

# **Birmingham City Council**

## **Planning Committee**

**26 May 2016**

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>
Defer – Informal Approval	13	2016/00346/PA  Martineau Centre 74-100 Balden Road Harborne Birmingham B32 2EH  Reconfiguration of part of the approved layout from 47 dwellings to 60 dwellings, with associated open space, landscaping and associated works.
Refuse	14	2016/00399/PA  4 Gordon Road Harborne Birmingham B17 9HB  Change of use from hairdresser (Use Class A1) to restaurant (Use Class A3)
Approve - Conditions	15	2016/02211/PA  5 Dyott Road Moseley Birmingham B13 9QZ  Demolition and erection of one residential dwelling house
Approve - Conditions	16	2016/01649/PA  Buckingham Court College Walk Birmingham B29 6FJ  Erection of two storey front and rear extension and alterations to existing building to provide six additional apartments with car parking and landscaping.

Approve  
Authorise

17

2015/10296/PA

Land at c/o Mary Vale Road and Franklin  
Way  
Bournville  
Birmingham  
B30 2HP

Removal of existing structures/fencing and 3  
trees (within a Conservation Area) and  
redevelopment of site with 37 no. apartments  
with associated amenity space and parking

No Prior Approval Required

18

2016/01926/PA

1-23 (odds) Ithon Grove, 2-40 (evens) and 1-  
21 (odds) Leith Grove, 2-22 (evens) Medway  
Grove, 1-35 (odds) and 2-28 (evens) Swale  
Grove  
Kings Norton  
Birmingham  
B38

Application for prior notification for the  
proposed demolition of properties.

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Committee Date:	26/05/2016	Application Number:	2016/00346/PA
Accepted:	22/02/2016	Application Type:	Full Planning
Target Date:	23/05/2016		
Ward:	Quinton		

Martineau Centre, 74-100 Balden Road, Harborne, Birmingham, B32 2EH

Reconfiguration of part of the approved layout from 47 dwellings to 60 dwellings, with associated open space, landscaping and associated works.

Applicant: Persimmon Homes (Central)  
Persimmon House, Tameside Drive, Castle Bromwich, Birmingham, B36 7AG

Agent:

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1. Planning approval was given in 2014 for the redevelopment of the Martineau Centre and associated playing field for the erection of 121 dwellings and the retention and conversion of part of the clock tower building for 6 flats and a community room, resulting in a total of 127 dwellings. The developers and applicants, Persimmon Homes, have been on site for the last year and a half and have now removed the buildings approved to be demolished and have completed around 20 houses. Construction is in an advanced state on a further 54 houses on the front half of the site, identified as Phase One.
- 1.2. The site has now been split into two phases. Phase One is concerned with the front part of the site, now under construction and includes all land apart from the former playing fields. 74 dwellings were approved within Phase One. Phase Two is the site of this current application, 47 dwellings were approved within the Phase Two area.
- 1.3. This application seeks planning permission to reconfigure and raise the density of Phase Two and seeks to replace 47 dwellings with 60 dwellings, with the retention of the previously agreed areas of open space and protected trees, landscaping and associated works. This would result in the approved larger houses being replaced with more, smaller houses.
- 1.4. This reconfiguration was originally submitted for 66 dwellings, but design focussed negotiations have resulted in an improved final layout, now showing 60 dwellings within Phase Two, and a new total of 140 dwellings within Phase One and Two (including the 6 flats from the converted clock tower).

- 1.5. The houses would be two storey with pitched roofs and brick and render elevations. Many house types would have bay windows and integral garages. The scheme has also been improved, during the consideration process, with architectural improvements to the front and side elevations to introduce side windows and dual aspect frontages.
- 1.6. The layout is similar in design principles to the previously approved scheme. The proposed road layout retains the approved long loop road (albeit slightly realigned) and two short 'cut-through' roads providing alternative access to the furthest road (northernmost) for emergency vehicles.
- 1.7. The layout maintains the area of public open space approved within the previous approval. This layout also creates new wildlife areas which are no longer part of residents rear gardens but are instead proposed to be enclosed and maintained as semi-private areas.
- 1.8. Access would be gained to Balden Road via Phase One. Phase One has a loop road that creates two access points onto Balden Road and one into the rear of the site, linking to Phase Two.
- 1.9. The house-types consist of 20 x Four beds, 21 three beds and 19 x two beds. The house-types are similar to those approved within Phase One. This proposal has removed the larger 4 and 5 bed dwellings from the Phase Two area.
- 1.10. The application has been submitted with a Design and Access Statement, Planning Statement, Heads of Terms, Financial Appraisal, ecological assessment and tree survey.
- 1.11. The approved application was for 121 dwellings (plus the conversion of the retained clock tower building to 6 flats and a community room) and included a S106 package for;
- Affordable housing at 22.3% (of the new build dwellings), equalling 27 units.
  - Loss of Playing Field compensation of £830,000
  - Education contribution of £330,236.91
  - Public Open Space contribution of £175,520
- 1.12. The offer now is for 4 further affordable units and an additional £90,182. In comparison to the original offer, taken as a whole the scheme now proposes 140 dwellings (including the 6 converted flats) and the total S106 outputs have increased to;
- Affordable housing at 23% (being 31 dwellings in total)
  - loss of playing field £830,00 (fixed as it has been paid and is delivering a defined piece of infrastructure; an Artificial Grassed Pitch at Lordswood Girls' school, construction Autumn 2016)
  - Education Contribution £374,818.91 (an increase of £44,582)
  - POS contribution £221,120 (an increase of £45,600)
- 1.13. Site area 1.8ha, density; 33dph.
- 1.14. [Link to Documents](#)
2. [Site & Surroundings](#)

- 2.1. The former Martineau Centre and playing field site amounts to 4.63ha, the front half is under construction, implementing the consent given in 2014 for 121 dwellings (known as Phase One). The front half, mostly outside the current application site, consists of a partially constructed housing estate. The rear half is former playing fields, currently used for some compound storage.
- 2.2. The current application site, known as Phase Two, is subject to a 4m variance in height between the northern and southern boundaries, with houses to the north (The Lindens) being 2.5m (approx.) above the site and houses to the south (Toronto Gardens and Tennial Drive) being 1.5m (approx.) below the site. The site of the playing field slopes by approximately one metre with a terrace created on both the north and south boundaries presumably dug when the land was levelled to create the playing field. Further off site, level changes are evident beyond the southern boundary, to the rear of the Quadrangle, where houses served by Court Oak Road and Balden Road are approximately one metre lower than the site.
- 2.3. Boundaries consist of a combination of walls and fences with some rigid mesh fencing evident at the vehicular entrance via Tennial Drive. The frontage onto Balden Road is bounded by 1.8m railings. The site contains many significant trees, on the boundary of the playing fields to the east and on the west boundary.
- 2.4. The site is located within Quinton Ward, in close proximity to the Harborne Ward. It is approximately 1.5 km from Harborne High Street. The site is bounded by residential development on Tennial Drive and Toronto Gardens to the south and The Lindens to the north. The western boundary adjoins council operated allotments that are accessed from Court Oak Road. The east boundary connects to Phase One. The site is within close proximity of Queen's Park being 400m to the south of the site.
- 2.5. [Site Location Plan](#)
3. [Planning History](#)
  - 3.1. 24/09/14. Pa no. 2014/05096/PA for Demolition of the majority of the existing buildings on site and residential development of 121 dwellings and associated works. Change of use of clock tower building from office (Use Class B1a) to 6 residential dwellings (Use Class C3) and community floor space (Use Class D1), addition of associated landscaping and two access points onto Balden Road (revised scheme). Approved with S106 to secure;
    - a) Affordable housing at 22.3% (27units) of new build dwellings.
    - b) Loss of Playing Field compensation of £830,000
    - c) Education contribution of £330,236.91
    - d) Public Open Space contribution of £175,520
  - 3.2. 05/09/13. Pa no. 2012/07879/PA Demolition of the majority of the existing buildings on site and residential development of 122 dwellings and associated works. Change of use of clock tower building from office (Use Class B1a) to 6 no. residential dwellings (Use Class C3) and community floor space (Use Class D1), addition of associated landscaping and two access points onto Balden Road. Refused on the basis of; loss of playing fields, inadequate S106 package, the loss of 9 TPO trees, and the loss of a community facility.

- 3.3. 19/05/12. Pa no. 2011/08749/PA - hybrid application (part outline, part full application) for outline planning permission for residential development (new build houses) and full planning permission for the partial retention and conversion of part of the original quadrangle building for use as 6 flats and a community room. Withdrawn following committee site visit and commentary expressed by Planning Committee. (Heard at Planning Committee 22/03/12 and 17/5/12 following a site visit). At the time the offered heads of terms was 20% affordable housing and a sum of £800,000 towards compensation/mitigation for the loss of the playing field through the installation of an Artificial Grass Pitch (AGP) and to also contribute towards Education and Public Open Space (if any of this sum remained after the delivery of the AGP).
- 3.4. Lordswood Boys and Lordswood Girls School
- 3.5. 10/12/12. Pa no. 2012/07105/PA Erection of full sized Artificial Grass Pitch (AGP) and associated fencing, lighting and access arrangements. Approved subject to a Community Access Agreement. Work due to commence autumn 2016.
4. Consultation/PP Responses
- 4.1. Consultation Responses
- 4.2. Transportation – No objection, subject to pedestrian visibility splays.
- 4.3. West Midlands Fire Service – No objection, providing the access routes between plots 130-134 and 85-87 are suitable for a pump appliance to turn onto the main street. The road width/turning area between plots 130 and 128 may need to be widened to allow the pump appliance to turn onto the street without any obstructions (dimensions; length 7.87m, width 2.5m, height 3.25m). The roadway/pavement between the plots should be able to withstand a pump appliance carrying capacity of 15 tonnes. The clearance height between these plots should be a minimum of 3.7metres, therefore no trees should restrict access.
- 4.4. Local Lead Flood Authority – No objection subject to conditions to secure Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan.
- 4.5. Severn Trent - No objections to the proposals subject to condition to secure drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.
- 4.6. Regulatory Services - No objections subject the conditions being re-applied which are attached to planning application 2014/05096/PA.
- 4.7. Leisure Services - In regard the increase of dwellings from the original application they calculate the additional off-site contribution as £45,600.
- 4.8. Education - The new mix creates a requirement for a revised additional education sum of £44,582.
- 4.9. West Midlands Police - No objections. However, they recommend that this proposal is developed to enhanced security standards set by Police Crime Reduction initiative 'Secured by Design'.
- 4.10. Public Participation Responses

- 4.11. Residents, Resident Associations, Councillors of Harborne and Quinton and the MP consulted. Press notice made and 4 Site Notices posted.
- 4.12. Gisela Stuart MP - has passed on comments from a concerned constituent.
- 4.13. Councillor Gregson and Councillor Badley - Object to this planning application in the strongest possible terms. We are amazed that after all the controversy there has been over this site over many years and given the strength of local opposition to any development at all, Persimmon now come back to the Planning Committee to ask to build 19 more properties on the site. In my view this shows a lack of respect for the views of many local residents who are already forced to accept a development that they do not want. In detail the objections relate to; increased traffic congestion in and parking issues on the site, impact on local school places and the impact on the badger sett on site. Councillor Gregson has requested that he speaks at the Committee meeting.
- 4.14. 27 letters of objections received from local residents with the following concerns;
- Additional traffic and additional parking pressures,
  - Dust and Noise caused by the existing development would worsen,
  - Impact on local schools,
  - Little public open space shown on the site,
  - Overcrowding, density too high
  - Overlooking, and
  - The public consultation was inadequate and the applicant's community engagement claims are untrue.
- 4.15. Also, an objection was made from two local residents who raised a number of issues relating to when the site was owned by the City and how it was disposed of on the open market. In summary, it implies that the method of disposal was flawed, the building was deliberately run down to make it an easier candidate for disposal and the way in which the planning applications were handled pre and post sale was driven by the disposal process.
- 4.16. Finally, several residents have made the following comment; *"The number of dwellings was reduced in 2014 in order to get approval for planning. Why is it that now an extra 19 or 21 units are being proposed which will increase pressure on local traffic and further overload school places. Was it not the case that the number of units was reduced in 2014 simply to gain approval - the decision surely cannot be reversed now to go back to the original numbers which were not approved in the first place."*
- 4.17. Re-consultation was undertaken on 28/4/16,
- 4.18. Councillor Matthew Gregson – objects that the latest proposals do not address sufficiently the issues around the badgers and their habitat and questions the accountability of the management company to manage the wildlife habitat. He also

asks the Planning Committee to look again at the green space requirement and the rules about building on playing fields which is what this application involves.

- 4.19. Councillor Kate Booth – Objects as the scheme would increase density and increase traffic and pressure on local schools. She is also concerned in regard to the impact on the badger habitat. She asks for the loss of the playing field to be reconsidered and considered that its loss has not been properly considered.
- 4.20. 3 further objections have also been received from local residents with the following concerns;
- The site is already high density on the phase two part of this. They should not be allowed to alter this to an even higher density. This will cause increased traffic that will already be a problem for the area. They should not be allowed to alter the plan half way through the development of the site.
  - There has been a lack of consultation time.
  - The road layout does not reflect access being blocked by parked cars. All of this is likely to spill over into Balden Road and add to the traffic risks there. The proposed link to provide access for a fire engine and refuse collection will be of no value because parked cars will make the road impassable to large vehicles.
  - The Increased housing means increased children and local schools are overcrowded and unable to expand.
  - The gated wildlife area is a ruse to keep that area for access to eventual building on the allotments. It originally was supposed to be community space. The newly introduced wildlife habitat with gated access owned by the management company reduces further the accessible green space.

## 5. Policy Context

5.1. NPPF 2012, NPPG 2014

5.2. Birmingham UDP (2005); Draft Birmingham Development Plan; Places for Living (2001) SPG; Public Open Space In New Residential Development (2006) SPD; Car Parking Guidelines (2012) SPD, Affordable Housing (2001) SPG, Mature Suburbs (2008) SPD. TPO 1414.

## 6. Planning Considerations

- 6.1. The site has been subject to a previous planning approval for residential development. This has established a range of principles including the suitability of residential use, the loss of playing field land, the loss of the community facility, traffic impacts, impacts on residential amenity, impact on trees and impact on ecology. This proposal seeks to increase the density of the rear half of the site (of 1.8ha) and as such requires some of these issues to be revisited such as design, impact on residential amenity, traffic, ecology and trees.
- 6.2. Issues in regard to CIL, Heads of Terms and the need for a revised Section 106 Agreement will also need to be considered.



6.3. Design

6.4. The Layout plan shows perimeter block development, with dwellings facing onto other dwellings over a roadway and rear gardens being located adjacent to both existing and proposed rear gardens. The layout therefore provides good defensible space and natural surveillance. The areas of 'public' open space (POS) and wildlife areas would remain in private ownership, but would be for public access and use. The POS would provide visual relief and a green space within the scheme as the link road connecting from the front of the site to the rear and provide setting for the retained trees. The POS would make a significant impact upon the quality of the public realm and would enhance the relationship between buildings and spaces throughout the new estate.

6.5. The layout of the estate is similar to the previously approved scheme with dwellings being 2 storey and is consequently in character with adjacent existing dwellings. The design of the individual houses is of a traditional form of architecture, suitable and sensitive to the local vernacular. The main area of public open space, located either side of the entrance point into Phase Two, would be of a slightly larger size than the approved scheme, being 1395sqm (an increase of 74sqm). The level of on-site POS is more than was previously approved, although an off-site contribution has been offered to satisfy the additional POS requirement.

6.6. The density, at 33 dwellings per hectare, is in character with the local area and satisfies policy and best design practice.

6.7. In terms of garden sizes, Places for Living seeks 2 bedroom houses to have a minimum garden size of 52sqm and 70sqm is required for houses with 3 bedrooms or more. All dwellings meet this expectation fully apart from plot 85, with a garden of 66sqm. Plot 85 is located within the central part of the layout and is consequently constrained by the limits of this parcel, I do not consider that the garden could be increased without compromise to the design of the well resolved final layout and as such this is satisfactory. In terms of separation distances within the site (new to new), the shortest distance for frontages is between plots 131 and 53 where the front to front distance is 16m. I recognise that front elevations are in the public realm and consequently can be considered as less private and more overlooked as recognised by Places for Living. Also, I note that rear separation distances are more generous with 20m achieved between plots 133 and 129, the shortest back-to-back separation distance. Overall, I am satisfied that the separation distances are comfortable and consider that good design is achieved throughout the current layout. The house-types proposed have been approved as part of Phase One.

6.8. Impact on residential amenity

6.9. There are three residential roads adjacent to the application site; The Lindens to the north and Tennal Drive and Toronto Gardens to the south. Phase One and 122 Balden Road is to the east of the site and allotments are located to the west. The applicant has provided a cross section that shows the relationship to the existing surrounding houses. Places for Living (SPG) includes separation distances, this requires a separation distance of 12.5m between a rear elevation and side wall of the next house, 5m per storey to prevent overlooking and a separation distance of 21m between principal (windowed elevations) to avoid overlooking into neighbouring windows.

6.10. To the north The Lindens is located 1.6m higher than the nearest proposed houses on site (plots 65-83). Rear gardens of The Lindens are between 18 to 20m long, and

are south facing. Plots 65-83 would consequently be set lower than houses on the Lindens, by around 1.5m and have garden lengths of between 9-10.6m. This is very similar to the distances approved in the previous scheme, but represents an improvement in the relationship as rear garages, previously approved in rear gardens, have been removed.

- 6.11. To the south of the site, houses on Tennal Drive are generally at 2m lower ground level. The nearest proposed houses have garden lengths that are a minimum of 10m. Proposed rear gardens are mostly adjacent to the top end of Tennal Drive with the rear of plots 44-48 being visible from this vantage. Plots 44-47 have garden lengths of 8.6 and 8.85m and would overlook the public gardens and realm in front of 14 and 15 Tennal Drive and as such would not overlook private space.
- 6.12. 14 Tennal Drive presents its side (north) elevation towards the rear elevations of plots 48-51 (see figure 5). This house has been recently extended to the side with a two storey side extension (reference 2008/05179/PA). A separation distance of 10.3m would be achieved between the rear of plot 48 and the side of 14 Tennal Drive. Places for Living requires a separation of 12.5 between a principal elevation and a two storey gable end, but as 14 Tennal Drive is 2m lower, and there are no side windows, I am satisfied that this relationship is comfortable. Garden lengths of plots 49-51 would look toward the rear garden of no.14 and be a minimum of 10m. Places for Living requires gardens to be a minimum of 10m, for two storey development, to avoid overlooking. Due to the level change some overlooking may occur, in spite of the 10m separation distance being met, but the immediate area of garden to the north boundary is away from the main private part of the existing garden and as such I consider that this relationship is acceptable. Furthermore a large retained sycamore on the boundary would also provide some screening on this boundary. I am equally satisfied that no overlooking into windows would occur.
- 6.13. The rear of plots 43, 42 and 41 would have a rear outlook towards the rear garden of 15 Tennal Drive. The main side elevation of 15 Tennal Drive would be 20m from the rear elevation of plot 43 (see figure 6) because the property has a wide back garden, into which has been built a garage at the front, north side. This wide back garden means that overlooking from the new houses sited on higher land, but at 10m distance from the side boundary, would be over the northern part of no. 15's garden, away from the immediate rear of its house. As such, overlooking of the most sensitive part of the garden would be more distant and therefore less, and I consider the amenity of this good-sized garden as a whole would not be unreasonably affected.
- 6.14. Also to the south of the site, Toronto Gardens (an estate of bungalows) is up to 3.3m lower than proposed houses on the site. A separation distance of 23.6m would be achieved. The level change occurs mostly on the boundary and consists partly as an embankment and partly as a retaining wall, there is also a substantial planted belt on the boundary consisting of trees and shrubbery. As such I do not consider that overlooking would occur in regard to this relationship.
- 6.15. Transportation Issues
- 6.16. Each dwelling would have at least one driveway parking space, the larger plots generally have two spaces. There are 75 spaces and 39 garages resulting in an overall provision of 114 spaces and a ratio of 190%. On street parking is also available within the layout providing spaces for a minimum of 20 further vehicles if required. As such I am satisfied that the parking provision is adequate.

- 6.17. The increased density, from the approved scheme, would result in further traffic movements on and off of Balden Road. The Mews, a link road bisecting the central area of houses, has been altered from a 5.5m wide shared surface to a 3m wide access, this still provides adequate access for an emergency vehicle if required. My Highway Engineers agree with the applicant that the proposal requires no further assessment, than was undertaken during assessment of the approved scheme. The existing site was previously in use as office development and was assessed in 2012, in transport terms, for a redevelopment scheme of 149 dwellings. The consented scheme was for 127 dwellings and the current proposal is to increase this to 140 dwellings (including 6 flats in the converted clock tower building). Therefore, the current proposal requires no further formal analysis to determine that there would not be a material impact on the surrounding highway network, as it is still below the level of development previously assessed.
- 6.18. The Fire Service have commented that they have no objection to the revised layout. Transportation have also raised no objection, subject to a condition requiring pedestrian visibility splays. I concur with this view.
- 6.19. Ecology
- 6.20. The site has some ecological interest identified by the previously agreed assessment and mitigation reports. The application site comprises a mown, amenity grassland playing field, bounded by a wooded embankment and hedge to the south, dense scrub to the west and north and a belt of scattered trees to the east. The boundary vegetation, especially the woodland and scrub around the playing field, provides a valuable ecological connection through the site to neighbouring gardens and other green space. Overall, the site provides a useful stepping stone for wildlife in this relatively urbanised environment. The site provides suitable habitat for a range of species, including foraging bats, nesting and foraging birds, reptiles and non-breeding amphibians, badger and foraging/hibernating hedgehog.
- 6.21. The approved layout (2014/05096/PA) includes sizeable rear gardens around the western boundary, notably adjacent to the main badger sett. However, the accessibility of this habitat would have been restricted, due to the proposed installation of close board boundary fencing, and habitat quality would have been highly variable, dependent on the preferences of individual property owners. This situation would be improved upon with the new layout, as set out below in paragraph 6.21.
- 6.22. The proposed revised layout also allows for a 30m offset / safeguarding buffer between built development and the main sett, and, provides opportunities for foraging badgers in the rear gardens of the houses around the western boundary within a designated wildlife area. As with the approved scheme, the revised layout would require the temporary closure of the subsidiary sett (sett 2) in the north-west corner; a Natural England licence would be required to enable construction works to proceed within the vicinity of this sett. The Ecological Mitigation, Enhancement and Management Plan (MEMP) submitted with the current application (and previously approved in connection with the discharge of conditions 6, 8, 9, 10 and 11 attached to 2014/05096/PA) set out details of mitigation measures that would be implemented to ensure site works comply with the legal protection afforded to badgers and their setts, including the securing of Natural England badger licences for works in the vicinity of setts 1 and 2. In terms of construction-phase mitigation measures (for all ecological receptors, not just badgers), these documents remain valid, and implementation of these measures should be secured again by condition.

- 6.23. The revised scheme layout has advantages over the approved layout in terms of the foraging opportunities available to badgers post-development. With the revised layout, the creation of a wildlife habitat area adjacent to setts 1 and 2 in the south-western area, under the control of a management company rather than individual property owners, offers greater scope to secure habitat of higher quality and permanence. Provided these areas are appropriately designed (eg fruit bearing trees and shrubs planted) and managed, they should provide useful foraging habitat for badgers (and other wildlife) that would be relatively undisturbed, would complement existing foraging resources in adjacent off-site gardens and allotments, and would provide some degree of compensation for the foraging resources lost as a result of re-development of the playing fields.
- 6.24. The boundary adjacent to the habitat area and off-site allotment and gardens needs to be permeable to allow badgers and other terrestrial wildlife unrestricted access. If close board fencing is considered to be necessary around the entire site boundary, sufficient gaps (of sufficient size) need to be provided to enable badgers to move unhindered between off-site areas and the habitat areas. In particular, gaps should correspond to existing access points noted in the Badger update survey or subsequent site inspections. Boundaries between the habitat areas and adjacent residential plots and access roads also need to be agreed. Extensive public access / usage should not be encouraged. Information boards explaining the general purpose of the areas may be helpful and can be secured by condition.
- 6.25. Further information about proposed planting, management and boundary treatments of these areas is also required; these details should be secured by condition. An update to the approved Ecological MEMP would be an effective way of presenting the required information, in conjunction with revised landscape planting and boundary treatment proposals. A suitably sized access point / badger gate also needs to be provided in the boundary fencing further east, where the site boundary turns a corner southwards at plot 41. The Update badger survey recorded a badger access point under the fence at this location; maintenance of this access point would allow badgers to make use of the open space to the east of plot 41.
- 6.26. The current proposals also include a new wildlife habitat area in the north-east corner of the site, to the east of plot 83. Further information about proposed planting and management of this area is required. These details should be secured by condition; again, an update to the approved Ecological Mitigation Strategy would be an effective way of presenting the required information. I concur with the findings of my ecologist and recommend that conditions are attached to secure ecological mitigation enhancement and a nature conservation management plan.
- 6.27. Drainage
- 6.28. The LLFA accept, in principle, the proposed discharge of 15 l/s from the development within the red line boundary and overall discharge of 40 l/s for the full development. However, evidence is required to demonstrate that green/traditional SuDS have been implemented and that the discharge hierarchy has been followed as far as reasonably practicable. The LLFA do not accept the proposed drainage strategy of oversized pipes, underground attenuation and flow control structures. As such the provision of typical details for the proposed underground attenuation storage and flow control structures is required. It is noted that the proposed finished floor levels (FFL) are stated to be a minimum of 150mm above surrounding ground levels. A plan showing proposed FFLs and surrounding ground levels is required. Consideration should be given to exceedance flows (greater than 1 in 100 year plus climate change rainfall events). A flow path plan showing the exceedance flow

routes within the proposed development is required. Finally, consideration should be given to the Operation and Maintenance of all proposed surface water features, including details of party responsible for the maintenance of each feature (e.g. appointed maintenance company for underground attenuation storage) and site-specific specifications for inspection and maintenance actions. The issues raised can be secured with conditions to secure a secure Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan.

6.29. Trees

6.30. The site is subject to a Tree Preservation Order (TPO 1414). The protected trees consist of 23 individual trees, two groups and two areas. The application site covers an area defined as Phase Two, this site includes Area 1 (Leylandi, Thuja, Spruce, Pine, Sycamore and Rowan), Area 2 (Poplars) and individual trees T18 (Ash), T19 and T20 (Horse Chestnuts), T22 (Sycamore) and T23 (Oak). These trees were all proposed to be retained under the previous consent.

6.31. No further trees are affected by this new scheme. The trees protected by Tree Preservation Order are being retained within the pockets of public open space. I recommend that conditions are required for an arboricultural method statement and details of tree protection.

6.32. CIL/S106

6.33. The Council have adopted a Community Infrastructure Levy (CIL) since 4<sup>th</sup> January 2016. The site is within an area which would require a CIL Charge. The site is located in an area designated 'low' residential value and as such attracts a zero charge.

6.34. However in terms of the approved S106, the proposed revision would place more houses on the site than originally approved, from 127 dwellings to the proposed 140 (Phase One and Two combined). As such the applicants have run a new viability appraisal to determine whether cost/values have changed and the City has engaged Lambert Smith Hampton to assist the LPA in determining whether a greater S106 contribution can be made. The profit component of both appraisals (2014 and now) has remained consistent at 20%.

6.35. These discussions have resulted in an agreed final viability position and the following heads of terms are offered in addition to that which was secured as part of the approved scheme;

- 4 further affordable housing units, consisting of 4 two bed units for affordable rent.
- An extra £45,600 for off-site public open space improvements, and
- An extra £44,582 for education provision.

6.36. I am satisfied that the offered additional S106 uplift satisfies policy and has been tested to be both commercially viable and achieves the maximum level of S106 without compromising viability.

6.37. The approved scheme included 2 shared equity units within the site now known as Phase Two. As such, the new S106 needs to accommodate that fact that the rear half of the site is proposed to be re-planned and the 2 x three bedroom shared

equity units would be incorporated into the new layout. These units are consequently shown on the layout plan but are still also required through the first and unaltered S106 (of 2014/05096/PA).

6.38. Reaction to resident objections

6.39. Some objection points have already been addressed in the text above, I now address the outstanding matters. First, comments have been made on the City's actions as site owner, and its sale of the site. These are not planning matters and have been directed to the responsible Council Department.

6.40. Several residents have commented that; *"The number of dwellings was reduced in 2014 in order to get approval for planning. Why is it that now an extra 19 or 21 units are being proposed which will increase pressure on local traffic and further overload school places. Was it not the case that the number of units was reduced in 2014 simply to gain approval - the decision surely cannot be reversed now to go back to the original numbers which were not approved in the first place."*

6.41. The reduction in dwellings, over both the first two applications, was required due to design/character reasons only and not based on concerns regarding density or traffic impact, as appears to be thought by some residents or due to an arbitrary 'cap'. Lastly, some objectors refer to inadequate public consultation. I can confirm that the public consultation was carried out in accordance with Council policy.

7. Conclusion

7.1. The proposed increase in density would still satisfy best design practice and would not adversely affect residential amenity. The scheme would provide additional S106 benefits to satisfy policy and maximise development opportunity making best use of previously developed land.

7.2. The proposal satisfies ecological and arboricultural interests. The scheme would not have an adverse impact on local roads or create highway safety concerns.

7.3. The scheme is therefore sustainable and provides new residential development within the City with good access to public transport.

8. Recommendation

8.1. I. That consideration of Application No. 2016/00346/PA be deferred pending the completion of a suitable Legal Agreement that shall require:

a) Affordable housing as 4 x two bed affordable rent units.

b) Affordable housing as 2 x three bed shared equity affordable housing units, originally required as part of the previous S106. However, if all of the required 18 shared equity units are provided under the section 106 Agreement in relation to planning permission reference 2014/05096/PA, the 2 shared equity units required here do not need to also be provided under planning application reference 2016/00346/PA.

c) An Education contribution of £44,582 (index linked to construction costs from the date of the committee resolution to the date on which payment is made). Payment to be made prior to the occupation of the 1<sup>st</sup> dwelling of Phase Two.

Contribution to be spent towards primary school education places within the Quinton Ward.

- d) A Public Open Space contribution of £45,600 (index linked to construction costs from the date of the committee resolution to the date on which payment is made). Payment to be made prior to the occupation of the 1<sup>st</sup> dwelling of Phase Two. Contribution to be spent on the provision/improvement of public Open Space within the Edgbaston constituency.
- e) The payment of a monitoring and administration fee associated with the legal agreement subject to a maximum contribution of £3,150.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 9<sup>th</sup> June 2016 planning permission be REFUSED for the following reason:-

a) In the absence of a financial contribution towards Public Open Space and Education and on-site affordable housing, the proposal conflicts with Paragraph 3.53B, 3.61, 5.20B, 5.20C, 8.50-8.53 and 5.37 A-G of the Birmingham UDP 2005, affordable Housing SPG, Public Open Space In New Residential Development SPD and the National Planning Policy Framework (2012).

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

- 8.2. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 9<sup>th</sup> June 2016, favourable consideration be given to Application Number 2016/00346/PA, subject to the conditions listed below;

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1	Requires the prior submission of a contamination remediation scheme
2	Requires the prior submission of a contaminated land verification report
3	Requires the prior submission of a sustainable drainage scheme
4	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
5	Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
6	Requires the prior submission of a construction ecological mitigation plan
7	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
8	Requires the prior submission of a habitat/nature conservation management plan
9	Required to Implement the ecological enhancement plan
10	Requires the prior submission of hard and/or soft landscape details
11	Requires the prior submission of a lighting scheme

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- 
- 12 Requires the prior submission of sample materials
  - 13 Requires the prior submission of level details
  - 14 Requires the prior submission of a residential travel plan
  - 15 Requires the implementation of tree protection
  - 16 Arboricultural Method Statement - Submission Required
  - 17 No-Dig Specification required
  - 18 Requires pedestrian visibility splays to be provided
  - 19 Requires the scheme to be in accordance with the listed approved plans
  - 20 Limits the approval to 3 years (Full)
- 

Case Officer: Ben Plenty



## Photo(s)

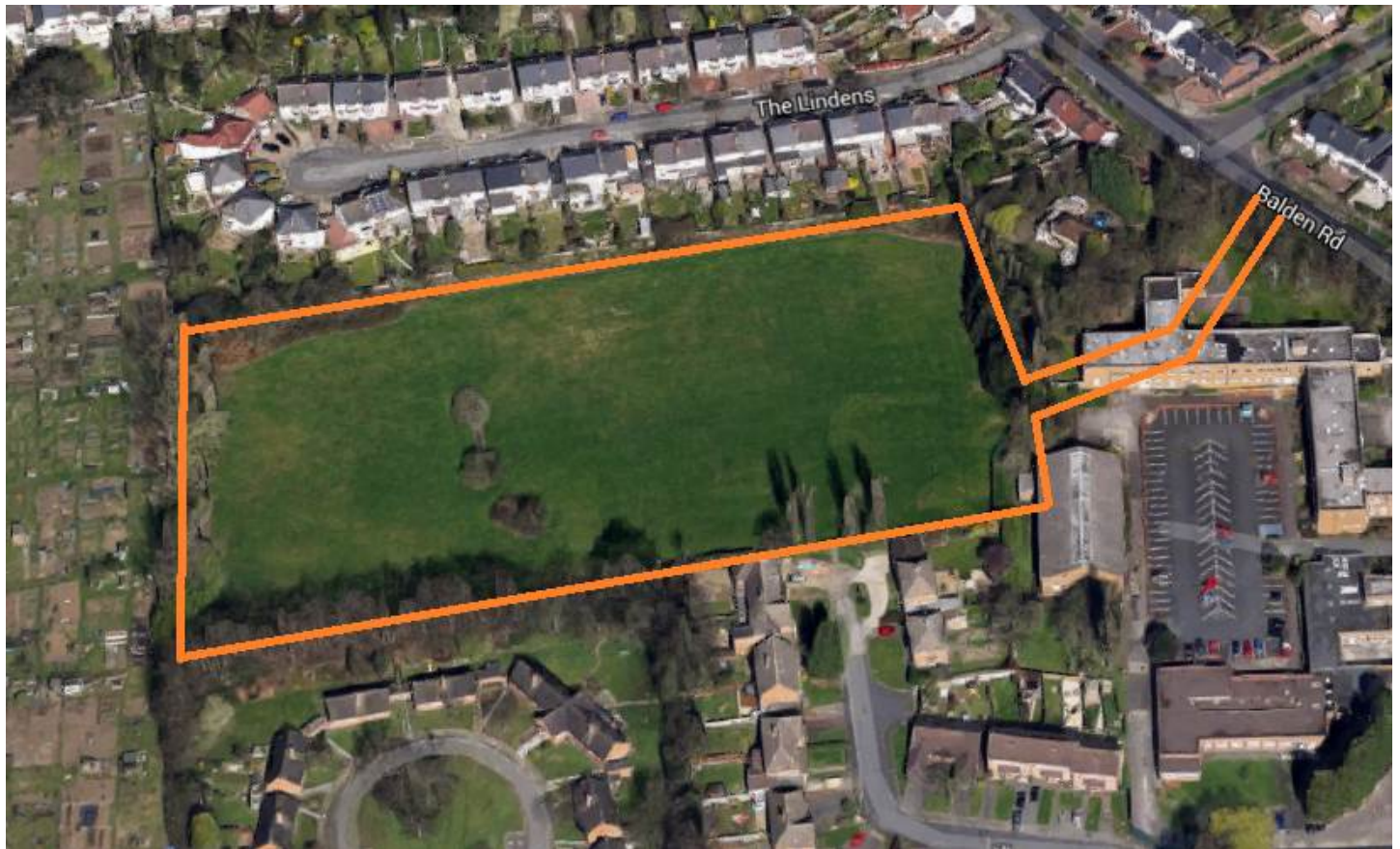


Fig 1. North looking aerial view of the site



Fig 2 Balden Road, southern entrance into Phase One



Fig 3 Phase One, looking west



Fig 4 the retained Martineau Centre clock tower building.





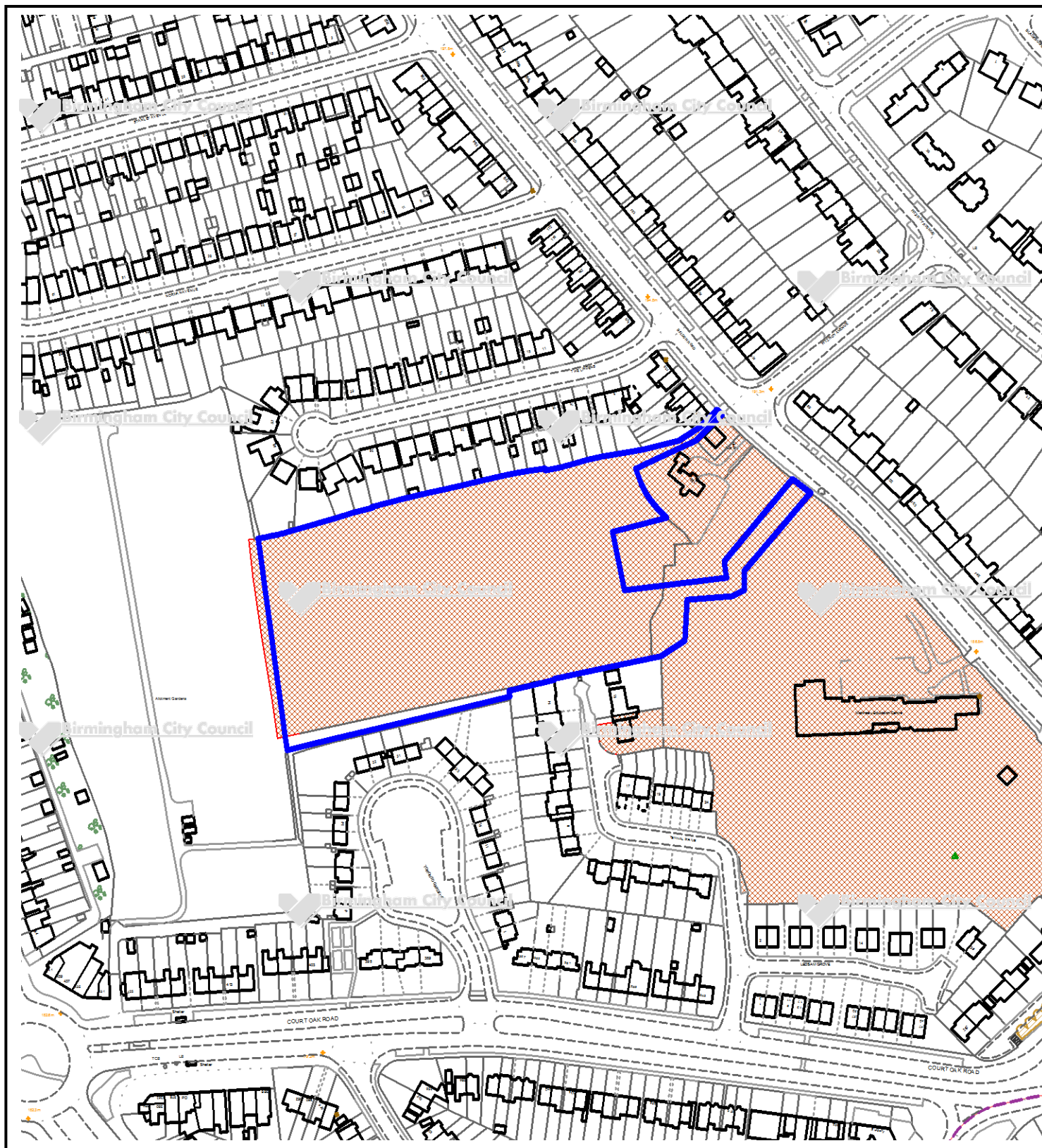
Fig 5 rear of 14 Tennal Drive



Fig 6 Rear of 15 Tennal Drive



## Location Plan



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Committee Date:	26/05/2016	Application Number:	2016/00399/PA
Accepted:	23/01/2016	Application Type:	Full Planning
Target Date:	18/03/2016		
Ward:	Harborne		

4 Gordon Road, Harborne, Birmingham, B17 9HB

Change of use from hairdresser (Use Class A1) to restaurant (Use Class A3)

Applicant: COMiDA  
4 Gordon Road, Harborne, Birmingham, B17 9HB  
Agent:

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Recommendation

**Refuse**

1. Proposal

- 1.1. This full planning application seeks consent for the continued use of 4 Gordon Road as a restaurant. The use has been operating since 2014 under Permitted Development rights which allowed a property to change use for a temporary period of 2 years without a requirement to seek planning permission.
- 1.2. The restaurant is contained on the ground floor. The internal floor layout comprises of a bar and reception area, kitchen, dining areas and customer toilet.
- 1.3. The use employs 10 people (4 full time and 6 part time). The opening hours of the restaurant are not proposed to alter from the existing hours Monday and Tuesday closed, Wednesday and Thursday 18:00 – 21:30, Friday and Saturday 17:30 – 21:30. An evening site visit on a Saturday, revealed that although the restaurant closes at 21:30, diners were still on site at around 22:00. The restaurant is not licenced but diners are allowed to bring their own drinks for consumption on the premises.
- 1.4. No parking provision has been allocated to this application.
- 1.5. The proposed restaurant would provide 35 covers, as existing
- 1.6. The Applicant states that no flue exists on site. I can see what appear to be two short flues at the rear of the premises, but given their location, it would appear that they are not connected to the kitchen.

[Link to Documents](#)

[Site Location Plan](#)

## 2. Site & Surroundings

- 2.1. The property is currently in use as “Comida” a Spanish Tapas restaurant on Gordon Road in Harborne. The property is a mid-terrace unit which was previously used as a hair dresser (Use Class A1). The west boundary is formed by an alley way at ground floor level.
- 2.2. The character of the local area is that of two and three storey residential terraced properties with a small number of commercial uses within the local area. Gordon Road is located 200m away from the Harborne High Street, Neighbourhood Centre.
- 2.3. To the east of the site is an art gallery at 2 Gordon Road and a builder's office at 2a Gordon Road. To the east, north and south are private residential dwellings and a further commercial use is also located to the north at 172 Gordon Road with a hair and beauty salon. Further to the east is an area of public open space.

## 3. Planning History

- 3.1. 24/07/2014 – 2014/03359/PA – Display of 1 no. retractable awning  
Refused – On the grounds that the awning would have, had a detrimental impact on the building and street scene.
- 3.2. 24/07/2014 – 2014/03358/PA – Change of use from hairdresser (A1) use to restaurant (A3) use, the installation of extractor flue and bin store.  
Refused – On the grounds that a restaurant in this location would adversely affect residential amenity in the immediate vicinity, and that the use would detrimental to the nearby Harborne High Street. Furthermore a bin store proposed to the front elevation was considered to be detrimental to the visual character of the areas noting that the established forecourt is free of obstruction and allows unrestricted views of the building frontage.
- 3.3. 01/09/2014 – 2014/05463/PA – Notification of proposed flexible use from retail (Use Class A1) to restaurant (Use Class A3). Proposed opening date of 1st September 2014  
Noted by the Local Planning Authority

## 4. Consultation/PP Responses

- 4.1. Regulatory Services – Objection to the continued use on the grounds of harm to residential amenity from customers entering and leaving the premises, noise levels within the restaurant and the noise from the extraction unit. Regulatory Services further commented that insufficient details of noise levels and odour have been provided. Further details are required which provide full details of an extraction system and insulation scheme which meets with current Regulatory Services requirements.
- 4.2. West Midlands Police – No objection
- 4.3. Birmingham Public Health – No response
- 4.4. Transportation – No objection
- 4.5. Local Residents, Ward Councillors, MP and Residents/Traders associations notified and site noted posted. 8 letters objecting, 17 letters of letters of support received.

- 4.6. 5 letters of objection received from members of the public, objecting to the application on the grounds of:
- Residential area
  - cooking smells
  - noise disturbance
  - rodent infestation
  - commercial waste bins on street
  - litter from discarded cigarettes butts
  - increased parking demand
  - use more suited to a High Street location
- 4.7. The Harborne Society object to the proposed change of use on the grounds that the proposed restaurant would fail to comply with policy for restaurants and would be detrimental to parking and residential amenity.
- 4.8. Councillor James McKay requested that the application be presented to the committee for determination and cited concerns from residents relating to parking and traffic pressure in this location and noting that the nearby High Street would be a more appropriate location. Councillor McKay notes that the use was implemented in 2014 under the temporary relaxation of permitted development regulations and is concerned that this resulted in the weakening of the planning process.
- 4.9. Gisela Stuart MP forwarded comments made by local objecting residents concerning cooking smells and increased on street parking demand.
- 4.10. 17 letters of support received (two from residents local to the site) expressing support for the restaurant. The two letters received from local residents in support of the proposal state:
- No impact on parking
  - No notable disturbance on residential amenity
  - No objection to the use remaining
  - Positive impact on the local area, high quality development, improves vitality of Harborne, support for independent traders.
- 4.11. . The supporting comments from people living outside the area relate to:
- Well run restaurant
  - Positive impact on the local area and Birmingham as a whole, supporting small independent business and employment opportunities, improves vitality of the area, brings visitors to the area, adds to the cultural and culinary diversity of Harborne
  - Use does not increase parking demand
  - Not detrimental to the local area

## 5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham UDP (2005)
  - Draft Birmingham Development Plan
  - Shopping and Local Centres SPD (2012)

- Places for All (2001)
- The Town and Country Planning (General Permitted Development) (England) Order 2015

The following national policies are applicable

- National Planning Policy Framework (NPPF)

## 6. Planning Considerations

### *Background to the Application*

- 6.1. The permanent use of 4 Gordon Road as a restaurant was proposed in 2014 when the applicant sought to gain full planning permission for the change of use, along with an accompanying application for a retractable awning. It was considered that the use in this location would be inappropriate and the application was refused on the grounds that the use would be detrimental to the amenity of local residents and result in a negative impact on the nearby High Street. Further to this a commercial bin store was also proposed to the front of the building which would have been positioned to the front of the building line would not be in keeping with this residential area with low boundary walls and front gardens.
- 6.2. Following the refusal, the applicant took advantage of the Permitted Development regulations which allowed the use to operate under a flexible use (including restaurant) for a period of 2 years. At the end of this period the use of the premises must return to the lawful use, in this case an A1 retail shop, unless a permanent planning approval is given in advance. The applicant notified the Local Planning Authority (LPA) that the use would commence on 1 September 2014 and therefore the use must cease on 31 August 2016, if members agree to this recommendation of refusal.
- 6.3. I consider that the key issues in determining this application are the principle of the use, impact on residential amenity and impact on traffic demand and parking.

### *Principle of Development*

- 6.4. Paragraph 24 of the NPPF requires Local Planning Authorities to direct town-centre uses, like restaurants, to established local centres, paragraph 24 further explains that only in cases where in-centre locations are unavailable should consideration be given to out-of-centre, using a sequential test process of sites nearest to a local centre first.
- 6.5. Paragraph 3.8 of the adopted Unitary Development plan states that the City's environmental strategy is based on the need to protect and enhance what is good in the City's environment and to improve what is less good and to recognise the key relationship between environmental quality and levels of economic activity. The keynote is on quality and paragraph 3.10 of the UDP states that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.
- 6.6. Paragraphs 8.6 and 8.7 of the Birmingham UDP refer to the use of premises as hot food shops. Paragraph 8.6 in particular explains that due to potential harm to amenity that such uses can introduce, restaurants and takeaways are more suited to shopping areas or areas of mixed commercial development. Paragraph 7.24 of the



UDP states that proposals for uses which provide a direct service to a customer, such as restaurants, are complementary to the retail function of local centres provided these uses are not harmful to the vitality of the centre.

6.7. There are 4 units currently unoccupied on the High Street within the Primary Shopping Area:

- 139 High Street (Former Santander Bank which has now relocated to 182-184 High Street)
- 143-145 High Street (Former Blockbuster Video)
- 174-176 High Street (Former Peter Bainbridge Opticians)
- 177 High Street (Former Walter Smith Butcher (consent for change of use to restaurant approved in 2015)).

6.8. The proposed development is contrary to Paragraphs 3.8, 3.10 and 8.7 of the UDP, and NPPF, in several respects. In principle, commercial-retail operations ought to locate in local centres, where other commercial operations exist (with fewer amenity issues for residents), where shared trips be made to different local centre uses, and where public transport is optimal. The out of centre location for this proposal would have a negative impact on the vitality and night-time economy of the nearby Harborne Local Centre, by the location of a business that ought to be within a local centre, where it would also have linked trade to other businesses, to an out of centre location. Also, locating this proposal into one of the four vacant units in the local centre would be in keeping with local policy and with the rationale behind the Government's change of permitted development rights to revitalise town centres.

#### *Impact on amenity*

6.9. Regulatory Services object to the use noting the restaurant is harmful to residential amenity. The main concerns relate to general noise from the use and cooking smells.

6.10. The applicant has explained that a flue is not required on site and that a fume filtration unit (cooker hood) is used. My site visit revealed an extraction flue is located to the rear of the restaurant on the single storey flat roofed element. This is above the main seating area and therefore it is unclear whether this serves the filtration system. In any event I note an objection from Regulatory Services who state that the details of the method of extraction are inadequate and further details should be provided to fully understand the method of expelling cooking odours.

6.11. A local resident has stated, that the walls, between the restaurant and the adjacent residential properties, are single skin and therefore it is has been suggested that cooking smells are permeating through the walls into neighbouring properties. Therefore, I am concerned that the impact from cooking smells may not be limited to extraction, doors and windows. This confirms that the use would be better relocated in a High Street location.

6.12. The applicant has explained that soundproofing has been undertaken within the restaurant, however Regulatory Services do not consider that the works undertaken are sufficient to provide adequate insulation between the residential properties and the commercial premises and in any event, would not mitigate the reported complaints of noise caused by customers arriving and leaving. Objections have been received from local residents which explain that the internal noise from the restaurant can be clearly heard within neighbouring residences.

- 6.13. A party wall to the restaurant is adjacent to a residential property (73 North Road) and their main living accommodation is located on the other side of this boundary wall. Objections received from this resident in reference to chairs scraping on the floor and general customer noise including laughing and talking. I consider these examples further highlight the impact on the quality of residential amenity. This demonstrates that a restaurant use from these premises is not acceptable and creates significant noise nuisance.
- 6.14. In conclusion it is evident that the site is located within a predominantly residential area in which a restaurant cannot operate without causing harm to residential amenity through smell and noise. I note further objections from residents concerning patrons arriving and leaving the establishment which introduces further noise issues which are more common in commercial areas, such as the nearby High Street. The comings and goings of customers arriving at the restaurant both on foot and by car add additional noise disturbance by way car doors being slammed, vehicles manoeuvring outside houses, and voices from people congregating outside waiting to go into the restaurant, or leaving later into the evening. Although the hours are a stated 9.30pm closing, apparent customers have been seen inside the premises beyond 10pm on a Saturday evening.
- 6.15. I note that the applicant has declined to follow Regulatory Services advice to consider higher specification internal noise insulation, despite a site visit being undertaken to explain what is required.

*Impact on traffic demand and parking*

- 6.16. Transportation Development do not object to the continuation of the use at 4 Gordon Road noting that the site, like other commercial units locally, it does not benefit from dedicated parking provision. It is further noted that sufficient, but heavily used on street parking is available and the site is relatively close to Harborne High Street, providing access to a number of bus services. Car parking expectations would seek 4 car parking spaces, (based on the number of covers). However, it is accepted that parking demand is unlikely to increase significantly from the substantive lawful use as a hairdressers which would similarly have required 4 spaces. I concur with Transportation Development and am satisfied that the use would not have a detrimental impact on highway safety and parking demand.

7. Conclusion

- 7.1. I note that the use has been ongoing for a period of around 21 months and this has provided a good indication of how the use would continue to operate, and what impacts it has had. I consider that the restaurant in this location has been to the detriment of local residential amenity by way of cooking smells and noise disturbance. Furthermore this proposal would have a negative impact on the vitality of the nearby local centre by virtue of its out of centre location. I therefore do not consider this to be sustainable development and recommend this application is refused.

8. Recommendation

- 8.1. The application should be refused

### Reasons for Refusal

- 
- 1 The use of the application premises for a restaurant would adversely affect the amenity of occupiers of dwellings/premises in the vicinity by reason of noise, smell and general disturbance. As such the proposal would be contrary to Paragraphs 3.8, 3.10, 7.24 and 8.7 of the Birmingham UDP 2005 and Paragraph 24 of the National Planning Policy Framework.
  - 2 The proposal for a restaurant in this out of centre location would undermine the vitality/viability of the nearby local centre. As such it would be contrary to Paragraphs 3.8, 3.10, 3.14C and 7.25 of the Birmingham UDP 2005, guidance in Shopping and Local Centres adopted as a Supplementary Planning Document and the National Planning Policy Framework.
- 

Case Officer: Martin Mackay

**Photo(s)**



Front Elevation



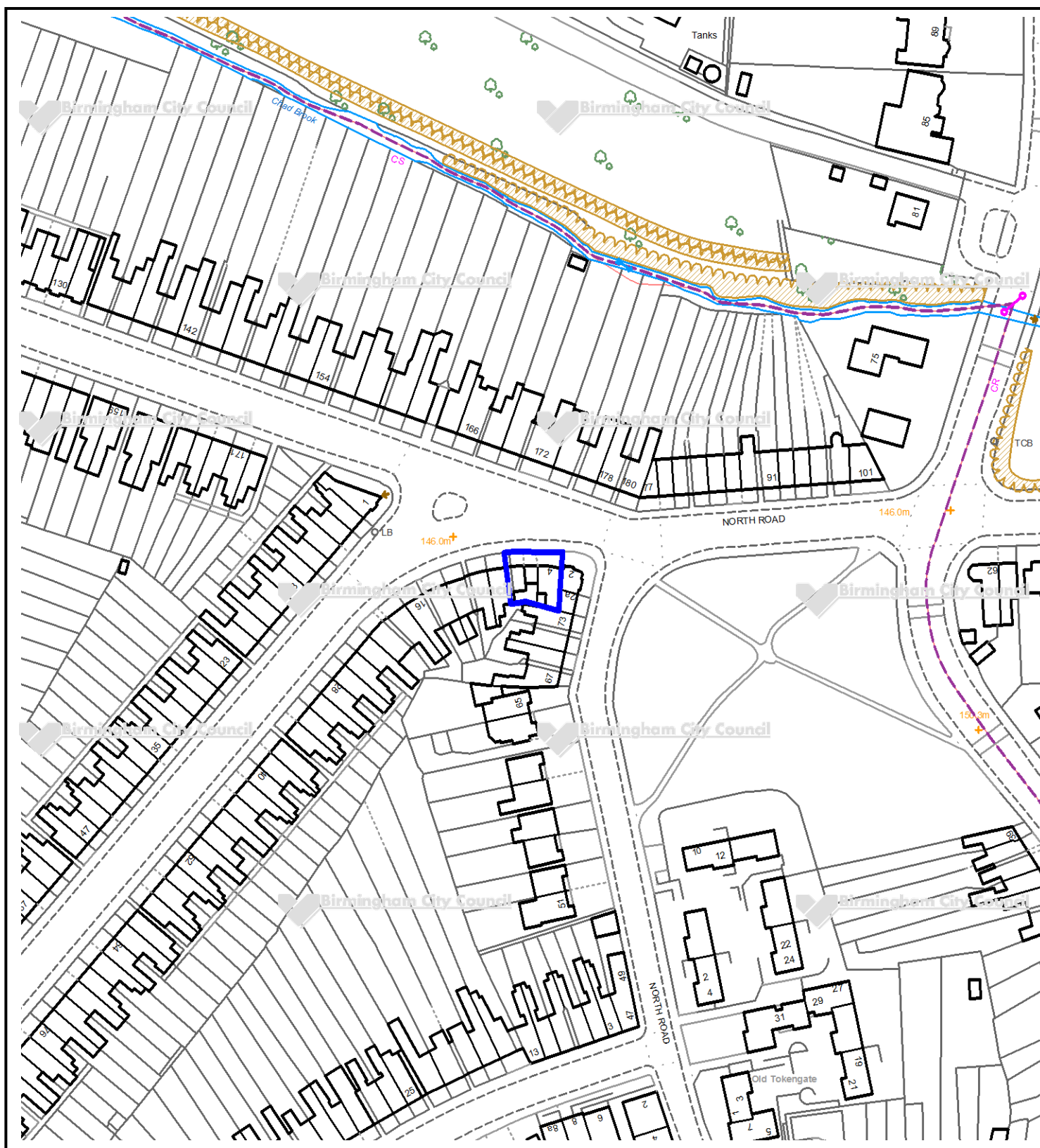
Main Seating Area



Flues to rear



## Location Plan



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Committee Date: 26/05/2016      Application Number: 2016/02211/PA  
 Accepted: 22/03/2016      Application Type: Full Planning  
 Target Date: 17/05/2016  
 Ward: Moseley and Kings Heath

5 Dyott Road, Moseley, Birmingham, B13 9QZ

Demolition and erection of one residential dwelling house

Applicant: Mr Kamaldip Reehall  
 5 Dyott Road, Moseley, Birmingham, B13 9QZ  
 Agent: Lapworth Architects Ltd  
 Crown House, 123 Hagley Road, Edgbaston, Birmingham, B16 8LD,

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application seeks planning permission for the demolition of existing house and erection of one residential dwelling house at No. 5 Dyott Road. The proposed dwelling house would replace an existing 3 bedroom, two storey detached dwelling house in this location. The proposed dwelling house would accommodate 5 bedrooms over two and a half storeys, with an additional basement level and a single storey extension to the rear.
- 1.2. The proposed dwelling house would have a width of 11.6m on the front street elevation, with the single storey extension to the rear creating a maximum width of 13m. The maximum length of the proposed dwelling house would be 15m for the two storey element and 18m including the single storey extension. The maximum height of the dwelling house would be 8.7m in total and 5.5m to eaves. The proposed dwelling house would have a hipped roof with a flat middle section. To the front and rear elevation the proposed dwelling house would have central gables. To the front elevation the proposed dwelling house would have an entrance porch, an integrated garage and bay window at ground floor. The proposed dwelling house would be built of brick with clay tiles and UPVC windows.
- 1.3. At basement level the dwelling house would accommodate an entertainment room, spa, study, gym and large hallway. At ground floor it would accommodate a large entrance hall, cloak room, dining room, prayer room, utility room, kitchen, living room, bedroom with en-suite bathroom and an integrated garage. At first floor it would accommodate four bedrooms each with en-suite bathrooms. In the roof space it would accommodate an attic room, attic store and study. The proposed bedrooms would measure 14.6m.sq., 20.5m.sq., 20.7m.sq., 21.9m.sq. and 25.1m.sq respectively. A rear garden measuring approximately 726m.sq. would be provided.
- 1.4. The proposed dwelling house would retain the existing vehicular access from Dyott Road and would be set back from the highway by 13.1m, the same distance as the existing dwelling house. The proposed dwelling house would be positioned with a 1.5m gap to No.7 Dyott Road, also as existing, and a minimum 3m gap to the

boundary adjacent to St Agnes Hall. To the front of the property the existing magnolia tree and boundary wall and hedge would be retained and the driveway would be made bigger to accommodate an extra parking space.

1.5. The proposed development does not attract a CIL contribution.

1.6. [Link to Documents](#)

## 2. Site & Surroundings

2.1. The application site consists of a two- storey, detached post-war dwelling house with associated front and rear garden. The dwelling house appears to be vacant.

2.2. The surrounding area is predominantly residential in character and comprises of mainly detached dwellings set within spacious plots with large rear gardens. There is unrestricted on street parking along Dyott Road.

2.3. To the west of the site the land slopes downwards towards St Agnes Hall. St Agnes Hall is a community building sited within St Agnes Conservation Area. Whilst the application site itself is not located within St Agnes Conservation Area, the northern side of Dyott Road is sited within the Conservation Area and the western boundary of the application site adjoins it. No. 3 Dyott Road which immediately adjoins the site to the southwest is set back from Dyott Road and is sited on lower ground, accessed from Billesley Lane.

2.4. [Site Location Map](#)

## 3. Planning History

3.1. 24/09/2014- 2014/05509/PA- Demolition of existing dwelling house and erection of replacement dwelling house- Refused for reasons of detrimental impact on visual amenity and detrimental impact on the amenity of neighbouring occupiers.

3.2. 17/09/2015- 2015/05972/PA- Demolition of existing dwelling and erection of new four bedroom dwelling- Refused for detrimental impact on neighbouring amenity and visual amenity.

3.3. 19/11/2015- 2015/08732/PA- Demolition of existing dwelling and erection of new four bedroom dwelling – application Returned (declined to determined) by the Local Planning Authority under Localism Act - more than one similar application refused within the previous two years and no appeal made.

## 4. Consultation/PP Responses

4.1. Transportation Development- No objection as it is not considered that highway traffic and parking demand generated by the new property would differ significantly to that generated currently.

4.2. Regulatory Services- No objection.

4.3. West Midlands Police- No objection.



- 4.4. Severn Trent Water- No objection subject to the submission of drainage plans for the disposal of foul and surface water flows.
- 4.5. Neighbouring occupiers, Residents Associations, Local Ward Councillors and MP were notified and a Site Notice was displayed. Twelve letters of objection and two letters of comment were received. These letters were from St Agnes Road Residents Association, The Moseley Society and residents of Dyott Road, Billesley Lane, Oxford Road and St Agnes Road and are summarised below:
- The plans do not significantly differ to previously refused applications.
  - There is no reason to demolish, could be repaired easily.
  - The design, appearance and footprint of the proposed dwelling house would be too large and out of character, unsympathetic and overly dominant addition to the street scene.
  - Detrimental impact on the St Agnes Conservation Area and may set precedence for other properties in the area to be demolished.
  - Concerns for the magnolia tree (widened drive), should be given TPO protection.
  - Would have an overbearing presence on the Church Hall and on 3 Dyott Road.
  - Loss of privacy to neighbouring residents
  - Would be positioned too close to No. 7 Dyott Road, would cause loss of light, and plans do not clearly show the chimney features of No. 7.
  - The 45 Degree Code has not been calculated accurately.
  - Concerns about the excavation of the basement level and the impact this would have on the foundations of other dwellings in the area.
  - The proposed drawings do not show the ground level differences towards St Agnes Hall and should therefore require a levels survey.
  - Inaccuracies on the plans and application form question the validity of the application.
  - There is foul drainage passing between No. 5 and No. 7 Dyott Road which would be interrupted by the proposed dwelling house.
  - The UPVC windows would be out of character for the area.
- 4.6. A letter of objection was received from Local Councillor Straker Welds outlining the following concerns:
- Concerns for the foundations of the site and impacts on subsidence of surrounding properties.
  - Concerns for the flow of foul drain between No 5 and No.7 Dyott Road.
  - Lack of acknowledge on the application of tree and hedges.
  - Impact of the augmented size on neighbouring properties.

## 5. Policy Context

- 5.1. Relevant Local policy:
- Birmingham UPD (2005);
  - Draft Birmingham Development Plan;
  - Places for Living SPG (2001);
  - Mature Suburbs SPD (2008);
  - Moseley SPD;

- Site is located adjacent to St Agnes Conservation Area.

5.2. Relevant National policy:

- National Planning Policy Framework (NPPF) (2012).

6. Planning Considerations

6.1. This application is a resubmission of previous planning applications on this site. Applications 2014/05509/PA and 2015/05972/PA were refused for reasons of detrimental impact on visual amenity and neighbouring amenity. A third previous application 2015/08732/PA was returned due to its replication of the previous two refused applications.

6.2. The main planning considerations in assessing this application are the principle of the development, siting, scale and appearance, living conditions, impacts on the setting of the conservation area, neighbouring amenity, trees and landscaping, and parking and highway safety.

6.3. *Principle of Development*

6.4. The National Planning Policy Framework states that the planning system seeks a presumption in favour of sustainable development and should support sustainable economic development to deliver homes. Paragraph 17 of the NPPF sets out the core principles to 'seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraph 3.8 of the Birmingham UDP sets out the environmental strategy for the city, stating that we should enhance what is good and seeks to improve that which is less good. Paragraph 3.10 sets out that any proposals which would have an adverse impact on the built environment should be resisted.

6.5. Within this location residential use is acceptable due to the residential character of the area and the current use of the site as a dwelling house. Whilst the loss of an existing family home which sits quietly in the street scene is disappointing, the demolition of the property could not be resisted as its architectural quality is of no great significance. The existing dwelling house sits in a row of similarly styled properties, which form a coherent pattern of development. However, I consider that a replacement dwelling house would still fit into the street scene if appropriately designed. As such, a replacement dwelling house in this location would be acceptable in principle, subject to its design and impact upon the surrounding area, which is discussed further below.

6.6. *Siting, Scale and Appearance*

6.7. Mature Suburbs Supplementary Planning Document states that building plots should be of an appropriate size to reflect the typical form of plots in the area and the urban grain; the frontage width and depth, and the massing of the main building should be in keeping with those in the area; and new buildings should respect established building lines and setbacks from highways. With particular reference to this site's location, the Moseley SPD encourages good urban design principles in all new-build development and, at Policy UD5, states that "Density and design of new housing should respond to the local context and build on the unique character of Moseley".

6.8. The siting of the proposed dwelling house would follow the established building line on Dyott Road, respecting the existing set back distance. I note that a number of

residents letters refer to the close proximity of the proposed dwelling house to No.7 Dyott Road and the loss of spacious gaps between dwelling houses which is generally characteristic of the area. Amended plans have been submitted decreasing the width of proposed dwelling house in order to increase the distance between the proposed dwelling and No.7 Dyott Road. The proposed dwelling house would now be sited 1.5m away from No. 7 Dyott road. Although this is marginally closer than the distance of the existing property, the distance separation proposed would be similar to most properties along Dyott Road and as such would complement the rhythm of the street scene along Dyott Road.

- 6.9. The footprint of the proposed dwelling house is larger than dwellings in the surrounding area. However, as the application site is the end plot it is somewhat wider than neighbouring plots. From the street elevation I consider that the width of the dwelling house (11.6m) would not appear excessive in comparison with other dwellings within the street and would not be significantly wider than the existing dwelling house in this location (8.9m). This width has been significantly reduced from previously refused applications in which the proposed dwelling house extended the whole width of the plot. My City Design Officer is also satisfied that the depth of the proposed dwelling house would not be perceptible from the street and as such would not have a detrimental impact upon the street scene. The height of the proposed dwelling house would be slightly shorter than the height of the existing dwelling house and similar in height to adjacent properties. I am therefore satisfied that the proposed dwelling house would have a siting, scale and massing that would be in keeping with the character and appearance of the surrounding area.
- 6.10. The architecture of the proposed dwelling house has picked up on a number of local design features including a ground floor bay window, archway porch, integrated single garage and chimney on the western elevation of the proposed dwelling house. The design features that were objected to on previous applications including the integrated double garage and front and rear balcony have been omitted from this application. My City Design Officer has noted that properties on the end of a row often have a distinctive design to the rest of the row. As such, I consider that the proposed development would appear in keeping within the street scene.
- 6.11. *Living Conditions*
- 6.12. The proposed bedroom sizes would exceed the requirements set out in the Nationally Described Space Standards. The proposed garden would far exceed guidelines set out in the Council's Places for Living SPG requiring 70m.sq. of garden space. As such I consider that the living conditions of future occupiers would be satisfactory.
- 6.13. *Impact on the Setting of the Conservation Area*
- 6.14. My Conservation Officer has raised no objection to the proposed dwelling house. They consider that the proposed dwelling house would be in keeping with the character and appearance of the street and would not have a detrimental impact upon the setting of St Agnes Conservation Area. I consider that the design and scale of the proposed dwelling house would be acceptable and sympathetic to its siting adjacent to the Conservation Area.
- 6.15. *Neighbouring Amenity*
- 6.16. This application omits the front and rear balconies previously submitted and considered to cause overlooking issues. The proposal would comply with the

Council's 45 degree code when taken from the quarter point of the nearest habitable ground floor window at No. 7 Dyott Road which is behind the rear conservatory of no. 7. I note concerns from neighbouring residents about the presence of the proposed dwelling house in relation to No. 3 Dyott Road. Although on higher land and a sizeable dwelling, I consider that the retention of trees along the western boundary and the set back of No. 3 Dyott Road from the application site would avoid unacceptable impact on the outlook and light at No. 3 Dyott Road.

6.17. *Trees and Landscaping*

6.18. My Tree Officer has visited the site to look at the magnolia tree in the front garden which is mentioned in a number of neighbour responses. My Tree Officer considers that the magnolia tree is not suitable for a Tree Preservation Order due to the small size of the tree. However, amended plans show that the magnolia tree and hedges to the front and western boundary are to be retained within the scheme. My Landscape Officer has raised no objection to the scheme and I am satisfied that the retention of the tree, front boundary and hedge will retain the mature character of the street.

6.19. *Parking and Highway Safety*

6.20. Parking on street at this location is unrestricted and typically demand is low. Regular buses run within reasonable walking distance of this site, along Wake Green Road, throughout the day. Transportation Development have raised no objection to the proposal and do not consider that traffic and parking demand generated by the proposal would differ significantly to that generated currently.

6.21. *Other Issues*

6.22. Severn Trent Water have raised no objection to the proposal subject to the submission of plans to show the disposal of foul and surface water flows. I concur with the view and have attached a condition accordingly.

6.23. Regulatory Services have raised no objection to the proposal. I consider that the proposed development would not result in detrimental impacts in terms of noise and disturbance to adjoining occupiers. West Midlands Police have raised no objection to the proposal in regards to public safety.

6.24. I note the concerns from objectors about the impacts of excavation work for the basement on the foundations of the surrounding properties. However, this is a matter covered by Building Regulations legislation and is not a planning matter.

7. Conclusion

7.1. I consider that the proposal would not result in harm to residential amenity, visual amenity of the surrounding area or the setting of the Conservation Area, trees, or highway safety and parking and would therefore constitute sustainable development. The proposal would accord with local and national planning policy and is recommended for approval subject to conditions.

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 hard and/or soft landscape details
  - 4 Requires the prior submission of hard surfacing materials
  - 5 Requires the prior submission of boundary treatment details
  - 6 Requires the prior submission of level details
  - 7 Requires the prior submission of details of the disposal of foul and surface water flow
  - 8 Limits the approval to 3 years (Full)
- 

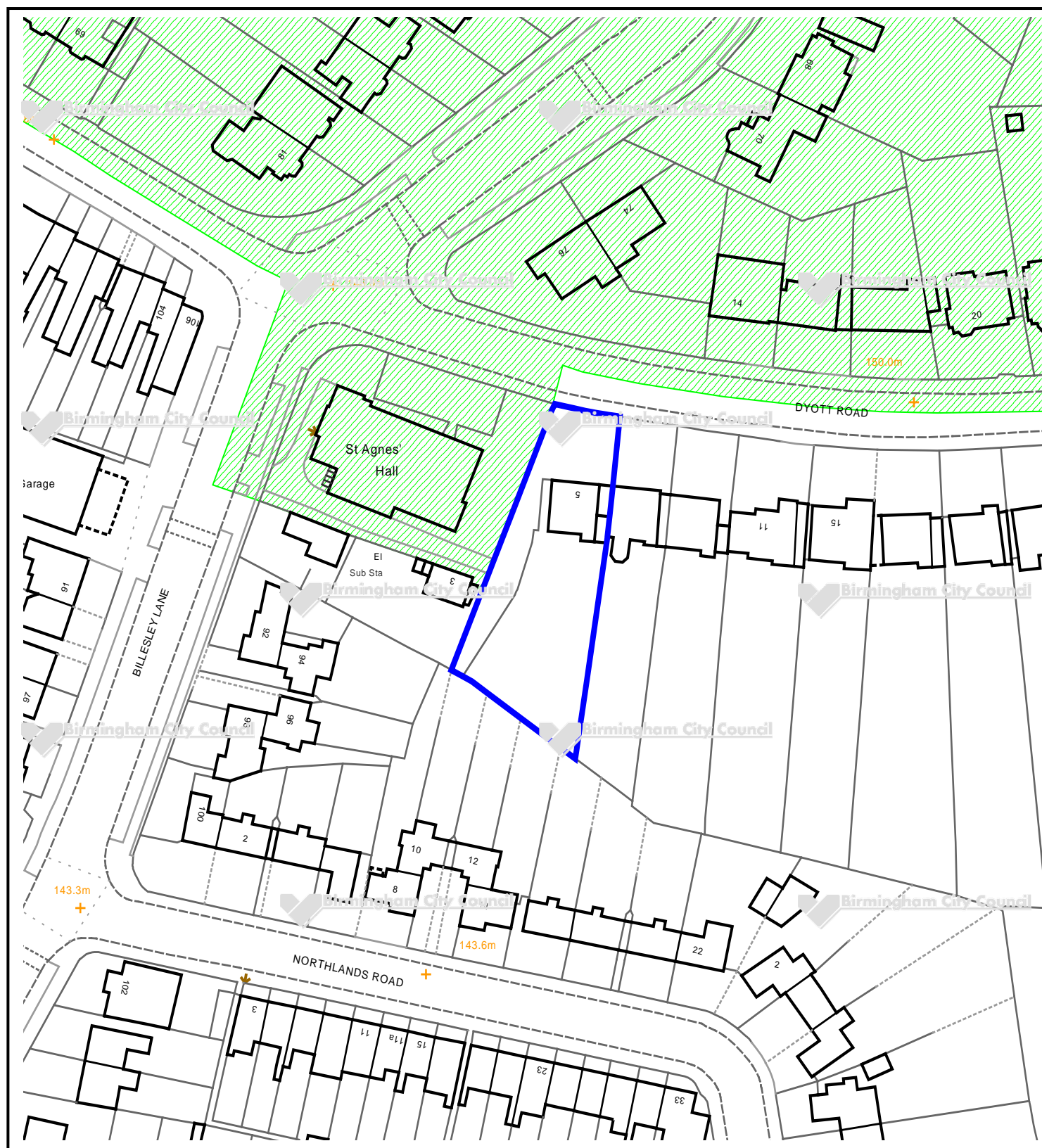
Case Officer: Sophie Long

## Photo(s)



Figure 1- Front Elevation

## Location Plan



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Committee Date:	26/05/2016	Application Number:	2016/01649/PA
Accepted:	01/03/2016	Application Type:	Full Planning
Target Date:	26/04/2016		
Ward:	Selly Oak		

Buckingham Court, College Walk, Selly Oak, Birmingham, B29 6FJ

Erection of two storey front and rear extension and alterations to existing building to provide six additional apartments with car parking and landscaping.

Applicant: Carbury Investments Ltd  
211 Bromsgrove Road, Hunnington, Halesowen, B62 0JS  
Agent: David G Barton Ltd  
Moorgreen Cottage, Radford Road, Weatheroak Hill, Nr Alvechurch,  
Worcestershire, B48 7DZ

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application is for the erection of a two storey front and rear extension to Buckingham Court off College Walk, Selly Oak. The extension would facilitate the creation of six additional apartments within the building (making a total of 25). In addition, landscaping and new car parking would be provided.
- 1.2. The extension would be located centrally within the site and would be constructed around an existing single storey corridor link that connects the two existing wings of the building. The extension would have a total length of 17.1m, depth of 12m and total height of 8.9m. It would have a design similar to that of the existing building with mono pitch roofs to copy those of both existing wings. It would be constructed with materials to match, with the addition of vertical timber board cladding to some areas.
- 1.3. Internally, the extension along with other layout changes within the existing building would provide a new entrance area, communal lounge and three new apartments on the ground floor and three new apartments on the first floor, with two being duplex style, having an extra floor of accommodation.
- 1.4. In addition to the above, a two storey bay window extension is proposed on the western elevation of the existing wing to eastern side of the site. This would be 3.2m in length, have a depth of 1.9m and would be 5.2m high with a pitch roof and constructed with materials to match. Windows would be provided to the southern elevation.
- 1.5. Further external alterations to the existing building include new brick infill sections to the northern elevation.



- 1.6. The existing car parking area would be reconfigured, with the loss of some greenery to the northern side of the building, however new landscaped areas would be provided. A total of 16 car parking spaces would be provided in a re-configured car park, including four disabled spaces an increase of 4 from the existing 12 spaces).

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to Buckingham Court, off College Walk, Selly Oak. This is a sheltered housing apartment block comprising of 19 one and two bedroom apartments for the over 55's. It consists of 2no two storey wings with a single storey central corridor link, surrounded by communal gardens, with car parking.
- 2.2. To the south of the site, set at a higher level to the application site is Asbury Overseas House, a residential development that caters for overseas students and their families. To the north is a Friends Meeting House. Beyond this and to the west and east are residential properties, with Bristol Road to the North West and Langleys Road to the east.
- 2.3. The area has a predominantly residential character and the boundaries of the site to the north and east are characterised by dense tree and shrub coverage.

[Location Map](#)

3. Planning History

- 3.1. 15/01/2016 – 2016/00186/PA Pre-application advice for the erection of an extension – Acceptable in principle, design advice given.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection, subject to a condition for cycle storage.
- 4.2. Regulatory Services – No objection.
- 4.3. West Midlands Police – No objection, recommend that this proposal is developed to enhanced security standards set by Police Crime Reduction initiative 'Secured by Design'
- 4.4. Severn Trent – No objection, recommend a drainage condition.
- 4.5. Letters of notification have been sent to surrounding occupiers; local residents associations, Selly Oak Ward Councillors and the MP for Selly Oak. A site notice has also been posted.
- 4.6. Twelve letters of objection have been received from occupiers of the existing building, objecting to the application on the following grounds.
  - The extension will cause disruption and stress.
  - Loss of daylight to existing flats.
  - Loss of privacy.
  - People using the new entrance will be a nuisance to existing residents.
  - No plans to extend laundry for additional residents.

- The extension represents an over development of the site.
- Impact on local wildlife.
- The relocation of the entrance will impact on residents with limited mobility.
- The existing bin stores would not cope with the additional residents.
- There are 12 existing car park spaces not 8 as the application form states.
- Existing parking is inadequate and this will make the situation worse.
- The removal of the shed is not acceptable.
- Loss of valuable landscaped area
- The spiral staircases in two of the flats are not practical for older residents.
- Damage to tree roots.
- The flats will not be affordable for existing elderly people on low incomes.

4.7. In addition to the above, three letters of comment from surrounding occupiers have been received, including from the adjacent Friends Meeting House, these state and pose certain questions including.

- A planning constraint applied should be that the proposed extension shall not exceed the height of the existing buildings as plans show that it does.
- Hope that the existing drainage system in the area can cope with additional run off.
- Will the Meeting House be more overlooked by residents than it is now?
- What impact will the noise of any building work have on those who use the Meeting House and how long will the work take.
- Request no work is undertaken on certain days
- The current perimeter fence between our land is in a poor state of repair. We fear that it could be further damaged during the work and request that it is replaced.
- We note that the plans do not show the loss of any perimeter trees especially the monkey puzzle tree.

## 5. Policy Context

5.1. The following local policies are relevant

- The Birmingham Unitary Development Plan (2005)
- Draft Birmingham Development Plan (2013)
- 'Places for Living' SPD
- Wider Selly Oak SPD (2015)

5.2. The following national policy is relevant.

- National Planning Policy Framework.

## 6. Planning Considerations

### 6.1. Policy Context

The National Planning Policy Framework and The Birmingham Unitary Development Plan, encourage the more efficient use of previously developed land, but with respect for and response to the local character and context. The environment chapter of the UDP requires proposals for new development to respect the character of the area in which they would be located and respond in a positive way. Proposals which would have an adverse effect on the environment will not normally be allowed.

6.2. UDP policy places a great emphasis upon good design and sets out a series of good urban design principles against which proposals are assessed. Further reference to good design is made within the Housing chapter that states that proposals for new residential developments should be carefully designed so that they do not detract from the character of the surrounding area. To ensure this, proposals are expected to be designed in accordance with 'Places for Living' which has been adopted as supplementary planning guidance. In this instance, I consider the provision of additional flats on the site and within this residential area in a sustainable location to be acceptable in principle in policy terms.

6.3. Design and appearance

The existing building is plain and simple and a typical example of 1960's/70's architecture, the proposal does not seek to change the design radically, merely to provide a modern extension to the building to create additional apartments, that takes on the characteristic of the existing building, with modern features such as the timber cladding and larger glazed areas. The apartments would be well maintained and functional and I consider that although the ridge height of the extension would be 0.5m higher than the highest part of the existing building, this would not harm the overall appearance of the building within its setting. The area surrounding the site contains a variety of building types and styles with varying heights. The nearest building to the site is Asbury Overseas House to the south, which is three storeys in height and sits at a higher level. Owing to the variety of styles and heights of buildings within close proximity of the site, I am satisfied that the proposals would not adversely affect the street scene or detract from the character of the area. I consider the design and appearance to be acceptable.

6.4. Residential amenity

The distance between the rear elevation of the new extension and the site's northern boundary with the Friends Meeting House is 12.7m. This exceeds the minimum separation distance guidelines in Places for Living (5 metres per storey). I acknowledge that there is concern from existing residents regarding loss of privacy to their homes and garden as a result of this proposal. However, I am satisfied that the layout has been designed to avoid this. Habitable room windows look to the north and south and therefore avoid direct overlooking of existing windows to the east and western elevations. In addition, the extension has been carefully designed and mitigation proposed to avoid any overshadowing of existing flats. To the north, the new entrance area is of a sufficient distance from the existing eastern elevation as to not breach the 45 degree code. To the south, a new two storey bay is proposed with south facing windows, to ensure no overshadowing of the western elevation. It is acknowledged that the outlook from a number of the exiting flats would change, in particular those to the northern side that would face the car parking area. However, areas of landscaping are still proposed and the dense green character of the boundary would still be maintained. As such in this instance, I do not consider that the amenities of existing residents would be comprised as a result of the proposed works.

6.5. The proposal would provide 6 additional flats ranging from a gross internal floor area of 32sqm to 55.5sqm. The Nationally Described Space Standard set out by the Department for Communities and Local Government published in March 2015 suggests for a one person, one bed flat at least 39sqm should be provided. Three of the flats would fall below this standard, all being 32sqm. However, all three would provide a bedroom in excess of 7.5m (that recommended for a single bedroom). The flats are also of the same size and have a similar layout to 15 of the flats

already provided within this development. I also note this is not open market housing open to all sectors of the population but caters for a specific need, namely the over 55's. Smaller flats such as these can be suitable in providing independent and manageable living for an older person living on their own. Given the above, in this instance, I do not consider this would be a sufficient reason to warrant the refusal of the application.

- 6.6. The existing amenity area for residents would be slightly reduced, however there would still be over 500sqm of landscaped area surrounding the building and sufficient areas of outdoor amenity provision. However, given the overall changes to the amenity area, a condition for a landscaping scheme is recommended.

6.7. Transportation

My Transportation Development Officer raises no objection to the proposal subject to a condition for the provision of cycle storage. A total of 16 car parking spaces (including 4 disabled spaces) would be provided. As this is sheltered accommodation, the Car Parking SPD recognises that lower levels of parking may be appropriate and suggests 1 space per 2 units and 1 per warden. With a total of 25 units, the car parking offered is considered sufficient to meet the needs of this development. In addition, the site is within walking distance of bus stops on Oak Tree Lane and Bristol Road South. Given the intended use, it is not considered traffic generated by the site would be significantly greater than that of the existing use.

6.8. Other Matters

Severn Trent have not raised any objection to the application. It is considered that the existing drainage systems of the property would cope with the additional capacity and as such I do not consider it necessary in this instance to impose a drainage condition.

- 6.9. Concerns have been raised regarding construction and the disruption this would cause to residents. This matter is controlled through appropriate legislation outside of the planning process.

- 6.10. Residents have expressed concerns about the impact on local wildlife and trees. The site is not designated as having any special importance for nature conservation and no known protected species have been reported. However, the appropriate safeguarding legislation would come into force should any protected species be identified during construction. In addition, there would not be any impact to any protected trees.

6.11. Community Infrastructure Levy

The development may now be liable for CIL, (following its adoption on 4th January). The submitted application forms specify that the net additional floor area of the development would be 384sqm GIA (384sqm of new floorspace). This would equate to a payment of £26,499.45.

7. Conclusion

- 7.1. I consider the proposal to be acceptable. There would be no detrimental impact to the residential amenity, the character of the area or the street scene as a result of this development. As such I consider the proposal accords with national and local planning policy and recommend that the application be approved subject to the attached conditions.

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 hard and/or soft landscape details    |
| 4 | Requires the prior submission of cycle storage details                 |
| 5 | Limits the approval to 3 years (Full)                                  |
- 

Case Officer:        James Mead

**Photo(s)**

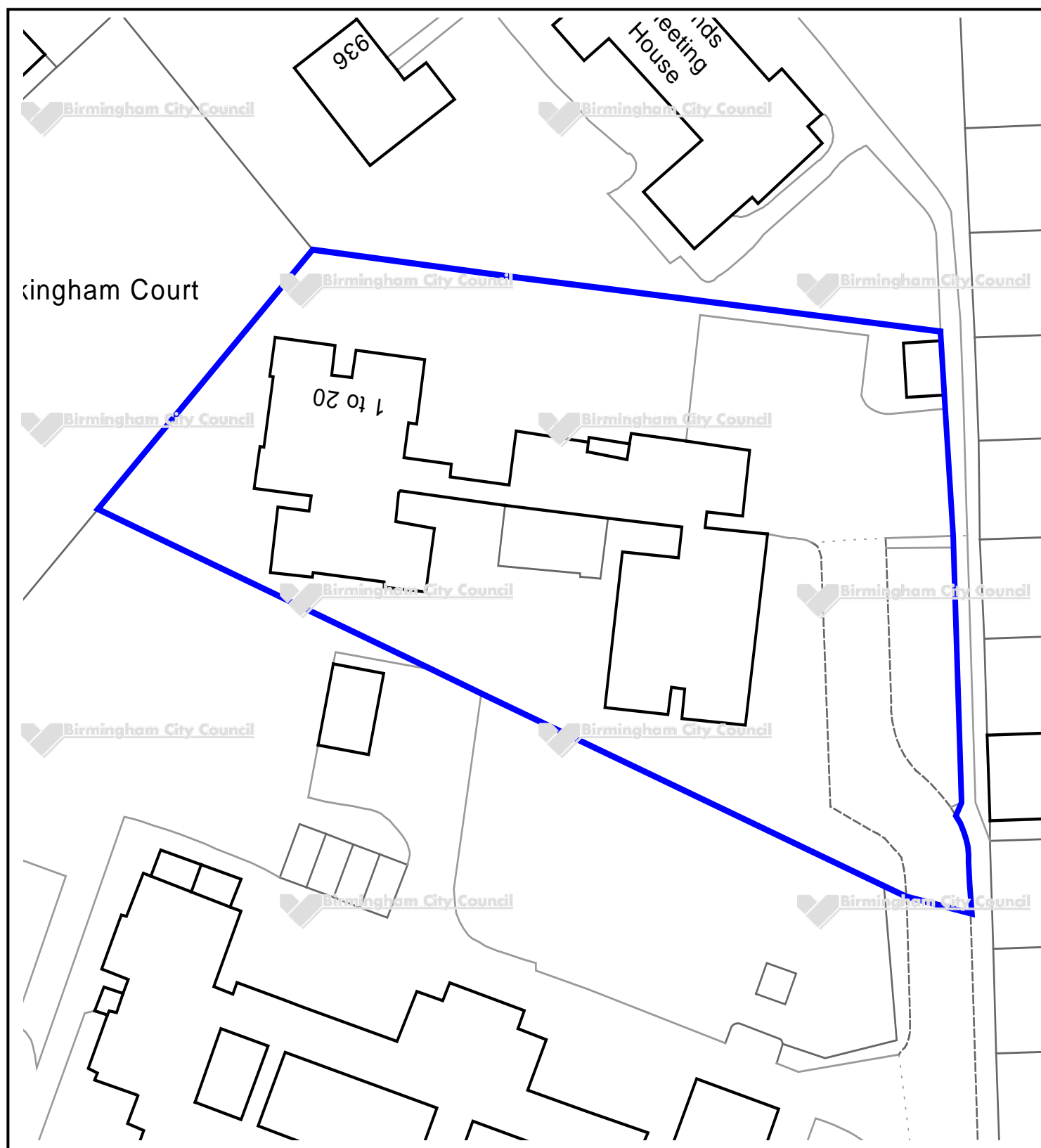


**Photograph 1: Northern elevation of existing building.**



**Photograph 2: Southern elevation of existing building**

## Location Plan



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**PLANNING COMMITTEE 26<sup>TH</sup> May 2016**

**DISTRICT:** South

**Location:** Land at c/o Mary Vale Road and Franklin Way, Bournville, B30 2HP

**Proposal:** Removal of existing structures/fencing and 3 trees (within a Conservation Area) and redevelopment of site with 37 no. apartments with associated amenity space and parking.

**Applicant:** Franklin House (Bournville) Company Ltd.

**Agent:** Brooke-Smith Planning Consultants Ltd.

**List of Background Papers**

Application 2015/10296/PA Report to Planning Committee 17<sup>th</sup> March 2016.

**Background**

Members may recall that this application for 37 apartments was considered at Committee on 17<sup>th</sup> March 2016. It was resolved at this meeting that the application be deferred, with Members minded to approve subject to the completion of a legal agreement to secure a contribution of £65,000 towards affordable housing provision within Bournville and/or adjoining wards. A legal agreement was subsequently signed and a consent was issued on 23<sup>rd</sup> March 2016.

The sum secured for off-site affordable housing provision was based on an independent assessment of a financial appraisal that formed part of the application submission. However, a discrepancy has now been identified in the figures, which has prompted the need for a deed of variation to the original legal agreement.

The application site falls within a designated 'high value' residential area and, as such, would generate the requirement for a Community Infrastructure Levy (CIL) payment. When the aforementioned financial appraisal was independently assessed, it was concluded that a £65,000 S106 contribution could be secured, on the basis of an assumed £224,747 CIL payment, which would still enable the scheme to be viable, with an appropriate level of return for the developer. The Applicant, however, emphasised that if the CIL payment were to increase above £224,747, then viability would be adversely impacted and the proposed S106 costs of £65,000 would need to be reduced.

However, the £224,747 figure identified for CIL was incorrect. The actual CIL requirement generated by the scheme is £301,668 (based on the submitted CIL Additional Information Form and identified on the decision document issued). As such, the actual total CIL contribution combined with the S106 would be £366,668, which is clearly well in excess of



the £289,747 (£224,747 CIL plus £65,000 S106) that it was considered that the scheme could support.

As a result, it is now necessary to vary the original S106 to secure a £0 (zero) contribution in order for the scheme to be viable.

### **Observations**

There would be no overall reduction in payment (the combined CIL/S106 contribution would actually increase from the previously expected £289,747, to £301,668). As such, I have no objection to the proposed variation to the original S106 in order to ensure the viability of the proposed scheme.

### **Recommendation**

1. That Planning Committee approves the proposed Deed of Variation to reduce the level of contribution to £0 (zero).
2. That the City Solicitor be authorised to prepare, seal and complete the appropriate Deed of Variation.

Author: Alison Powell

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Committee Date:	26/05/2016	Application Number:	2016/01926/PA
Accepted:	22/03/2016	Application Type:	Demolition Determination
Target Date:	27/05/2016		
Ward:	Kings Norton		

1-23 (odds) Ithon Grove, 2-40 (evens) and 1-21 (odds) Leith Grove, 2-22 (evens) Medway Grove, 1-35 (odds) and 2-28 (evens) Swale Grove, Kings Norton, Birmingham, B38

Application for prior notification for the proposed demolition of properties.

Applicant:	Birmingham City Council Clearance Team, PO Box 16579, Zone 11 Level 2, Lancaster Circus, Queensway, Birmingham, B2 2GQ
Agent:	Acivico (Building Consultancy) Ltd PO Box 2062, Zone 13 - Level 3, 1 Lancaster Circus, Queensway, Birmingham, B4 7DY

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Recommendation

**No Prior Approval Required**

1. Proposal

- 1.1. This application is made under the provisions of Part 11 of the Town and Country Planning (General Permitted Development) Order 2015 and seeks a determination as to whether prior approval is required for the method of demolition and site restoration of Nos.1-23 (odds) Ithon Grove, 2-40 (evens) and 1-21 (odds) Leith Grove, 2-22 (evens) Medway Grove, 1-35 (odds) and 2-28 (evens) Swale Grove, Kings Norton.
- 1.2. The application has been submitted by Acivico and as such it is necessary to report the application to Committee for determination.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of two separate sites containing a total of 83 two storey and three storey Post-War, council-owned properties with garages that are identified for demolition.
- 2.2. The first site comprises of 52 dwellings within blocks of terraces that front onto Ithon Grove, Leith Grove and Medway Grove.
- 2.3. Swale Grove is the second site that comprises of 31 similar dwellings and garages that are organised in a quadrangle.

- 2.1. The surrounding area is residential in nature with areas already cleared making way for the redevelopment of the Primrose Estate forming part of the Kings Norton Three Estates.

#### [Site Location](#)

### 3. Planning History

- 3.1. 06/03/2015 (2014/09196/PA) – Outline planning application (All matters reserved - except access) for mixed use development to include a maximum of 295 dwellings (2, 3, 4 and 5 bedrooms), a neighbourhood park, and 468sqm (GIA) retail space (Class A1/A2/A3) – Approved subject to conditions.
- 3.2. 03/03/2016 (2015/09999/PA) – Reserved matters permission granted for the erection of 58 dwellings comprising 18, 2 bedroom apartments; 4, 2 bedroom houses; 16, 3 bedroom houses; 19, 4 bedroom houses and 1, 5 bedroom house (Phase 1 development) in accordance with outline approval 2014/09196/PA.

#### *Adjoining sites*

- 3.3. 12/06/2014 (2014/03550/PA) - Application for prior notification of proposed demolition of Nos. 2-24 (evens) Dee Grove, 24-38 (evens) Medway Grove and 1-37 (odds) and 2-44 (evens) Tern Grove – Prior Approval required and approved subject to conditions
- 3.4. 09/07/2015 (2015/04954/PA) - Application for prior notification for the proposed demolition of Nos. 1-19 (odds) Dee Grove, Forth Grove, and 2-36 (evens) Ithon Grove) – No Prior Approval required.

### 4. Consultation/PP Responses

- 4.1. Transportation: No objections
- 4.2. Regulatory Services: No objections
- 4.3. Local Councillors and Residents Associations notified, Site Notices displayed by Applicant. No responses received.

### 5. Policy Context

- 5.1. The following local policies are relevant:
- Birmingham Unitary Development Plan (UDP)
  - Draft Birmingham Development Plan
  - Kings Norton Planning Framework
- 5.2. The following national policies are relevant:
- National Planning Policy Framework (NPPF)
  - Circular 10/95: Planning Controls over Demolition

### 6. Planning Considerations

- 6.1. It is proposed that the buildings would be demolished using a 360-degree mechanical machine. Dust levels would be limited by hosing down the site during demolition. A traffic management plan would also be put into place, and the site provided with temporary fencing. The site would be graded upon completion of the demolition, with trip rails installed at the back of pavements.
- 6.2. The proposal for this site is consistent with demolition applications approved elsewhere in the City and on the adjacent sites, involving the removal of demolition material from the site to slab level to leave the site in a tidy condition with perimeter trip rails. This will ensure that the site has an acceptable appearance taking into account the residential nature of the surrounding area.
- 6.3. I do not consider that it is necessary for further details to be submitted and so no prior approval is necessary.
7. Conclusion
- 7.1. The proposed methods of demolition and clearance/site restoration of the site are acceptable and therefore no prior approval is required.
8. Recommendation
- 8.1. No prior approval required.

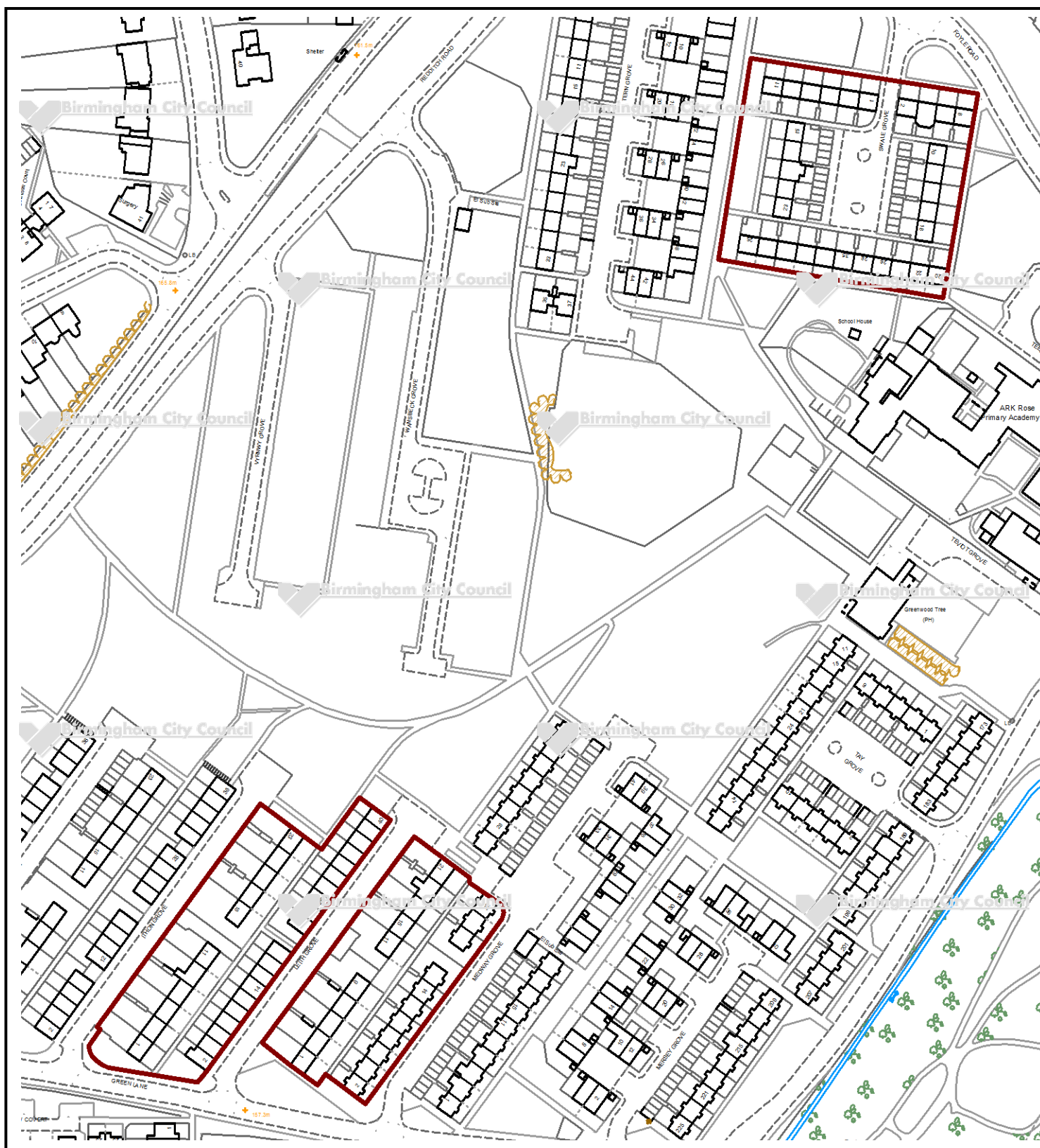
Case Officer: Catherine Golightly

**Photo(s)**



**Figure 1: Leith Grove**

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**26 May 2016**

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	19	2016/01628/PA  The Leopard Jerrys Lane Birmingham B23 5NX  Change of use of existing public house (Use Class A4) to create 7no. self-contained one bed apartments, erection of three storey building to provide 6no. self contained one-bed apartments with associated works

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Committee Date:	26/05/2016	Application Number:	2016/01628/PA
Accepted:	08/03/2016	Application Type:	Full Planning
Target Date:	07/06/2016		
Ward:	Erdington		

The Leopard, Jerrys Lane, Birmingham, B23 5NX

Change of use of existing public house (Use Class A4) to create 7no. self-contained one bed apartments, erection of three storey building to provide 6no. self contained one-bed apartments with associated works

Applicant:	Mr Farhaan Shabir 92 Kingscliff Road, Small Heath, Birmingham, B10 9LA
Agent:	Lucas Architects Ltd 3 The Hawthorns, Birmingham, B13 9DY,

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This proposal relates to the change of use of existing public house (Use Class A4) to create 7no. self-contained one bedroom apartments and the erection of a three storey building to provide 6no. self-contained one bedroom apartments with associated landscaping and car parking.
- 1.2. The proposed conversion of the vacant public house would deliver active frontages to both Jerry's Lane and Flackwell Road by virtue of the proposed resident entrances.
- 1.3. The conversion of the public house to residential use would comprise the refurbishment of the existing building, including the removal of existing, redundant chimneys; installation of new UPVC doors; installation of external lighting; and refurbishment of existing roof and walls. The existing floorspace of the public house is not proposed to be extended as part of the application proposals.
- 1.4. The proposed new build would extend to 3 storeys in height and be located to the north west of the existing public house. The building dimensions would be 37 metres wide x 26 metres deep x 10.3 metres high.
- 1.5. The flats would be accessed from a single entrance on Flackwell Road. The building is proposed to be contemporary in its design and would be constructed of brick, aluminium coping and double glazed UPVC windows.
- 1.6. No windows are proposed in the northern elevation of the new building which would sit approximately 3.7m from the adjacent property at 11 Flackwell Road. The boundary fence is proposed to be replaced and maintained adjacent to the neighbouring property. Windows in the southern elevation facing the converted public house would relate to bathrooms which would be obscurely glazed. Two flats



are proposed per storey which would benefit from windows to the front and rear of the building.

- 1.7. The proposed flats range in size between 51.05m<sup>2</sup> to 95m<sup>2</sup>. All of the proposed flats would be one bedroomed, with the smallest bedroom floorspace proposed as 13.3m<sup>2</sup>. The site area is 0.14ha and proposes a density of 92.8 dwellings per hectare.
- 1.8. The application proposes a courtyard area to the rear of the new building which comprises approximately 310m<sup>2</sup> of external amenity space. A separate cycle store and bin store are also proposed externally, separate to the external courtyard. Landscaping is also proposed to the front of the application site on the Jerry's Lane and Flackwell Road elevations. A roof terrace is also proposed on the flat roof above the ground floor of the existing building which would contribute towards the available amenity space for prospective residents.
- 1.9. The proposed car parking extends to 13 car parking spaces, equivalent to 100% parking provision. These are proposed to be located to the front of the application site with banks of parking accessed from Jerry's Lane and Flackwell Road. Access arrangements are proposed which results in the removal of the existing pavement and the installation of drop kerbs. The proposed car parking arrangement would result in the need to relocate a number of items of street furniture, including street lighting columns.
- 1.10. The application is supported by the following documentation:
  - Planning Statement;
  - Design and Access Statement;
  - Statement justifying the Loss of the Public House; and
  - Sustainable Drainage Statement.

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

## 2. [Site & Surroundings](#)

- 2.1. The application site comprises of a large vacant detached public house with associated gardens and large frontage car park. Disused hardstanding is located to the rear and side which is currently enclosed by fencing.
- 2.2. The site is within a wholly residential context with two storey dwellings directly to the north and east and bungalows on the opposite side of Flackwell Road to the west.
- 2.3. Public transport is provided from the number 66 bus which provides a frequent daytime service between Kingstanding and Birmingham City Centre. Erdington District Centre is located approximately 1.3 miles south of the application site. A convenience store is located approximately 100 metres along Jerry's Lane.

#### [Site Location](#)

## 3. [Planning History](#)

- 3.1. 04.12.2015 - 2015/08947/PA – Pre-application enquiry for the change of use of existing public house (Use Class A4) to apartments and the erection of a three storey building to provide apartments. Advice provided related to the design, layout and intensity of the proposals.
- 3.2. 26.05.2015 - 2015/01718/PA – Erection of 6 dwelling houses. Approved subject to conditions.
- 3.3. 24.05.2011 - 2011/01787/PA – Erection of a three storey apartment block to provide 5 one bed flats together with associated car parking and amenity space – Approved subject to conditions.
- 3.4. 03.03.2015 – 2015/00165/PA – Application for prior notification for the demolition of the existing public house and the installation of security perimeter fencing. No Prior Approval Required

#### 4. Consultation/PP Responses

- 4.1. Transportation Development – recommend conditions relating to amended car park layout, siting and design of means of access, details of pavement boundary, cycle storage details, pedestrian visibility splays and a Section 278 Agreement relating to the reinstatement of footway and relocation and replacement of existing street furniture.
- 4.2. Regulatory Services – recommend conditions to secure noise insulation scheme and contaminated land verification.
- 4.3. Local Lead Flood Authority – recommend condition relating to sustainable drainage.
- 4.4. Severn Trent – no objection subject to conditions to secure drainage plans for the disposal of foul and surface water flows.
- 4.5. West Midlands Police – no objection.
- 4.6. Site notices erected. Ward Members and Neighbours notified. One letter of support has been received stating that the proposal would address demand in the area for smaller residential properties and the prevalence of HMOs in Erdington. A total of 5 letters of objection have been received from members of the public, raising concerns regarding:
  - Impact on house values in the area;
  - The current condition of the site;
  - Traffic generation from the proposals;
  - The need for family housing;
  - Overlooking and impact on privacy; and
  - Likely noise and disturbance generated from the proposal.
- 4.7. Comments made regarding the future occupants of the development are inappropriate and will not be acknowledged. The comments regarding impact on house values do not constitute a material planning consideration.
- 4.8. Councillor Gareth Moore (Ward Member) requested that the application be heard at Planning Committee on the grounds of the impact of the proposals on the character of the area and car parking.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); DCLG Technical Housing Standard: Nationally Described Spacel Standard (2015); Birmingham Unitary Development Plan (2005); Places for Living SPD (2012); Car Parking Standards SPD (2012); Draft Birmingham Development Plan (2013)

6. Planning Considerations

**Principle of Development**

- 6.1. The site has a long planning history with the principle of residential development having been established on the site through a number of planning approvals. These previous applications were approved on the grounds that the site is located within an existing residential area and the proposals would be unlikely to generate significant issues in terms of noise, disturbance and traffic.
- 6.2. Paragraph 5.7 of the Birmingham UDP indicates that the city should seek to ensure that there is a variety of housing to meet the full range of needs throughout the city. I consider that the application proposal seeks to deliver accommodation which would meet an evident need, given the prevalence and growing number of Houses in Multiple Occupation located within the wider Erdington area. I consider that one bedroom flats would appeal to a range of prospective residents given the location and the reasonable size of the proposed units.
- 6.3. The adopted UDP seeks in paragraphs 5.20-5.20A and 5.25 to provide an appropriate environment and identify sites for allocation using a sequential approach for the re-use of previously developed land and buildings first in order of priority as set out in 5.25C.
- 6.4. Within the Draft Birmingham Development Plan policy TP27 states that the location of new housing should be accessible to jobs, shops and services by other modes of transport, be sympathetic to historic, cultural and natural assets and not conflict with other development policies in relation to employment land, green belt and open space.
- 6.5. I consider that the principle of residential development on this site has been established and is acceptable, being compliant with adopted and emerging planning policy.

**Loss of Public House**

- 6.6. The proposed loss of the pub does not raise any significant concern given that it has been vacant for a number of years and the proposed loss has been accepted through the endorsement of earlier planning applications. Notwithstanding this, the applicant has sought to justify the proposed loss in a submission supporting the planning application. The information provided refers to the location of The Red Lion and The Royal Oak public houses nearby (approximately 0.7 miles south of the application site) which I consider is a reasonable distance away to serve the local community and the document also refers to changing social attitudes towards pubs.
- 6.7. I consider that the loss of this public house would have a positive impact on the residential character of the area by removing a source of noise and disturbance which, whilst currently vacant, is understood to have created some issues for

residents in the past. Further, given the residential character of the area, I consider that the proposed conversion of the public house to flats is more appropriate in the context of the area.

### **Design and Layout**

- 6.8. Paragraph 5.20 of the Birmingham UDP goes on to set out that a good standard of design is required in all residential development, and should enhance and improve residential areas dependent of the quality of the residential environment.
- 6.9. The proposed refurbishment and re-use of the existing pub is welcomed in the context of sustainability and the social history of the area. The refurbishment proposed would restore the building and improve the appearance of the streetscene whilst seeking to introduce a more appropriate residential activity to the application site.
- 6.10. The general design and scale of the new building is reasonable in the context of the surroundings, which is of a mixed residential character comprising mid-century semi-detached and terraced houses, maisonettes and bungalows, and I am supportive of a contemporary design. The three storey height proposed is reflective of the application which was approved in 2011 (albeit this had a pitched roof and the second floor accommodated a single flat) and I therefore consider that the principle of a three storey building has been established at this location.
- 6.11. The surrounding residential context is of varying character, with some residential properties in the area appearing to be in poor condition or of poor quality. I do not consider that there is any overriding uniform character of housing types and design in the area. On this basis, I consider that the priority should be quality design and materials which address the context of the area without the need to match it exactly. In order to ensure that the quality of the new residential building is realised from the design to the build phase, I consider it appropriate to recommend a condition requiring sample materials to be attached to any grant of planning permission. Notwithstanding this, I do not consider that the proposal would have an adverse impact on the established residential character of the area.
- 6.12. Places for Living SPG provides guidance in respect of residential developments achieving 'active fronts and private backs'. The application proposals relate to active frontages with a number of residential pedestrian entrances to the site from both Jerry's Lane and Flackwell Road. The proposed external courtyard to the rear of the new building would provide communal amenity space to residents, separate to the car parking and bin store.
- 6.13. The proposed landscaping to the front of the application site is welcomed in respect of securing a degree of defensible space associated with the development however limited detail has been provided as part of the application submission. On this basis, conditions are recommended to secure details of the soft landscaping and boundary treatment, and a scheme of landscape management.
- 6.14. I consider that the proposed external layout addresses the site well, securing active frontages at ground floor level and maintains the building line from the existing building to the new building and on to the adjacent residential dwellings on Flackwell Road. I consider that the proposals will improve the existing streetscene and secure an improvement to the existing visual amenity of the site, given the poor appearance of the vacant part of the site, which is overgrown and appears unsecured.

- 6.15. Whilst I accept the scale of the building would be slightly larger than other residential properties in the vicinity it is important to note that it would be sited adjacent to the Leopard Public House which in terms of scale is a substantially larger building. The proposed building would not exceed the height of the existing public house therefore I do not consider it would be harmful to the character of the area. The windows are balanced and the rhythm is acceptable with focus being directed to the central entrance.
- 6.16. I consider that the application proposals are acceptable in respect of the proposed contemporary design of the new residential building in the north of the site, and the overall external layout.

### **Residential Amenity**

- 6.17. The surrounding area is predominantly residential in character. I consider that the change of use of the vacant public house to 7no. one bedroom flats would have a positive impact upon the area and resolve issues that have been experienced in the past from the operation of the public house at the site. West Midlands Police endorse this approach by raising no objection to the application.
- 6.18. The proposed external amenity area is considered to fall short of the guidelines indicated within Places for Living SPG which requires 30m<sup>2</sup> per flat. The 310m<sup>2</sup> courtyard in addition to the 41m<sup>2</sup> proposed roof terrace would amount to approximately 27m<sup>2</sup> external amenity space per flat, and on this basis I do not raise any objection as I consider that the amenity space is of reasonable quality and would be sufficient as a communal external space.
- 6.19. The proposed dwellings comply with the Nationally Described Space Standards, which requires the first main bedroom of any proposed dwelling to achieve a minimum of 11.5m<sup>2</sup> of floorspace and a 1 bedroom 2 person flat should achieve a minimum floorspace of 50m<sup>2</sup>, including 1.5m<sup>2</sup> of internal storage.
- 6.20. I consider that the outlook from the proposed residential units would be acceptable in the residential context of the area. I consider that the living environment for the proposed change of use flats and the new build flats is of reasonable quality.
- 6.21. Regulatory Services recommend a condition to secure noise insulation on the front elevation of the new building in order to protect residential amenity for prospective residents. Given the residential character of the area and the relative low level of traffic, I do not consider that this recommendation is reasonable or necessary. Further, the nature of the site raises questions regarding any ground contamination. Regulatory Services recommend conditions relating to contamination and I consider that these are reasonable and necessary.
- 6.22. Policy 5.38 of UDP identifies that densities of at least 50 dwellings per hectare will be expected in local centres and corridors well served by public transport with 40 dwellings per hectare elsewhere. The proposed density of the application site amounts to 92.8 dwellings per hectare. Whilst this is noted as being in excess of the 50 dwellings per hectare for apartment / flat schemes, outside the City Centre, it is considered to be acceptable, particularly given that the proposed development achieves the required residential floorspace and adequate communal external amenity areas. Comparable developments in the City Centre generally achieve between 200 – 300 dwellings per hectare.

- 6.23. The proposed new building complies with the 45 Degree Code when assessed against the existing property located to the north and there would be no significant loss of light for neighbouring properties.
- 6.24. The proposed new building is located approximately 3.7m from the built form of 11 Flackwell Road. I consider that this is acceptable on the grounds that precedent has been set by the acceptance of the 2011 application for the new residential building on the application site. Further, the new building does not have windows in their side elevation and therefore would not overlook the property immediately adjacent. 11 Flackwell Road is accessed from a side entrance and appears to have a landing window in the side elevation at first floor level. On this basis, the proposed development would not be overlooked directly by any habitable rooms or principle elevations, and I do not consider that the proposals would have an adverse impact on residential amenity.
- 6.25. The rear elevation of the new building would sit approximately 13 metres from the boundary which abuts 51 Jerry's Lane, which I consider would mitigate any overlooking from the rear of the property.
- 6.26. The conversion of the vacant public house is considered to be acceptable in terms of visual amenity as there is no proposed increase in floorspace and whilst new windows are proposed to be installed, these will not be relocated within the existing building and the existing windows do not overlook the neighbouring property at 51 Jerry's Lane. The proposed roof terrace is set back 6 metres from the boundary of 51 Jerry's Lane. On this basis, it has been agreed by the applicant that an L-shaped area of the roof terrace would be provided for public access (no closer than 10 metres from the boundary) with appropriate boundary treatments, with the remainder provided as a green roof, to include shrubs, planting and grassed areas, thereby protecting the residential amenity of the neighbouring property.
- 6.27. The large feature windows to the front of the new building would be located over 28 metres from the existing properties on the opposite side of Flackwell Road. I therefore consider that this would be acceptable.
- 6.28. It is my view that the application proposals are acceptable in terms of their impact on residential amenity for existing neighbouring properties and prospective residents of the application site.

### **Drainage**

- 6.29. The application proposals seek to connect to the existing infrastructure present along Jerry's Lane and Flackwell Road. The application site is not located in a flood zone.
- 6.30. The Local Lead Flood Authority have set out in their response that the information provided in respect of sustainable drainage is insufficient and further information would need to be considered as part of a condition. Severn Trent raise no objections subject to conditions to secure the details of drainage plans for the disposal of foul and surface water flows. I consider that these are reasonable and necessary to secure the adequate delivery of development.

### **Highway Safety and Parking**

- 6.31. The application proposals incorporate the provision of 13no. car parking spaces to be accessed off Jerry's Lane and Flackwell Road, equivalent to 100% parking



provision based on the proposed number of flats. The car parking spaces would result in the need to relocate a number of items of street furniture, including street lighting columns.

- 6.32. Transportation Development has reviewed the scheme and raised concerns regarding the car parking layout. This has been amended to an improved layout and the principle of the car parking at this location has been endorsed by Transportation Development on the grounds that it would follow an established pattern set out by the former use of the public house. However, a number of conditions are recommended to ensure that an adequate parking layout can be delivered. I consider that these are necessary and reasonable and would allow for the relevant highways officers to input into the final design of the car park.
- 6.33. Whilst it is noted that a number of local residents and the Ward Member raise objections on the amount of car parking and the likelihood of the proposal having an adverse impact on existing car parking arrangements in the area, I consider that the proposed car parking would be sufficient given that the proposed residential units are one bedroomed. Further, the application site is in close proximity to a frequent bus service which would appeal to prospective residents without a private car. I do not object to a reduced level of parking being provided in principle on the basis that the site is well served by public transport, and the application site in any event would cater for an equivalent of 100% car parking based on the dwellings proposed, which would all be one bedroom flats. There are no traffic restriction orders in the area and Transportation Development has not raised concerns regarding the amount of car parking proposed.
- 6.34. I consider that the proposed development is acceptable in respect of the impact on highway safety and car parking, subject to recommended conditions.

#### **Other Issues raised in Public Consultation**

- 6.35. The application site is currently in poor condition. It is my view that the proposals would significantly improve the appearance and condition of the application site by virtue of debris being cleared and boundary treatments repaired, and the existing car park being improved by formalising spaces and landscaping.
- 6.36. The concerns raised by local residents regarding the preference of the site for family housing are noted. In this instance, I consider that the development of the site for one bedroom flats is acceptable in the context of the mixed residential character, which comprises bungalows, maisonettes and flats above shops within the vicinity. Further, the proposal is compliant with adopted UDP policy which indicates that the city should seek to ensure that there is a variety of housing to meet the full range of needs (paragraph 5.7) and I consider that the application proposals would adequately address this need within Erdington.
- 6.37. Comments made regarding future occupants of the development are not appropriate and do not form a material planning consideration. Further, the comments regarding impact on house values also do not constitute a material planning consideration.

#### **7. Conclusion**

- 7.1. The application proposals are compliant with planning policy and would be appropriate in respect of the character of the area. The proposed contemporary design is considered to be acceptable given the mixed character of the residential

properties within the area. The proposal does not result in unacceptable instances of overlooking or loss of light on existing residential properties. For the reasons set out above, I recommend that the application be approved subject to conditions.

8. Recommendation

8.1. Approve subject to conditions.

- 
- |    |  |
|----|--|
| 1  | Requires the prior submission of a contamination remediation scheme  |
| 2  | Requires the prior submission of a contaminated land verification report   |
| 3  | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 4  | Requires the prior submission of hard and/or soft landscape details  |
| 5  | Requires the prior submission of boundary treatment details  |
| 6  | Requires the prior submission of a landscape management plan   |
| 7  | Requires the prior submission of sample materials  |
| 8  | Requires the prior submission of level details   |
| 9  | Requires the prior approval of an amended car park layout  |
| 10 | Requires the prior approval of the siting/design of the access   |
| 11 | Requires the prior submission of details of pavement boundary  |
| 12 | Requires the prior submission of cycle storage details   |
| 13 | Requires pedestrian visibility splays to be provided   |
| 14 | Requires the prior submission and completion of works for the S278/TRO Agreement   |
| 15 | Requires the prior submission details obscure glazing for specific areas of the approved building                          |
| 16 | Requires the scheme to be in accordance with the listed approved plans   |
| 17 | Limits the approval to 3 years (Full)  |
- 

Case Officer: Claudia Clemente

## Photo(s)



Figure 1: Flackwell Road elevation



Figure 2: Jerry's Lane elevation



Figure 3: Application Site and 11 Flackwell Road

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**26 May 2016**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	20	2016/02425/PA  137 Aldridge Road Perry Barr Birmingham B42 2ET  Change of use from business/office accommodation (use class B1a) to hostel (sui generis) providing short-term accommodation for vulnerable adults, including replacement conservatory.
Approve – Conditions	21	2016/01416/PA  Nobel Way Hub 55 Witton Road Perry Barr Birmingham B6 7EU  Change of use to industrial education/skills centre, including additional windows.
Approve – Conditions	22	2016/02424/PA  Apollo Surgery 619 Kings Road Great Barr Birmingham B44 9HW  Erection of first floor extension over existing surgery.



Approve – Temporary	23	2016/01939/PA  Queen Parade Island Sutton Coldfield Birmingham B73 6EJ  Display of 3 non illuminated free standing post mounted signs
Approve – Temporary	24	2016/01943/PA  Thimble End Road Island Sutton Coldfield Birmingham B76 2TF  Display of 4 non illuminated free standing post mounted signs

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Committee Date:	26/05/2016	Application Number:	2016/02425/PA
Accepted:	29/03/2016	Application Type:	Full Planning
Target Date:	26/05/2016		
Ward:	Perry Barr		

137 Aldridge Road, Perry Barr, Birmingham, B42 2ET

Change of use from business/office accommodation (use class B1a) to hostel (sui generis) providing short-term accommodation for vulnerable adults, including replacement conservatory.

Applicant: The Derek Evans Partnership  
28 Birmingham Road, Walsall, West Midlands, WS1 2LT

Agent:

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for the change of use of 137 Aldridge Road, Perry Barr, which is currently an office (use class B1a), to an 8 single bedroom hostel (sui generis) providing short-term accommodation for vulnerable adults (women), including a replacement conservatory.
- 1.2. The submitted plans show 2 single en-suite bedrooms on the ground floor along with a lobby, office, communal lounge, plant room/external store, 2 unisex wcs, dining room, conservatory/dining room, 2 kitchens, laundry/cleaning store and activity room. On the first floor there would be 6 single en-suite bedrooms, a communal bathroom, staff bedroom and staff shower room. On the second floor there would be office space and a staff room. There would also be two basement rooms as existing.
- 1.3. The site would be managed by a long established registered charity.
- 1.4. The applicant has provided additional information confirming that a CCTV system offering full site coverage is proposed to be installed. Bulkhead lighting would be installed above all external doors. There would be low level illumination around the conservatory. Security lights focused on the rear garden and entrance driveway would also be provided.
- 1.5. The front garden would remain open, but the rear garden would be enclosed by 1.8m high close boarded fencing.
- 1.6. The main entrance would be controlled by video intercom with key fob sensors. There would be digital locks to the remaining rear doors.

- 1.7. The front door would be fitted with a heavy duty closer to ensure it shuts after every use. The proposed intercom door access control utilises maglocks so on shutting it would automatically lock. The secondary door can have a digital lock installed if deemed necessary. Internal doors to bedrooms would have removable beading and two way hinges installed to prevent residents barricading themselves in. All doors would not be lockable and outward opening. Lockable window restrictors are proposed to all windows. Scheme managers would restrict resident's access to the keys.
- 1.8. Residents would all be independent and self-sufficient so minimal support would be needed from staff. Staff would remain on site for 24 hours a day for security reasons. There would be one full time and two part time employees.
- 1.9. The end user is a long established registered charity operating multiple facilities and operating rigorous assessment and referral procedures to ensure the safety of residents.
- 1.10. The only elevational changes to the building would be the replacement of the windows, doors and side conservatory and bricking up of a door on the south side elevation.
- 1.11. A slab patio area and courtyard would be provided to the side of the property and existing private rear garden.
- 1.12. The existing access and front car park for 5 cars would be retained.
- 1.13. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The application site comprises a detached property that was last used as B1 (a) offices with an existing bedsit and also a work live unit to the rear of the main building. Residential flats are on one side of the application site with a HMO on the other. A hotel and adult training centre are located to the south of the site. The surrounding area is a mix of commercial and residential.
  - 2.2. [Site Location Map](#)
3. Planning History
  - 3.1. 12/10/2015 - 2015/06987/PA - Prior Approval for change of use from offices (Use Class B1 [a]) to 5 self-contained flats (Use Class C3) – Prior approval required with conditions.
  - 3.2. 22/01/1976 - 42478000 - Conversion to professional offices and flat - Approved.

#### 4. Consultation/PP Responses

- 4.1. Site notice displayed, surrounding residents, local Councillors and MP notified – Six objections/comments have been received with the following concerns:
- Vulnerable adults could mean anything
  - Lack of information
  - Children play in back gardens adjacent
  - Constant turnaround of people being short term accommodation
  - Anti-social behaviour
  - Low numbers of staff
  - Easy access to adjacent property
  - Lights on throughout night affecting sleep/privacy
  - Hard to sell property
  - Lack of notification
  - Overlooking
  - Level difference
  - Security/safety
  - Police being called at all hours
  - Visitors
  - Noise
- 4.2. Councillor Jon Hunt has submitted an objection on the basis this is a significant change from commercial to residential on an industrial estate.
- 4.3. Regulatory Services – No objection subject to a condition relating to noise insulation.
- 4.4. Transportation – No objection subject to conditions relating to pedestrian and vehicle visibility splays and parking area to be laid out and cycle storage.
- 4.5. West Midlands Police – Comments summarised below:
- Are currently involved with an on-going project with the registered charity (and have been for 9 years) and are very comfortable with their set up and work.
  - Very pleased to see the extra measures that have already been proposed by the applicant. Also pleased to see that it is their intention to apply for Secure By Design Silver award for the development, particularly as the police would be the assessor for the scheme.
  - Satisfied that the concerns raised by the initial lack of information have been addressed by the further information provided by the applicant and as such raise no objections.
  - The police have asked that their own contact details are passed to the applicants.

#### 5. Policy Context

- 5.1. Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan, SPG: Places for All (2001), SPG Specific Needs Residential Uses and National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The proposal should be assessed against the objectives of the policy context set out above.
- 6.2. Policies relating to such as that proposed in this application are contained within SPG Specific Needs Residential Uses and also repeated in UDP Policies 8.28 and 8.29. The policies state that proposals should not cause demonstrable harm to the residential amenity of nearby occupiers due to noise and disturbance; account will be taken of the cumulative effect of such uses (and HMOs and flats) upon the residential character and appearance of the area; and proposals should not prejudice the safety and free flow of traffic.
- 6.3. **Principle**  
The proposed hostel would be sited within a mixed residential and commercial area with local amenities nearby. I am not aware of any other hostels in the immediate area and therefore do not consider cumulative impact to be a relevant issue. I therefore conclude that the principle of establishing a use such as this in this location is acceptable and the details of the impact of the proposal are considered below.
- 6.4. **Visual impact**  
The proposed hostel would utilise the existing office such that the external character of the property would be preserved and refurbished. Taking into account the mixed residential and commercial character of the area I do not consider that the residential institution would adversely affect the traditional character and appearance of the local area.
- 6.5. **Bedroom and amenity area sizes**  
The closest comparative bedroom sizes standards for this purpose is 6.56sqm (Specific Needs Residential Uses). The applicant is proposing room sizes over this minimum and they would benefit from satisfactory light and outlook. The applicant is also proposing communal areas such as dining rooms, kitchens and laundry room and private amenity space for residents. I therefore consider that the proposed rooms and external amenity area would provide occupiers with a satisfactory standard of residential amenity.
- 6.6. **Noise and disturbance**  
Regulatory Services raise no objection to the proposed development, subject to a condition relating to noise insulation. I concur with this view. Aldridge Road is busy and a significant source of road traffic noise and therefore windows and doors on the Aldridge Road frontage should provide high specification acoustic protection along with appropriate acoustic ventilation. This can be secured by condition. Overall, I do not consider that the proposal would adversely affect the amenities of nearby occupiers as the levels of noise and disturbance generated are unlikely to be significantly greater than the lawful use for offices.
- 6.7. **Loss of light/outlook/privacy**  
There would be no breach of the 45 Degree Code with regards to the replacement conservatory, making the overall footprint of the existing building smaller. No additional windows would be installed and due to the position of the existing windows there would be no overlooking or loss of privacy to adjacent properties.

6.8. Parking/highway impact

Transportation Development raise no objection to the proposal subject to conditions relating to a new footway crossing to be constructed, pedestrian visibility splays and parking and vehicle circulation areas. I concur with this view and consider that residents of the hostel are unlikely to own a vehicle. The site has a good level of accessibility to public transport. Staff are likely to drive to the hostel, however parking demand is likely to be low. The existing access and front car park for 5 cars would be retained, which I consider to be acceptable for the use proposed. No highway objections therefore arise.

6.9. Potential for crime and fear of crime

The police are currently involved with an on-going project with the registered charity (and have been for 9 years) and are very comfortable with their set up and work. The applicant has proposed a package of measures to address particular matters of detail, which the police are pleased to see. This satisfied the concerns raised by the initial lack of information provided by the applicant. In addition, the applicant has confirmed that this will be a single sex (womens) hostel for vulnerable adults. With these measures the Police do not have an objection to the application.

6.10. The impact on crime and the fear of crime can be material considerations. The extent to which those fears are likely to be realised, and for which evidence can be identified, is nevertheless the critical judgement in respect of making a case for refusal on the ground that there will be an increased potential for crime or the fear of crime. Taking into account the advice from the Police, I do not consider that a well-run hostel would give rise to an increase in crime that warrants refusal.

6.11. The fear of crime is normally recognised to be a separate material consideration, I recognise these concerns and understand that a hostel can generate such fears due to the perception of the likely types of issues that the occupants are expected to be facing in their lives. The application has generated six objections where the fear of crime is one of the matters raised and so it is acknowledged that this fear exists amongst some of the local community. Nonetheless, in weighing this with the other planning issues, I do not consider that this alone would form a justifiable reason for refusal as I am not persuaded that there will be such a negative impact on the local community that this will adversely affect their amenity.

6.12. Other matters

With regard to the lack of consultation, individual letters were sent out to all immediate occupiers surrounding the site and a site notice was also posted directly outside the site, which is in excess of our minimum notification requirements.

7. Conclusion

7.1. I consider that the change of use to a hostel providing short term accommodation for vulnerable adults is acceptable. The hostel would be located within an appropriate commercial and residential location and would not adversely affect the amenities of nearby occupiers or highway safety in the local area subject to safeguarding conditions.

8. Recommendation

8.1. Approve subject to the conditions:

- 
- 1 Requires the prior submission of a lighting scheme
  - 2 Requires the prior submission of a CCTV scheme
  - 3 Requires the scheme to be in accordance with the listed approved plans
  - 4 Requires the prior submission of cycle storage details
  - 5 Requires vehicular visibility splays to be provided
  - 6 Requires the parking area to be laid out prior to use
  - 7 Requires pedestrian visibility splays to be provided
  - 8 Requires the prior submission a noise study to establish residential acoustic protection
  - 9 Requires the prior submission of hard and/or soft landscape details
  - 10 Requires the prior submission of boundary treatment details
  - 11 Requires the prior submission of hard surfacing materials
  - 12 Requires that the materials used match the main building
  - 13 Limits the approval to 3 years (Full)
- 

Case Officer:       Stephanie Salmon

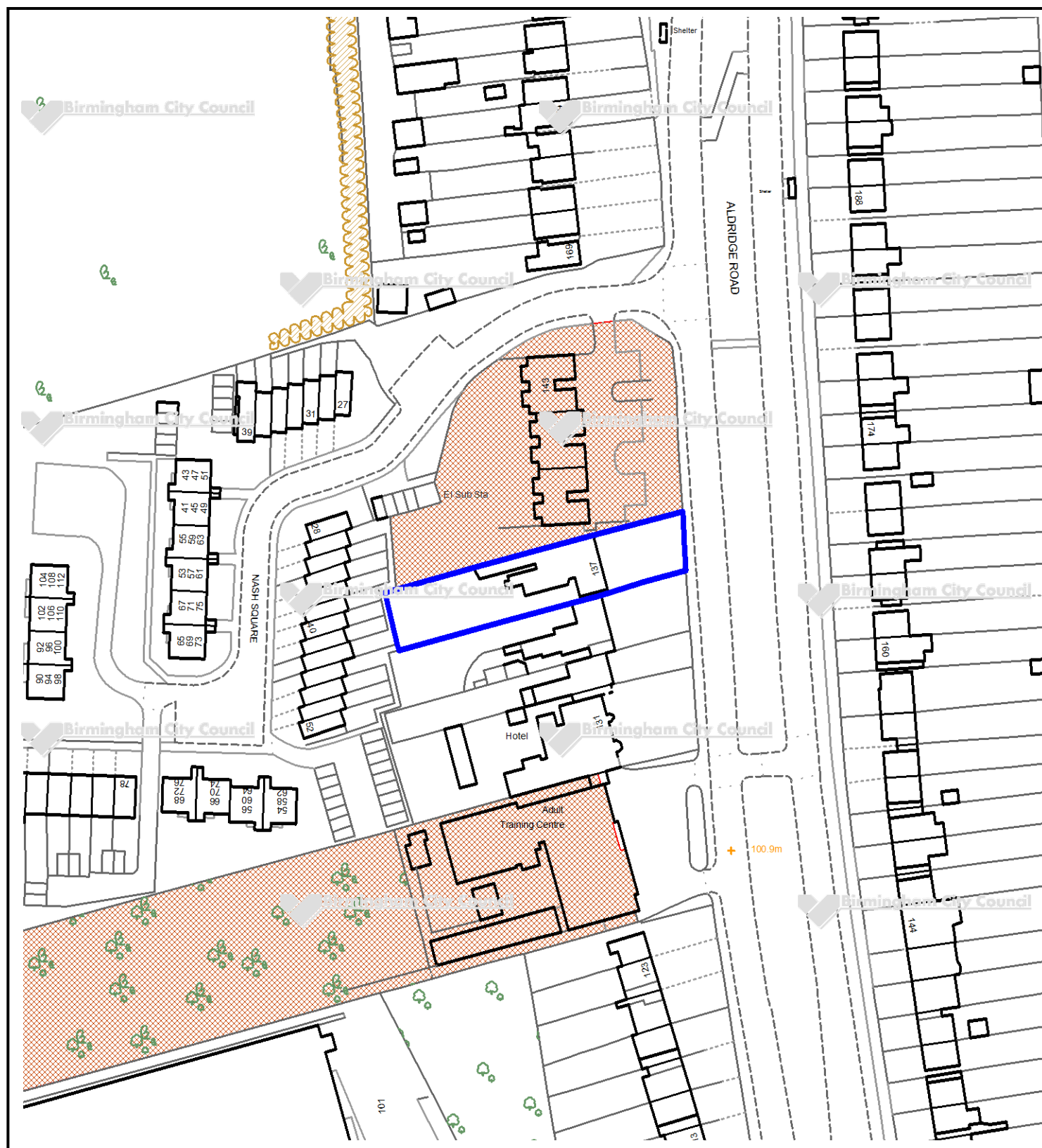


**Photo(s)**



**Figure 1 – Application site**

## Location Plan



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Committee Date:	26/05/2016	Application Number:	2016/01416/PA
Accepted:	21/03/2016	Application Type:	Full Planning
Target Date:	20/06/2016		
Ward:	Perry Barr		

Nobel Way, Hub 55, Witton Road, Perry Barr, Birmingham, B6 7EU

Change of use to industrial education/skills centre, including additional windows.

Applicant:	KWASA Logix No1 Ltd & IM Properties PLC I.M. House, South Drive, Coleshill, Birmingham, B46 1DF
Agent:	Innes England 2 The Triangle, NG2 Business Park, Nottingham, Nottinghamshire, NG2 1AE

---

Recommendation

**Approve Subject To Conditions**

1. Proposal
  - 1.1. This application proposes the change of use from industrial/warehouse use (Use Classes B1, B2 and B8) to a training centre (Use Class D1).
  - 1.2. The proposal would also include the installation of additional windows and doors to match the existing on the front and side elevations.
  - 1.3. The total floor area would be 5162sqm.
  - 1.4. This application is submitted at the request of EEF Ltd who currently occupy Unit 3 Nexus Point in Birmingham. The use of that building as an apprentice training facility was permitted by planning permission dated 12<sup>th</sup> April 2013 (planning application no. 2012/07975/PA). The proposed change of use for the subject property arises due to EEF's continued expansion at Nexus Point. The application site is conveniently close to offer a viable extension to their activities at Nexus Point.
  - 1.5. EEF is an organisation offering a range of consultancy, representation and training and development opportunities for its members. EEF relocated to Nexus Point from its previous skills centre at Reddings Lane in Tyseley. The Nexus Point facility, which was designed for use as a skills and apprentice centre, has proved so successful that it is now at capacity. EEF wishes to expand its choice of courses and continue to grow its business with both apprentice and adult learning opportunities. EEF serves the local business community in the provision of essential adult training and reskilling opportunities and plays a significant role in closing the skills gap. It is intended that the expansion into the application premise would be on a phased basis. The ability to occupy the subject property in phases is a convenient way of supporting the immediate expansion requirements but will also cater for future growth which is anticipated hopefully leading to full occupation. Use of the adjacent facility, if consent is granted, would allow EEF to build on the range of training and apprenticeship schemes already delivered from Nexus Point. The majority of the



training is delivered in an industrial environment and also involves a typical array of machine tools. Apprentice and adult learning is undertaken across a wide spectrum including academic /computer based training within lecture/training rooms. In addition to these activities the property would also be used for essential academic records storage and for office/general administrative purposes in support of the centres objectives.

- 1.6. Currently within Nexus Point facility there are 130 16-24 year old first year apprentices, a further 40 year 2 and year 3 apprentices attending on a daily basis and over 1000 adults attending training events over the course of a year. The current number of year 1 trainees enrolled will increase to 224 with the additional facility.
- 1.1. The proposed hours of opening would be 0730-2130 Monday to Friday and 0800-1600 Saturdays.
- 1.2. The proposed use would employ 15 full time employees.
- 1.3. 59 on-site parking spaces would be provided as existing.
- 1.4. Documents submitted in support of this application include:
  - Transport Assessment
  - Travel Plan
- 1.5. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The application site is a modern purpose-built industrial/warehouse building, which is currently vacant. The building, as with the other buildings in the HUB development, is clad with silver/grey cladding. The front elevation incorporates additional glazing elements. There is a large car park located in front of the building.
  - 2.2. The site sits within an industrial estate accommodating various B1, B2 and B8 uses.
  - 2.3. The application site is located within flood zones 2 and 3.
  - 2.4. [Site Location Map](#)
3. Planning History
  - 3.1. 16/03/2016 - 2016/02156/PA - Reserved matters for plot 7b pursuant to condition 1 of planning application ref:- 2010/07132/PA (as varied by planning application ref:- 2015/07828/PA) including full details of appearance, landscaping, layout and scale in conjunction with the erection of a building for B1, B2 and B8 uses – Ongoing.
  - 3.2. 16/03/2016 - 2016/02157/PA - Reserved matters for plot 7a pursuant to condition 1 of planning application ref:- 2010/07132/PA (as varied by planning application ref:- 2015/07828/PA) including full details of appearance, landscaping, layout and scale in conjunction with the erection of a building for B1, B2 and B8 uses – Ongoing.

- 3.3. Unit 3, Nexus Point, Gavin Way:  
12/04/2013 - 2012/07975/PA - Change of use from general industry (Use Class B2) and storage (Use Class B8) to an industrial related education/training centre (Use Class D1) and installation of new windows on front and side elevations - Approved subject to conditions.
- 3.4. 17/03/2011 - 2010/07132/PA - Application to extend the time of extant planning application 2005/01826/PA to allow a further 5 years for the submission of reserved matters in connection with re-development of site for B1, B2 & B8 uses [business, general industry, storage or distribution] thereby also extending the time limit to implement reserved matters approval 2007/07039/PA – Approved subject to conditions.
- 3.5. 07/02/2008 - 2007/07039/PA - Details of siting, design, external appearance and landscaping, regarding the erection of four B2 (Industrial), B8 (Distribution warehouse) units with ancillary offices, car parking and service yards and extension of access road (approval of reserved matters pursuant to N/01826/05/OUT) - Approved subject to conditions.
- 3.6. 13/02/2006 - 2005/01826/PA - Variation of condition C1 of planning approval N/06403/01/OUT to allow further 5 years for submission of reserved matters in connection with re-development of site for B1, B2 & B8 uses [business, general industry, storage or distribution] - Approved subject to conditions.
- 3.7. 15/07/2002 - 2001/06403/PA - Redevelopment of site for Use Classes B1 [business], B2 [general industry] and B8 [storage or distribution] employment development, with revised access to Witton Road - Approved subject to conditions.
4. Consultation/PP Responses
  - 4.1. Site and press notices displayed, local members/MP and surrounding occupiers notified – No comments received.
  - 4.2. Regulatory Services – No objections.
  - 4.3. Transportation Development – No objections subject to conditions relating to parking spaces to be formally marked out, vehicular and pedestrian visibility splays and cycle parking to relevant guidelines.
  - 4.4. Environment Agency – No objections.
  - 4.5. West Midlands Fire Service – No objection.
  - 4.6. West Midlands Police – Provided comments in relation to the provision of CCTV, lighting scheme and an intruder alarm system.
  - 4.7. Lead Local Flood Authority – State no comments to make.
5. Policy Context
  - 5.1. Birmingham Unitary Development Plan (2005), SPG: Places for All (2001), NPPF (2012), SPD: Loss of industrial land to alternative uses (2006) and the Draft Birmingham Development Plan.

6. Planning Considerations

6.1. This application proposes a change of use to a D1 non-residential education use. The acceptability of the use in principle in this industrial area and the impact on amenity and highway safety are the main planning considerations in the determination of this application.

6.2. Principle

Whilst the proposal seeks the opportunity to use the premises as a training centre, the use would be for training in industrial related trades. For this reason, the use would offer extended opportunities for business training, reskilling and apprenticeships which would support business development and job creation in the city. I therefore consider the use to be appropriate to this industrial location and compliant with policy.

6.3. Visual amenity

The proposed changes to the elevations are very minimal and are not expected to have any detrimental impact on the visual amenity of the surrounding area.

6.4. Residential amenity

Regulatory Services have no objection to the proposed change of use. I concur with this view. Given the nature of the existing use as industry, I consider the proposal would not create any additional undue noise and disturbance to nearby residents. No overlooking issues will arise as a result of the new windows.

6.5. Highway safety

Transportation Development raise no objections subject to conditions relating to parking spaces to be formally marked out, vehicular and pedestrian visibility splays and cycle parking to relevant guidelines. I concur with this view. The site is located within the Hub industrial estate accessed off Witton Road. The application site is bounded by Amal Way, Oscott Circus Queensway & First Avenue, which are all private roads within the industrial estate. Adopted guidance would require a maximum parking provision of 86 spaces. 59 spaces are proposed. The site is within walking distance of bus routes on Witton Road and I conclude that the level of provision is acceptable and that the level of parking demand generated is unlikely to have a detrimental impact on the safe operation of surrounding streets or otherwise endanger highway safety. I do not consider that the proposed use of the site would be likely to have a detrimental impact on the safe operation of surrounding streets. I do not consider there to be any significant reasons why the proposal should be resisted on highway grounds.

6.6. Flood risk

The Environment Agency raise no objections to the proposed development. I concur with this view. The site is located within Flood Zones 2 and 3. These are defined as areas of land with a 'medium' and 'high' probability of flooding respectively. However, the proposed use is considered to be 'less vulnerable' to flood risk and is therefore appropriate in this location.

6.9 In addition, the Lead Local Flood Authority have no comments to make on this application.

6.10 Other matters

I acknowledge the police's comments in relation to the provision of CCTV, lighting scheme and an intruder alarm system. However, the HUB is a well lit purpose built industrial estate which can only be accessed via automated barriers manned by a security building. I therefore do not consider it appropriate in this instance to attach conditions requiring further security features.

7. Conclusion

7.1. In light of the above approval is recommended.

8. Recommendation

8.1. Approval subject to the following conditions:

- 
- |   |  |
|---|--|
| 1 | Requires that the materials used match the main building               |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Prevents the use from changing within the use class                    |
| 4 | Existing visibility splays to remain                                   |
| 5 | Requires the applicants to join Travelwise                             |
| 6 | Limits the approval to 3 years (Full)                                  |
- 

Case Officer:        Stephanie Salmon

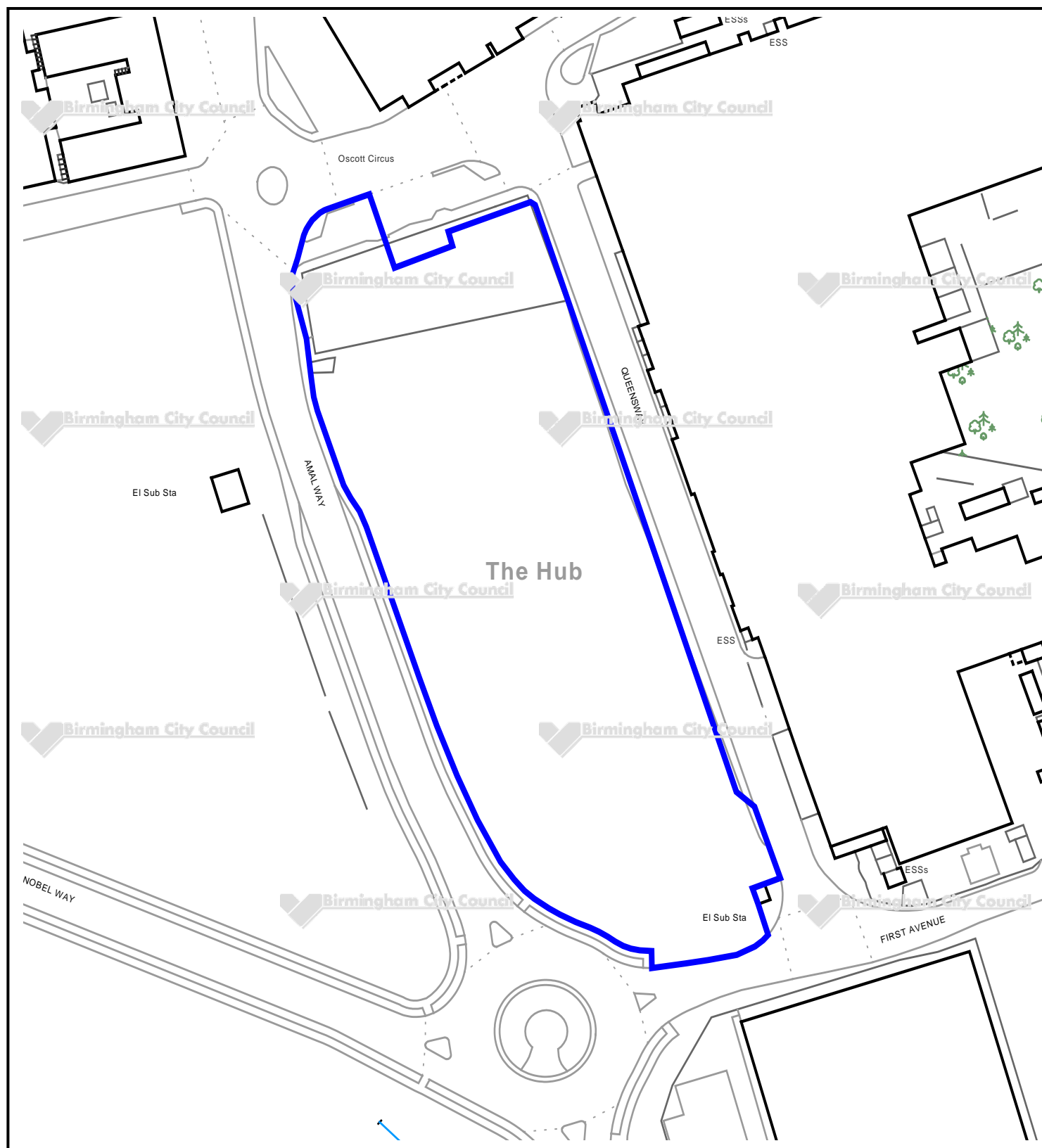


**Photo(s)**



Figure 1 – Application site

## Location Plan



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Committee Date:	26/05/2016	Application Number:	2016/02424/PA
Accepted:	07/04/2016	Application Type:	Full Planning
Target Date:	02/06/2016		
Ward:	Oscott		

Apollo Surgery, 619 Kings Road, Great Barr, Birmingham, B44 9HW

Erection of first floor extension over existing surgery.

Applicant:	Apollo Surgery 619 Kings Road, Kingstanding, Birmingham, B44 9HW
Agent:	Dunwoody Developments 163 Woodville Road, Overseal, Swadlincote, Derbyshire, DE12 6LX

---

### Recommendation

### **Approve Subject To Conditions**

#### 1. Proposal

- 1.1. This application proposes the erection of a first floor extension over an existing surgery to create two non-clinical admin office rooms and a glazed walkway. The materials would match the existing building.
- 1.2. 2 additional on-site disability spaces would be provided along with the existing 19 spaces.
- 1.3. The proposal would increase the number of existing employees by 3 full time (from 6 to 9) and 1 part time (from 0 to 1).
- 1.4. [Link to Documents](#)

#### 2. Site & Surroundings

- 2.1. The application site is occupied by a purpose built doctor's surgery of 1980's construction. It has previously been extended at first floor level to the rear. The property fronts Kings Road, which is a busy dual carriageway that rises in level towards the west. To the rear there are residential properties forming Gailey Croft.
- 2.2. The adjacent site to the west is occupied by a former petrol filling station now utilised for car repairs, with the other side occupied by 'Sids Wines', which is a two-storey property.
- 2.3. [Site Location Map](#)

#### 3. Planning History

- 3.1. 21/10/2010 - 2010/04900/PA - Alterations to roof to provide loft space to form conference room - Approved subject to conditions.

- 3.2. 07/12/2009 - 2009/04687/PA - Erection of single storey extensions to front and rear to accommodate 2 No. consultants' rooms and other ancillary facilities for existing surgery – Approved subject to conditions.
- 3.3. 29/07/2008 - 2008/02141/PA – Erection of two storey side/rear/front and first floor extension above existing GP surgery to create additional treatment rooms, an extended reception/waiting area with ancillary staff facilities above and formation of additional parking spaces – Approved subject to conditions.
4. Consultation/PP Responses
- 4.1. Site notice displayed, surrounding properties, residents associations and local members were consulted – Six individual objections have been received with the following comments:
- Parking issue in street/accesses being blocked
  - Current opening hours not making use of current facilities
  - Privacy/overlooking into first floor bedrooms from new closer windows
  - Backs onto residents
  - Don't want this building any bigger
  - Lack of notification
  - Previous extensions not built in accordance with approvals
  - Restricted light
  - Disposal of waste
  - Conferences and training sessions in late evening
  - Affect value of property
- 4.2. Regulatory Services – No objections.
- 4.3. Transportation Development – No objection subject to conditions relating to restricting the use of the proposed rooms and number of consultants working at any one time, parking and vehicle circulation areas, cycle storage and no meetings/conferences to be held during surgery operating hours.
5. Policy Context
- 5.1. Birmingham Unitary Development Plan 2005, SPG: Places for All 2001, SPG: Places for Living 2001, The 45 Degree Code, Draft Birmingham Development Plan and NPPF 2012.
6. Planning Considerations
- 6.1. POLICY  
Policies 2.14A, B & C of the Birmingham Unitary Development Plan 2005 state that the planning process has a clear and important role to play in helping to tackle health inequalities in the City and that support will be given to help achieve physical development initiatives such as new health centres.
- 6.2. Key considerations are the principle of the proposal, appearance of the extension, amenity and highway matters.

6.3. PRINCIPLE

The application proposes the extension of a purpose built medical centre, which is located within a small centre fronting a main road. The extension would help the surgery provide an improved service to its patients. As such, I raise no objection to the principle of the proposed extension of the existing facilities.

6.4. DESIGN

The design of the proposed first floor extension would be keeping with the existing building. The overall footprint of the building would not be increased and the materials to be used would also match the existing. I am satisfied that the proposal would be visually acceptable and would have no detrimental impact on the visual amenity of the area.

6.5. AMENITY

The existing dwellings are on the south side of the proposed extension with a distance separation of 15m. I therefore consider that the extension would not overlook, overshadow or cause loss of light to those dwellings. I do consider that the two first floor windows should be obscurely glazed and top hung, which would address concerns about invasion of privacy. Regulatory Services raise no objections. I therefore raise no objections from an amenity perspective, noting also its ancillary nature to the existing doctors surgery use and no change to opening hours.

6.6. Although the extension would be a breach of the 45 Degree Code with regard to the first floor rear facing bedroom windows of No. 3 Shady Lane, given that the extension would be at a distance of 17m away from the affected window and largely screened by the existing first floor elements of the building, I do not consider that there would be a detrimental impact on the amenity of the occupiers of No. 3 Shady Lane.

6.7. HIGHWAY MATTERS

Transportation Development raise no objection to the proposed development subject to conditions relating to restricting the use of the proposed rooms and number of consultants working at any one time, parking and vehicle circulation areas, cycle storage and no meetings/conferences to be held during surgery operating hours. I do not consider it appropriate to apply conditions which relate to the existing uses and operation of the site and have previously been conditioned on other approvals and would therefore still apply. I consider that the non-clinical admin office rooms would generate minimal additional vehicular traffic to the site. There would be two additional on-site parking spaces provided with the proposal. In addition, the site has good accessibility to public transport and unrestricted on street parking is available in nearby surrounding roads. As such, I consider that the proposal parking would be acceptable in highway terms.

6.8. OTHER MATTERS

I note the other concerns raised by residents and can confirm that the previous extensions to the existing surgery have been built in accordance with the approved plans and there are no outstanding enforcement issues. With regard to the lack of consultation, individual letters were sent out to all immediate occupiers surrounding the site and a site notice was also posted directly outside the site, which complies with current notification procedures. The disposal of medical waste is a management issue for the surgery, which would also be covered under separate legislation and the effect on property values is not a material planning consideration.

7. Conclusion

7.1. I therefore recommend that this application be approved subject to conditions.

8. Recommendation

8.1. Approve subject to the following conditions.

- 
- |   |  |
|---|--|
| 1 | Requires that the materials used match the main building   |
| 2 | Requires the scheme to be in accordance with the listed approved plans   |
| 3 | Requires the prior submission of details relating to obscure glazing for specific areas of the approved building |
| 4 | Requires the prior submission of cycle storage details   |
| 5 | Requires the parking area to be laid out prior to use  |
| 6 | Limits the approval to 3 years (Full)  |
- 

Case Officer:        Stephanie Salmon

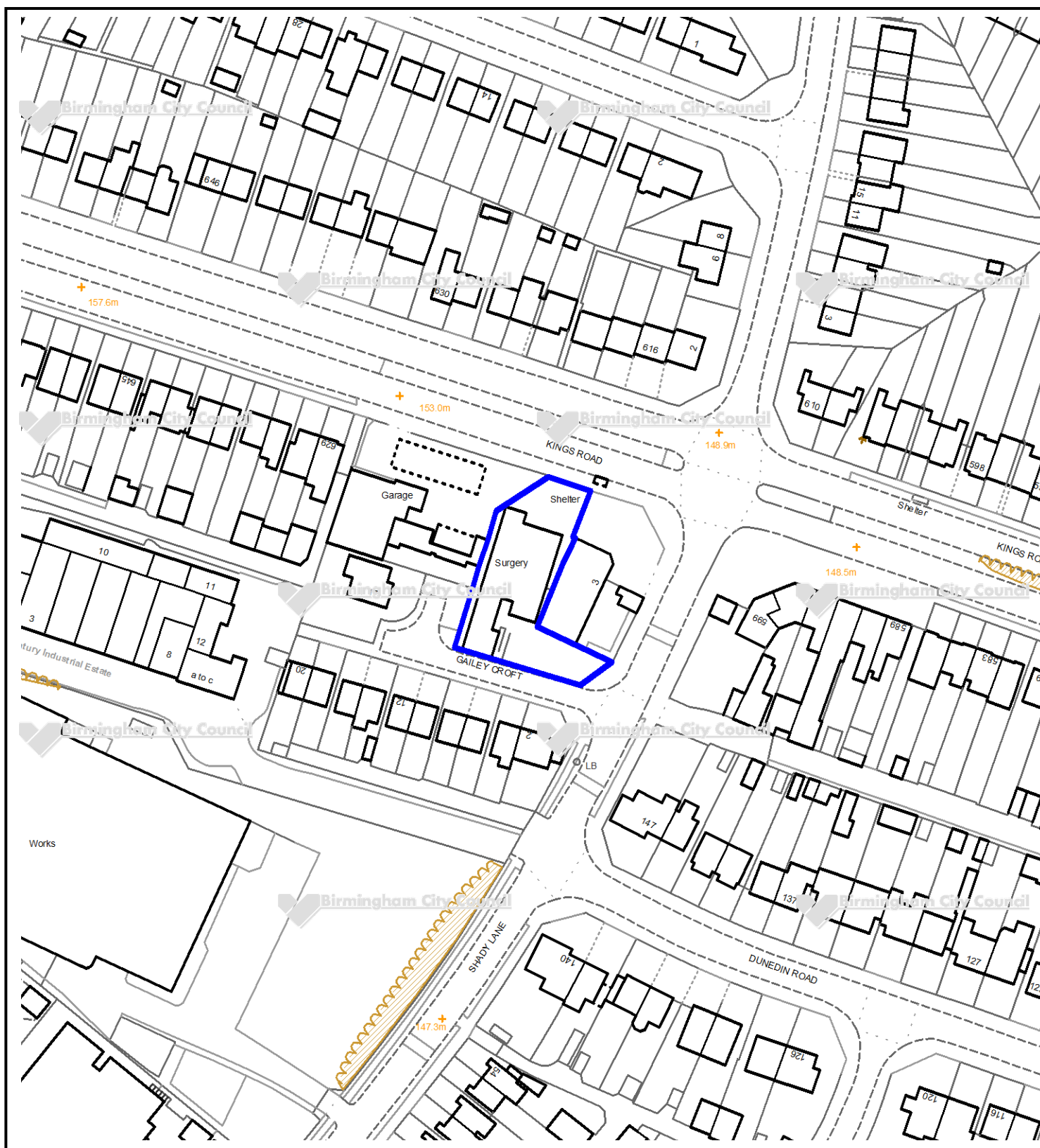
## Photo(s)



Figure 1 – Application site



## Location Plan



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Committee Date:	26/05/2016	Application Number:	2016/01939/PA
Accepted:	10/03/2016	Application Type:	Advertisement
Target Date:	26/05/2016		
Ward:	Sutton Trinity		

Queen Parade Island, Sutton Coldfield, Birmingham, B73 6EJ

Display of 3 non illuminated free standing post mounted signs

Applicant: Birmingham City Council  
Room M49, Council House, Victoria Square, Birmingham, B1 1BB  
Agent: Immediate Solutions  
Dean Clough, Halifax, West Yorkshire, HX3 5AX

---

Recommendation

**Approve Temporary**

1. Proposal

- 1.1. Advertisement consent is sought to display three non-illuminated free-standing signs on the Queen Parade roundabout.
- 1.2. The proposed signs would be sited near to the edge of the roundabout and would measure 1.5 metres in width by 0.50 metres in height and would be positioned 0.15 metres above ground level. The maximum height of the signs from carriageway level would be 1.05 metres.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a roundabout at the junction with Queen Street, Birmingham Road (A5127), Brassington Avenue and Manor Road. The roundabout is located to the south of The Gracechurch Centre and falls within Sutton Town Centre. The roundabout includes areas of grass, trees, shrubs, road signs and a tall post mounted sign advertising 'The Royal Town of Sutton Coldfield'. The surrounding area is predominantly commercial in character.

2.2. [Site Location](#)

3. Planning History

- 3.1. 15 April 1997 - 1996/04914/PA - Display of one vertical post and board sign stating The Royal Town of Sutton Coldfield, five year temporary approval subject to conditions.
- 3.2. 17 June 2002 - 2002/02044/PA - Renewal of advertisement application N/04914/96/ADV for retention of sign, approved.

4. Consultation/PP Responses

- 4.1. Transportation Development - No objection to the amended details, subject to a condition to ensure the height of the signs does not exceed 1.05 metres above the carriageway.
5. Policy Context
- 5.1. Birmingham's adopted Unitary Development Plan (UDP) 2005, Draft Birmingham Development Plan, Sutton Coldfield Town Centre Regeneration Framework SPD, Planning Practice Guidance and the National Planning Policy Framework.
6. Planning Considerations
- 6.1. The adopted 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.
- 6.2. Policy PG3 for the emerging Birmingham Development Plan (BDP), as modified by the proposed main modification 4 consulted upon last year states that all new development will be expected to demonstrate high design quality and contribute to a strong sense of place.
- 6.3. Paragraph 67 of the NPPF states that 'Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.' Control over advertisements should be efficient, effective and simple in concept and operation.
- 6.4. The Planning Practice Guidance advises that 'amenity' is "... usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by would be aware of the advertisement".
- 6.5. In line with the above local and national planning policies, I consider that the main issues to be considered are the impact of the proposed advertisements on amenity and public safety.
- 6.6. Impact on Amenity
- 6.7. The proposed signs would be situated around the roundabout island with a good separation distance between the signs. The existing trees and shrubs would form a backdrop for the signs and I am of the view that the proposed signs, in terms of height and size, would not have a detrimental impact on the visual amenity of the surrounding area.
- 6.8. Impact on Public Safety
- 6.9. The position of the signs has been amended following advice from Transportation Development and they now sit to the right of the chevron instead of the left hand side. A drawing has also been provided to show that the height of the sign would not exceed 1.05 metres above the carriageway level.
- 6.10. I am satisfied that the proposed three signs are acceptable and would not have a detrimental impact on public safety. I do not consider that the condition recommended by Transportation Development is necessary given that the submitted

drawings indicate the height of the signs above the carriageway and a condition is attached to secure the submitted drawings.

7. Conclusion

- 7.1. I consider that the design, scale and location of the proposed signs are acceptable and would not adversely impact on amenity or highway safety.

8. Recommendation

- 8.1. I recommend approval subject to the following conditions:

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the approval to 5 years (advert)                                |
- 

Case Officer:       Helen Hawkes

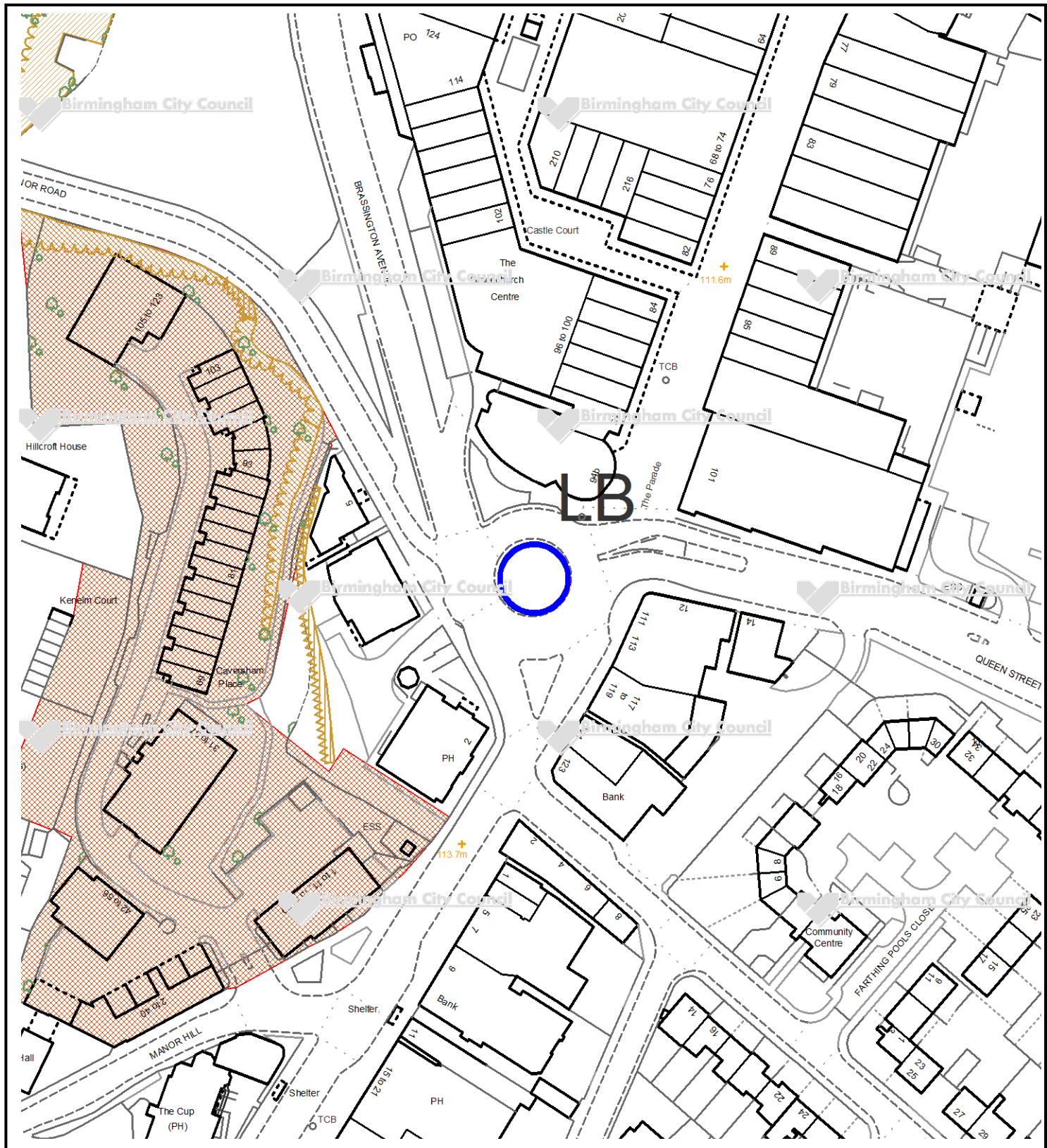
**Photo(s)**



**Application Site**



## Location Plan



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Committee Date:	26/05/2016	Application Number:	2016/01943/PA
Accepted:	10/03/2016	Application Type:	Advertisement
Target Date:	05/05/2016		
Ward:	Sutton New Hall		

Thimble End Road Island, Sutton Coldfield, Birmingham, B76 2TF

Display of 4 non illuminated free standing post mounted signs

Applicant:	Birmingham City Council Room M49, Council House, Victoria Square, Birmingham, B1 1BB
Agent:	Immediate Solutions Dean Clough, Halifax, West Yorkshire, HX3 5AX

---

#### Recommendation

#### **Approve Temporary**

#### 1. Proposal

- 1.1. Advertisement consent is sought to display four non-illuminated free-standing signs on the Thimble End Road roundabout island.
- 1.2. The proposed signs would be sited near to the edge of the roundabout and would measure 1.5 metres in width by 0.50 metres in height and would be positioned 0.15 metres above ground level and 0.20 metres above the carriageway. The maximum height of the signs from carriageway level would be 1.05 metres.

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

#### 2. Site & Surroundings

- 2.1. The application site relates to a roundabout at the junction with Thimble End Road, Walmley Road (B4148) and Elm Road. The roundabout is mainly grass with a centrally positioned tree, and there are four existing chevron road signs and directional road signs situated around the periphery of the roundabout.
- 2.2. The surrounding area is residential in character.

#### 2.3. [Site Location](#)

#### 3. Planning History

- 3.1. No relevant planning history.

#### 4. Consultation/PP Responses

- 4.1. Transportation Development - No objection raised subject to a condition to ensure the height of the signs above carriageway level is no greater than 1.05 metres.

#### 5. Policy Context



- 5.1. Birmingham's adopted Unitary Development Plan (UDP) 2005, Draft Birmingham Development Plan, Planning Practice Guidance, National Planning Policy Framework and TPO 289.
6. Planning Considerations
  - 6.1. Paragraph 67 of the NPPF states that 'Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.' Control over advertisements should be efficient, effective and simple in concept and operation.
  - 6.2. The Planning Practice Guidance advises that 'amenity' is "... usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by would be aware of the advertisement".
  - 6.3. Policies 3.8 and 3.10 of the adopted UDP seek to protect what is good in the City's environment and states that proposals, which would have an adverse effect on the quality of the built environment, would not normally be allowed.
  - 6.4. Policy PG3 for the emerging Birmingham Development Plan (BDP), as modified by the proposed main modification 4 consulted upon last year states 'all new development will be expected to demonstrate high design quality, contributing to a strong sense of place'.
  - 6.5. In line with the above local and national planning policies, I consider that the main issues to be considered are the impact of the proposed advertisements on amenity and public safety.
  - 6.6. Impact on Amenity
  - 6.7. The proposed signs would not exceed the height of the existing chevron signs and would have a relatively low height. I do not consider that they would add visual clutter or have an unacceptable adverse impact on amenity.
  - 6.8. Impact on Public Safety
  - 6.9. Additional information has been provided to show that the height of the signs would not exceed 1.05 metres above the carriageway level to ensure there is no conflict with vehicle visibility. Transportation Development raise no objection based on this information subject to conditions to ensure the height of the signs do not exceed 1.05 metres.
  - 6.10. I am satisfied that the signs would not have a detrimental impact on highway or public safety. I do not consider that the condition recommended by Transportation Development is necessary given that the submitted drawings indicate the height of the signs above the carriageway and a condition is attached to ensure the signs are in accordance with the submitted drawings.
7. Conclusion
  - 7.1. I consider that the design, scale and location of the proposed signs are acceptable and that they would not adversely impact on amenity or public safety. I therefore

consider that the proposed advertisement signs would comply with the relevant policies and guidance outlined in the adopted UDP and the NPPF.

8. Recommendation

8.1. I recommend approval subject to the following conditions:

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the approval to 5 years (advert)                                |
- 

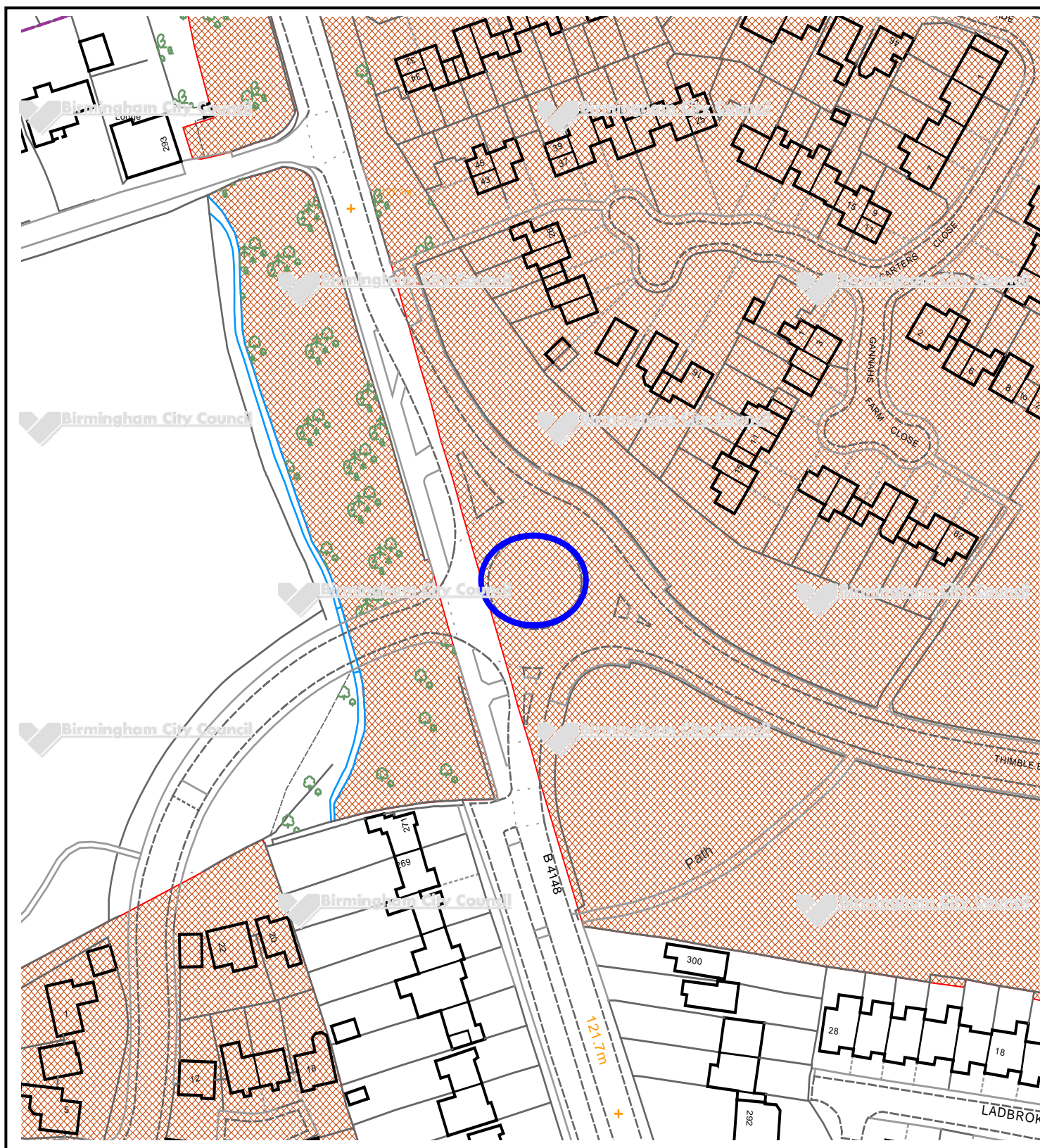
Case Officer:       Helen Hawkes

**Photo(s)**



**Application Site**

## Location Plan



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**Birmingham City Council**  
**Planning Committee 26 May 2016**

**Appeal Decisions Received from the Planning Inspectorate in April 2016**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Householder</b>	26 Wensley Road, Yardley	Erection of two storey front and side extension. 2015/08441/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	10 Frampton Close, Bournville	Erection of a two storey rear extension and porch to front. 2015/09403/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	27 Old Fordrove, Sutton Coldfield	Erection of single storey rear extension. 2015/07732/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	27 Rodlington Road, Kingstanding	Erection of single storey front extension. 2015/08293/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	29 Rodlington Road, Kingstanding	Erection of single storey front extension. 2015/08294/PA	Dismissed	Delegated	Written Representations
<b>Advertisement</b>	Beneficial Building, 28 Paradise Circus Queensway	Display of one externally illuminated Advertisement Banner. 2015/08024/PA	Allowed (see note 1 attached)	Delegated	Written Representations
<b>Residential</b>	Victory House, 26-28 Ludgate Hill	Residential conversion to 6 apartments at first and second floor levels and 2 no. duplex style apartments at ground floor and basement levels. 2015/04868/PA	Dismissed	Delegated	Written Representations
<b>Residential</b>	11-15 Sherifoot Lane, Sutton Coldfield	Demolition of the two existing bungalows and erection of 6 detached dwellings including new access road, boundary treatment and landscaping. 2015/06900/PA	Dismissed	Delegated	Written Representations

**Total - 8 Decisions: 7 Dismissed (88%), 1 Allowed**

**Birmingham City Council  
Planning Committee 26 May 2016**

**Appeal Decisions Received from the Planning Inspectorate in April 2016**

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
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Cumulative total from 1 April 2016 - 8 Decisions: 7 Dismissed (88%), 1 Allowed

## **Notes relating to appeal decisions received in April 2016**

### **Note 1 (28 Paradise Circus)**

**Application refused** because the continued display of the advertisement would, in conjunction with the digital advertisement on the nearby car park, result in the overloading of the area with advertisements to the detriment of the visual amenity of the surrounding area.

**Appeal allowed** for a temporary period of 12 months because the Inspector considered that given the current condition of the appeal building (which exudes a sense of dereliction) the advertisement would have no significant harmful impact on local visual amenity and in the short term it would prove beneficial until redevelopment takes place.



BIRMINGHAM CITY COUNCIL

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

PLANNING COMMITTEE

26<sup>th</sup> May 2016

**DRAFT EXTENDED LOCAL DEVELOPMENT ORDER**

**ADVANCED MANUFACTURING HUB, ASTON, BIRMINGHAM**

Subject and Brief Summary of Proposal

This report seeks to advise your Committee of the proposed extension to the extent of land contained within the Local Development Order (LDO) for the Advanced Manufacturing Hub economic zone in Aston.

The report contains the proposed draft extended LDO and accompanying Statement of Reasons. The order removes the requirement for planning permission within an increased prescribed area of the Advanced Manufacturing Hub for operational development associated with the development of use classes B1 (b) (Research and Development) , B1 (c) (Light Industrial) and B2 (General Industrial) subject to conditions.

Recommendations

That the contents of this report are noted and that the draft extended LDO is approved for consultation purposes.

Contact Officer

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# Draft Extended Local Development Order

## **Contents**

	<i>Page Number</i>
1. Introduction	4
2. Site and Surroundings	5
3. Material Planning Consideration	7
4. Environmental Impact Assessment	10
5. Justification for Creating an LDO	10
6. Lifetime of the LDO and Monitoring	10
7. Summary of Description of Development to be Permitted	11
8. Statement of Reasons:	11
• 8.1 <i>Description</i>	11
• 8.2 <i>Statement of policies which LDO would implement</i>	12
• 8.17 <i>Pre-development requirements</i>	15

## **Appendices**

A The Draft Order	16
B Conditions	17
C The Draft LDO Boundary Plan	25

## **1. Introduction**

- 1.1 Birmingham remains one of the key manufacturing areas in the UK and is home to some of the country's most successful manufacturing companies. There remains a growing demand for research and development and manufacturing sites within the City. In order to ensure that Birmingham can accommodate the significant growth in the research and development and supply chain manufacturing sector the Council has adopted the Regional Investment Site (RIS) in Aston through the Aston, Newton and Lozells Area Action Plan (2012), which is adopted as Supplementary Planning Guidance. Following the adoption of the RIS this area has been further identified as an Economic Zone and as such seeks to support Birmingham's ambitious agenda for economic growth by delivering high quality business environments for its key growth sectors.
- 1.2 The RIS seeks to encourage development attractive to international, national and regional investors contributing to the portfolio of employment opportunities in the city and the region to support the diversification of the regional and local economies. It plays an essential part in delivering the strategic vision for the area by helping to create new jobs and a more flexible and competitive economy. One mechanism for enabling the delivery of the RIS is through the adoption of a Local Development Order (LDO) for part of the RIS site.
- 1.3 The existing LDO has helped to stimulate new development, with one building complete, development has commenced on a second site and another site development is starting later in the year. This success is due to the greater certainty provided by a simplified planning system for potential developers and businesses.
- 1.4 The aim of this proposed extended LDO remains the same and seeks to help to provide the conditions to stimulate new economic development for the research and development and supply chain manufacturing sector by reducing costs and providing certainty for potential developers and businesses through a simplified planning process.
- 1.5 The extended LDO would continue to grant planning permission for operational development contained within use classes B1 (b) Research and Development of products or process, B1 (c) light industry and B2 general industrial uses.
- 1.6 The purpose of the extended LDO is to simplify the planning purpose and stimulate development for uses detailed above. The more permitted uses in an LDO the less simplified the LDO becomes. It is for this reason that office uses and other supporting uses to the Research and Development and Supply Chain Manufacturing sector have not been included within the LDO at this time. Proposals for office uses and other supporting uses may still be considered acceptable within the

proposed LDO boundary in accordance with policy guidance set out in the Aston, Newton and Lozells Action Plan, but would need to be considered through the established planning system by the submission of a formal planning application.

## 2. Site and Surroundings

- 2.1. The existing LDO site comprises 12ha of land split over three areas intersected by Electric Avenue and the railway line. See Figure 1.

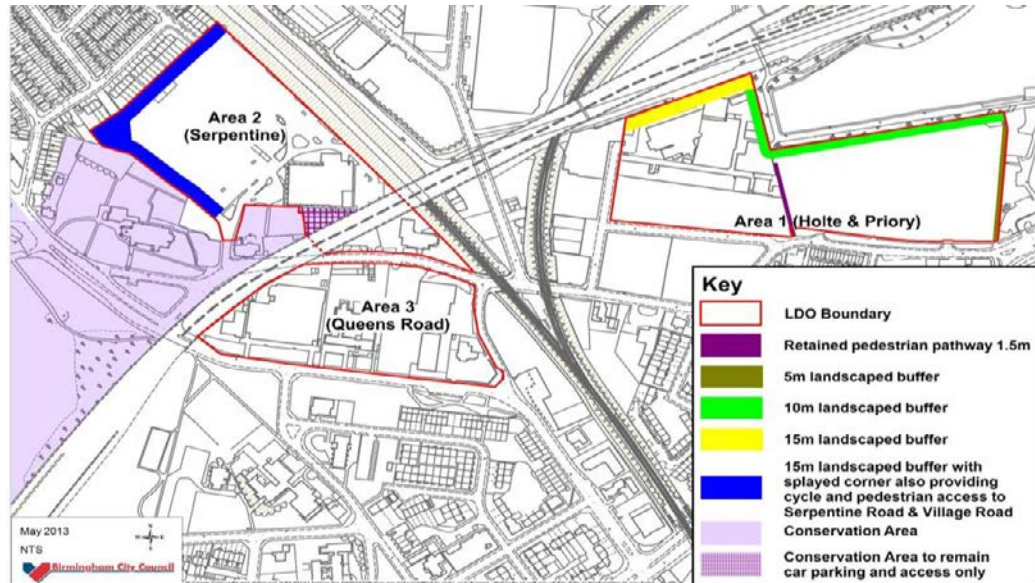


Figure 1: Plan of the existing LDO

- 2.2. The proposed amended LDO boundary is to comprise of 12.6 ha of land and continues to be split over 3 areas. See Figure 2.

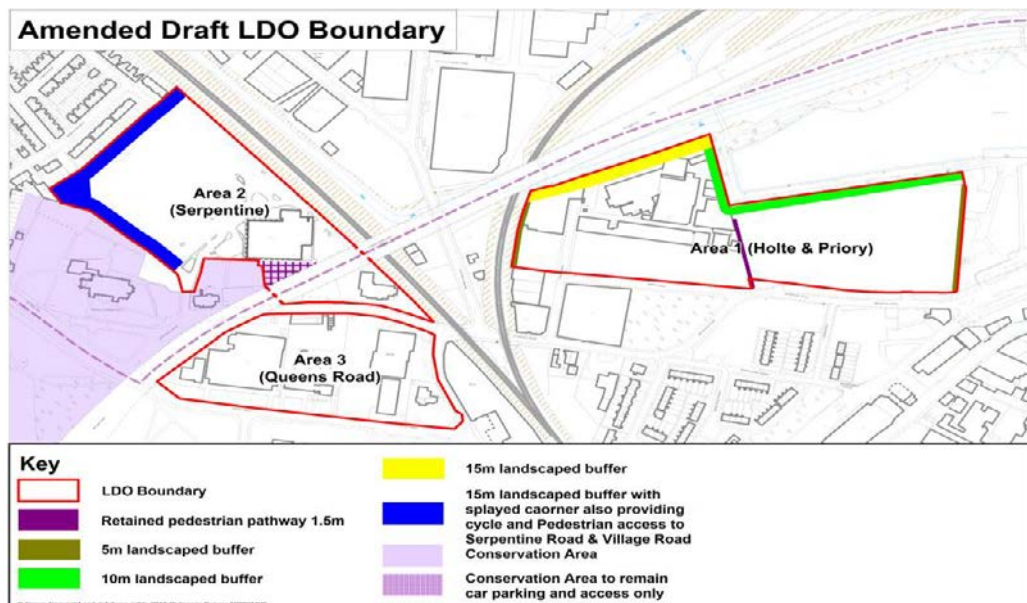


Figure 2: Plan of the proposed amended LDO



- 2.3. The amendment to the boundary impacts on Area 1 only, and expands the LDO boundary to the west of the existing area to include a vacant industrial unit, which would benefit from inclusion in the LDO and assist in the creation of a larger development plot to suit market demands.
- 2.4. Area 1 of the LDO known as the Holte and Priory site now contains the new Hydraforce operation on the eastern land. There are existing vacant industrial buildings on the remainder of the site. The rear boundary of the Holte and Priory site is adjacent to Salford Lake and to the River Tame. The majority of this site falls within Flood Zone 2. To the east of the Holte and Priory site is public open space.



Figure 3: Ariel photo of Area 1 of the proposed amended LDO site.

- 2.5. Area 2 of the LDO known as Serpentine site is accessed off Aston Hall Road where this is located beneath the Aston Expressway flyover. The Serpentine site is a cleared site and construction works are now underway to create two new buildings on site, with the landscape buffer to be implemented later in the year.



Figure 4: Ariel photo of Area 2 of the site.

- 2.6. The north boundary of the Serpentine site is adjacent to the rear gardens of residential terraced houses that face onto Serpentine Road. To the west of the Serpentine site is the parish church of St. Peter and St. Paul, Aston which is Grade II\* listed building.
- 2.7. The LDO boundary for Area 2 includes a small section of the Aston Hall and Church conservation area where this adjoins the Aston Tavern public house. This part of the conservation area was previously laid out in concrete as a car parking.
- 2.8. Parts of the Serpentine site fall within an area of archaeological interest including the medieval village of Aston, Holte Almshouses and the former course of the River Tame.
- 2.9. Area 3 of the LDO is known as the Queens Road site. This site comprises of a number of existing buildings that already operate within B1 (b), B1(c) and B2 uses. There is also a police station and derelict public house within this and the former Rylands garage has recently been demolished. Access to the Queens Road site is gained both from Aston Hall Road to the north and Queens Road to the south of the site. To the south side of Queens Road are residential flats fronted by an area of informal public open space and parking.
- 2.10. The northwest corner of the area 3 site falls within the Holte Almshouses area of archaeological interest.



Figure 5. Ariel Photo of Area 3 of the proposed LDO site.

- 2.11. The extended LDO site is highly accessible being within close proximity to Junction 6 of the M6 and the A38. Within easy walking distance of the site are both Aston and Witton train stations. There are also good bus links to the site from the City Centre.
- 2.12. The majority of the LDO site is owned by Birmingham City Council (BCC) and the Homes and Communities Agency (HCA).



### 3. Material Planning Considerations

- 3.1. The aim of the LDO is to stimulate economic development; however development permitted through the LDO must still be sustainable development that complies with national and local planning policy. Identified below are the main material planning considerations that should be taken into consideration is determining the implementation of an LDO at this site. These material considerations need to be assessed against planning policy and where necessary conditions or limitations will need to be imposed through the LDO to ensure these material considerations are satisfactorily addressed in approving development through the LDO.

#### ***Flood Risk***

- 3.2. The majority of the Holte and Priory site (Area 1) falls within medium risk Flood Zone 2, which represents the 100 year floodplain of the River Tame.
- 3.3. In line with the NPPF's Technical Guide proposed B1 and B2 uses are classified as being "Less Vulnerable" to the effects of flooding, and as such would be appropriate to be located within this area.

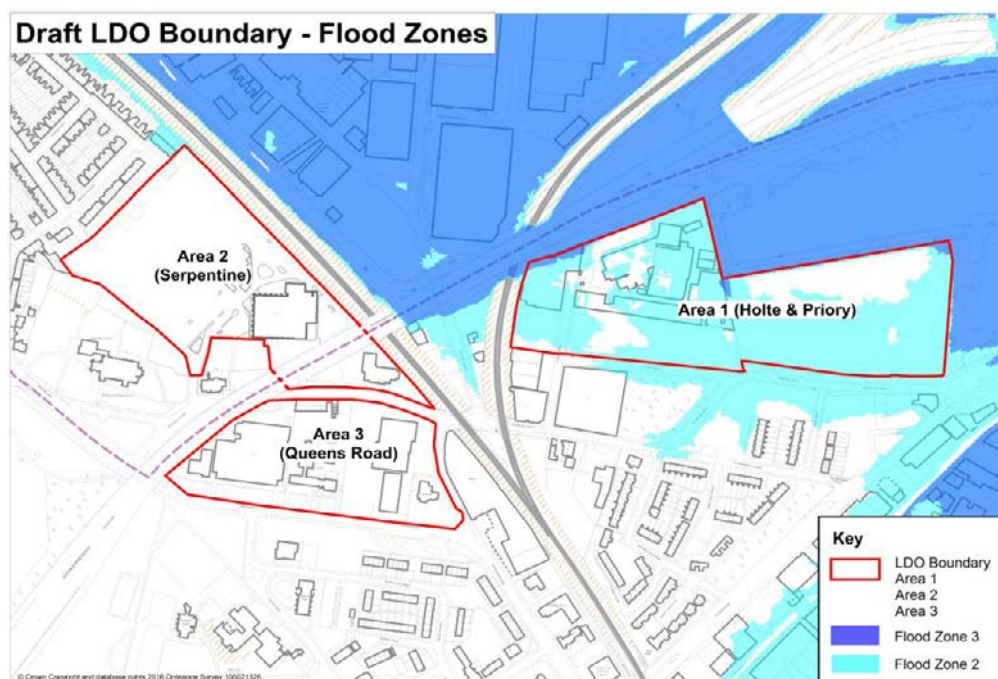


Figure 6. Flood Zones in relation to proposed LDO site.

- 3.4 Through the process of allocating this site as a RIS with the Draft Birmingham Development Plan and in the Aston, Newtown and Lozells AAP a Sequential Test was undertaken. The acceptability of Area 1 of the LDO site for B1 (b) – B2 use classes has been established with the Environment Agency, through the process of adopting the Aston, Newtown and Lozells AAP as a Supplementary Planning Document. It is considered that development permitted by the LDO could adequately meet with the requirements of flood resiliency and resistancy by the



imposition of appropriate planning conditions imposed through the LDO.

- 3.5 The proposed LDO includes areas that are directly adjacent to Flood Zone 3 (at the boundary with Salford Park). This is particularly sensitive as this area is important to the Tame Flood Risk Management Strategy and particularly the Witton elements of this scheme, which will prevent flooding of properties at Brookvale Road to Electric Avenue. It was considered that limitation on locations of development was required within the existing LDO through the imposition of landscaped buffers to take account of the position of part of this site is within and adjacent to Flood Zone 3. The extended LDO addresses this issue following the same principles and the landscape buffers identified have been extended to address this issue. See Figure 2.

### ***Historic Environment***

- 3.6 The western boundary of the Serpentine site (Area 2) is directly adjacent to the parish church of St. Peters and St. Pauls, Aston which is grade II\* listed. The southern boundary of the Serpentine site is also adjacent to the boundary with the Aston Hall and Church conservation area and a small area of the Serpentine site falls within the conservation area where this site is adjacent to the Aston Tavern public house. In granting planning permission through the LDO consideration must be given to the setting of the listed building and impact of this proposal on the conservation area. Controls should be put in place to ensure the character and appearance of these historic assets in accordance with policy TP12 of the draft Birmingham Development Plan.



Figure 7. View of St. Peter and St. Pauls Grade II\* Listed Building from Aston Hall Road. Area 2 Serpentine Site is behind the tree line.

- 3.7 The Draft Birmingham Development Plan and the Aston, Newtown and Lozells Area Action Plan (2012) notes that the RIS site covers areas of archaeological interest including part of the medieval village of Aston, the Holte Almshouses, the former course of the River Tame, and a moated site at Electric Avenue. These areas of archaeological interest

must be taken into consideration in ensuring the appropriate development of this site.

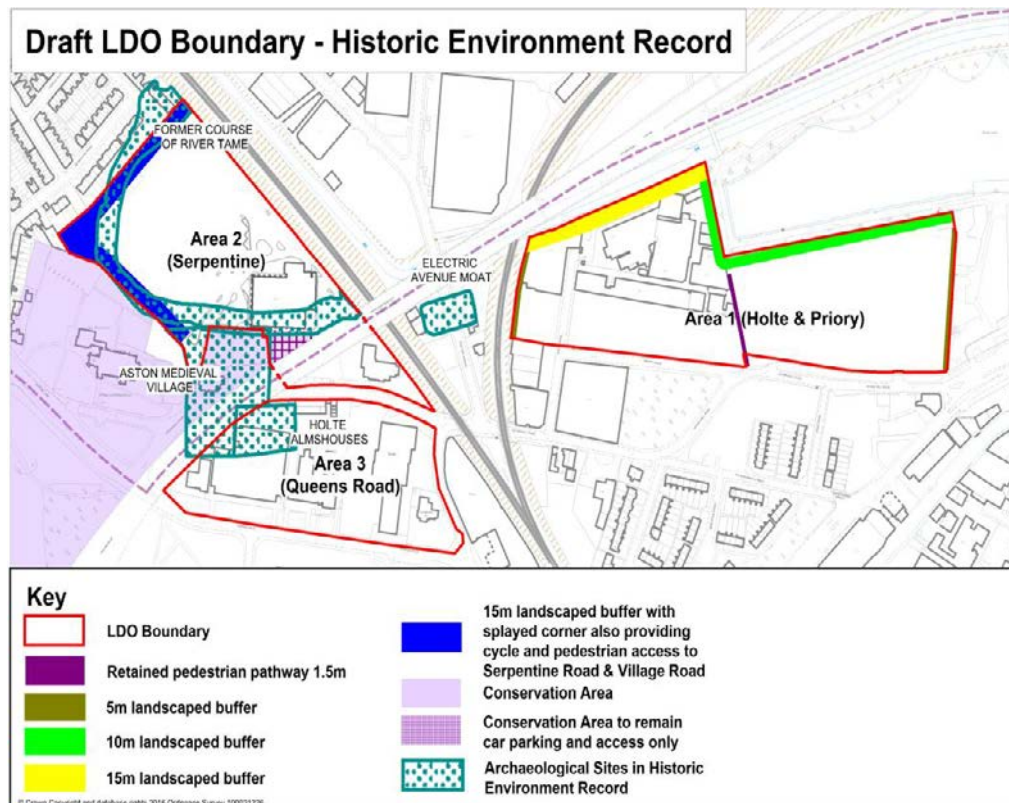


Figure 8. Archaeological sites overlayed onto proposed LDO site (please not plan not to scale).

### ***Protection of Residential Amenity***

- 3.8 There is residential accommodation close to the northern boundary of the Serpentine site and the southern boundary of the Queens Road site. Housing is considered under the NPPF as a noise sensitive land use. Conditions ensuring the residential amenity of these nearby residential occupiers must be attached to this LDO in accordance with adopted local and national policy.

### ***Highways***

- 3.9 It is vital that all development within the LDO is underpinned by effective transport infrastructure and services to ensure accessibility and connectivity to jobs and services.
- 3.10 In order to ensure sustainable transport use the maximum levels of parking should be restricted within the LDO. Improvement to local walking routes and ensuring connections to the cycle network must be ensured. This can be achieved by ensuring there are safeguarded walk ways though the site linking housing and new development to existing public highway.
- 3.11 Improvement of the road access to and from Strategic Highway Networks (including the M6) and within the area is crucial to realising the full potential of the area. Planning permission was granted for

upgrading and road widening of the existing junction at Lichfield Road and Aston Hall Road under planning application reference 2012/08360/PA. These works have been jointly implemented by BCC and the HCA to ensure the necessary road improvements are in place to realise the full potential of this site.

#### **4. Environmental Impact Assessment**

- 4.1. Paragraph (12) of article 38 of the *Town and Country Planning (Development Management Procedure) (England) Order 2015* specifies that an LDO cannot permit development in Schedule 1 of the *Town and Country Planning (Environmental Impact Assessment) Regulations 2011*. An LDO may permit development in Schedule 2 of the EIA Regulations, provided the correct Environmental Impact Assessment procedures are followed.
- 4.2. As such where any development permitted by this LDO would fall within the description of Schedule 2 of the *Town and Country Planning (Environmental Impact Assessment) Regulations 2011*, no consent shall be given by this LDO unless the Local Planning Authority has, following the submission of a request for screening opinion, determined in accordance with the criteria within Schedule 3 of the same regulations, that the development is unlikely to have a significant effect on the environment by virtue of factors such as its nature, size or location and is therefore not considered to be EIA development.

#### **5. Justification for creating an LDO at the Aston RIS**

- 5.1 This area has historically been a focus for industrial activity.
- 5.2 The proposed Advanced Manufacturing Hub LDO site has been identified as an area for growth in the Draft Birmingham Development Plan and the adopted Aston, Newtown and Lozells AAP. This area has also been established as an Economic Zone to support Birmingham's Growth Agenda.
- 5.3 Plan 1 (Appendix C) of this report shows the amended proposed boundary for the LDO. The boundary considers logical barriers on the ground including roads and Salford Lake.

#### **6. Lifetime of the LDO and Monitoring**

- 6.1. The existing LDO is operative for 3 years up until the 14<sup>th</sup> January 2017. Upon expiry of the LDO, the permitted development rights will cease to apply to any development that has not commenced. It is considered appropriate to allow the amended LDO be in force for a

further 3 year period.

- 6.2 To comply with the LDO it will be necessary for each phase of development to have commenced on site prior to the date of Expiry of the LDO. Development which has commenced by the end date will be permitted to be completed within a reasonable timescale. Any proposed development after this date will require the submission of a formal planning application to the Local Planning Authority (LPA).
- 6.3 Upon expiry of the LDO, the Council may either reintroduce the LDO with or without revisions; or revoke the LDO and return to the established planning system. The Council has the power to revoke the LDO at any time before its expiry or could be directed to do so by the Secretary of State. Revisions or revocation of the LDO would be subject to notification via the Council's web site and a local press notice.
- 6.4 The effectiveness of the LDO will be monitored over the 3 year period to ensure development remains compliant with the conditions.
- 6.5 Standard enforcement practices will apply if development brought forward within the LDO boundary is not consistent with the requirements of the LDO.

## **7. Summary of Description of Development to be permitted in the LDO**

- 7.1 The full draft order is appended to this report in Appendix A and conditions attached to the LDO are set out in Appendix B.
- 7.2 The extended LDO would enable operational development for use classes B1 (b) Research and Development of products or process, B1 (c) light industry and B2 general industrial uses.

### ***Proposed Occupiers***

- 7.3 The LDO site is a key regeneration opportunity within a highly accessible location. It has the potential to be a catalyst for economic diversification and growth. Building on recent success of Jaguar and other advanced manufacturing business in the region this site would offer the opportunity for the City to meet the growing demand from research and development as well as manufacturing supply chain uses.

## **8. Statement of Reasons:**

### ***Description***

- 8.1. This Local Development Order grants planning permission conditionally and with limitations. This reflects the need to comply with legislative

requirements, protect the amenity of existing surrounding occupiers and ensure that new development occurs as sustainably as possible. Failure to comply with a condition or limitation attached to the LDO will be enforceable by the Local Planning Authority.

***Statement of the policies which the LDO would implement***

- 8.2. The LDO supports the implementation of existing and emerging strategies, plans and policies at a national level and local level. Relevant policies include:

***NPPF***

- 8.3 The NPPF cites the planning system as having a role in contributing to building a strong, responsive and competitive economy. Planning is to operate to encourage sustainable growth in order to create jobs and prosperity.
- 8.4 Specifically the Framework encourages a proactive approach to meet the development needs of business and reduce the burden of planning requirements and suggests the consideration of LDO's to relax planning controls in some instances.
- 8.5 Existing business sectors are to be supported alongside planning for new or emerging sectors likely to locate in the area. Furthermore, the promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries is to be positively planned for.

***BDP policies***

- 8.6. The objectives of the new plan seek to grow Birmingham in terms of population, with an enterprising economy, sustainable neighbourhoods and a high quality environment. Policy PG1 seeks significant levels of growth, including the creation of a Regional Investment Site.
- 8.7. Policy GA3 for Aston, Newtown and Lozells supports the Area Action Plan and the creation of a Regional Investment Site. The aim of the Advanced Manufacturing Hub is to create around 3000 new jobs. The proposed LDO site area is contained within the Regional Investment Site, and is in accordance with Policy TP17. The aim of the RIS is to enable development with high quality uses falling within Use Classes B1 and B2 but it notes that some complementary uses and facilities may be acceptable if of an appropriate size and scale.
- 8.8. Policy PG3 requires all new development to demonstrate high quality design and contribute to a strong sense of place. Create safe environments, have layouts which promote social interaction and natural surveillance. Encourage cycling and walking. Attractive public spaces and sustainable design features.
- 8.9. Area 2 of the LDO is both adjacent to the grade II\* parish church of St Peter and St. Paul Aston and is both adjacent to and partly within the

Aston Hall and Church conservation area. Policy TP12 values the protection of the historic environment and heritage assets. Great weight will be given to the conservation of the City's heritage assets. The Council will seek to manage new development in ways which will make a positive contribution to its character.

- 8.10. The conditions proposed for the LDO would seek to ensure the quality of design of the proposed buildings within the LDO and create a landscaped pedestrian and cycle path directly adjacent to the boundary with the grade II\* listed church. Officers consider that the creation of the landscaped buffer would both preserve and enhance the setting of the parish church of St. Peters and St. Paul Aston and respect the character and appearance of the conservation area when viewed from the public realm. It is proposed that the part of the conservation area within area 2 shall be limited to only development as car parking only as is the existing situation. This would retain the spacious character around the Aston Tavern. Officers consider that these conditions would ensure that the LDO meets with policy TP12 which seek to protect the character of the historic environment.
- 8.11. Areas 2 and 3 fall within an area of archaeological interest. Policy TP12 states that the Council will support development that conserves the significance of non-designated heritage assets including archaeological remains and locally listed buildings. This policy will be adhered to both through the imposition of landscaped buffers that would prevent development within parts of the site that are of archaeological interest and by the carrying out of an archaeological evaluation that may lead to the need for further excavation at these sites. An archaeological evaluation is being commissioned by the HCA and resulting investigations are to be carried out to the satisfaction of the City Archaeologist.

***Aston, Newtown and Lozells Area Action Plan (2012)***

- 8.12. This proposed LDO is in accordance with policy R1 of the Aston Newtown and Lozells Area Action Plan (2012) which identifies the proposed LDO area as being contained within the 20ha Aston Regional Investment Site. Policy R1 of this adopted policy document states that within the RIS uses will be restricted to B1 (a), B1(b) and B2 uses. Although B1 (a) uses have not been included within the LDO, this does not preclude this type of use from being brought forward for development through the established planning system.
- 8.13. Policies SD5 and R2 of the AAP states that development proposals will be required to preserve and enhance the character and appearance of the Aston Hall Church Conservation Area as underpinned by policy 3.28 of the UDP detailed above. The Serpentine Site (Area 2) is adjacent to both the Aston Hall and Church Conservation Area and Grade II\* Listed St. Peter and St. Pauls Church which is also within the Conservation Area. As part of the LDO a landscaped boundary is proposed adjacent to the church yard. This will ensure that an open

character is retained directly adjacent to this important historic asset protecting the character of this area. Conditions will also be required as part of the LDO to ensure that all new development is appropriately landscaped and for the submission of materials prior to the commencement of development. These conditions will adequately ensure that any proposed development within Area 2 adjacent to the Conservation Area and Grade II\* listed St. Peter and St. Pauls Church will not harm the important historic setting of this area and as such the LDO is in accordance with policies SD5 and R2 of the Aston, Newtown and Lozells Area Action Plan (2012).

- 8.14. Policy R2 of the Aston, Newtown and Lozells Area Action Plan (2012) requires an archaeological excavation to be carried out as part of development proposals in the vicinity of identified archaeological sites to determine whether any local or regionally significant remains survive below ground. An archaeological excavation has recently been carried out within the vicinity of these archaeological sites pursuant to a condition of application reference 2012/07962/PA for the erection of a two storey side and single storey rear extension to the Aston Tavern public house, which falls within the Aston Hall and Church Conservation Area as shown in Figure 7 of this document. The majority of the remainder of the sites of archaeological interest fall to the edge of Area 2 of the LDO site or with already developed land in Area 3. Limitations are to be imposed on the developable area within Area 2 by imposing a landscaped buffer area. Where the sites of archaeological interest fall within a developable area of the LDO a separate archaeological evaluation is to be carried out by the HCA to the satisfaction of the City Archaeologist to ensure that these areas of archaeological interest are properly investigated to assess the extent of survival of archaeological remains prior to the commencements of any development at this site under the LDO.
- 8.15. Policy OS4 of the AAP states that development of the RIS must comply with an agreed master plan including a landscape plan providing high-quality landscaping within the RIS and linkages to the Aston Churchyard, Salford Park and the Lake and River Tame. The LDO includes a 15m wide landscaped pedestrian and cycle path adjacent to the boundary with the Aston church yard. A 10m wide splayed landscaped boundary is also proposed along the Salford Lake boundary within Area 1. The Council has identified grant funding resources that will ensure that these areas are landscaped to a high quality, planning conditions are also proposed to ensure that landscaping schemes would be included to front the highway and to soften larger car parking areas. The LDO therefore adheres to the principles of this policy.
- 8.16. Policy R4 of the AAP states that development within the RIS shall be of the highest quality and recognise the importance of this strategically prominent site adjacent to Spaghetti Junction. That buildings will frame the streets and public spaces and be designed to over look them to



provide natural surveillance. Conditions attached to the LDO will require developers to submit and have approved materials for all building works to ensure that this is of the highest quality. Conditions also require all new buildings to be designed with main entrances and glazed elevations that front onto streets to provide activity, natural surveillance and architectural interest. With the inclusion of these conditions the LDO would adhere to policy R4 of the APP and Places for All SPG.

***Pre Development Requirements:***

- 8.17. Although an LDO can be made without conditions, it will be necessary to impose conditions to this proposed LDO to ensure that it is capable of delivering the objectives for which it is made. These conditions should set out clearly what development is and is not allowed.

## Appendix A

### **Draft LDO for Advanced Manufacturing Hub, Aston**

Within the area defined by Plan 1 (Appendix C) – planning permission is hereby granted exclusively for operational development associated with the following uses:

#### ***Permitted Development***

Operational Development for use within:

- a) Use Class B1 (b) Research and Development of Products and Process
- b) Use Class B1 (c) Light Industry
- c) Use Class B2 General Industry: Use for the carrying out of an industrial process other than one falling in class B1

#### **Development not permitted**

- Where the proposal is Schedule 1 EIA development.
- Where the proposed development would fall within the description of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, unless the Local Planning Authority has, following the submission of a request for screening opinion, determined in accordance with the criteria within Schedule 3 of the same regulations, that the development is unlikely to have a significant effect on the environment by virtue of factors such as its nature, size or location and is therefore not EIA development.
- No advertisement consent is granted as part of this LDO
- No changes of use to B8 Storage and Distribution uses or B1 (a) Office use is permitted.

#### **General LDO Conditions:**

This LDO only grants planning permission as detailed. It remains necessary for all LDO permitted development to comply with relevant licences, permits and controls required under other legislation.

The LDO is subject to conditions which are detailed in Table 1 (Appendix B). For development to be permitted under LDO the development must comply with all of these conditions.

## Appendix B

**Table 1**

General conditions	Reasons
<b>Restrictions to Changes of Use</b>	
<p>A1 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), buildings permitted by this order shall be used for uses B1 (b), B1(c) and B2 only and for no other purpose including any other purpose in Classes B1 (a) and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification.</p>	<p>In order to define the permission.</p>
<b>Design</b>	
<p>A2 - All new buildings must be designed with main entrances and glazed elevations that front onto street frontages.</p>	<p>In order to enhance streetscape quality and safety in accordance with policy PG3 of the Draft Birmingham Development Plan, Places for All SPG, Aston, Newton and Lozells Area Action Plan, and the NPPF.</p>
<p>A3 - The total height of development (including plant and machinery) shall not exceed 15 metres above ground level.</p>	<p>In order to protect amenity and create a high quality built environment in accordance with policy PG3 of the Draft Birmingham Development Plan, Places for All SPG, Aston, Newton and Lozells Area Action Plan and the NPPF.</p>
<p>A4 - Adjacent to public highways, the minimum width of perimeter landscaping shall be 4 metres. Use of site perimeter security fencing should be minimised: where required, it must be of an attractive design and set back</p>	<p>In order to protect amenity and create a high quality built environment in</p>

at least 2 metres from the edge of public highways and its visual impact reduced by landscaping.	accordance with policies PG3 and TP7 of the Draft Birmingham Development Plan, Places for All SPG, Aston, Newton and Lozells Area Action Plan and the NPPF.
A5 - Car parking areas of 900m <sup>2</sup> or more must incorporate high quality landscaping including trees and indigenous planting.	In order to protect amenity and create a high quality built environment in accordance with policy PG3 of the Draft Birmingham Development Plan, Places for All SPG, Aston, Newton and Lozells Area Action Plan and the NPPF.
A6 - No building works are permitted in the landscaped buffers shown on Plan 1 Appendix C.	In order to create a buffer against flood zone 3, sites of historical importance, noise sensitive site and between any proposed development in accordance with policy PG3, TP1, TP2 and TP7 of the Draft Birmingham Development Plan, Places for All SPG, Aston, Newton and Lozells Area Action Plan and the NPPF.

### **Energy Efficiency**

A7 - All buildings must be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "very good" ratings as a minimum.	In accordance with policies TP1, TP2 and TP3 of the Draft Birmingham Development Plan, Aston, Newton and Lozells Area Action Plan and the NPPF.
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## Drainage

A8 - There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the River Tame.	To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with policies TP2 and TP6 of the Draft Birmingham Development Plan, Sustainable Management of Urban Rivers and Floodplains SPD and NPPF.
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## Noise and Vibration

A9 - Uses permitted by this order shall only operate within buildings designed for the purpose of that operation.	In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with the NPPF.
A10 - Within Area 2 (Serpentine) between the hours of 19.00 and 07.00 the maximum instantaneous noise levels (LAFmax) from the development shall not exceed 55 dB, or 10 dB above the existing LA90 (whichever is the greater) assessed from adjoining noise sensitive residential premises on Village Road and Serpentine Road. Where monitoring is not possible from these noise sensitive premises details of alternative monitoring locations should be submitted to and approved by the Local Planning Authority and monitoring shall then be carried out at these agreed locations.	In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with the NPPF.
A11 - Cumulative plant noise rating levels arising from the plant and equipment at any development (assessed by BS4142:1997) shall not exceed 10 dB below the existing ambient (LAeq), nor 5 dB below the existing background (LA90) at residential noise sensitive premises at Village Road and Serpentine Road.	In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with the NPPF.

## Storage and Waste

A12 - Equipment, raw materials, finished or unfinished	In order to define the
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products or parts, crates, packing materials or waste shall only be stacked or stored within buildings permitted by this consent.	permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with, policy PG3 of the Draft Birmingham Development Plan, and the NPPF.
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Conditions requiring details to be submitted	Reasons
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### **Design**

B1 - No development shall take place until samples of the materials to be used in the construction of the external surfaces of any buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.	In order to secure the satisfactory development of the application site in accordance with policy PG3 of the Draft Birmingham Development Plan.
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### **Noise and Vibration**

B2 - Prior to the installation of any new buildings, structure, plant or machinery a scheme of insulation against the emission of noise shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.	To ensure that the buildings, structures and plant are adequately sound proofed in the interests of the amenities of the occupiers of nearby premises in accordance with the NPPF.
B3 - Prior to the occupation of any B2 use that would cause vibration in excess of 0.14 mm/s peak particle velocity; details shall be submitted to the Local Planning Authority demonstrating that the principles of BS6472:2008 have been followed.	In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with the NPPF.

### **Lighting**

B4 - Development hereby approved within Area 2 shall not be occupied until a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site plans showing horizontal and vertical overspill to include light trespass and source intensity. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the	To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with, policy PG3 of the Draft
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occupation of any part of the development and thereafter maintained.	Birmingham Development Plan, Places for All SPG and Lighting Places SPD.
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### **Land Contamination**

<p>B5 - Prior to commencement of development of each building plot, a site assessment and, if required, remediation scheme to deal with the risks associated with contamination of the site for the intended use shall be submitted to and approved, in writing, by the Local Planning Authority:</p> <ol style="list-style-type: none"> <li>1) A preliminary risk assessment, which has identified: <ul style="list-style-type: none"> <li>• all previous uses</li> <li>• potential contaminants associated with those uses</li> <li>• a conceptual model of the site indicating sources, pathways and receptors</li> <li>• Potentially unacceptable risks arising from contamination at the site.</li> </ul> </li> <li>2) A site investigation scheme, based on (1) to provide information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site.</li> <li>3) If contamination is found to be present and assessed as an unacceptable risk to human health, safety and the environment, an options appraisal and remediation strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures.</li> <li>4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</li> </ol> <p>The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.</p>	<p>In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy TP27 of the Draft Birmingham Development Plan and the NPPF.</p>
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### **Flood Risk**

<p>B6 - Prior to the commencement of development of each new building plot, developers are required to demonstrate that flood resiliency and resistancy has been incorporated into the proposed design. These details should then be submitted to the planning authority for approval in writing. Building works should be carried out in accordance with these approved details. Within the design there would be a general requirement for a flood emergency plan for any</p>	<p>In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policies PG3, TP2,</p>
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units proposed within Flood Zone 2.	TP3, TP6, and TP26 of the Draft Birmingham Development Plan, and the NPPF.
B7 - No development shall take place until a surface water drainage scheme for each proposed site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan, and shall subsequently be implemented in accordance with these documents and approved details before the development is completed.	To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Policies PG3, TP2, TP3, TP6, and TP26 of the Draft Birmingham Development Plan, Sustainable Drainage: Guide to Design, Adoption and Maintenance, Sustainable Management of Urban Rivers and Floodplains SPD and NPPF.

### **Odour**

B8 - Details of the extract ventilation and odour control equipment shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the occupation of any new building where an extraction flue is required. The development shall be implemented in accordance with the approved details and thereafter maintained.	In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with the NPPF.
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### **Ecology**

B9 - No new development permitted by this order, including demolition, shall take place until an ecological assessment extended phase 1 survey including bat survey and a report have been submitted to and approved in writing by the Local Planning Authority. The scope of the survey shall be agreed in advance with the Local Planning Authority. The survey report shall be accompanied by a strategy, which provides full details of measures for mitigation and enhancement. The development (including demolition) shall then be implemented in accordance with the approved details of the mitigation strategy.	In order to secure the satisfactory development of the application site in accordance with policy PG3, TP2 and TP8 of the Draft Birmingham Development Plan, and the Nature Conservation Strategy for Birmingham SPG.
B10 - No trees or hedgerows shall be uprooted, felled, lopped, topped, or cut back in any way until a scheme for	In order to secure the satisfactory development

such works has been submitted to and approved in writing by the Local Planning Authority.	of the application site in accordance with policy PG3, TP2 and TP8 of the Draft Birmingham Development Plan, and the Nature Conservation Strategy for Birmingham SPG.
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### Highways

B11 - No development shall take place on the Holte and Priory site (Area 1) until full details of the siting and design of a means of vehicular access have been submitted to and approved in writing by the Local Planning Authority. The details of any proposed vehicular access will have been informed by a Transport Assessment that will have included a junction capacity study for the Lichfield Road/ Aston Hall Road junction. The approved access shall be implemented before the first permitted development at this site is brought into use. No other new accesses are permitted by this order.	In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with policies PG3, TP37, TP38 and TP39 of the Draft Birmingham Development Plan.
B12 - No building shall be occupied until that part of the service road, which provides access to it has been constructed in accordance with details to be submitted to and the approved by the Local Planning Authority.	In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with policies PG3, TP37, TP38 and TP39 of the Draft Birmingham Development Plan.
B13 - No new building plot development shall take place until details of the vehicle parking and turning areas have been submitted to and approved in writing by the Local Planning Authority, such details to include surface treatment. These areas shall be provided in accordance with the approved plans prior to occupation of any part of the development hereby permitted and thereafter maintained and shall not be used for other than their designated purpose.	In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3, P37, TP38 and TP39 of the Draft Birmingham Development Plan.
B14 - No new building shall be occupied until the occupiers of the premises have affiliated to "Company Travelwise in Birmingham". In the event that the occupiers cease to affiliate to Travelwise, they shall come forward, within 3 months of them ceasing to affiliate, with further proposals for decreasing reliance on the private car and for continuing staff use of alternative means of transport. Such proposals shall be agreed in writing by the Local Planning Authority and thereafter implemented.	In order to secure the satisfactory development of the application site in the interests of promoting sustainable travel choices in accordance with policies PG3, TP37, TP38, TP39 and TP43 of the Draft Birmingham Development Plan.

<p>B15 - Prior to the commencement of work at each new building plot details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles shall be submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.</p>	<p>In order to secure the satisfactory development of the application site in the interests of promoting sustainable travel choices in accordance with policies PG3, P37, TP38 and TP39 of the Draft Birmingham Development Plan.</p>
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# Appendix C

## Plan 1

