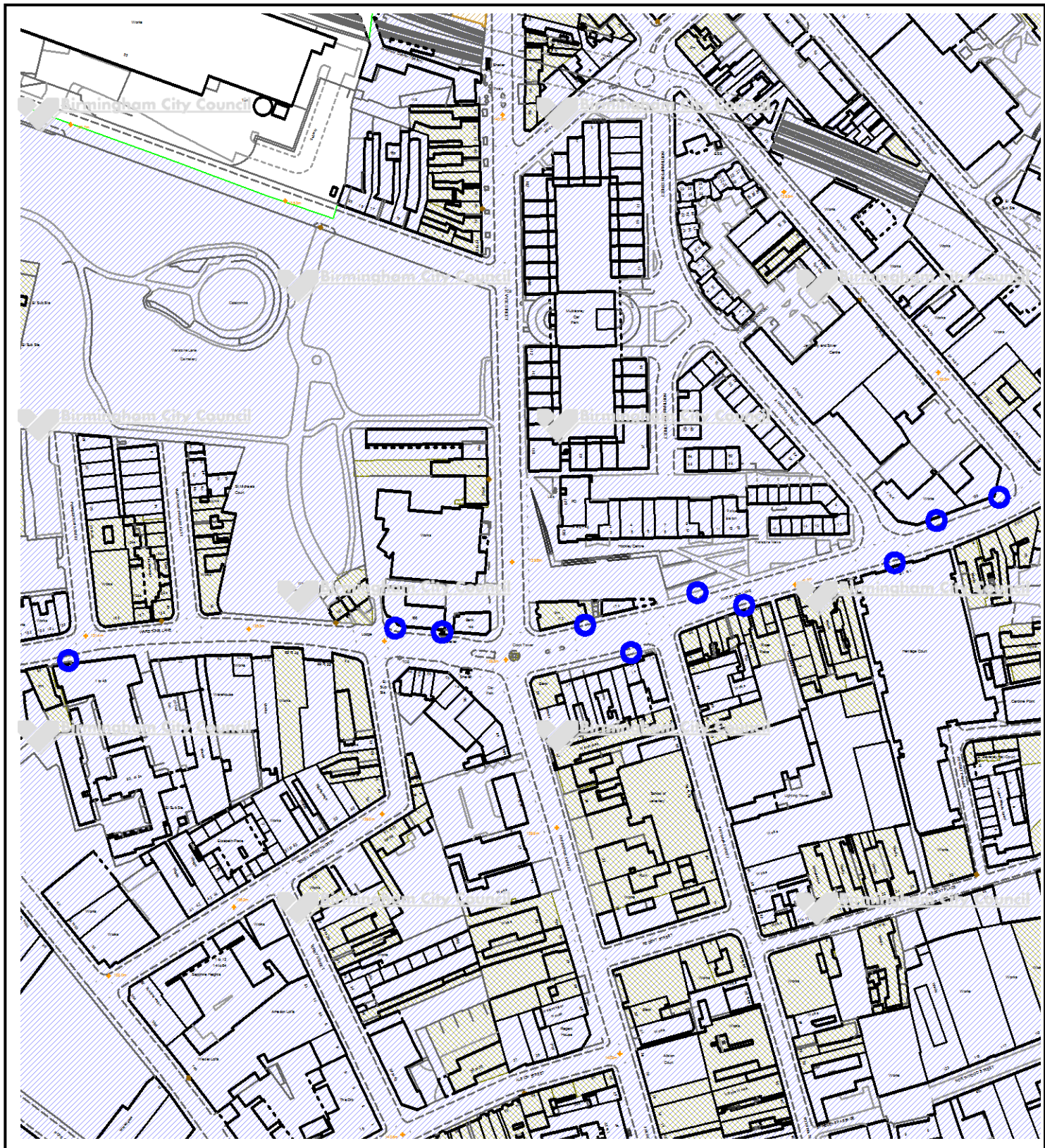


Fig 1. Photomontage submitted with application showing lampposts with banners west on Warstone Lane



Fig 2 Photomontage submitted with application showing lampposts with banners east on Warstone Lane

Location Plan



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Birmingham City Council

Planning Committee

12 October 2017

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	20	2017/04098/PA 162-166 Yardley Road Acocks Green Birmingham B27 6LR Change of use of ground floor to a retail unit (Use Class A1), demolition of part of rear garage structure and erection of first floor extension to create 4 self-contained flats with 9 no. parking spaces
Approve - Temporary	21	2017/07670/PA R10-Chester Road Roundabout Tyburn Road Erdington Birmingham B24 0SA Display of 4 non illuminated signs

Committee Date:	12/10/2017	Application Number:	2017/04098/PA
Accepted:	04/07/2017	Application Type:	Full Planning
Target Date:	29/08/2017		
Ward:	Acocks Green		

162-166 Yardley Road, Acocks Green, Birmingham, B27 6LR

Change of use of ground floor to a retail unit (Use Class A1), demolition of part of rear garage structure and erection of first floor extension to create 4 self-contained flats with 9 no. parking spaces

Applicant:	Mr Zaman c/o Agent
Agent:	The Tyler Parkes Partnership Ltd 66 Stratford Road, Shirley, Solihull, West Midlands, B90 3LP

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Planning consent is sought at 162-166 Yardley Road, Acocks Green, Birmingham for;

- Use of part of an existing unauthorised vehicle repair/tyre repair building at ground floor level to be used as A1 retail space (108sq.m),
- New shop front to ground floor retail use,
- The demolition of garage buildings to rear of site and Francis Road elevation,
- The provision of a single storey 'L shaped' extension (approx. 135sq.m) upon the existing single storey, flat roofed garage building and internal reconfiguration of existing building to provide 4 no. apartments at ground, first and second floor levels measuring 50.8sq.m, 53sq.m, 61sq.m and 115.4sq.m respectively,
- Onsite parking provision for 9 no. spaces to frontage,

1.2. The proposed first floor extension would be erected on top of the existing flat roof of the garage building fronting onto Yardley Road and would provide a forward gable extension (in an 'L' shape) encompassing approximately half of the garage roof and attaching itself to the white painted brick building on its western (Francis Road) elevation. It would encompass a footprint of approximately 138sq.m, be erected to a height of 4.1m from the existing garage roof level and 7.8m from existing ground level (Yardley Road frontage) and comprise of a pitched roof with corner detailing and 8 no. windows at first floor level to the Yardley Road and Francis Road elevations.

Background to Proposal

1.3. The current planning application has been submitted following the change of use of the buildings onsite for use as both residential accommodation and vehicle repairs/MOT within the garage buildings without planning consent and is currently

unauthorised. Enforcement action has ensued (under enforcement reference 2014/0268/ENF) with an enforcement notice issued but not complied with and further action regarding prosecution related to the non-compliance with the enforcement notice is currently being pursued. A previous planning application (2016/08151/PA) was submitted in 2016 in order to regularise activities on site by removing the tyre/vehicle repair use, to provide a retail unit, 6 no. flats and a 2 no. bedroom house with a number of extensions. This application was subsequently refused due to poor design, adverse impact upon residential amenity and upon highway safety.

1.4. [Link to Documents](#)

2 Site & Surroundings

2.1 The application site comprises of a corner plot at the junction of Yardley Road and Francis Road and is located in Acocks Green, specifically within the Yardley Road Neighbourhood Centre. The site itself comprises of three distinct buildings, a single storey garage building with 3 no. roller shutter doors, a two storey residential building and a single storey, brick garage building facing onto Francis Road and set back behind a small forecourt area. The site is bounded to its eastern (rear elevation) by an existing row of two storey terraced dwellings that front onto Francis Road, to the south, the public highway (Francis Road), to the west, Yardley Road and to the north by existing two storey commercial and residential buildings.

2.2 [Site Location](#)

3 Planning History

Planning History

- 3.1 12/12/2016 – App. No. 2016/08151/PA – Change of use of part of existing tyre fitting and repair unit (Use Class B2) to Retail (Use Class A1) and erection of first and second floor extensions and internal alterations on ground, first and second floors to form six self-contained flats and 1 no. two bed house (Use Class C3) – Refused.
- 3.2 31/08/2011 – App. No. 2011/04571/PA – Application for Certificate of Lawfulness for existing use as a service station, tyre fitting & car repairs in excess of 10 years – Refused on the grounds of insufficient information.
- 3.3 13/07/1995 – App. No. 1995/01588/PA – Change of use to include mot vehicle testing facility – Refused due to adverse impact on residential amenity, out of character with residential area, insufficient parking and adverse impact upon free flow of traffic.
- 3.4 11/08/1994 – App. No. 1994/01974/PA – Change of use from existing fitting bay to mot bay and front bay extension – Refused due to noise and disturbance, nearness, height, adverse impact on residential amenity, out of character with residential area, insufficient parking and adverse impact upon free flow of traffic.
- 3.5 Enforcement Case – 2014/0268/ENF – Change of use to flats/bed sits – Enforcement Notice issued but not complied with. Current planning application submitted seeking to regularise activities on site – Currently ongoing.

4 Consultation/PP Responses

- 4.1 Local Ward Councillors, residents associations and adjoining occupiers notified. Site notice posted.
- 4.2 Jess Philips MP – Wishes to support the objection and comments made by Cllr John O'Shea.
- 4.3 Cllr John O'Shea – Objects to the proposal on the following points;
- Despite good public transport accessibility, the proposal fails to provide adequate/impractical parking and servicing facilities which would adversely impact upon the surrounding roads and residents,
 - Impracticality of the proposed parking layout,
 - The current use has provided insight over a number of years into the impact of the development on local car parking and traffic.
 - Adding a bike store is not sufficient.
 - Noise from the retail unit may adversely affect future occupiers of flats.
 - The flat sizes can hardly be called generous.
 - Concerns that the 'study' in Flat 1 and the 'play room' in Flat 2 may actually be offered as bedrooms and that rooms on second floor of Flat 2 only have skylights and no windows that offer a fire exit.
- 4.4 Cllr Roger Harmer – Objects to the proposal on the following points;
- Would provide extra retail space in an area with existing surplus retail units.
 - Would result in adding to an already very difficult parking situation in the area. The surrounding area already suffers from a severe shortage of car parking which results in access issues along Francis Road.
 - No provision for waste storage is proposed.
- 4.5 Acocks Green Neighbourhood Forum – Objects to the proposal on the following points;
- The Forum object to the retail part of this planning application as there are too many empty shops on Yardley Road.
 - Dependent upon the type of outlet, parking problems experienced by the residents of Francis Road could be exacerbated.
- 4.6 56 no. letters/emails received from local residents and 1 no. petition containing 80 no. signatures objecting to the proposal on the following points;
- The parking situation along Francis Road is already heavily congested and proposed insufficient parking provision will lead to an increase in congestion and access issues.
 - No assessment traffic impacts along Yardley Road and Francis Road,
 - Presents risks to resident's health and safety.
 - The proposal would result in an increase in rubbish and associated vermin.
 - There are already existing, vacant shops and a further is not wanted/required.
 - The proposal represents over development of the site.
 - No social housing is proposed within the application.
 - The existing building has already been converted to residential use without consent and is the subject of existing enforcement action.
 - Notification of planning application not been circulated widely enough.
 - The garage should remain as it is.

- 4.7 West Midlands Police – No objection.
- 4.8 West Midlands Fire Service – No objection.
- 4.9 Severn Trent Water – No objection, subject to drainage (foul and surface water) condition.
- 4.10 Transportation Development – No objection subject to the following conditions;
- Provision of parking layout prior to occupation,
 - Parking management plan,
 - Cycle storage, and;
 - S.278 works including a footway crossing extension along the Yardley Road frontage and a kerb build out incorporating bollards or a similar approved facility and associated highway modification, including funding for TRO amendment/extension on Francis Road.
- 4.11 Regulatory Services – No objection, subject to the following conditions;
- Sound Insulation,
 - Maximum noise levels for Plant and Machinery,
 - Hours of Use (07:00 – 22:00 daily),
 - Land Contamination, and;
 - Electric Vehicle Charging Points.

5 Policy Context

- 5.1 Birmingham Development Plan (2017), Birmingham Unitary Development Plan (Saved Policies) (2005), Places for Living SPD, Places for All SPG, Car Parking Guidelines SPD, Nationally Described Space Standards (2015), Shopfront Design Guide SPD (1995), Shopping and Local Centres SPD (2012), NPPF (2012).

6 Planning Considerations

Principle of Development

- 6.1. The adopted Birmingham Unitary Development Plan (UDP) resists proposals that would have an adverse effect on the quality of the built environment and emphasises that improving the quality of the built environment is one of the most important of the plan's objectives. The adopted UDP encourages a high standard of design and policy 3.14D sets out good urban design principles.
- 6.2. Places for Living SPG encourage good quality accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character and that new housing should respond to the context within which it is located and should reinforce and evolve local characteristics.
- 6.3. Whilst concerns have been raised regarding the provision of an additional retail unit within the designated Yardley Road neighbourhood centre that contains a high proportion of vacant units, it is considered that the provision of a new, modern retail unit with off street parking is of benefit to the neighbourhood centre and accords with the broader Birmingham Development Plan and Shopping and Local Centres SPD

policies of locating such uses within designated centres with the aim of stimulating or maintaining the vitality and viability of such centres.

- 6.4. As such, I regard the main considerations of this application to be the impacts upon highway safety, impacts upon adjoining residential occupiers, impacts upon amenity of future occupiers and the scale and design of the proposal.

Highway Safety

- 6.5. This section of Yardley Road offers no form of on street parking provision, with traffic regulation orders in place (double yellow lines) restricting parking in the immediate vicinity. It is noted that unrestricted parking is available on Francis Road. However, this is already the subject of high demand from existing residents along the road and existing businesses within the Yardley Road neighbourhood centre, a concern raised by local residents, ward members and MP for the area.
- 6.6. The proposed scheme seeks to provide 9 no. off road parking spaces for use by both the users of the retail unit and residents of the 4 no. apartments. The Car Parking Guidelines SPD states that the maximum parking standards for the proposed residential accommodation would be 6 no. spaces and 6 no. for the retail use (maximum total of 12 no. spaces). Given that proposal is located in the primary shopping area of the designated neighbourhood centre, which offers a number of on street parking spaces for short stay parking and which is served by a number of bus routes and a train station within approximately 450m it is considered that the proposed onsite parking provision accords with the policy in this regard.
- 6.7. It is evident that the current uses on site generate large numbers of vehicle movements and parking demand, particularly the existing unauthorised garage use which generates significant long stay parking demand from vehicles awaiting repair that make use of the surrounding residential roads, particularly the narrow section of Francis Road, near to its junction with Yardley Road.
- 6.8. It is anticipated that the less intensive form of development proposed along with increased onsite parking provision in a workable solution would help to address this issue. In addition, the applicant has indicated upon the submitted plans that further parking deterrent measures in the form of a build out with bollards which would be positioned alongside the application site on Francis Road would be provided to deter parking and maintain access near to its junction with Yardley Road which is considered to be of benefit to uses of Francis Road generally. Transportation Development has raised no objections to the proposal and I concur with this viewpoint.
- 6.9. Overall, it is considered that the proposal would not adversely impact upon the surrounding area in terms of parking demand or traffic congestion and would instead result in betterment to the existing situation with a workable parking layout to accommodate expected demand. Subject to the suggested planning conditions above, it is considered that the proposal is acceptable in this regard.

Residential Amenity

- 6.10. Regulatory Services have no objections to the proposal subject to the imposition of a number of planning conditions related to the provision of sound insulation, maximum noise levels for associated plant and machinery, hours of use of the retail unit (07:00 – 22:00 daily), a Contamination Remediation Scheme and an Electric Vehicle Charging Point. Whilst I concur with the imposition of many of the suggested

conditions I do not consider it necessary or reasonable to impose the electric vehicle charging points given the small scale nature of the proposal.

- 6.11. The proposed first floor extension would provide additional windows serving habitable rooms facing onto Yardley Road and Francis Road and to the communal private amenity space and would not result in a loss of privacy or overlooking to the rear residential gardens along Francis Road. In addition, windows looking onto a two storey flank wall which is the side elevation of existing terraced properties of Francis Road would be at a distance of 12.5m which is considered to be sufficient in providing an adequate separation distance and outlook for the future occupiers of the proposed apartments.
- 6.12. The front elevation of the extension would result in additional built development at first floor level that would overlook Yardley Road and respect the building line with a distance of 24.5m between two storey windowed elevations of the opposite residential dwellings and the proposed first floor accommodation. Windowed elevations to the side of the extension at first floor would overlook Francis Road and a two storey flank wall at a distance of 14.7m, both of which meet the minimum required separation distances outlined within Places for Living SPD and therefore provide sufficient outlook.
- 6.13. Concerns have also been raised by local residents regarding the lack of refuse storage. However, sufficient storage, two areas, one for the retail unit and one for residents is proposed. The 4 no. apartments would have access to a newly created private communal amenity space totalling 110sq.m as a result of the demolition of the rear garage structure. Whilst the proposal falls slightly below the minimum 120sq.m requirement (30sq.m per flat), the provision of good quality, private space compared to the previous lack of any on site provision is appropriate in this regard.
- 6.14. The proposed apartments include the provision of 2 no. 1 bed units (50.8sq.m and 53sq.m), 1 no. 2 bed unit (61sq.m) and 1 no. 3 bed unit (115.4sq.m) spread over the upper two floors. All bedrooms and unit sizes meet the minimum size thresholds (10.5sq.m double bedroom and 7.5sq.m single bedroom) as outlined within the Technical Housing Standards – Nationally Described Space Standards with sufficient head room provided within the roof space accommodation (the majority of floor space above 2m high).

Visual Amenity

- 6.15. The proposed scheme seeks to provide a first floor extension to the existing single storey, flat roofed garage building facing onto Yardley Road whilst also providing a new shop front to the ground floor building that currently encompasses the garage use. The proposed first floor extension would predominantly be positioned upon the flat roof of the existing garage building and would provide a windowed extension with a pitched, tiled roof that would mirror the height of the adjacent built form along this section of Yardley Road.
- 6.16. Furthermore, the extension would turn the corner at the junction of Yardley Road and Francis Road with window and roof detailing and be attached to the existing 'white painted' building. The provision of such an extension design is considered to be a positive and acceptable design solution in this case and much improved upon the existing setup, a view shared by the City Design Officer, and would add a completeness and sense of cohesion to the building that is currently lacking due to the large expanse of the single storey flat roof garage building within a streetscene

dominated by two storey structures and would instead seek to match the scale of its immediate environment.

- 6.17. The proposed retail unit, specifically its shop front, has been amended from that of the existing garage building and roller shutter doors. The proposed shopfront has been designed appropriately in a manner consistent with guidance contained within the Shopfronts Design Guide and is considered acceptable. Shopfront signage would be dealt with under a separate advertisement application.

7. Conclusion

- 7.1 The proposal would provide good quality residential accommodation that would provide sufficient levels of space, both internally and externally for future occupiers with sufficient outlook and would not result in overlooking or loss of privacy issues for adjacent residents.
- 7.2 The overall design of the proposal is considered to be a positive and acceptable design solution which responds positively to local character and its context whilst also utilising the site in a manner that reduces existing neighbour amenity issues and provides a modern retail unit within a designated neighbourhood centre.
- 7.3 Also, the proposal would not adversely impact upon the surrounding area in terms of parking demand or traffic congestion and would instead result in betterment to the existing situation with a workable parking layout to accommodate expected demand and works within the public highway to reduce inconsiderate parking and retain access along Francis Road.

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 sample materials |
| 4 | Requires the prior submission of hard and/or soft landscape details |
| 5 | Limits the noise levels for Plant and Machinery |
| 6 | Requires the prior submission of noise insulation |
| 7 | Requires the prior submission of a drainage scheme |
| 8 | Requires the prior submission of a demolition method statement |
| 9 | Limits the hours of operation of the retail use - 07:00 - 22:00 Daily |
| 10 | Requires the prior submission of a contamination remediation scheme |
| 11 | Requires the prior submission of a contaminated land verification report |
| 12 | Requires the prior submission of details of refuse storage |
-

-
- 13 Requires the provision of cycle parking prior to occupation
 - 14 Requires the prior submission of a parking management strategy
 - 15 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 16 Requires the parking area to be laid out prior to use
-

Case Officer: Mohammed Nasser

Photo(s)

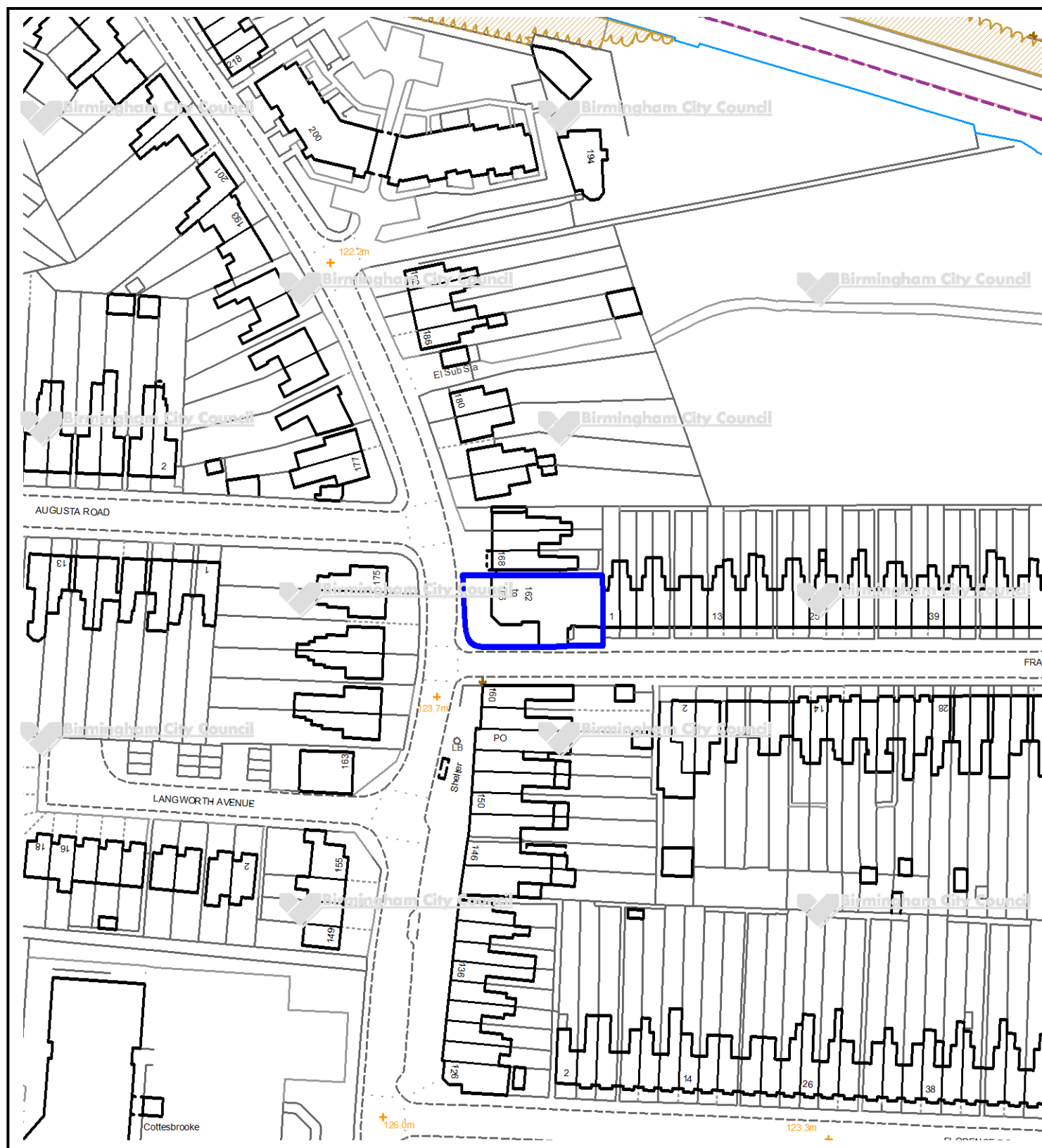
Fig 1 – Yardley Road Elevation.



Fig 2 – Francis Road Elevation.



Location Plan



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Committee Date:	12/10/2017	Application Number:	2017/07670/PA
Accepted:	01/09/2017	Application Type:	Advertisement
Target Date:	27/10/2017		
Ward:	Tyburn		

R10-Chester Road Roundabout, Tyburn Road, Erdington, Birmingham, B24 0SA

Display of 4 non illuminated signs

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

Recommendation

Approve Temporary

1. Proposal

1.1. This application proposes the installation of 4 no. non-illuminated post-mounted signs on the roundabout at Chester Road, Erdington. The proposed signs would be located close to the edge of the roundabout in the following locations:

- Near the junction with Chester Road, at the north west end of the roundabout;
- Near the junction with Chester Road, at the south east end of the roundabout;
- Near the junction with Eachelhurst Road, at the eastern end of the roundabout;
- Near the junction with Tyburn Road, at the western end of the roundabout.

1.2. The proposed signs would each have a width of 1.8m and height of 0.5m and would be mounted on posts giving an overall height of 0.65m above ground level. The signs would be set back by 2m. The signs would be made of aluminium and the posts would be steel.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises an existing roundabout which lies between Chester Road, Eachelhurst Road and Tyburn Road. The roundabout is grassed with two trees located in the centre of the roundabout. Other street furniture currently located at the edges of the roundabout includes directional highway signage.

2.2. The immediate surroundings comprise a mix of residential, commercial and public open space. Bus stops are located on Chester Road and Eachelhurst Road near the roundabout junction.

2.3. [Site Location](#)

3. [Planning History](#)

3.1. None relevant.

4. [Consultation/PP Responses](#)

4.1. Transportation Development – no objection.

5. [Policy Context](#)

5.1. National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005)

6. [Planning Considerations](#)

6.1. The NPPF restricts Local Planning Authorities to considering only amenity and public safety when determining applications for consent to display advertisements (paragraph 67).

6.2. Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or on their surroundings should be subject to a Local Authority's detailed assessment. Finally, it states that the cumulative impact of advertisements should be considered.

Amenity

6.3. The proposed adverts would be situated at appropriate locations on the roundabout and as there are no existing elements of advertising on the roundabout, I consider the proposal would not over-burden the roundabout with advertising. The proposed adverts would be of a modest size, and would not dominate the highway environment.

6.4. The proposed signage is set within the landscaping in parts however this is considered an appropriate setting and would not result in the loss of any landscaping. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs would be acceptable.

Public Safety

6.5. The proposed signs would form part of the highway environment and an appropriate level of visibility would be provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such adverts are not an unusual feature on roundabouts and therefore would not cause an unacceptable degree of driver distraction.

6.6. Transportation Development raise no objection, stating that the proposed signage conforms to the previously agreed acceptable specifications, with a setback of 2m from the roundabout inner kerb noted to be achieved, and the signage dimensions being acceptable.

7. Conclusion

7.1. The proposed adverts would not have an adverse impact on amenity or public safety and I therefore recommend consent is granted subject to conditions.

8. Recommendation

8.1. Approve temporary.

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

2 Limits the approval to 5 years (advert)

Case Officer: Claudia Clemente

Photo(s)

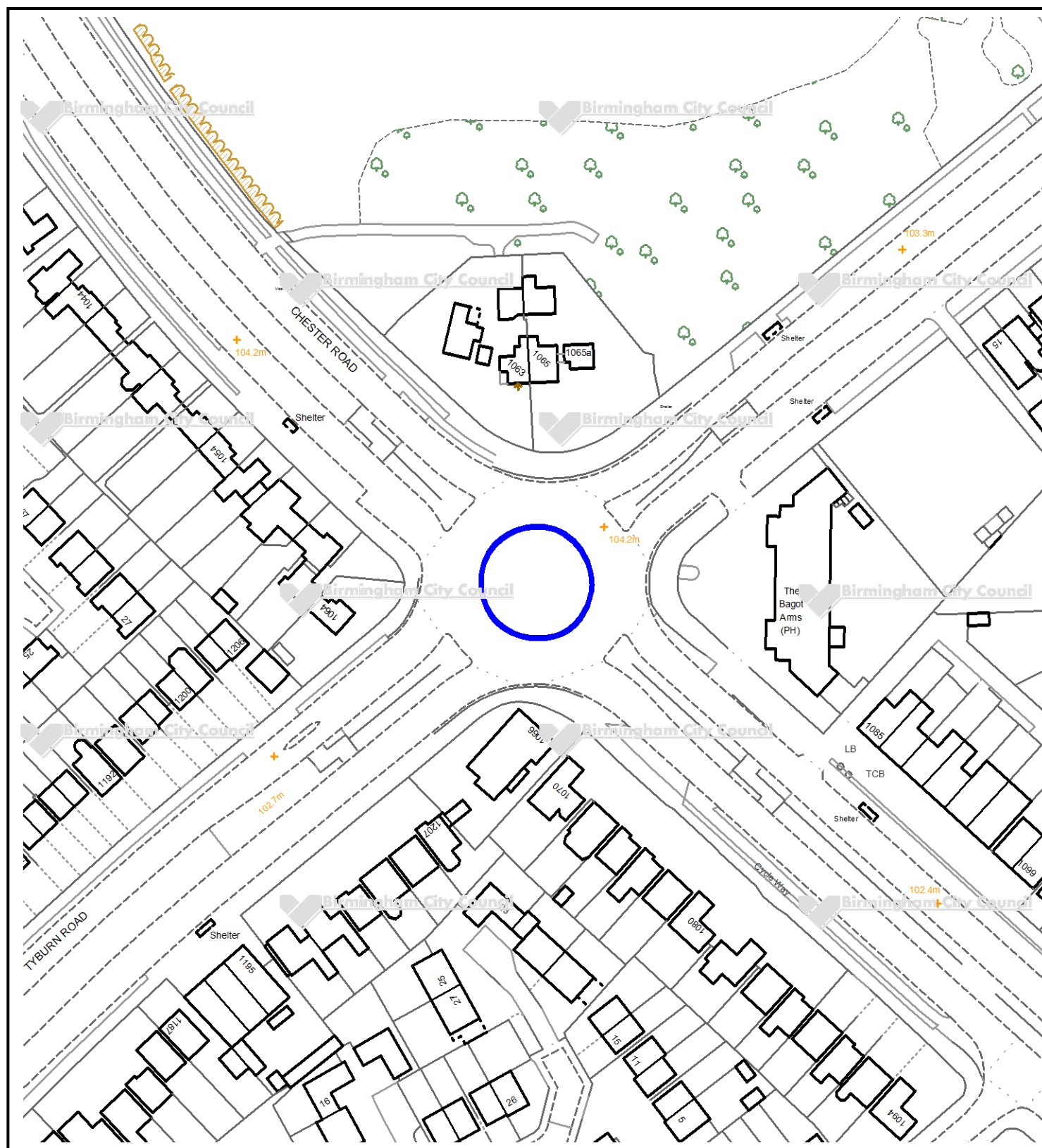


Figure 1: Application site



Figure 2: Application site

Location Plan



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Committee Date:	14/09/2017	Application Number:	2017/05890/PA
Accepted:	04/07/2017	Application Type:	Householder
Target Date:	29/08/2017		
Ward:	Quinton		

334 Lordswood Road, Quinton, Birmingham, B17 8AN

Erection of single storey side, single storey rear and two storey rear extensions and installation of three dormers to rear

Applicant:	Mr Jasbir Kudhail 334 Lordswood Road, Quinton, Birmingham, B17 8AN
Agent:	Archi-tecture Design Studio Ltd. 17 Coleshill Road, Hodge Hill, Birmingham, B36 8DT

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Erection of a two storey rear, single storey rear and single storey side extensions and the installation of 3 No. dormer windows to the rear. The proposed ground floor extensions would provide a cinema room, an extension to the existing living room and a new garage. The existing garage would be converted to a study/office. At first floor level two existing bedrooms would be extended with en-suite bathrooms also being installed. The works to the roof space would provide an extension to the existing second floor bedroom and en-suite.
- 1.2. The proposed two storey rear extension would project off part of the original rear wall of the dwelling and be sited adjacent to the boundary with No.332 Lordswood Road. The proposed development would have a depth of 3.5m and a width of 7.9m. The three dormer windows would be located within the roof of the two storey extension. Each dormer would have a width of 1.2m and a maximum height of 1.3m to the ridge of its pitched roof.
- 1.3. The proposed single storey cinema room extension would project off the existing two storey rear extension with a depth of 4.5m and a width of 9.4m. The extension would have a flat roof design with a height of 3.3m.
- 1.4. The proposed garage extension would be built off part of the northern elevation of the property and sited in line with the front wall of the building. It would have a depth of 7.93m and a width of 5.63m. It has been designed with a crown roof with a ridge height of 3.6m and 2.5m to eaves level.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a large detached property with a gable end roof design. The property has an existing two storey rear extension and a rear dormer window. The dwelling is set within a predominantly residential area with a mixture of property ages and designs within the street scene. A number of other dwellings within Lordswood Road benefit from generously sized extensions. The property has a large lawn area to the rear with mature trees at the rear of the site.

2.2. [Site Location](#)

3. [Planning History](#)

- 3.1. 17/01/1994 – 1993/04973/PA – Permission granted for two storey pitched roof extension to form extended dining room, new kitchen, master bedroom & en-suite and extended bedroom.
- 3.2. 14/03/2002 – 2002/00506/PA – Permission granted for erection of first floor side and rear extension and new single storey garage.
- 3.3. 05/06/2017 – 2017/03212/PA – Permission refused for erection of two storey rear, single storey rear and single storey side extensions and installation of 3 no. dormer windows to rear.

4. [Consultation/PP Responses](#)

- 4.1. Neighbours and local ward councillors were consulted for the statutory period of 21 days. A letter of objection has been received from the owner of No.332 Lordswood Road on the following grounds:
- Loss of light and outlook.
 - Loss of privacy.
 - The scale and design of the proposed development.
 - Noise issues.
 - The felling of trees to the rear of the site.
 - Drainage issues.
 - Party wall issues.
- 4.2. A response has been received from Cllr Francis who has stated their support for the objections submitted by the owner of No.332 Lordswood Road. A request has been made by Cllr Francis that the application be determined by the Planning Committee rather than under delegated powers.

5. [Policy Context](#)

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

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale, design and siting of the proposed development, and the impact on the architectural appearance of the property, the general street scene and neighbouring properties amenities.
- 6.2. The scheme is a resubmission of application reference 2017/03212/PA which was refused earlier this year on the grounds of an unacceptable scale. The scheme has been revised with a previously proposed glazed single storey rear extension adjacent to the boundary with No.332 being removed from the scheme.
- 6.3. The initial set of plans showed an increase in the footprint of the single storey side extension from the last application, however, amended plans were submitted by the agent removing this increased scale. A further set of amended plans have been submitted as the existing and proposed layout and elevation plans did not show the first floor and second floor Juliette style balconies which are in place as part of the rear elevation of the building.
- 6.4. Another set of proposed elevation plans have been submitted removing the proposed timber cladding from the front elevation.
- 6.5. The proposed two storey rear extension would breach your Committee's 45 Degree Code Policy to the rear lounge window of No.332 Lordswood Road when plotted from the quarter point of the neighbouring window by 0.4m. However, it is noted that this window is not the sole source of light to this room with an additional source in the front elevation and two further windows in the side elevation of the property. It must also be taken into account that there would be a distance of 8.5m between the quarter point of the neighbouring window and the section of the proposed first floor extension which would breach the code. The affected ground floor window at No.334 is recessed under a canopy where the first floor of the property overhangs this section. This rear window at No.334 is already compromised in terms of light entering by the design of the original property itself. Whilst there would be some change in daylight levels, there would be no effect in terms of the amount of sunlight entering through to the room as this property is located southerly of the position of the proposed extension. With these factors taken into account I do not consider that the proposed development would have a material adverse impact upon the occupiers of the neighbouring dwelling in terms of loss of light or loss of outlook to sustain a refusal of the application on these grounds.
- 6.6. The proposed development complies with the required numerical guidelines as contained within 'Places For Living' and 'Extending Your Home'. The proposed development would not have a harmful impact upon adjacent properties in terms of overlooking and loss of privacy.
- 6.7. Following the revisions made to the scheme after the refusal of application reference 2017/03212/PA on the grounds of the scale of the proposal I consider the scale, mass and design to now be acceptable. Lordswood Road is characterised by large dwellings, many of which have previously been extended on a substantial level. I do not consider that the resulting property would be out of keeping with the character of the surrounding area. A sizeable rear garden would be maintained as part of the development. Whilst the overall size of the scheme is generous the resulting dwelling would sit comfortably within this plot. I do not consider that the proposal would represent an over development of the site.

- 6.8. The proposed three individual dormer windows would replace a single wider dormer window. These features would not dominate the appearance of the roofline of the dwelling which is in accordance with the guidance contained within 'Extending Your Home'. The majority of the proposed works would be contained to the rear of the dwelling with any impact upon the street scene being relatively limited. I do not consider that any impact of the proposed development could be considered to be sufficiently adverse that a refusal of the application could be sustained on appeal. The proposed development would not have a harmful impact upon the architectural appearance of the property or the visual amenity of the surrounding area.
- 6.9. Concerns have been raised by a neighbour relating to noise issues. However, any noise created as a result of a development would be that relating to a single family dwelling and therefore there are no grounds upon which to recommend refusal in respect of this matter.
- 6.10. Comments have been received relating to the felling of trees to the rear of the site. However, these trees are not covered by a Tree Preservation Order and therefore no consent would be required in order to prune or fell them.
- 6.11. The owner of No.332 has raised concerns regarding possible drainage issues. This would be dealt with as part of a building regulations application.
- 6.12. Concerns have also been received in relation to party wall issues. However, this is a civil matter between the two property owners and not a material planning consideration.
- 6.13. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. Notwithstanding the objections raised by the neighbouring occupiers, I consider that there are no sustainable grounds upon which to recommend refusal of the application.

8. Recommendation

- 8.1. Approval is recommended subject to the following conditions:

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- | | |
|---|--|
| 1 | Requires that the materials used match the main building |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Removes PD rights for new windows |
| 4 | Implement within 3 years (Full) |
-

Case Officer: George Baker

Photo(s)

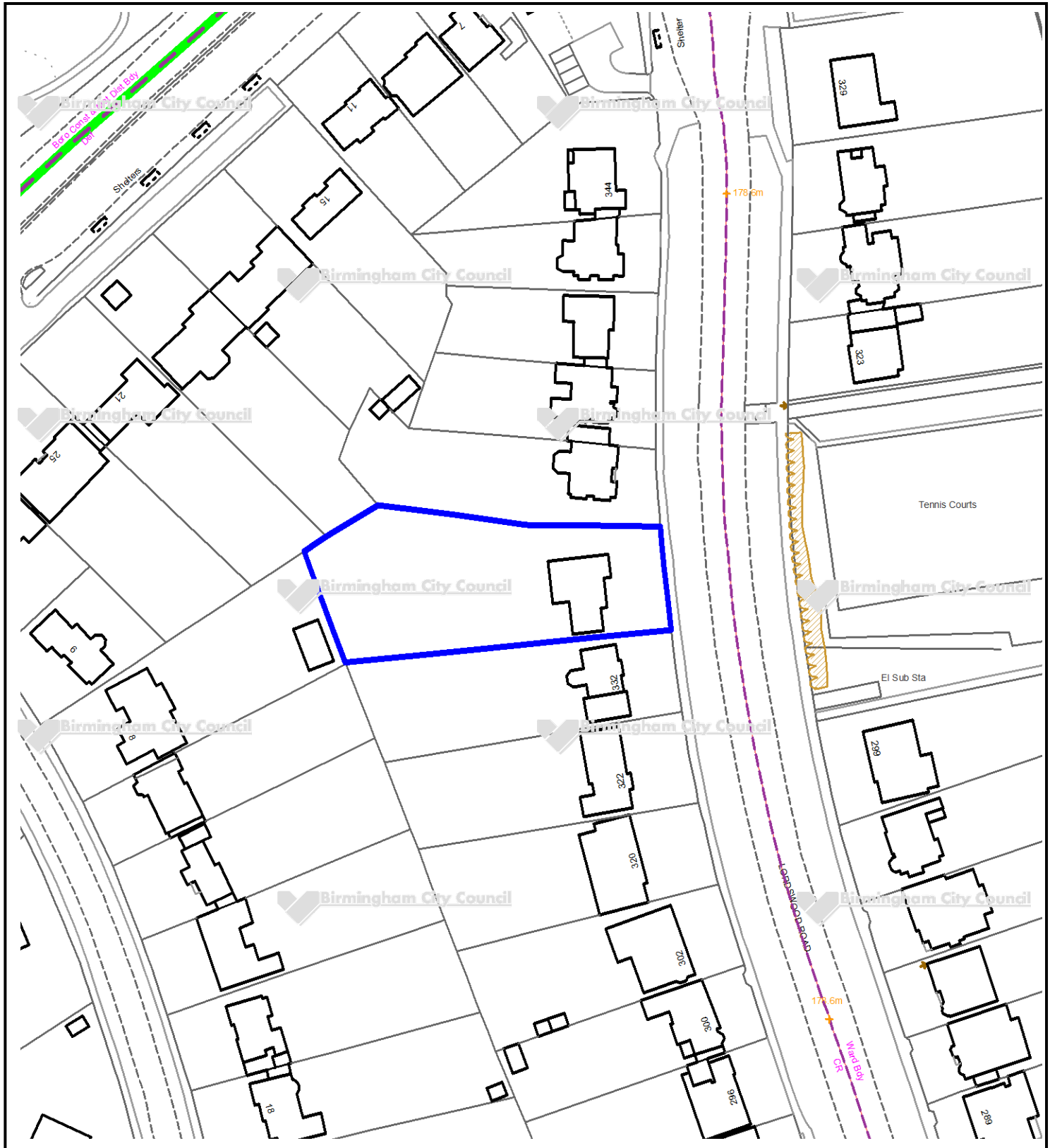


Figure 1 – Front elevation of property



Figure 2 - Rear elevation of property

Location Plan



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BIRMINGHAM CITY COUNCIL

REPORT OF THE CORPORATE DIRECTOR, ECONOMY

PLANNING COMMITTEE

12th October 2017

**BIRMINGHAM DESIGN GUIDE VISION DOCUMENT AND BIRMINGHAM DESIGN AND
CONSERVATION REVIEW PANEL**

1. Purpose of the report

1.1 To inform Planning Committee that following Cabinet Approval on 13th September, the City Council has published:

- the Design Guide Vision Document; and
- a request for expressions of interest from professionals who wish to become a member of Birmingham Design & Conservation Review Panel.

The consultation and expression period commenced on 25th September and will run until 6th November.

2. Recommendation

2.1 Planning Committee note the content of this report for information.

3. Contact Officer

Stuart Wiltshire:	Principal Urban Designer
Tel:	0121 303 6214
Email:	stuart.wiltshire@birmingham.gov.uk

4. Background and Issues

Birmingham Design Guide

- 4.1 As Birmingham continues to experience strong growth and investment, this must be underpinned by the delivery of well-designed buildings, streets and spaces. The Birmingham Design Guide will be the platform for the City Council's approach to promoting and securing this, ensuring the highest standards of design are achieved by all development.
- 4.2 The Design Guide will build from the strategic policies of the Birmingham Development Plan (BDP) and provide clear guidance to aid decision making and pre-application discussions, through the use of design principles and best practice examples. It will streamline all existing city-wide design guidance (such as Places for Living, High Places and Places for All) into a single document replacing over 800 pages across 25 separate documents, some dating back to the 1990's.

4.3 The Design Guide will be structured around five “Big Design Themes” with detailed guidance on a breadth of subjects that collectively will help create high quality places and buildings for Birmingham’s citizens. The five “Big Design Themes” are:

- **The Birmingham ID**
 - Character & Distinctiveness
 - Heritage
- **Living and Working Places**
 - Density (suburbs, city centre)
 - Residential Design Guidelines
 - Non-residential buildings
 - Tall buildings
- **Streets & Connectivity**
 - Access to different modes of transport (walking, cycling, public transport)
 - Street Hierarchy and Legibility
 - Parking
 - Mix of uses, activity, shop front design
 - Public Realm
 - Needs of people with restricted mobility
- **Green Environment and Infrastructure**
 - Landscape
 - Public Open Spaces
 - Rivers & Canals
 - Trees
 - Biodiversity
 - Sustainable Drainage (SuDs)
- **Efficient and Future Ready**
 - Energy Efficiency, Heat & Power
 - Air Quality
 - Waste & Recycling
 - Digital & Communications Infrastructure

Design Guide Vision Document

4.4 The Design Guide Vision document is the first stage in the Design Guide’s creation. Its purpose is to publicly present the City Council’s intention to create the Design Guide; and enable the city’s citizens and businesses to submit comments and views on what they feel should be contained within it.

4.5 The following City Council webpage has been created to enable people to view the Vision document and submit comment if they wish:

<https://www.birmingham.gov.uk/designguide>

Paper copies of the Vision have been placed in each district, at the following locations:

Birmingham City Council, 1 Lancaster Circus, Ground Floor Reception
Library of Birmingham

Druids Heath Library and Customer Service Centre
Erdington Customer Service Centre
Northfield Customer Service Centre
Saltley Customer Service Centre (Saltley Advice Service)
Sparkbrook Customer Service Centre
Harborne Library
Kings Heath Library
Hall Green Library
Shard End Library
Aston Library
Handsworth Library
Sutton Coldfield Library
Walmley Library
South Yardley Library

- 4.6 To inform the city's citizens and businesses about the period of consultation, the City Council has aligned with the commitments in the adopt Statement of Community Involvement. This has led to emails being sent to all contacts on the Birmingham Development Plan consultation database. A press release has been published by the City Council Press Office, a professional launch was held on 3rd October and bespoke emails were sent to professional bodies. To engage with the city's young people, meetings are being arranged with the Building Birmingham Scholars and the Smithfield Young Persons Group. Engagement is also underway with the city's universities.
- 4.7 Comments and views submitted during the period of consultation will be collated, and where appropriate fed into the draft Design Guide.

Development Stages

- 4.8 The Birmingham Design Guide will be brought forward in the following stages:
- Stage One – detailed audit of the existing planning guidance (as listed at Appendix 4). Now complete
 - Stage Two (Part A) – publication of the Vision Document. The Birmingham Design Guide Vision Document will publicly present the Council's intention to produce the Birmingham Design Guide. It gives a broad overview of the five Big Design Themes; and enables individuals and organisations to submit comments and ideas on the content and structure of the Guide. **Current Stage**

- Stage Two (Part B) – seek approval to the creation of the Birmingham Design & Conservation Review Panel (BDCRP) that will be announced alongside the Vision Document. **Current Stage**

Expressions of interest will be sought from a broad range of professions, to create a diverse pool of expertise that can help ensure future development delivers high quality architecture and places. **Current Stage**

- Stage Three – publication of the draft Birmingham Design Guide SPD, developed from engagement with the Council's own professional expertise; and appropriate representations received during consultation on the Vision document.

The Design Guide will be subject to a statutory period of public consultation. It is anticipated this document will be launched in Early 2018.

- Stage Four – following the outcome of statutory period of public consultation the Birmingham Design Guide will be adopted by the City Council as a Supplementary Planning Document. Adoption is anticipated to be in Summer 2018.

It is proposed that the BDCRP will commence its formal role in Summer 2018, following adoption of the SPD.

Birmingham Design & Conservation Review Panel

- 4.9 To support the effective delivery of the Design Guide, a new Birmingham Design & Conservation Review Panel (BDCRP) will be created to objectively assess development proposals against the Guide's Design Themes and their components. The Panel will comprise a single member representative selected by Birmingham Planning Committee; a diverse pool of external professionals, who can bring different expertise and perspectives to the review process; and relevant Council Officers were appropriate.
- 4.10 In creating this multi-disciplinary Panel, the existing Conservation Heritage Panel will be merged into the new BDCRP. This is to ensure a holistic approach is taken to design, enabling the City Council to provide a single design review service to support the implementation of the Design Guide SPD, whilst maximising the effectiveness of the service provided.
- 4.11 During the public consultation of the Design Guide Vision Document, the Council are also seeking expressions of interest from individuals and organisations who wish to become BDCRP members. Expressions received will be assessed and shortlisted by officers within Planning and Development, with the Strategic Director for Economy, in consultation with the Deputy Leader of the Council (currently Interim Leader), agreeing the panel members and BDCRP Chair.
- 4.12 The design review process will form part of the Council's formal pre-application procedure, with BDCRP observations used in an advisory capacity to assist Planning Committee and planning officers in formulating their decisions and recommendations.
- 4.13 The BDCRP will review development proposals and infrastructure projects deemed sensitive (by the Corporate Director of Economy and Assistant Directors of Planning and

Development)) in terms of design, public interest, locality or size will be reviewed by the Birmingham Design & Conservation Review Panel. This may include the following developments and projects:

- Residential developments over 150 residential units,
- Non-residential developments over 10,000 m²
- Tall buildings (in city centre and wider city context)
- Major planning applications affecting Listed Buildings and Conservation Areas (1,000 m² / 10+ residential units)
- Major infrastructure projects
- City centre and local centre public realm works
- Council produced Masterplans, development briefs and design guidance

Developers may request their scheme be considered for design review, but the agenda will be set by the Economy Directorate.

- 4.14 Observations and comments made by the BDCRP will be feedback to the applicant for consideration before they submit a planning application.
- 4.15 Proposals which proceed to a planning application with a scheme that has responded positively to the design review comments will have a brief statement in their Planning Committee report. This will detail that a design review has taken place and the applicant has responded positively to comments revised, resulting in the scheme presented to Planning Committee for consideration.
- 4.16 Proposals that fail to appropriately respond to the comments will have them attached to their Committee report (with additional officer commentary if required) for assessment by Planning Committee.
- 4.17 It is anticipated a BDCRP will take place on a monthly basis, with some panel members only asked to attend where their specific expertise can be best utilised. In certain scenarios, it may be necessary to hold special meetings to respond to specific proposals received.
- 4.18 The BDCRP will support the production of the Design Guide SPD.

5. Background Papers

Birmingham Design Guide Vision Document

Birmingham Design & Conservation Review Panel – Expressions of Interest Form



Birmingham Design Guide

Vision Document

Creating inclusive, sustainable places

September 2017



the City is placing good design
at the heart of Birmingham's development

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we want this vision document to stimulate aspirations and interest in how
our great city should develop and grow

Foreword

BIRMINGHAM DESIGN GUIDE

The quality of the City's environment - our buildings, our streets and squares, our green and blue spaces - will play an integral role in creating a sustainable, inclusive and connected City; where every child, citizen and place matters.

In order for Birmingham to continue to grow successfully within the international landscape; and enhance opportunities for its citizens, the City needs to focus on the delivery of high quality, bespoke places and architecture that add positively to the City's landscape.

The creation of such environments helps to feed enterprise and innovation, in turn delivering inclusive economic growth for the City's communities. It is also fundamental in supporting social mobility; health and well-being; creating adaptable housing to meet varied needs of our citizens; aiding multi-modal connectivity; and helping build climate and technological resilience.

We are placing good design at the heart of Birmingham's development, ensuring all new development contributes to positive placemaking. This is why the City is creating the Birmingham Design Guide. It will ensure design is the primary consideration for every scale of development, from household extensions and self-build homes, to public spaces and exemplar tall buildings.

The Guide will be adopted as planning guidance and supported by a new Birmingham Design and Conservation Review Panel, who will help realise the City's design ethos.

I am delighted to be launching Birmingham's renewed focus on delivering high quality design. This document is the first stage in the journey to creating a comprehensive new guide that we anticipate launching in early 2018. We want this Vision document to stimulate aspirations and interest in our great City, encouraging you to submit views on how we should approach design now and into the future.

Councillor Ian Ward

Interim Leader
Birmingham City Council

Introduction

Birmingham is experiencing unprecedented levels of investment in both infrastructure and new development, from the city centre and urban centres, to the urban fringe. This growth agenda will lead to the creation of 51,100 new homes, over 750,000sq.m of additional office floorspace, the delivery of 2 Regional Investment Sites and Birmingham becoming the centre of the High Speed 2 (HS2) rail network.

This diverse growth agenda will have an enduring impact on the City, with the new Design Guide playing an instrumental role in its success, ensuring high quality places are delivered.

The scale and potential for change is not restricted to major schemes and developments: the changing needs of society require homes to be adaptable and efficient; neighbourhoods to be welcoming, safe and attractive; places for work to compete with the best in the world; and citizens to be part of healthy, safe and happy communities. These components are key to achieving a vibrant, successful City; and will play an instrumental role in realising the Council's core priorities:

- Children - a great city to grow up in.
- Housing - a great city to live in.
- Jobs and skills - a great city to succeed in.
- Health - a great city to grow old in.

Collectively leading to 'a city of growth, where every child, citizen and place matters'.

The Birmingham Development Plan (2031) is the City's principle policy document that will guide this growth, providing strategic guidance on how sustainable development will be delivered across the City. At its core is Planning for Growth, which recognises high quality design as a primary component of delivering the City's growth agenda, via Policy PG3: Place making.

The new Design Guide will build on these place making principles, providing detailed guidance that will ensure future development supports the delivery of the City's strategic priorities.

Creating the new Guide will involve the following steps:

Stage 1: Design Vision (this document) - consultation

This Vision document outlines the City's intent, highlighting the importance of high quality design in creating a vibrant, inclusive City for our citizens, businesses and visitors. A series of consultation questions are set out at the back of this document.

Stage 1a: Birmingham Design and Conservation Review Panel (BDCR Panel) expressions of interest

The City will create a new Design Review Panel to help shape and implement the Design Guide.

Stage 2: Draft Birmingham Design Guide SPD

A draft Birmingham Design Guide will be published for a statutory period of public consultation and engagement building on the outcomes of the Vision document consultation.

Stage 3: Adoption of the Birmingham Design Guide SPD and formation of BDCR Panel

The Birmingham Design Guide will be adopted as planning guidance, guiding the inclusive sustainable growth of our City.

birmingham is experiencing
unprecedented levels of investment

The importance of good design

The City is placing significant emphasis on design and the importance of creating high quality places.

The benefits and importance of good design are wide reaching, impacting on every element of our lives:

Economic

Beyond the visual and user gains (form and function), high quality design can lead to wide ranging economic benefits. Good design across the City's diverse environments will create places people want to engage with, be a part of and invest in. This in turn will have a positive economic impact: attracting visitors, supporting businesses, stimulating development, raising land values and regenerating communities.

Environmental

As our environment continues to evolve it is important new development is able to respond to these changes. The creation of resilient, adaptable places needs to be at the heart of our approach to development. As the City brings forward its growth agenda, new technologies and infrastructure, energy efficient buildings, sustainable forms of transport, adaptable designs and innovative green and ecological infrastructure will be vital.

Appropriately integrated, these measures can lead to high quality places that generate intrigue in the built environment, inviting use and interaction. At the same time, we need to enhance our environment; provide biodiversity gains; soften our urban spaces; provide more efficient modes of transport; and create healthier environments.

Social and health benefits

The core essence of good design is the creation of places and buildings that are visually and physically stimulating to the people who use, reside and interact with them. In turn these places can lead to wide ranging social and health benefits for those users.

As our City continues to develop and grow, it is important that these health and social factors play a key role in the design of our environments. How people use and interact with places and spaces should be a primary driver of the design process. To achieve this, buildings and spaces must effectively deliver form and function, adding to the physical environment, whilst meeting the varied social, health and wellbeing needs of their occupants and users.

buildings and spaces
must effectively deliver
form and function



Big design themes

Strategic vision statements

Responding to the key components of high quality sustainable design and Policy PG3, the new Birmingham Design Guide will present five Big Design Themes. They are:

- The Birmingham ID.
- Living and working places.
- Connectivity.
- Green infrastructure.
- Efficient and future-ready.

These Themes will seek to embed the key elements of good design into all future development, providing detailed information that will help ensure every scale of development positively contributes to the future of Birmingham.

These contributions will be steered via design principles and best practice examples, which will enable the delivery of high quality environments worthy of our City.

What follows sets out the broad context of each Theme, which will evolve and develop into specific areas of guidance within the Design Guide. This will be set out in the draft SPD, which will be launched following the outcomes of the consultation on the Vision document.

The Birmingham ID

- Character and cultural diversity
- Historic environment

Living and working places

- Buildings, homes and neighbourhoods
- Household extensions
- Tall buildings

Connectivity

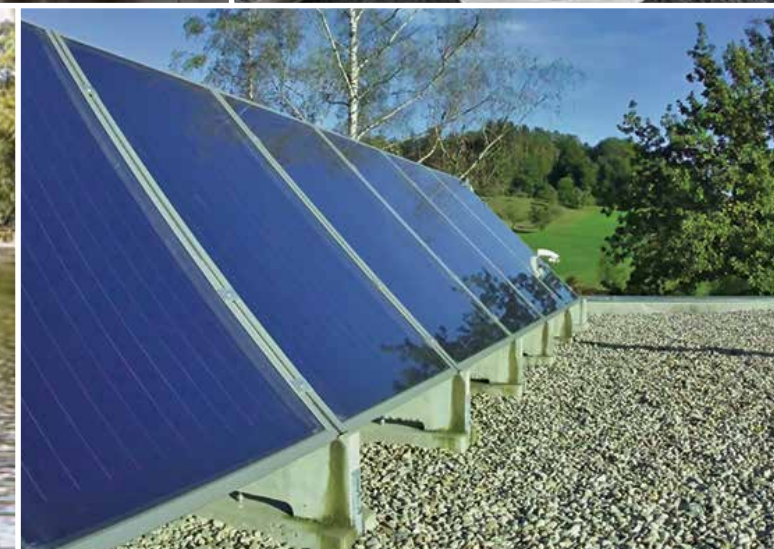
- Sustainable and active travel
- Active streets
- Public realm

Green infrastructure

- Trees, landscape and open space
- Biodiversity
- Rivers, canals and water resources

Efficient and future-ready

- Air quality
- Energy efficiency and low carbon development
- Digital infrastructure
- Waste management



The Birmingham ID

Birmingham's unique identity is one of its key assets that must be celebrated, strengthened and positively utilised to help support the continued growth of our dynamic City.

The City's landscape comprises a range of characteristics which have created the Birmingham ID. This ID has evolved as the City has embraced waves of city plans and inherited centuries of development, each leaving their own legacy, from mediaeval Digbeth and Georgian Colmore Estate, to the Regency housing of Edgbaston and modernism of the city centre. This evolution continues with high quality developments such as Brindley Place, Attwood Green, the Library of Birmingham and Selfridges, adding to the eclectic City lived, worked and played in today.

Whilst the buildings, streets, canals and green spaces play a fundamental role in establishing the character of an area; the communities and users of these spaces are equally important. Birmingham benefits from a culturally diverse

population and is home to one of the youngest populations in Europe. These social characteristics enrich the City and play an instrumental role in its continued vibrancy. It is this cultural diversity, coupled with the built environment that has created Birmingham's ID, from its vibrant city centre quarters, to its residential suburbs and diverse green assets.

As these environs continue to develop and evolve, it is important new development positively utilises and adds to the unique components of Birmingham. This will ensure the City's finite historic, cultural and biological environments have a prominent role in its future; and introducing new developments into the City's landscape that leave their own legacy on Birmingham's ID.

“the evolution continues with high quality developments”

The places where we live and work play an important role in the quality of the lives we lead. As Birmingham continues to grow, developments must seek to create high quality buildings and spaces which enhance the living and working environments of its Citizens.

These environments range from individual homes to shopping centres and work places. Whilst providing differing roles and experiences, they must all fulfil their function, and positively contributing to place. This will require designs to consider a range of elements to achieve the high quality outcomes desired. From ensuring proposals effectively integrate and enhance their surroundings; to creating active, safe spaces and places that invite use; and provide sufficient

internal and external environments for individual users or residents.

The quality of our living and working places will be a key measure of Birmingham's future success, contributing to inclusive economic growth and the health and wellbeing of our citizens. As such the City will only welcome high quality designs that create inclusive, sustainable living and working environments.



developments must seek to
**create high quality
buildings and spaces**



The ability to effectively move across Birmingham is fundamental to creating a cohesive and inclusive City. This ranges from being able to walk to your local shop or urban centre, to accessing public transport services that link communities to the city centre and places of work.

Over the last decade the City has undertaken a number of infrastructure enhancements that have improved connectivity across it, including public realm enhancements, to the extension of the tram network, regeneration of New Street Station and new pedestrian and cycle routes.

Supplementing these dedicated projects, new development must contribute to enhancing

connectivity, effectively linking to existing networks; and when creating new, applying a clear hierarchy of streets and spaces that aid movement. Such spaces should be animated by adjacent uses and high quality public realm that invite activity. This will ensure our City is permeable, safe and dynamic.



“new development must contribute to enhancing connectivity”



As one of Britain's greenest cities, Birmingham's green infrastructure contributes significantly to its attractiveness as a place to live and work. This infrastructure comprises a range of assets which often serve a multitude of roles: as recreation and amenity space; transport networks and biodiversity hubs. In turn, they provide a number of health and wellbeing benefits to our citizens; and add to the quality of our built environment.

As the City grows, this infrastructure must develop with it, supporting and adapting to the future needs of the City, from climate change mitigation to the demands of a growing population.

Future development will play a fundamental role in enhancing the City's green infrastructure, ensuring well designed public and private open

space is provided, existing landscape assets are protected and biodiversity gains are delivered. These gains are likely to take many forms such as living elements on buildings, new ecological networks and softening the public realm. By ensuring new development incorporates an appropriate portfolio of these measures the City's green assets and landscape character will enhance in partnership with its built form.

“future development
will play a fundamental role in
enhancing the City's green infrastructure”

Efficient and future-ready

In order for Birmingham to grow sustainably, it must adapt to changing environments and respond to the fast moving tech requirements of our businesses and citizens. The creation of adaptable buildings will play a key role in this, as will the development of utilities and services infrastructure that can enable our City to thrive.

A key driver of our future environment will be the emerging impacts of climate change and the subsequent need to improve the efficiency of how we use natural resources. New development must respond to these challenges through the incorporation of designs, technologies and infrastructure that enable decentralised energy to be utilised, water consumption to be reduced, energy usage to be minimised and waste to be managed.

The City must also be at the forefront of advances in digital and communication infrastructure, ensuring our businesses and citizens are able to maximise the varied benefits of these advances. Whether for inclusive economic growth, leisure, entertainment or health. In order to ensure these advances can be realised, new development must incorporate known infrastructure and enable adaptation to accommodate future advances.



“the City must...be at the
forefront of advances in
digital and communication infrastructure”

3 Delivery

In launching this Vision document the Council are inviting views and comments on the aspirations and intent outlined within it. Its role is to start a discussion and invite engagement that can be fed into the production of the SPD and help shape future development across Birmingham.

The Council would like to hear your thoughts on the approach outlined and the future content of the Guide, framed around the broad consultation questions detailed below.

Next steps

Birmingham Design Guide Supplementary Planning Document (SPD)

Over the coming months the Council will draft Birmingham's new Design Guide and undertake a period of consultation, prior to its adoption as planning guidance.

Once adopted, the Design Guide will become a material planning consideration in the development management process, directly supporting the delivery of Birmingham Development Plan (BDP) Policy PG3: Place making and the Birmingham Development Management Development Plan Document.

Whilst a key tool in steering good design across the City, the Design Guide will need to be read in conjunction with other relevant Supplementary Planning Documents, area specific policies and guidance such as Conservation Area Management Plans (CAMPs) and area

frameworks that provide bespoke guidance for specific areas of the City.

The Birmingham Design and Conservation Review Panel

To support the implementation of the Design Guide, the Council is seeking to create a Birmingham Design and Conservation Review Panel. Its role will be to critically and objectively assess a range of development proposals received by the Council, ensuring they align with the requirements of the Design Guide: delivering high quality, sustainable design across every aspect of development.

Expression of interest for Design and Conservation Review Panel

In order to create an effective Panel, the Council is seeking to gather a framework of professional volunteers from a diverse background who can contribute to the review process and help shape the future of Birmingham.

Panels will comprise of professionals from both within and outside the City Council. It is anticipated Panels may be held every month, with a relevant mix of expertise brought together to review proposals.

The Council would welcome expressions of interest from a broad range of professionals (individuals and organisations), who interact with the City.

Expressions of interest would be welcomed from (but not limited to) professionals working within built environment sectors (such as architecture, planning, surveying, civil engineering, landscape architecture, biodiversity, transport, heritage, etc); and those working in other relevant sectors related to health, children and young people, technology, recreation and leisure, community, arts and culture and the economy.

Interested parties are asked to submit details of how they feel their professional expertise could benefit the design review process via the Expression of Interest Form, available on the Council's website.

Waheed Nazir

Corporate Director Economy
Birmingham City Council

Consultation Questions

The Council would like your views on the form and content of the new Design Guide and your responses to the following questions:

1. Do you think Birmingham needs a single design guide for the City?
2. How do you feel the Guide should present the City's design aspirations and guidance? Should the guide be very prescriptive with its guidance? Should it use sketches, images and photographs to help demonstrate how the guidance could be implemented?
3. Do you have any comments on the current suite of design guidance used by the Council?
 - Is there anything lacking within this guidance?
 - Are there principles that should be retained?
 - Are there specific areas of existing guidance that are out of date or you feel should not be taken forward into the new Guide? If so, please outline your rationale for this.
4. Are there specific design considerations that need to be included within the Guide, which are important to the inclusive, sustainable and connected growth of Birmingham? Do you agree with the Big Design Themes as key drivers of good design?
5. Do you have any specific views on how tall buildings, density, technology, green infrastructure and heritage should be guided and managed by the City?
6. Do you have any other comments on the structure, principles or approach of the Design Guide?

These questions can also be downloaded on a response form on the Council's website:
www.birmingham.gov.uk/designguide

Please submit your thoughts and comments to the City Design Team; contact details overpage.

Contact
City Design Team
Economy Directorate
Birmingham City Council

Click:
E-mail:
planningandregenerationenquiries@birmingham.gov.uk

Web:
www.birmingham.gov.uk/designguide

Call:
Telephone:
(0121) 303 6214

Visit:
Office:
1 Lancaster Circus
Birmingham
B4 7DJ

Post:
PO Box 28
Birmingham
B1 1TU

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Call (0121) 303 6214

If you have hearing difficulties please call us via Tynetalk 18001 0121 303 6214 or e-mail us at the address above.

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a great City to grow up in
a great City to live in
a great City to succeed in
a great City to grow old in

“the city is placing significant emphasis on design and the importance of
creating high quality places”



The Birmingham Design Guide produced by
Birmingham City Council, Planning and Regeneration, Economy Directorate.



Birmingham Design and Conservation Review Panel

BIRMINGHAM
DESIGN GUIDE



Expression of Interest Form

Please return form by Monday 6th November 2017

Name:

Job title and employer:

E-mail: Telephone number:

1 What are your main areas of expertise (place ✓ in relevant boxes)?

Urban Design.....	<input type="checkbox"/>
Architecture.....	<input type="checkbox"/>
Landscape Architecture.....	<input type="checkbox"/>
Transport/Highways.....	<input type="checkbox"/>
Heritage.....	<input type="checkbox"/>
Environmental Design.....	<input type="checkbox"/>
Property Development.....	<input type="checkbox"/>
Planning/Regeneration.....	<input type="checkbox"/>
Public Art.....	<input type="checkbox"/>
Community Engagement.....	<input type="checkbox"/>
Public Health.....	<input type="checkbox"/>
Ecology/Green Infrastructure.....	<input type="checkbox"/>
Other.....	<input type="checkbox"/>

Would you be interested in Chairing the panel?

Yes

☐

No

☐

Continued overpage

2 Describe your experience and qualifications that are relevant to the Birmingham Design and Conservation Review Panel and how you could aid the review process. (Maximum 300 words - please use a separate sheet if needed).

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Signature _____

Please return to:

E-mail:

stuart.wiltshire@birmingham.gov.uk

Post:

Stuart Wiltshire
City Design Team
Planning and Development
PO Box 28
Birmingham
B1 1TU

